

**CAUSE NO. \_\_\_\_\_**

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**\_\_\_\_\_ COURT OF APPEALS  
AUSTIN, TEXAS**

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**ORIGINAL PROCEEDING FROM  
BURNET COUNTY COURT AT LAW  
TRIAL COURT CAUSE NO. 48256 and 41790**

**IN THE INTEREST OF  
B. J. C.  
A CHILD**

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**RELATOR, CYNTHIA CHEBULTZ,  
PETITION FOR WRIT OF MANDAMUS  
RESPONDENT, HONORABLE JUDGE LINDA BAYLESS**

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CYNTHIA CHEBULTZ  
108 MARION  
MARBLE FALLS, TX 78654  
512-905-6549

**ORAL ARGUMENTS NOT REQUESTED**



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**IDENTITIES OF PARTIES AND COUNSEL**

Pursuant to Tex R. APP. PROC. the following is a complete list of the identities of parties and interested persons in the outcome of this cause:

**REALTOR:**

CYNTHIA CHEBULTZ, Realtor before this Honorable Court and  
Respondent/Counter-Petitioner in the trial court below

**RESPONDENT:**

HONORABLE JUDGE LINDA BAYLESS, Burnet County Court at Law Judge,  
Burnet County, Texas, trial Judge below



OTHER PARTIES TO THE CASE:

WESLEY HOWARD CAMPBELL as Petitioner in the trial court below.

B. J. C., a minor child of CYNTHIA CHEBULTZ and WESLEY HOWARD CAMPBELL.

COUNSEL

TERESA DUFFIN, Round Rock, Texas, as the former attorney for Relator before the trial court below in cause #48256.

MATT GROVE, Pflugerville, Texas, as the former attorney for Relator before the trial court below in cause #48256.

JIM RICHARDSON, Austin, Texas, as the former attorney for Relator before the trial court below in cause #41790.

TIM COWART, Llano, Texas as the former attorney for Realtor before the trial court below in cause #41790

TREY BROWN, Burnet, Texas as counsel/attorney for Petitioner before the trial court below.



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## Statutory, Constitutional Provisions & Other Authorities

<a href="#"><u>American Bar Association Rules of Professional Conduct</u></a>	<a href="#"><u>2, 16</u></a>
<a href="#"><u>Canon 3, subsection(B)(8) of the Texas Code of Judicial Conduct</u></a>	<a href="#"><u>16, 51</u></a>
<a href="#"><u>TRCP Rule 21(a)</u></a>	<a href="#"><u>14</u></a>
<a href="#"><u>TRCP Rule 239</u></a>	<a href="#"><u>2, 18, 50, 53</u></a>
<a href="#"><u>TRCP Rule 239(a)</u></a>	<a href="#"><u>18</u></a>
<a href="#"><u>TRCP. 329b(f)</u></a>	<a href="#"><u>21</u></a>
<a href="#"><u>TRCP Rule 503.3</u></a>	<a href="#"><u>15</u></a>
<a href="#"><u>US Constitution Section 242 of Title 18</u></a>	<a href="#"><u>17</u></a>



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**IN THE INTEREST OF  
B. J. C.  
A CHILD**

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**TO THE HONORABLE JUDGES OF THE COURT OF APPEALS:**

Relator, Cynthia Chebultz, files this writ of mandamus with respect to the trial court's refusal to grant a Bill of Review, after failing to notify Respondent of a hearing, after failing to notify Respondent of intent to enter final orders and after failing to notify Respondent that final orders were entered. Without notice of written orders, Relator is denied the ability to complain of the underlying wrongs by appeal or a new trial Realtor also files this writ of mandamus with respect to the trial court's refusal to recuse themselves when there has been sufficient evidence of a violation of due process and bias.

For good cause, Relator would show unto the Court as follows:



## **STATEMENT OF THE CASE**

The underlying case is pending in the County Court at Law in Burnet County, Texas, Judge Linda Bayless, presiding.

This case was initiated on August 26, 2013, by Cynthia Chebultz by and through a SAPCR Suit Affecting Parent-Child Relationship.<sup>1</sup> Final orders were determined without hearing on December 1, 2017.<sup>2</sup> The Respondent had no reasonable ability to present facts of the case, make legal arguments, defenses, or take affirmative actions or stances with regard to issues in this matter. The court in this matter has violated the Respondent's right to due process.

The Petitioner's attorney of record entered ex parte<sup>3</sup> final orders and ex parte emailed the Judge's court coordinator final orders<sup>4</sup> without a motion or any notice of intent to enter final orders to the Respondent. Judge Bayless at no point reprimanded the Petitioner's attorney for the ex parte communication and made no attempt to forward any correspondence to the Respondent to include her in the communications. A violation of Rule 2.9 of the American Bar Association.<sup>5</sup>

Judge Bayless signed the orders without a hearing the next day in her chambers and without any witnesses.<sup>6</sup> Judge Bayless then responded to her Court Reporter about receiving these orders, the Judge notified the court reporter that she had signed the orders and asked the Court Reporter to make sure they were filed.<sup>7</sup>

No notice of service or notification of any sort was offered to the Respondent before or after the hearing. No notice of any final judgment was sent to the Respondent.<sup>8</sup> This court is also in violation of the due process clauses of both the Texas and the United

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<sup>1</sup> Mandamus Appendix Tab 18 - Full Case Summary

<sup>2</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT

<sup>3</sup> Mandamus Appendix Tab 8 - 2018.11.30 Ex Parte Proposed Order EFILE by Petitioner

<sup>4</sup> Mandamus Appendix Tab 7 - 2018.11.30 Ex Parte Orders Emailed to Judge Bayless

<sup>5</sup> Rules of Professional Conduct - American Bar Association

<sup>6</sup> Mandamus Appendix Tab 18 - Full Case Summary

<sup>7</sup> Mandamus Appendix Tab 7 - 2018.11.30 Ex Parte Orders Emailed to Judge Bayless

<sup>8</sup> Mandamus Appendix Tab 17 - 41790 Service Records



States Constitutions and in violation of Texas Rules of Civil Procedure RULE 239 regarding notice post-judgment

Respondent has made multiple requests to the Judge for a hearing on the Bill of Review that was filed and the only actions by the Judge so far over the past year have been to:

1. Order the Attorneys to meet to try to reach an agreement
2. Order the parties to a full day of mediation for the Bill of Review <sup>9</sup>
3. Order the Respondent to 6 months in jail and supervised visitation of her child if she continues to pursue the Bill of Review <sup>10</sup>

Further, it was reported by Respondents' attorney of record at the time, that the Judge made seriously derogatory and prejudiced opinions about the respondent without hearing evidence, facts, testimony, or allowing any affirmative defenses and stated that she was going to dismiss the Bill of Review but has yet to do so. <sup>11</sup>

Respondent filed a Motion to recuse Judge Bayless. <sup>12</sup> Judge Bayless refused to recuse herself. Judge Carnes was appointed to hear the recusal by the regional Judge, Judge Stubblefield. Judge Carnes denied the recusal motion <sup>13</sup> and stated on the record that the appropriate remedy was a Mandamus.

There have been multiple instances in the past 4 years of violations of due process and multiple instances of bias on Judge Bayless' part in rendering her decisions in this case. The due process clauses of both the Texas and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. <sup>14</sup>

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<sup>9</sup> Mandamus Appendix Tab 15 - email - In The Interest of Campbell Mediation

<sup>10</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>11</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>12</sup> Mandamus Appendix Tab 19 - Motion to Recuse Honorable Judge Linda Bayless

<sup>13</sup> Mandamus Appendix Tab 20 - Recusal Denied Signed

<sup>14</sup> *Marshall v. Jerrica, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980); *Metzger v. Sebek*, 892 S.W.2d 20, 37 (Tex. App. Houston [1st Dist.] 1994, writ denied).



## **STATEMENT OF JURISDICTION**

Mandamus is the appropriate remedy in both criminal and civil litigation when the Relator shows that he/she has no other adequate remedy and the act sought to be compelled is purely ministerial.<sup>15</sup>

“Once a trial court pronounces its judgment or declares the content of its order, the act of committing the judgment or order to writing and signing it is a ministerial act.”<sup>16</sup> When a trial court refuses to sign a written order memorializing a ruling and the existence of such a written order is a necessary precondition for a party to be able to exercise a right to appeal, the proper way to seek relief is through mandamus.<sup>17</sup>

A written order is necessary for a party to perfect appeal of a trial court’s order.<sup>18</sup>

An oral order does not provide a substitute for a written order.<sup>19</sup>

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<sup>15</sup> State of Texas ex rel. *Hill v. Court of Appeals for the Fifth Dist.*, 67 S.W.3d 177, 180-81 (Tex. Crim. App. 2001) (orig. proceeding); *In re Watkins*, 315 S.W.3d 907, 908 (Tex. App. – Dallas 2010, orig. proceeding); *In re Alpert*, 276 S.W.3d 592, 595 (Tex. App.—Houston [1st Dist.] 2008, orig. proceeding) (noting that ruling upon motion is ministerial act and that mandamus may issue to compel trial court to act).

<sup>16</sup> *Supra*, *In re Beck*, 26 S.W.3d 553, 555; see also *Greene v. State*, 324 S.W.3d 276, 282 (Tex. App.—Austin 2010, no pet.); *Alcantar v. Oklahoma Nat. Bank*, 47 S.W.3d 815, 821 (Tex. App.—Fort Worth 2001, no writ); *Nicot-Bardequez v. Fashing*, 718 S.W.2d 36, 38 (Tex. App.—El Paso 1986, orig. proceeding).

<sup>17</sup> See *State v. Sanavongxay*, 407 S.W.3d 252, 259 n.9 (Tex. Crim. App. 2012)

<sup>18</sup> *In re Cleveland Nixon*, \_\_\_ S.W.3d \_\_\_, No. 05-15-00263-cv (Tex. App. – Dallas 2015).

<sup>19</sup> *In re Beck*, 26 S.W.3d 553, 555 (Tex. App. – Dallas, orig. proceeding), opinion withdrawn on other grounds, No. 05-00-1100- CV, 2001 WL 21492 (Tex. App.- Dallas January 10, 2001); see also *Ferguson v. State*, 367 S.W.3d 695, 696 (Tex. Crim. App. 1963); *Utilities Pipeline Co. v. American Petrofina Marketing*, 760 S.W.2d 719 at 723 (Tex. App. – Dallas 1988); *In re Fuentes*, 960 S.W.2d 261, 264 (Tex. App. – Corpus Christi 1997, orig. proceeding); *Pifer v. State*, 893 S.W.2d 109, 111 (Tex. App. – Houston [1st Dist.] 1995, pet. ref’d).



## **ISSUES PRESENTED**

### **ISSUE NO 1**

**THE TRIAL COURT FAILED TO NOTIFY THE RESPONDENT OF IT'S INTENT TO ENTER FINAL ORDERS AND NO MOTION FOR FINAL ORDER HAD BEEN ENTERED.**

### **ISSUE NO 2**

**THE TRIAL COURT RECEIVED PROPOSED FINAL ORDERS EX-PARTE FROM OPPOSING COUNSEL. THE TRIAL COURT AND OPPOSING COUNSEL FAILED TO INCLUDE RESPONDENT IN COMMUNICATIONS REGARDING ITS INTENT OR DESIRE TO ENTER FINAL ORDERS.**

### **ISSUE NO 3**

**THE DAY AFTER THE TRIAL COURT RECEIVED THE EX PARTE PROPOSED FINAL ORDERS FROM THE PETITIONERS ATTORNEY THE TRIAL COURT SIGNED AND ENTERED THOSE FINAL ORDERS IN HER CHAMBERS WITHOUT A HEARING DEC 1ST, 2017.**

### **ISSUE NO 4**

**THERE WAS NO NOTICE TO THE PRO SE RESPONDENT AFTER THE FINAL ORDERS WERE ENTERED.**



### **ISSUE NO 5**

**TRIAL COURT HAS REFUSED MULTIPLE REQUESTS FOR A HEARING OR A DECISION ON THE BILL OF REVIEW THAT WAS FILED BY THE RESPONDENT AND THE JUDGE HAS STATED TO BOTH RESPONDENTS AND PETITIONERS ATTORNEYS THAT SHE IS GOING TO DENY THE BILL OF REVIEW WITHOUT A HEARING. THE TRIAL JUDGE HAS MADE IT CLEAR THAT SHE WILL PUT THE RESPONDENT IN JAIL FOR 6 MONTHS AND ONLY ALLOW HER SUPERVISED VISITATION OF HER CHILD IF SHE CONTINUES TO PURSUE THE BILL OF REVIEW TO CORRECT THE ERRORS OF THE COURT.**

### **ISSUE NO 6**

**THE TRIAL COURT IMPROPERLY DETERMINED THE PUNISHMENT AND FINAL ORDER OF THE CASE DEPRIVING APPELLANT OF SUBSTANTIAL RIGHTS AND HER DETERMINATIONS OF THIS PUNISHMENT WAS FROM INFORMATION OBTAINED OUTSIDE OF ANY COURT SETTING AND WITHOUT A HEARING.**

### **ISSUE NO 7**

**JUDGE BAYLESS REFUSED TO RECUSE HERSELF WHEN THERE WAS MORE THAN SUFFICIENT EVIDENCE TO PROVE A VIOLATION OF DUE PROCESS AND UNQUESTIONABLE BIAS**



## **STATEMENT OF FACTS**

The case in the trial court is a family case which has been pending since August 26, 2013. The lawsuit was brought by Cynthia Chebutlz, the Respondent below. Previous trial settings have been continued by the parties for different reasons.

1. August 2015 - Judge awards the Respondent primary custody of the child. <sup>20</sup>
2. October 2015 - Petitioner tries to enter evidence Res Judicata <sup>21</sup>
3. November 2015 - Judge Bayless allows the Petitioner to enter evidence Res Judicata and grants a motion for a new hearing
4. December 2015 - a final hearing was set. However, the Court in its discretion decided that temporary orders were needed stating “I want a hearing scheduled six months from today in this courtroom with Mr. Campbell’s counselor testifying as to his progress in having a relationship with his son where the son is not in constant fear or afraid or intimidated or afraid to say how he feels”. “But I’m not sure that I want to enter a final judgment until six months from now until I see how things are going. So this is going to be temporary orders or I’ll hold it in abeyance or whatever --- however you want to characterize it.” <sup>22</sup> The Court rendered only temporary orders and set a hearing for May 2015
5. April 6, 2016 - Judge Bayless orders a continuance and an order for a psychological evaluation of the child. <sup>23</sup>

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<sup>20</sup> Mandamus Appendix Tab 33 - 2015 8.28 Transcript Ruling

<sup>21</sup> Mandamus Appendix Tab 29 - 2015 October Campbell Affidavit

<sup>22</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling

<sup>23</sup> Mandamus Appendix Tab 2 - 2016.4.6 Order for Continuance



6. October 5 2017 - Respondent and Petitioner's attorneys were deliberating signing agreed orders, Respondents attorney opposes the orders presented by Petitioner's attorney. Respondents attorney sent the court coordinator an email about why these orders should not be signed and Judge Bayless responds "I Agree" Note these are the exact same orders that Honorable Judge Bayless signs in private chambers without a hearing and without notice to the Respondent less than two months later. <sup>24</sup>
7. November 2, 2017 - Burnet County routinely dismisses cases that have been open for several years and therefore set this case for dismissal as it had been an open case since Aug 26, 2013. The Clerk's office sent the notice to the Respondent at an old address, an address that she had not used for over two years. The clerk admits that this is a mistake in their system as it used the address on file the date the case was originally filed. The court had proof of Respondent's current address on file and had utilized her current address in the past two years. <sup>25</sup>
8. Nov 9th, 2017 - Petitioner's Attorney (Trey Brown) filed a motion to retain that made a false claim that a final ruling was made two years earlier on December 1, 2015. On December 1, 2015, a final hearing was set. However, the Court in its discretion decided that temporary orders were needed. Instead of presenting an Order to Retain which is the only order procedurally that could have been presented. Petitioner presented a Final Order without notice to Respondent. Thereby, violating the Respondent's rights to due process. <sup>26</sup>

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<sup>24</sup> Mandamus Appendix Tab 3 - 2017.10.5 - Final Orders Request - Declined

<sup>25</sup> Mandamus Appendix Tab 4 - 2017.11.2 Notice of Dismissal

<sup>26</sup> Mandamus Appendix Tab 5 - 2017.11.9 Motion to Retain on Docket



9. Nov 29, 2017 - Respondent and her attorneys agree to sign an agreed order granting her attorney the ability to withdraw as counsel. Respondent, her attorneys, Petitioners Attorney, and Honorable Judge Bayless all signed an agreed order to release attorney Jim Richardson from the case.<sup>27</sup> This document clearly states that there are no motions, hearings or anything pending other than the dismissal from the county the following week where the Petitioner's Attorney has filed a motion to retain.<sup>28</sup>
10. Nov 30th, 2017 - One day after Respondent's attorney is released from the case, Petitioners Attorney (Trey Brown) via ex-parte communication sends a copy of the exact same orders that Judge Bayless refused to sign in October, to the court coordinator and ONLY to the court coordinator. Petitioners Attorney does not include Respondent or her previous attorney in the communication<sup>29</sup>
11. Dec 1st, 2017 - The very next day Honorable Judge Bayless signs final orders in her private chambers.
  - a. These are the EXACT SAME orders that Judge Bayless agreed in writing that she would NOT sign less than two months prior<sup>30</sup>
  - b. These Final orders only have the signature of Judge Bayless since they were signed in her chambers with no hearing and no one present.<sup>31</sup>

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<sup>27</sup> Mandamus Appendix Tab 6 - 2018.11.28 Agreed Order Granting Motion to Withdraw as Counsel

<sup>28</sup> Mandamus Appendix Tab 7 - 2017.11.9 Motion to Retain on Docket

<sup>29</sup> Mandamus Appendix Tab 8 - 2018.11.30 Ex Parte Proposed Order EFILE by Petitioner

<sup>30</sup> Mandamus Appendix Tab 3 - 2017.10.5 - Final Orders Request - Declined

<sup>31</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT



- c. Furthermore, the only way a Final Order can be signed without all the necessary signatures is through a Motion to Enter Final Order. Motions to enter final orders must have the Final Order the party wants entered to be attached to ensure proper notice of the order.
- d. The most recent hearing previous to this was over a year and a half earlier and resulted in Judge Bayless ordering a continuance and an order for a psychological evaluation.<sup>32</sup>
- e. Honorable Judge Bayless enters final orders with;
  - i. No motion to enter final orders
  - ii. No motion for a hearing regarding final orders
  - iii. No notice to Respondent of any intention to enter final orders
  - iv. Not allowing Respondent to have the opportunity to view or oppose the contents of the final order beforehand
  - v. No hearing of any kind to hear evidence or listen to witnesses
  - vi. Nothing in the orders is checked or validated for accuracy and they contain numerous errors and fraudulent information including erroneous excessive child support amounts
  - vii. No notice to Respondent of any sort after the final orders had been signed an entered
  - viii. Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT<sup>33</sup>

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<sup>32</sup> Mandamus Appendix Tab 2 - 2016.4.6 Order for Continuance

<sup>33</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT



12. June 2018 - Respondent files a Bill of Review since the appellate deadline had passed due to the court's failure to notify Respondent of final orders being entered. Burnet County Case #48256 (still pending since June 2018)
13. Respondent's attorney requests a hearing for the Bill of Review multiple times, many of the requests were verbal phone calls to the court coordinator (of which there is no evidence), but 6 requests were in writing.<sup>34 35 36 37 38 39</sup> A hearing is never scheduled. One time the Trial Judge orders Respondent and Petitioner to a full day of mediation for the Bill of Review.<sup>40</sup> Another time the Trial Judge has a hearing in her private chambers with only the attorneys stating that she is going to deny the Bill of Review and hold Respondent in contempt of court for her failing to abide by the unlawful final orders. The Judge states in this meeting that in finding the Respondent in contempt of court the Judge will punish the Respondent with 6 months in jail and supervised visitation of the child.<sup>41</sup> When there is zero facts or evidence to support either of these actions and additionally there has not been a hearing to present testimony or evidence in over 3 years.

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<sup>34</sup> Mandamus Appendix Tab 9 - BOR Request Hearing 8.28.2018

<sup>35</sup> Mandamus Appendix Tab 10 - BOR Request Hearing 9.18.2018

<sup>36</sup> Mandamus Appendix Tab 11 - BOR Request Hearing 9.27.2018

<sup>37</sup> Mandamus Appendix Tab 12 - BOR Request Hearing 3.13.2019

<sup>38</sup> Mandamus Appendix Tab 13- BOR Request Hearing 4.1.2019

<sup>39</sup> Mandamus Appendix Tab 14 - BOR Request Hearing 4.2.2019

<sup>40</sup> Mandamus Appendix Tab 15 - email - In The Interest of Campbell Mediation

<sup>41</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



## **STANDARD OF REVIEW**

Mandamus will issue “only to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no other adequate remedy by law.”<sup>42</sup> To show entitlement to mandamus relief, a Relator must satisfy three requirements:

- (1) The lower court must have a legal duty to perform a non discretionary act,
- (2) The relator must make a demand for performance, and
- (3) The trial court must refuse that request.<sup>43</sup>

Specifically, to establish that the trial court abused its discretion by failing to rule, a Relator must show that the trial court received his application, was aware of it, was asked to rule, and failed or refused to do so.<sup>44</sup>

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<sup>42</sup> *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding).

<sup>43</sup> *Stoner v. Massey*, 586 S.W.2d 843, 846 (Tex. 1979).

<sup>44</sup> *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App. – Houston [1st Dist.] 1992, orig. proceeding)



# **ARGUMENT**

## **ISSUE NO 1**

### **THE TRIAL COURT FAILED TO NOTIFY THE RESPONDENT OF IT'S INTENT TO ENTER FINAL ORDERS AND NO MOTION FOR FINAL ORDER HAD BEEN ENTERED.**

1. Judge Bayless signed a motion just two days prior to signing the final orders stating that there were no pending motions and no set hearings other than the motion to dismiss brought on by the county in which the Petitioners attorney filed a motion to retain.<sup>45</sup>
2. Even if a motion to enter final orders has been submitted in a case, the Judges signature on an order stating there were no other pending motions would negate any outstanding motions. On November 29th Judge Bayless signed an order stating “the sole pending setting other than the Motion to Withdraw is the Notice of Dismissal set for December 4, 2017.”<sup>46</sup> The agreed order was signed by Judge Bayless herself. It references no pending setting other than as expressly stated, and specifically, it reflects no pending setting of any kind on December 1st. Petitioners Attorney, Mr. Brown signed the agreed order on Mr. Campbell’s behalf, thereby also negating any possible pending setting other than the motion to withdraw and notice of dismissal.
3. There was no notice served to the Respondent nor was there any attempted notice of any sort provided to the Respondent regarding any intent to enter final orders.<sup>47</sup>

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<sup>45</sup> Mandamus Appendix Tab 6 - 2018.11.28 Agreed Order Granting Motion to Withdraw as Counsel File Marked

<sup>46</sup> Mandamus Appendix Tab 6 - 2018.11.28 Agreed Order Granting Motion to Withdraw as Counsel File Marked

<sup>47</sup> Mandamus Appendix Tab 17 - 41790 Service Records



4. In order to sign final orders there needs to first be a motion to enter final orders, which there was not in this case. <sup>48</sup>
5. Furthermore, the only way a Final Order can be signed without all the necessary signatures is through a Motion to Enter Final Order. Motions to enter final orders must have the Final Order the party wants entered to be attached to ensure proper notice of the order.
6. The Motion to Retain filed by the Petitioner made a false claim that a final ruling was made two years earlier on December 1, 2015. On December 1, 2015, a final hearing was originally set. However, the Court in its discretion decided that temporary orders were needed stating “I want a hearing scheduled six months from today in this courtroom with Mr. Campbell’s counselor testifying as to his progress in having a relationship with his son where the son is not in constant fear or afraid or intimidated or afraid to say how he feels”. “But I’m not sure that I want to enter a final judgment until six months from now until I see how things are going. So this is going to be temporary orders or I’ll hold it in abeyance or whatever --- however you want to characterize it.” <sup>49</sup> Instead of presenting an Order to Retain which is the only order procedurally that could have been presented. Petitioner presented a Final Order without notice to Respondent. Thereby, violating the Respondent’s rights to due process.
7. “An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances,

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<sup>48</sup> TRCP Rule 21 (a) Filing and Service Required. Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.

<sup>49</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court’s ruling



to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”<sup>50</sup>

8. This may include an obligation, upon learning that an attempt at notice has failed, to take “reasonable follow up measures” that may be available.<sup>51</sup>
9. Notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest.<sup>52</sup>
10. “[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest.”<sup>53</sup>
11. This right is a “basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment . . . .”<sup>54</sup>
12. Thus, the notice of hearing and the opportunity to be heard “must be granted at a meaningful time and in a meaningful manner.”<sup>55</sup>
13. Texas law says you must give at least 45 days’ notice of a final hearing.<sup>56</sup>

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<sup>50</sup> *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). See also *Richards v. Jefferson County*, 517 U.S. 793 (1996)

<sup>51</sup> *Jones v. Flowers*, 547 U.S. 220, 235 (2006) (state’s certified letter, intended to notify a property owner that his property would be sold unless he satisfied a tax delinquency, was returned by the post office marked “unclaimed”; the state should have taken additional reasonable steps to notify the property owner, as it would have been practicable for it to have done so).

<sup>52</sup> *Goldberg v. Kelly*, 397 U.S. 254, 267–68 (1970)

<sup>53</sup> *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). “Parties whose rights are to be affected are entitled to be heard.” *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223, 233 (1863).

<sup>54</sup> *Fuentes v. Shevin*, 407 U.S. 67, 80–81 (1972). See *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 170–71 (1951)

<sup>55</sup> *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)

<sup>56</sup> Texas Rules of Civil Procedure RULE 503.3



## **ISSUE NO 2**

### **THE TRIAL COURT RECEIVED FINAL ORDERS EX-PARTE FROM OPPOSING COUNSEL. THE TRIAL COURT AND OPPOSING COUNSEL FAILED TO INCLUDE RESPONDENT IN COMMUNICATIONS REGARDING ITS INTENT TO ENTER FINAL ORDERS.**

1. Final Orders were provided to Judge Bayless via ex parte communication. The Petitioner's Attorney, Trey Brown sent ex parte orders to the judge via e-file<sup>57</sup> and via email<sup>58</sup>. The Petitioner failed to provide a copy of any proposed final orders to the pro se Respondent prior to the signing of final orders on December 1, 2018.
2. Canon 3, subsection(B)(8) of the Texas Code of Judicial Conduct prohibits ex parte communications between a Judge and parties to proceedings before the Judge: "A Judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A Judge shall not initiate, permit, or consider ex parte communications or other communications made to the Judge outside the presence of the parties between the Judge and a party, an attorney... concerning the merits of a pending or impending judicial proceeding." <sup>59</sup>
3. Judge Bayless at no point reprimanded the Petitioner's attorney for the ex parte communication and made no attempt to forward any correspondence to the Respondent to include her in the communications. A violation of Rule 2.9 of the American Bar Association. <sup>60</sup>

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<sup>57</sup> Mandamus Appendix Tab 8 - 2018.11.30 Ex Parte Proposed Order EFILE by Petitioner

<sup>58</sup> Mandamus Appendix Tab 7 - 2018.11.30 Ex Parte Orders Emailed to Judge Bayless

<sup>59</sup> Canon 3, subsection(B)(8) of the Texas Code of Judicial Conduct

<sup>60</sup> Rules of Professional Conduct - American Bar Association



### **ISSUE NO 3**

**THE DAY AFTER THE TRIAL COURT RECEIVED THE EX PARTE  
PROPOSED FINAL ORDERS FROM THE PETITIONERS ATTORNEY  
THE TRIAL COURT SIGNED AND ENTERED THOSE FINAL ORDERS  
IN HER CHAMBERS WITHOUT A HEARING DEC 1ST, 2017.**

1. Judge Bayless communicated with her court coordinator about signing Final Orders in her chambers prior to a hearing. Judge Bayless stated to her court coordinator that she had signed the final orders that day, Dec 1st, 2017, prior to any hearing and told the court coordinator to have them filed that day <sup>61</sup>
2. Judge Bayless signed unlawful ex parte final orders Dec 1st, 2017 in her chambers with no one present. Judge Bayless' signature is the only signature on the final orders proving Judge Bayless' intent to prevent the Respondent from knowing that these final orders had been signed. <sup>62</sup>
3. "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest." <sup>63</sup>
4. Section 242 of Title 18 of the US Constitution makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. <sup>64</sup>

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<sup>61</sup> Mandamus Appendix Tab 7 - 2018.11.30 Ex Parte Orders Emailed to Judge Bayless

<sup>62</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT

<sup>63</sup> *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). "Parties whose rights are to be affected are entitled to be heard." *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223, 233 (1863).

<sup>64</sup> Section 242 of Title 18 of the US Constitution



## **ISSUE NO 4**

### **THERE WAS NO NOTICE TO THE PRO SE RESPONDENT AFTER THE FINAL ORDERS WERE ENTERED.**

1. The Court Clerk failed to send notice of a final order to Respondent . No where in the case file does it show that notice was sent to the Respondent notifying her that that final orders were ever entered, further depriving Respondent of her due process rights. <sup>65</sup>
2. The court has violated the Texas Rules of Civil Procedure RULE 239 regarding notice post judgment:

“Upon such call of the docket, or at any time after a defendant is required to answer, the plaintiff may in term time take judgment by default against such defendant if he has not previously filed an answer, and provided that the return of service shall have been on file with the clerk for the length of time required by Rule 107.” <sup>66</sup>

- i. “At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney shall certify to the clerk in writing the last known mailing address of the party against whom the judgment is taken, which certificate shall be filed among the papers in the cause.” <sup>67</sup>
- ii. “Immediately upon the signing of the judgment, the clerk shall mail written notice thereof to the party against whom the judgment was rendered at the address shown in the certificate, and note the fact of such mailing on the docket.” <sup>68</sup>

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<sup>65</sup> Mandamus Appendix Tab 17 - 41790 Service Records

<sup>66</sup> TRCP Rule 239

<sup>67</sup> TRCP Rule 239a

<sup>68</sup> TRCP Rule 239a



## **ISSUE NO 5**

**TRIAL COURT HAS REFUSED MULTIPLE REQUESTS FOR A HEARING OR A DECISION ON THE BILL OF REVIEW THAT WAS FILED BY THE RESPONDENT AND THE JUDGE HAS STATED TO BOTH RESPONDENTS AND PETITIONERS ATTORNEYS THAT SHE IS GOING TO DENY THE BILL OF REVIEW WITHOUT A HEARING. THE JUDGE HAS ALSO STATED THAT SHE WILL PUT THE RESPONDENT IN JAIL FOR 6 MONTHS AND ONLY ALLOW HER SUPERVISED VISITATION OF HER CHILD IF SHE CONTINUES TO PURSUE THE BILL OF REVIEW AND ERRORS OF THE COURT.**

On at least 6 occasions Respondents attorney has requested a hearing for the Bill of Review. (Additional requests were also made via phone call)

- BOR Request Hearing 8.28.2018 <sup>69</sup>
- BOR Request Hearing 9.18.2018 <sup>70</sup>
- BOR Request Hearing 9.27.2018 <sup>71</sup>
- BOR Request Hearing 3.13.2019 <sup>72</sup>
- BOR Request Hearing 4.1.2019 <sup>73</sup>
- BOR Request Hearing 4.2.2019 <sup>74</sup>

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<sup>69</sup> Mandamus Appendix Tab 9 - BOR Request Hearing 8.28.2018

<sup>70</sup> Mandamus Appendix Tab 10 - BOR Request Hearing 9.18.2018

<sup>71</sup> Mandamus Appendix Tab 11 - BOR Request Hearing 9.27.2018

<sup>72</sup> Mandamus Appendix Tab 12 - BOR Request Hearing 3.13.2019

<sup>73</sup> Mandamus Appendix Tab 13 - BOR Request Hearing 4.1.2019

<sup>74</sup> Mandamus Appendix Tab 14 - BOR Request Hearing 4.2.2019



1. There has not been a hearing or any evidence submitted since 2015. Yet still in 2019 Judge Bayless is making decisions that can only be based on ex parte information received outside a court setting regarding claims that have happened since the last hearing. <sup>75</sup>
2. The only actions by the Judge so far over the past year have been to:
  - a. Order the Attorneys to meet to try to reach an agreement
  - b. Order the parties to a full day of mediation for the Bill of Review <sup>76</sup>
  - c. Order the Respondent to 6 months in jail and supervised visitation of her child if she continues to pursue the Bill of Review <sup>77</sup>
3. Further, it was reported by Respondents' attorney of record at the time, that the Judge made seriously derogatory and prejudiced opinions about the respondent without hearing evidence, facts, testimony in over 3 years, not allowing any affirmative defenses. In this meeting the Judge stated that she was going to dismiss the Bill of Review but has yet to do so. <sup>78</sup>

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<sup>75</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>76</sup> Mandamus Appendix Tab 15 - email - In The Interest of Campbell Mediation

<sup>77</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>78</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



## ISSUE NO 6

### **THE TRIAL COURT IMPROPERLY DETERMINED THE PUNISHMENT AND FINAL ORDER OF THE CASE DEPRIVING APPELLANT OF SUBSTANTIAL RIGHTS AND HER DETERMINATIONS OF THIS PUNISHMENT WAS FROM INFORMATION OBTAINED OUTSIDE OF ANY COURT SETTING AND WITHOUT A HEARING.**

1. Judge Bayless has threatened the Respondent with 6 months jail time and completely unwarranted supervised visitation if the Respondent does not stop pursuing her right to due process and if she continues contesting the unlawful final orders through a Bill of Review. The statements below are from the notes that the Respondents attorney took during the last meeting with Judge Bayless and are quotes from Judge Bayless. In Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge<sup>79</sup> she stated:
  - a. "She mentioned several times that she would have "zero problem" putting you in jail for the maximum of 180 days for contempt of court. Judge made it a point to remind everyone that jail for contempt is 'day-for-day,' meaning that you would have to serve all 180 days in jail, if so sentenced."
  - b. "Judge mentioned that if Trey (opposing counsel) did file such a Motion, that she would also strip you of all visitation with BJC, except 'supervised visitation.' "
  - c. Judge Bayless has also stated that it is "very clear that there was nothing that you (Respondent) could say that would change her mind at this point."<sup>80</sup> Proving that she is not able to consider the entire range of options for final orders or modifications in this case.
  - d. Judge Bayless' Statements during that meeting also clearly show that she has more recent outside information since the last hearing which was over 3 years ago.

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<sup>79</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>80</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



2. The mere fact the court stated in closed chambers to the Realtors counsel and opposing counsel, that if there was a motion to modify she would be ordering the maximum punishment of 6 months in jail for contempt of court and the minimum visitation of the child, specifically saying they would order supervised visitation. Thus, Appellant's substantive due process and constitutional rights to a fair trial were irreparably harmed by the trial court's predisposition to only order maximum jail time and minimum visitation.
3. If a trial court judge takes a firm position on punishment before hearing the evidence, he may be subject to recusal.<sup>81</sup> There couldn't have been any more of a firm position on punishment before a hearing of the evidence than the court stating multiple times in the meeting in her chambers that she would “have ‘zero problem’ putting you in jail for the maximum of 180 days”<sup>82</sup>
4. A trial judge should always avoid the appearance of any judicial coercion or prejudgment of the Realtor since such influence might affect the outcomes in the case.<sup>83</sup>
5. The trial court in this case was predisposed to the order the maximum jail time and the minimum visitation with the child and thus the Realtor was effectively left with no choice in court proceedings.
6. The trial court, unable to rule without bias, improperly predetermined the punishment prior to any hearing this cause must be remanded for a new trial before an impartial judge.
7. In *GAAL v. The STATE of Texas*. George Gaal appealed a conviction, contending that the trial judge should have been recused for stating-before hearing any evidence-that the only plea bargain he would accept would be for the maximum sentence. The court of appeals agreed. It held that by “arbitrarily foreclosing the possibility of any plea

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<sup>81</sup> *Texiera v. State* 89 S.W.3d 190 (Tex. App. - Texarkana 2002, pet ref'd).

<sup>82</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>83</sup> *Perkins*, 738 S.W. 2d at 282



bargain other than one for the maximum punishment,” the trial judge had forecast his inability to consider the full range of punishment and thereby denied appellant due process.<sup>84</sup> The court of appeals ruled: “We conclude that the evidence elicited at the recusal hearing supports the recusal judge's decision-which is itself within the zone of reasonable disagreement.”

- a. GAAL argued, in part, that the recusal judge abused his discretion in denying his motion to recuse. The court of appeals agreed. It relied on *Norton v. State*<sup>85</sup> and *Jefferson v. State*<sup>86</sup> for the proposition that the trial judge had “forecasted his inability to consider the full punishment range” and denied appellant due process when he stated that he would consider only the maximum punishment.<sup>87</sup> The court concluded that the recusal judge had abused his discretion in denying appellant's motion to recuse.<sup>88</sup>
- b. As Justice Kennedy has stated, a judge's impartiality might reasonably be questioned “only if it appears that he or she harbors an aversion, hostility or disposition of a kind that a fair-minded person could not set aside when judging the dispute.”<sup>89</sup>
- c. The court of appeals relied on *Norton v. State*,<sup>90</sup> and *Jefferson v. State*,<sup>91</sup> when it held that the trial judge's remark concerning a future plea bargain denied appellant due process.<sup>92</sup> As the State points out, the judges “unequivocally told the parties what the punishment would actually be. No interpretation or

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<sup>84</sup> *Gaal v. State*, No. 2-08-382-CR, 2010 WL 323574 \*3 (Tex.App.-Fort Worth Jan.28, 2010)

<sup>85</sup> *Norton v. State*, 755 S.W.2d 522 (Tex.App.-Houston [1st Dist] 1988, pet. ref'd).

<sup>86</sup> *Jefferson v. State*, 803 S.W.2d 470 (Tex.App.-Dallas 1991, pet. ref'd).

<sup>87</sup> *Gaal*, 2010 WL 323574 at \*3

<sup>88</sup> *Id.*

<sup>89</sup> *Liteky v. United States*, 510 U.S. 540, 558, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994) (Kennedy, J., concurring).

<sup>90</sup> *Norton v. State*, 755 S.W.2d 522 (Tex.App.-Houston [1st Dist] 1988, pet. ref'd).

<sup>91</sup> *Jefferson v. State*, 803 S.W.2d 470 (Tex.App.-Dallas 1991, pet. ref'd).

<sup>92</sup> *Gaal*, 2010 WL 323574 at \*3



expansion of the judges' words in those cases was necessary to forecast an inability to consider the full range of punishment.”<sup>93</sup>

8. In *GAAL v. State*, the Appellate Court ruled: “Like the decisions in Norton and Jefferson, we conclude that under the facts of this case, the trial judge’s comment that he would only consider a plea bargain for the maximum punishment forecasted his inability to consider the full punishment range and denied Gaal due process; therefore, we hold that the recusal judge abused his discretion by denying Gall’s motion to recuse.”<sup>94</sup>
9. Recusal has been required when a trial judge arbitrarily, without any evidence before him, refused to consider a portion of the range of punishment.<sup>95</sup>
10. Due process requires a neutral and detached trial court.<sup>96</sup> Thus, a trial court denies a defendant due process when it arbitrarily, without any evidence before it, refuses to consider a portion of the permissible range of punishment.<sup>97</sup>
  - a. For example, the Houston (First District) Court of Appeals, relying on *McClenan*, held that a trial judge should have been recused when, in response to questioning regarding whether the judge would accept a plea bargain of deferred adjudication, the judge said, “No, and if the jury gives her probation, I’ll give her jail time.”<sup>98</sup>

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<sup>93</sup> Gaal, 2010 WL 323574 at \*7

<sup>94</sup> Trial before a biased judge is structural error that is not subject to a harm analysis. See *Johnson v. United States*, 520 U.S. 461, 468–69, 117 S. Ct. 1544, 1549–50 (1997); *De Leon*, 127 S.W.3d at 7 (citing *Neder v. United States*, 527 U.S. 1, 8, 119 S. Ct. 1827, 1833 (1999)); *Kniatt*, 239 S.W.3d at 920 n.17.

<sup>95</sup> See *Ex parte Brown*, 158 S.W.3d 449, 456 (Tex.Crim.App.2005) (a trial court's arbitrary refusal to consider the entire range of punishment in a particular case violates due process).

<sup>96</sup> *Brumit v. State*, 206 S.W.3d 639, 645 (Tex. Crim. App. 2006); *Jaenicke v. State*, 109 S.W.3d 793, 796 (Tex. App.—Houston [1st Dist.] 2003, pet. ref’d) (op. on reh’g).

<sup>97</sup> *Ex parte Brown*, 158 S.W.3d 449, 456 (Tex. Crim. App. 2005); *McClenan v. State*, 661 S.W.2d 108, 110 (Tex. Crim. App. 1983), overruled on other grounds by *De Leon*, 127 S.W.3d at 5–6; *Cole v. State*, 931 S.W.2d 578, 579–80 (Tex. App.—Dallas 1995, pet. ref’d).

<sup>98</sup> *Norton v. State*, 755 S.W.2d 522, 523–24 (Tex. App.—Houston [1st Dist.] 1988) (italics omitted), pet. ref’d, 771 S.W.2d 560 (Tex. Crim. App. 1989).



- b. Similarly, the Dallas Court of Appeals held that a trial court denied the defendant due process by failing to consider the entire punishment range when it told the defendant at a deferred adjudication hearing that it would impose a twenty-year sentence if probation was revoked and then imposed that sentence once probation was revoked.<sup>99</sup>
11. Based on the previous rulings above and also in *Gaal vs. State*, *Norton v. State*, and *Jefferson v. State*, Respondent contends that Judge Bayless should at least be recused from this case.
12. Additionally as proven by the following excerpt from an opinion in *CNA Ins. Co. v. Scheffey*<sup>100</sup>: Public policy demands that a judge who tries a case act with absolute impartiality.<sup>101</sup> It further demands that a judge appear to be impartial so that no doubts or suspicions exist as to the fairness or integrity of the court<sup>102</sup>. Judicial decisions rendered under circumstances that suggest bias, prejudice or favoritism undermine the integrity of the courts, breed skepticism and mistrust, and thwart the principles on which the judicial system is based.<sup>103</sup>
13. Respondent argues that under the facts of this case and the trial judge's comment that she would only consider maximum punishment and minimum visitation, forecasted her inability to consider the full range of options for final orders and denied Respondent due process; therefore, Respondent holds that the recusal judge abused his discretion by denying her motion to recuse.

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<sup>99</sup> *Jefferson v. State*, 803 S.W.2d 470, 471–73 (Tex. App.—Dallas 1991, pet. ref'd).

<sup>100</sup> *CNA Ins. Co. v. Scheffey*, 828 S.W.2d 785, 792 (Tex. App. --Texarkana 1992, writ denied):

<sup>101</sup> *Predergass v. Geale*, 59 Tex. 446, 447 (1883)

<sup>102</sup> *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 106 S. Ct. 1580, 89 L.Ed.2d 823 (1986)

<sup>103</sup> *Sun Exploration and Prod. Co. v. Jackson*, 783 S.W.2d 202, 206 (Tex. 1989) (Spears, J., concurring).



## **ISSUE NO 7**

### **JUDGE BAYLESS REFUSED TO RECUSE HERSELF WHEN THERE WAS MORE THAN SUFFICIENT EVIDENCE TO PROVE A VIOLATION OF DUE PROCESS AND UNQUESTIONABLE BIAS**

1. As stated in the above issues, Judge Bayless has in the past knowingly violated the Respondent's personal liberties and/or has wantonly refused to provide due process and equal protection to all litigants before the court or has behaved in a manner inconsistent with that which is needed for full, fair, impartial hearings.
2. Throughout the proceedings, Judge Bayless has made determinations and findings without hearing any evidence and testimony.
  - a. Judge Bayless entered final orders without a hearing December 1, 2017 <sup>104</sup>
  - b. Judge Bayless has demonstrated personal knowledge of with regard to more recent matters of this case when there has been no hearings, no testimony and no evidence presented in over 3 years <sup>105</sup>. This indicates not only violations of due process of law, but is indicative of personal knowledge of the facts of this case that occurred outside of any court proceedings. When a Judge refuses rights to due process of law, but makes findings without hearing facts and evidence, there is no other reasonable explanation than that the Judge is forming her findings from her own bias or prejudiced beliefs about this case, or from her own personal knowledge of matters of this case.
  - c. Judge Bayless has ordered punishment and determined visitation when there has been no hearing, evidence or testimony in over 3 years.

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<sup>104</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT

<sup>105</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



3. Judge Bayless has made her bias known on many multiple occasions, As stated in the Motion to Recuse <sup>106</sup>. Examples of some of these occasions are:

a. Judge Bayless has failed to Act in the Best Interest of the Child in Multiple Instances <sup>107</sup>

- i. Judge Bayless states multiple times, on the record, in multiple hearings in 2015 that she has grave concerns about the father (Petitioner) and his treatment of the child. However, for the past several years Judge Bayless has recently completely ignored these concerns and has not required the Petitioner to follow through with her original orders for counseling and changing his parenting styles. <sup>108</sup> <sup>109</sup>
- ii. Judge Bayless ordered the Petitioner to come back to her courtroom May 2016 with a counselor showing he was no longer emotionally abusing the child, specifically “I want a hearing scheduled six months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress in having a relationship with his son where the son is not in constant fear or afraid or intimidated or afraid to say how he feels.” <sup>110</sup> Yet in 2019 this still has not happened.
- iii. Judge Bayless has left the child to be primarily raised in the Petitioners home between 2015 and 2019, where there is significant evidence that this home has been emotionally damaging to the child and goes against 5 years of recommendations from the Child's two different therapists. Rhonda

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<sup>106</sup> Mandamus Appendix Tab 19 - Motion to Recuse Honorable Judge Linda Bayless

<sup>107</sup> Mandamus Appendix Tab 19 - Motion to Recuse Honorable Judge Linda Bayless pg 14

<sup>108</sup> Mandamus Appendix Tab 33 - 2015 8.28 Transcript Ruling

<sup>109</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling

<sup>110</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling



Gilchrist via therapy notes <sup>111</sup>, Ronda Gilchrist Affidavit <sup>112</sup> and LeAnn Artis Affidavit <sup>113</sup>

- iv. The only orders that were signed (without the Respondents knowledge), give Respondent less than time with the child than standard visitation while providing no evidentiary reason as to why and are the exact opposite of what the 15 year old child desires and what his 2 therapists recommend.
- v. For two years now Judge Bayless refuses to review or consider the very concerning results of the psychological evaluation of the child that she ordered. <sup>114</sup>

### **Personality Inventory for Youth (PIY)**

1. Although responses of this kind appear to suggest a relatively good adjustment, they more often reflect an effort to deny real, current problems.
- 2. Youth with similar scores reflect inadequate self-confidence. They may admit to loneliness, moodiness, and worry**
- 3. These youth evaluate themselves in a negative fashion, are likely to feel misunderstood and hopeless.**
4. They often feel (or are) ignored, criticized, or ridiculed by peers, these youth feel unpopular

### **Rorschach Performance Assessment**

1. Scores may also be due to lowered inhibitions, emotionally driven mania, poor psychological boundaries, a need to challenge the examiner, or problems following the rules
2. it is also possible his response style was indicative of obsessiveness or a need to be exhaustive, hostility, defiance, suspicious, anxiety, a need to

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<sup>111</sup> Mandamus Appendix Tab 23 - Rhonda Gilchrist Therapy Notes

<sup>112</sup> Mandamus Appendix Tab 34 - Affidavit Rhonda Gilchrist-4.6.16

<sup>113</sup> Mandamus Appendix Tab 24 - LeAnn Artis Affidavit

<sup>114</sup> Mandamus Appendix Tab 35 - BJC Psyc Eval



exert control during the testing process, or a desire to avoid seeing specific, unsettling images in a blot

**3. he may have experienced trauma**

4. is likely to be under moderate to severe stress related to anxiously feeling as if things are out of his control.

**5. Such interpretations may also be triggered by a recent stressful experience with someone or something aggressive**

**6. Nevertheless, BC's aggressive responses were high and should be evaluated for thematic purposes**

- vi. For over 3 years Judge Bayless continues to refuse to hear from the 15-year-old child or the child's second therapist that he has been seeing now for 2 years.
- vii. The only reason that the child was removed from the Respondent and placed with the Petitioner (whom the child's two therapists have deemed is emotionally abusing the child) is because the Petitioner falsely claimed that the Respondent moved 5 miles outside the school district's boundary after the August hearing and Judge Bayless allowed him to enter evidence res judicata. The Petitioner had notes on the stand at the August hearing in his own handwriting that he already knew the Respondent had not been living within the school district boundary for quite some time.<sup>115</sup>

Note: The additional 5-mile drive to school in no way affected the child's visitation with his father or affected his school activities. It is not in the child's best interest to place him with the abusive parent over an additional 5-mile drive to school.

**b. Multiple Times Judge Bayless has Ignored the Petitioners Many Violations of both the Children's Bill of Rights and Court Orders**

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<sup>115</sup> Mandamus Appendix Tab 28 - Campbell Notes on stand in court



- i. Initial determinations were made after a final hearing that occurred on August 28, 2015 (where the Respondent, the child's mother, was awarded Primary Custody) and an additional temporary hearing on Dec 1, 2015, for which in both hearings Judge Bayless personally voiced several concerns over the Petitioner's behaviors that were shown by and through evidence and testimony to continually violate the Children's Bill of Rights. (see August Transcript <sup>116</sup> and December Transcript <sup>117</sup>)
- ii. Judge Bayless has ignored the child's multiple outcries such as "dad is just trying to remove my mom from my life" was not concerned enough to leave the child with his mother over a 5-mile discrepancy in the school district boundary. See Child's notes with Cari Foote <sup>118</sup>, Affidavit from Rhonda Gilchrist-4.6.16 <sup>119</sup>, Rhonda Gilchrist therapy Notes <sup>120</sup>, and LeAnn Artis Affidavit <sup>121</sup>
- iii. Judge Bayless continually allows the Petitioner to repeatedly exclude the Respondent from information regarding school events, medical appointments, getting braces, school-related matters, meet the teachers, extracurricular and sporting activities, etc
- iv. The Petitioner went so far as to transfer the child to a new school without notifying the Respondent and without the permission of the Respondent. <sup>122</sup>
- v. The 15-year-old child is not allowed to have any input, he has no voice and his concerns are not heard even though the child's therapists and even the judge has stated that this is what the child needs most.

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<sup>116</sup> Mandamus Appendix Tab 33 - 2015 8.28 Transcript Ruling

<sup>117</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling

<sup>118</sup> Mandamus Appendix Tab 22 - Cari Foote Notes - BJC's Journal

<sup>119</sup> Mandamus Appendix Tab 34 - Affidavit Rhonda Gilchrist-4.6.16

<sup>120</sup> Mandamus Appendix Tab 23 - Rhonda Gilchrist Therapy Notes

<sup>121</sup> Mandamus Appendix Tab 24 - LeAnn Artis Affidavit

<sup>122</sup> Mandamus Appendix Tab 36 - School Transfer Form



- vi. Even though there has been no evidence and no hearings for over 3 years, Judge Bayless has recently told the Petitioners attorney in private chambers that he will be awarded whatever motion he presents to her including restricting the Respondent to a few hours of supervised visitation a month. <sup>123</sup>
- c. Judge Bayless has stated her own concerns for the emotional safety of the child while in the care of the Petitioner. Judge Bayless made comments on the stand where she personally heard evidence of parental alienation and emotional abuse in speaking with the child in her chambers in 2015. <sup>124</sup> August 28, 2015 remarks made by the Honorable Judge Bayless during the hearing <sup>125</sup>:
  - i. “I think now we're beginning to see some emotional, some serious emotional issues that are developing based on all of this conflict in all of this upheaval in his life.”
  - ii. “It also appears to me that most of this started about the time you got married two years ago (to Petitioner). I don't know if there's a connection or not, but I do detect and having the testimony a lot of anger, particularly on your (Petitioner's) part, that I just feel like there are unresolved issues with Ms Chebultz” ... “Hopefully you would seek counseling to find out. Because some of the things that have been done to and with this child or through this child to the other person makes that very clear to me.”
  - iii. “I'm shocked at how well adjusted he seems to be, but he certainly does have some fears, some great fears, some legitimate fears particularly of his father. I heard that in testimony. I heard that from him.” ...“ and I heard in testimony in from him but there is a lot of criticism, a lot of judging, a lot of trying to influence him and his decision about if he were to talk to me and what he needs to tell me. And that disturbs me greatly.”

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<sup>123</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>124</sup> Mandamus Appendix Tab 19 - Motion to Recuse Honorable Judge Linda Bayless, pg 21

<sup>125</sup> Mandamus Appendix Tab 21 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling



- iv. "I have grave concerns about the father alienating the son due to his inability to connect with his son in anything other than pressuring him to be perfect"
  - v. (Judge orders BJC to live with mom) "until something else changes or until he expresses a desire at an appropriate age to do something different"
  - vi. "I'm going to order counseling for BJC for the next six months because I do believe from both counselors that I heard from he needs to find his voice and be able to state how he feels to his father and mother, he's tired of this and I can understand why"
- d. Judge's Comments regarding her concerns about the Petitioner in December 2015 when the Petitioner got a 6 month trial being the primary parent because the Respondent lived 5 miles outside the school district boundary.
- i. "I want a hearing 6 months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress as to having a relationship with his son where his son is not in constant fear or afraid or intimidated to say how he feels"
  - ii. "My job is the best interest of the child, period. So I'm extremely concerned right now, I can't say today that I have made the best decision by letting him have custody because I have grave concerns about his attitude toward raising this child"
  - iii. "And with regards to Mr. Campbell's counseling, I definitely want to have, before we have the hearing in six months, some kind of report or something from a counselor that I can look at and adequately be prepared for the hearing"
  - iv. "I'm only interested in hearing from his counselor as to his progress regarding his relationship with his son."



- e. Judge Bayless has more recently continued to repeatedly ruled in favor of the Petitioner without any additional hearings, testimony or evidence and she has additionally failed to ensure that the petitioner received the ordered therapy to correct his treatment of the child, protecting the child from further emotional abuse.
- i. During a Spring Break 2016 conflict the Petitioner requesting a hearing and Judge Bayless scheduled a meeting in her chambers in less than 48 hours. By the time the information made it to Respondent's Attorney and to the respondent this meeting had already happened two hours prior and Judge Bayless ruled in favor of the petitioner.<sup>126</sup>
- ii. When the Petitioner requested a second custody evaluation when there was a custody evaluation completed just 16 months prior Judge Bayless granted it.<sup>127</sup> This second custody evaluation ended up costing \$42,000.
- iii. Judge Bayless has allowed the Petitioner to email ex parte proposed orders her court coordinator and Judge Bayless signed these proposed orders the next day with no hearing. Judge Bayless' also emailed the court coordinator stating she signed the final orders in her chambers that day and told the court coordinator to send them to Autumn to go ahead and file.<sup>128</sup>
- iv. Judge Bayless allowed a hearing in private chambers April 2019 with only the attorneys not allowing any of the parties to attend, with no evidence and no testimony, Judge Bayless stated that if we do have a hearing it will only result in a severe reduction in time with the child for the Respondent.<sup>129</sup>
- v. Respondent requested a continuance when a hearing was the exact same date and time of Respondents life-saving cancer surgery that kept her in a

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<sup>126</sup> Mandamus Appendix Tab 37 - FW\_ Spring Break 2016 campbell

<sup>127</sup> Mandamus Appendix Tab 38 - Opposing Counsel Request Second Custody Evaluation

<sup>128</sup> Mandamus Appendix Tab 7 - 2018.11.30 Ex Parte Orders Emailed to Judge Bayless

<sup>129</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



hospital or a medical facility for over two months.<sup>130</sup> Judge Bayless refused to grant the continuance or even respond to the Respondent.

- f. Judge Bayless continually ignores the petitioners violations of court orders and allows the petitioner to present fraudulent information to the court under oath and via notarized documents
  - i. The Petitioner has been allowed to present information to Judge Bayless that the Respondent has proven that the Petitioner knows is incorrect or flawed. For example, the Petitioner led the court to believe that the Respondent moved out of the school district after she won primary custody. When it has been proven in court that the Respondent gave notice to vacate her apartment months before any trial date was even set.<sup>131</sup>
  - ii. The Petitioner has been allowed to take the child to therapists Judge Bayless specifically ordered the child not see.<sup>132</sup>
  - iii. The Petitioner has been allowed to withhold the Passport from the Respondent for International Travel.<sup>133</sup>
  - iv. The Petitioner has had no repercussions when refusing to give proper notice or any notification at all when he travels with the child out of state or out of the country. One of the examples: 2 days notice of BJC leaving the country with Wes<sup>134</sup>
  - v. The Petitioner has been allowed to withhold the child from visitation with the Respondent on multiple occasions and holidays such as Mother's day and the child's birthday. (See Police Reports Filed in Marble Falls - One for Example #18-028642 on 08/23/2018 the child's birthday)

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<sup>130</sup> Mandamus Appendix Tab 39 - Motion for Continuance \_ second ammended \_ signed

<sup>131</sup> Mandamus Appendix Tab 30 - Respondents intent to move in June 2015

<sup>132</sup> Mandamus Appendix Tab 40 - Letter to Trey Brown RE Therapist 9.14.2016

<sup>133</sup> Mandamus Appendix Tab 25 - Summer 2018 - Wes refuses to give me BJC passport

<sup>134</sup> Mandamus Appendix Tab 26 - 2 days notice of BJC leaving the country with Wes



- vi. The Petitioner has been allowed to submit notarized affidavits to Judge Bayless that contain knowingly fraudulent and false information.<sup>135</sup>
- g. Judge Bayless has been influenced outside the court to change her decisions without a hearing, testimony or evidence
  - i. In August 2015 Judge Bayless gave the respondent primary custody of the child. There have been no additional hearings allowed or any testimony or evidence presented since 2015. In 2017 Judge Bayless signed orders in her chambers with no hearing giving the Petitioner primary custody. Now in 2019 Judge Bayless stated in her last meeting with both attorneys that she was going to put the Respondent in jail and give her supervised visitation and specifically cited her bias beliefs of occurrences that have happened in the case since the last hearing over three years ago.<sup>136</sup>
  - ii. Upon Petitioner's December 2015 request for a new therapist for the child Judge Bayless specifically disallowed it unless the child wanted the change. Then later with no hearings and no evidence, Judge Bayless states there needs to be an additional psychological professional because she feels this therapist is now biased.
    - 1. December 2015 - quote from Judge Bayless: "I am not inclined to agree with changing BJC's counselor unless BJC wants to and Ms.Chebultz agrees."<sup>137</sup>
    - 2. Then a few months later in April 2016 - quotes from Judge Bayless state that she now believes there is bias with the child's therapist and does not trust her<sup>138</sup>:

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<sup>135</sup> Mandamus Appendix Tab 41 - 2015.09.08 Wes Fraudulent Notarized Statement

<sup>136</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>137</sup> Mandamus Appendix Tab 40 - Letter to Trey Brown RE Therapist 9.14.2016, pg 3

<sup>138</sup> Mandamus Appendix Tab 42 - 2016.4.6 Hearing Transcript



- a. “order a psychological evaluation of BJC by some totally independent, not recommended by Ms. Gilchrist.”
  - b. “But some totally reputable independent doctor or counselor to give me some idea of where he really is.”
  - c. “Because there's a lot of bias in all of this.”
3. There had been no hearings and no new evidence between these two instances Dec 2015 and April 2016 the change in the Judge’s opinion of Ms Gilchrist could only have come from an influence from information outside that courtroom.
- h. Judge Bayless refuses to listen to the child’s two seperate therapists over the past 5 years for no evidentiary reason. Two therapists that both claim the child is dealing with some of the worst emotional abuse they have seen. Not one of the child's psychological professionals have made any statements or concerns regarding the Respondent to support any of Judge Bayless’ recent statements or actions against the Respondent. However these same professionals have made multiple statements and affidavits about their concerns regarding the Petitioner, yet Judge Bayless’ actions indicate her intentions of only giving the Petitioner more parenting time and taking more time away from the Respondent who currently gets less than standard visitation..
- i. See Cari Foote Child’s notes <sup>139</sup>
  - ii. See Rhonda Gilchrist Therapy notes <sup>140</sup>
  - iii. See LeAnn Artis Affidavit <sup>141</sup>

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<sup>139</sup> Mandamus Appendix Tab 22 - Cari Foote Notes - BJC’s Journal

<sup>140</sup> Mandamus Appendix Tab 23 - Rhonda Gilchrist Therapy Notes

<sup>141</sup> Mandamus Appendix Tab 24 - LeAnn Artis Affidavit



- i. Judge Bayless failed to check any of the information that the Petitioner sent her in the ex parte proposed final orders before she signed the final orders without a hearing.
  - i. Respondent was given less than standard visitation
  - ii. Respondent was ordered to pay exorbitant child support with no factual basis in regards to her income.
- j. Judge Bayless has forced Respondent pay for 50% of the custody evaluator but she will not make the Petitioner pay for 50% of the child's court-ordered therapy which is a greater amount due.<sup>142</sup>
- k. Judge Bayless claims that the Respondent 'lied about her income and/or intentionally withheld information about it'<sup>143</sup> When there had been absolutely no request for financial information or any financial information provided by the respondent since depositions in 2014. There is no factual basis for Judge Bayless' bias opinion. Judge Bayless cited her basis for the Respondents child support amounts "on a 'get-rich-quick scheme' marketing video Respondent made in which she was 'half-naked' in a pool with 'some guy' drinking alcohol."<sup>144</sup> An international network marketing company event in 2012 at a public resort where respondent was properly dressed in swim attire and where Respondent appeared in a video being made by someone else is hardly financial income proof in 2017, 5 years later. Judge Bayless was shown this video in court in 2015 and she clearly has let her bias distort her memory regarding the video.
- l. Judge Bayless states she feels that the Respondent "lied about her income and/or intentionally withheld information about it",<sup>145</sup> Yet the Petitioner, who lives in a 1.2 million dollar house, has 4 vehicles, two boats, and an airplane,

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<sup>142</sup> Mandamus Appendix Tab 1 - 2017.12.1 Full FINAL JUDGMENT

<sup>143</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>144</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>145</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



and when the last set of Tax Returns that the Petitioner produced in Judge Bayless' courtroom only showed income of \$14,700 for the year Judge Bayless does not feel that the Petitioner withheld any income information.

- m. Judge Bayless has shown bias in allowing the Petitioner to hold the child's passport, in allowing the Petitioner to withhold the passport from the Respondent just days prior to her international travel,<sup>146</sup> Judge Bayless allows the Petitioner to continue to have multiple passport and travel violations, one example when the Petitioner only gave the Respondent 48 hours notice of travel to Mexico<sup>147</sup>. Judge Bayless continues to refuse to make the Petitioner sign a passport agreement but insists that the Petitioner hold the passport, to the point that Judge Bayless denied the Respondent visitation of the child until Respondent gave the passport back to the Petitioner when all the Respondent was asking for was a passport agreement in exchange for the passport so that the Petitioner could not ruin her international travel plans again.
- n. In court Dec 1, 2015, The Respondent was called by the Petitioner as the first witness. Prior to hearing any testimony or evidence from any other party, Judge Bayless expressed her bias and admonished the Respondent about perjury and lying to the court. This was entirely based upon incorrect hearsay information that the Judge received outside of the court setting and is only supported by Petitioners false affidavit claims.<sup>148</sup> Judge Bayless had clearly already formed her bias and removed the child from the Respondents custody based solely on false and fraudulent information provided by the Petitioner.
- o. Judge Bayless allowed Evidence Res Judicata, that was known by the Petitioner and could have been obtained prior to the previous hearing.

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<sup>146</sup> Mandamus Appendix Tab 25 - Summer 2018 - Wes refuses to give me BJC passport

<sup>147</sup> Mandamus Appendix Tab 26 - 2 days notice of BJC leaving the country with Wes

<sup>148</sup> Mandamus Appendix Tab 27 - Hearing 2015 12.1 Judge's comments



Judge Bayless showed bias in allowing a new trial based on evidence that was available before the last hearing when there was evidence that the Petitioner had knowledge of the supposedly new evidence prior to and during the last hearing.

1. August 2015 - The Petitioner had notes on the stand that stated that the Respondents “Marble Falls (MF) Apartment was just for show” <sup>149</sup> The Petitioner knew that the Respondent was not primarily living in the Marble Falls apartment and only kept it as she was the only parent living in the child’s elementary schools geographic area.
2. October 2015 - The Petitioner's Affidavit then stated that Respondent moved after the last hearing in August 2015 “to the best of his knowledge Respondent moved Sept 2015” <sup>150</sup>
3. December 2015 - Petitioner entered evidence that showed the Respondent gave notice to vacate her apartment on June 23rd, 2015 more than two months prior to the August hearing. <sup>151</sup>
4. Respondent has affidavits and witnesses that will prove that she moved her belongings out of the apartment immediately after the notice to vacate in June, prior to the August Hearing. Yet still four years later Judge Bayless refuses to rule based on evidence and continues to rule only on the Petitioners false insinuations and her bias beliefs. <sup>152</sup>
5. The Evidence Res Judicata is an important part of the case because the Respondent was awarded primary parent in the August 2015 hearing and the only thing that overturned that ruling is the Petitioners false claims that the Respondent moved 5 miles outside the school district boundary after the August hearing.

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<sup>149</sup> Mandamus Appendix Tab 28 - Campbell Notes on stand in court

<sup>150</sup> Mandamus Appendix Tab 29 - 2015 October Campbell Affidavit

<sup>151</sup> Mandamus Appendix Tab 30 - Respondents intent to move in June 2015

<sup>152</sup> Mandamus Appendix Tab 31 - Mike Hill Affidavit



- p. Judge Bayless has stated that she believes that the Respondent possibly has untreated psychiatric issues due to the report from some evaluator in Fredericksburg that issued a report saying that he could not identify her personality type.<sup>153</sup> The first custody evaluation, done by Eric Cardwell in Kerrville, has never been entered as evidence and his custody evaluation says nothing of the sort about the Respondent having any psychiatric issues. This is fraudulent hearsay information the Petitioners attorney has provided outside of court hearings to try to bias the Judge.<sup>154</sup>
  - q. Judge Bayless recently has shown bias by ignoring all evidence against the Petitioner by refusing to have any sort of hearing in the past 3 years. The Petitioner still has not resolved any of the Judge's concerns about the petitioner from 2015 when the Respondent won primary custody as to if “the son is not in constant fear or afraid or intimidated or afraid to say how he feels” in regards to his father. Nothing has been presented to show that the father has changed his behavior
  - r. There is not any new evidence or testimony against the Respondent as there have not been any hearings since 2015, yet Judge Bayless continues to severely limit the Respondents time with the child based solely on her bias beliefs.<sup>155</sup>
  - s. Judge Bayless refused to grant a Continuance when hearing was scheduled on the exact same day and time that Respondents Mother had major cancer surgery that kept her either in the hospital or in rehab for over two months.
4. Most importantly Judge Bayless’ bias seems to have her opinion so tainted that she has zero concern for the best interest of the child. Judge Bayless’ has refused to hear from the child or the child’s therapists. Even though she has not had any hearings nor heard any evidence in this case in 3 years Judge Bayless has stated that she “is not interested in hearing a Motion to Modify”... “even in the face of witness counselors

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<sup>153</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

<sup>154</sup> Mandamus Appendix Tab 32 - 2015.03.26 Cardwell's Evaluation of BJC

<sup>155</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



that we may bring or what BJC has to say at this point.”<sup>156</sup> Below are statements from three years of BJC’s therapy notes that Judge Bayless has completely ignored:

- a. BJC reports his dad pressured him to tell him what he talked about with his old therapist Cary Foote "my dad would tell me things to say to Carrie Foote"
- b. “Whenever Eric Cardwell (the first custody evaluator) was at the house I could hear my dad standing on the staircase while I was talking to Eric Cardwell. He must have heard me because for the next couple days he was upset and angry with me.”
- c. "I would like to live with my mom more than my dad she is easier to live with my dad says mean things about my mom he told me my mom slept with someone else
- d. when asked what he knows about court BJC said "my dad asked me questions about my mom and he talks on the phone in front of me he lets me read pages from Court"
- e. “My dad says really bad things about my mom BJC cried when exploring this and stated that he wouldn't repeat those words it hurts too much to think those things about my mom.”
- f. BJC stated “my mom is more about me doing what I want. Dad wants me to be like him. I want to live with my mom she lets me choose between options my dad doesn't he just says you have to do it or we have to go it's always what he wants.”
- g. BJC was angry and frustrated he cried throughout the session. Dad would not trade with Mom for mother's day. BJC said “She is my mom and I should be with her on mother's day.”
- h. “I like sports just not with my dad he makes me feel bad because I'm not good enough and he wants me to be good. He pushes me too hard, makes me feel bad for not being better. My dad is not interested in me. If what I am interested in or what I want to do doesn't agree with his stuff we don't do my stuff. He

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<sup>156</sup> Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge



constantly decides what I'm going to do, he never asks me. Why can't I just live with my mom she listens to me.”

- i. “my dad says bad things about my mom. My dad said my mom installed spyware on my phone so she can spy on my dad's house.” BJC stated that he feels trapped. BJC says “I don't know why my mom would spy on my dad and I don't want to believe that my dad is a liar.”
- j. “Dad is telling me all the fun stuff we will do or he will get me if he ends up getting me in court.
- k. “I told him I wanted to live with him before because I didn't want him to be mad at me. My last therapist told him I wanted to live with my mom and he got really mad at me and he wouldn't stop.”
- l. “my dad is so rough on me he says there is no time for resting. He says its so I can be a grown up. I can't tell him what I really want to think because he gets mean with everybody. Phyllis and Courtney say just do it so it will be easier. I just do what he wants so he won't take it out on the whole family.”
- m. “My dad won't let me use my Apple ID from my mom's house on the phone. I'm not allowed to use my password in front of my mom or give her the password.”
- n. “I want to keep seeing you I think it makes my dad not tell me what to do I think it's better when I see you.”
- o. “My dad called my mom a liar he does that a lot to me. Really he is the liar He says bad things about her, not as much as he used to but still it's hard to hear. It makes my stomach tie in knots when they both tell you different things. It bothers me that my dad says my mom is doing something bad and my mom says she's not. My mom doesn't say bad things about my dad.”
- p. “My dad screamed at me because I couldn't get up on one ski. I didn't want to try anymore and he made me do it again and again and he got so mad he twisted my ski off. I told him I was tired and he called me a liar. He gave me a



20-minute speech on being a quitter. He called me a quitter. He makes me not want to try. He makes everything not fun.”

- q. BJC started crying immediately he laid on the couch in the fetal position. He kept repeating “my dad's going to take my mom away from me”. He said this week we were brushing our teeth and his dad told me court is coming up and his dad asked him “What are you going to tell the judge”. BJC reported he did not say anything. Dad kept getting this sad look on his face he wouldn't let me out of the bathroom. Dad said "Court is coming up you are going to talk to the judge what are you going to say"
- r. Last night on the way to my Mom Dad pulled the car over and made me get out. He kept asking me what I was going to say to the judge. Dad told me to get my mom to not go to court.
- s. BJC cried and said I feel guilty because I want to live with my mom. I keep seeing that look on Dad's face. BJC said “I want this to stop. It's never going to end. I can't even have a normal birthday. I hate my dad. Why does he make me feel guilty.”
- t. “he'll take me out of school and ask me about where I was and he'll be mad that I was late for school (for going to the therapist)”
- u. BJC was processing feeling weird when his friend Caden kept asking him questions about his mom's house. Kaden said “your dad and Phyllis told me to ask you all these questions”. BJC said “my dad asked me questions about my mom's house. He put a tracker on my phone. Dad took my phone and brought it back to school and told me that he put something on my phone that will track me. He said I have complete control of your phone. He said delete the text messages and don't tell anyone it's on your phone.”
- v. When I'm with my Dad we always drive by to see if my mom's at the apartment. My dad will say ‘oh look your mom's not home’. I get the feeling he is trying to make my mom look bad to me.”



- w. BJC said “I want you to tell the judge to make my dad stop doing what he is doing. I am worrying about what will happen. I think it will never stop”
- x. BJC talked about not liking the current custody. BJC says he told his dad several times “I want it to go back to the old way. I just want to go back with my mom. My dad is not doing anything he said he would do. He always finds some excuse to not do what I want to do. My dad is a liar. Why does he lie to me?”
- y. “My dad said he would try to fix it and that he would love me to have spring break with my mom but the judge ordered it and he has to do what the judge says”. BJC said “Eric Cardwell, you and Carrie Foote all told me my parents could work things out if they agreed and the court order is only the rules if my parents can't agree.”
- z. BJC said my dad “never tells me the truth. I only go to robotics about half of the time. He is only taking me to one race. He doesn't let me see my mom when I want to. He said in your office I could see her when I wanted. I haven't been coming to counseling because he won't bring me. I want to come more, all this stuff is going on and he isn't doing what he said. He told me right after court I could keep seeing my mom whatever I wanted. He is a liar, nothing he says is true.”
- aa. “He pushes me too hard. He takes the fun out of everything. He makes me not want to try anything anymore. “
- bb. “Carrie foot you and Eric cardwell all told me it would be a stable schedule, but is still the same as it always was. I won't ever change with my dad he's always done this. I don't think he'll ever quit now. I don't want to see my dad he is a liar and a jerk.”
- cc. “please don't tell my dad about my being upset because I don't want him mad at me in front of my friends. He had done that before and it was embarrassing. BJC said this makes my stomach hurt my head and stomach hurt all the time.”
- dd. “we had problems on Easter. My dad was lying and wouldn't let me go see my mom. I told him I hated him. I went to my friend's house. I came home later and



my dad talked about court.” BJC says he brought up about how the therapist, Eric Cardwell and Carrie Foote telling him that my dad and mom could work things out about visits and don’t have to exactly follow the orders. BJC stated: “My dad said ‘I don't believe Eric, Rhonda and Carrie would lie to you so you must be the liar.’ ”

- ee. BJC talked about how hard it is for him to use his words when his dad calls him a liar. BJC said “I tried to talk to him he just blamed me.”
- ff. There's a lot of tension in the house Phyllis stays at work or upstairs or in the office. I'm worried they are getting a divorce. She wrote me a note a while back saying if I wasn't there she would leave too.
- gg. “My dad told me that my mom didn't want me for spring break this year. I knew she did want me. My dad was trying to make me think bad about my mom. I'm worried about this summer schedule my dad says nothing is going to change. I still tell him I want to live with my mom. Dad asked me like six to ten times a week questions about my mom.”
- hh. “ I don't have anyone to talk to but you and my mom. My dad says bad things about my mom and doesn't want me to see you.”
- ii. My mom missed her flight coming home and my dad said I don't believe your mom even has a ticket. He tries to make my mom look bad to me.
- jj. “I'm going to be like Josh my big brother and move away from my dad and only see him on holidays.”
- kk. “He got me a new phone because he said my mom hacked into the other one. Dad said Apple is easy to hack so he got me an Android. Dad said your mom has my Apple ID and she knows how to hack. Then he blamed my mom for the factory reset of my iPad. My dad wants to switch everyone's phones to Android because of this.”
- ll. “Phyllis is telling me two different stories, Why is she confusing me with different stories? She changes her story when Dad is there. It makes me mad when dad calls my mom a hacker. He says terrible things about my mom.”



- mm. Dad sat down scrolling through his phone and asking BJC “why did you lie to Rhonda (the therapist)” He went on to ask BJC “why did you tell Rhonda I passed you the first day of school by your apartments last year.” BJC stated “I got nervous because I didn't know what he was reading from. He just kept asking me if I was lying or if I said certain things. I just blocked him out and said I don't know or maybe to everything.” BJC reported Phyllis called him a troublemaker. She said “you just like to stir trouble.”
- nn. BJC said “I think there is the truth and then there's my dad's truth. He gets mad because I tell my mom what really happened. He wants me to tell his truth not mine. BJC said he calls me a liar or ask why I tell people lies.”
- oo. BJC processed wanting this to be all over he asked the therapist “is this going to be over before school starts next year?” (note: this is the summer of 2017)
- pp. The therapist asked BJC “does your mom say negative things about your dad. Or does she make you feel uncomfortable by asking you questions about Dad or Dad's house?” BJC said no. “If I tell her something she listens and talks to me but she doesn't ask me questions or say mean things about my dad like he says about her. She will let me text or speak or call Dad when I'm at her house. My dad makes it awkward at his house.
- qq. BJC said “why can't I decide what extracurricular activities I get to do I want to choose my extra time. But it is always has to be his decision. I hope I'm not even in that school next year I want this to be over before school starts, it's really important to me but I'm not getting my hopes up.”

5. There are two more additional years of these type of therapy notes from a second new therapist LeAnn Artis. Some quotes from her Affidavit are:

- a. He expressed concern with not being able to "be good enough" for his dad in grades, sports, etc.
- b. BJC talked about being tired of hearing negative things about his mother, ie: she's a liar, she is bankrupt, she can't be trusted, she doesn't pay child support.
- c. When I saw both BJC and his dad together, BJC was less likely to engage in conversations and would stay with 'safe' answers. When I would see BJC with



his mom, he was more forthcoming with the struggles he was having in school - not being as conscientious as he normally would be.

- d. mom didn't question him about his dad further than showing interest in what he was doing, and that he felt 'interrogated' when his dad questioned him.
- e. **I have concerns that if BJC isn't given more of a voice, the perceived alienating stance that is coming from his dad will push him further away and we may see more 'acting out' behaviors in the future.**
- f. **the parenting road he is on with his dad may be leading to negative effects not just now, but in the future.**

6. **And even more recently in the past few months the Petitioner continues to talk with the child about things like:**

- a. How the Respondents attorney begged the Judge to let him off case and how the Respondent can't keep attorneys.
- b. How the Respondent says the Judge and everybody is a liar and the Respondent is trying to put the Judge in jail.
- c. How the Judge is fed up with the Respondent and is going to put her in jail.
- d. That the Respondent still is not caught up on the back child support owed.
- e. The he (the Petitioner) offered the Respondent 50/50 in mediation but the Respondent wouldn't agree to it.
- f. How the child's therapist LeAnn Artis ignores the Petitioner and will not respond to his emails or phone calls.
- g. The Petitioners wife tells the child all the time that he does not need to be seeing a therapist, that things need to be handled in their home.

7. In making decisions with regard to conservatorship, possession and access the courts are required to follow a standard known as the "best interest" rule. Meaning, in the "best interest" of the child is always the court's paramount consideration when deciding these issues. Tex. Fam. Code § 153.002. Judge Bayless has no factual reasons for not listening to the child or the child's therapists for many years. Her



refusal to listen to the statements and claims from the child's therapists like the ones above can only be based on her preconceived bias against the Respondent.

8. When bias is the basis of the motion, recusal is appropriate if the movant shows that a reasonable person with knowledge of the circumstances would harbor doubts as to the impartiality of the trial court and shows that the bias is of such a nature and extent that allowing the judge to serve would deny the defendant's right to due process of law.<sup>157</sup>
9. "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law." Which is applicable to this court by application of Article VI of the United States Constitution and *Stone v Powell*<sup>158</sup>. "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold the federal law."
10. The Respondent is requesting recusal based on the contentious and ongoing use of the justice department to violate due process of law, which is a constitutionally protected right with a guarantee to a speedy trial.
11. The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. Therefore, the Respondent respectfully demands Judge Bayles be recused by a higher court or ordered recuse herself in light of the evidence attached detailing prior unethical and/or illegal conduct or conduct which gives Respondent good reason to believe the above Judge cannot hear the above case in a fair and impartial manner.
12. The due process clauses of both the Texas and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases.<sup>159</sup> This court is in violation of the due process clauses of both the Texas and the United States Constitutions and in violation of Texas Rule of Civil Procedure 18b because Judge

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<sup>157</sup> *Rosas v. State*, 76 S.W.3d 771, 774 (Tx. App.-Houston [1st Dist] 2002, no pet.)(citing Kemp, 846 S.W.2d at 305).

<sup>158</sup> 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976)

<sup>159</sup> *Marshall v. Jerrica, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980); *Metzger v. Sebek*, 892 S.W.2d 20, 37 (Tex. App. Houston [1st Dist.] 1994, writ denied).



Bayless' impartiality might reasonably be questioned.<sup>160</sup> In this case, it is reasonable to question the impartiality and bias of Honorable Judge Linda Bayless because of the facts stated herein.

13. Texas has adopted an objective test for impropriety. TEX. CODE JUD. CONDUCT Canon 2 (entitled "Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities"); <sup>161</sup> (stating the rule requiring Judges to recuse themselves in any proceeding in which Rule 18b of the Texas Rules of Civil Procedure requires recusal "in any proceeding in which . . . [the Judge's] impartiality might reasonably be questioned"). Expanding on Texas' objective standard, Justice Gammage's declaration of recusal in Rogers stated:

“The rule does not require that the Judge must have engaged in any biased or prejudicial conduct. It does require the Judge to recuse **if ‘his impartiality might reasonably be questioned,’** regardless of the source or circumstances giving rise to the question of impartiality and even though the source and circumstances may be beyond the Judge's volition or control.” <sup>162</sup>

14. The Texas intermediate courts of appeals have applied the same objective standard:

“The standard for recusal is clear. When the party moving for recusal relies on bias to claim the trial Judge should be recused, the party filing the motion to recuse must show that a reasonable person, with knowledge of the circumstances, would harbor doubts as to the impartiality of the trial Judge, and that the bias is of such a nature and extent that allowing the Judge to serve would deny the movant's right to receive due process of law.”

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<sup>160</sup> Tex. R. Civ. P. 18b(2) (a); *Dunn v. County of Dallas*, 794 S.VV.2d 560, 562 (Tex. App. Dallas 1990, no writ).

<sup>161</sup> *Rogers v. Bradley*, 909 S.W.2d 872, 874 (Tex. 1995)

<sup>162</sup> *Rogers*, 909 S.W.2d at 874.



15. The legal standard for motions to recuse is set out in Rule 18b of the Texas Rules of Civil Procedure, and particularly rule 18b(1) & (2), which provide in part that "a Judge must recuse himself in any proceeding in which:

(1) the Judge's impartiality might reasonably be questioned [or]

(2) the Judge has a personal bias or prejudice concerning the subject matter or a party."

16. Rule 18b(2)(b) however is more specific: It covers how the judge feels and what the judge knows.<sup>163</sup> A Texas court has held, for instance, that a trial judge's feeling of personal bias was evidenced by ex-parte communications,<sup>164</sup> which have also proven to have happened in this case.

17. In addition to these provisions addressing impartiality and bias, the rules list specific situations that require recusal. To that end, to establish impartiality, bias, or prejudice, the party moving for recusal must introduce "facts sufficient enough to establish that a reasonable man, knowing all the circumstances involved, would harbor doubts as to the impartiality of the trial Judge."<sup>165</sup> This is an objective test that resembles the federal test.<sup>166</sup> At the very least there is an appearance of impropriety, conflict and bias in this case.

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<sup>163</sup> Schuwerk & Hardwick, *supra*, note 13 § 40:35 at 817.

<sup>164</sup> *Abdygapparova v. State*, 243 S.W.3d 191, 208-10 (Tex.App.-San Antonio 2007, pet. ref'd) (ex-parte communications "extended beyond the realm of courtroom administration and etiquette, for which the trial judge has control, and became strong evidence of bias and partiality"; communications suggested, "at a minimum, a 'chumminess' between the prosecutor and the trial court from which the jury could interpret that the trial court was 'taking sides.' ").

<sup>165</sup> *Kemp v. State*, 846 S.W. 2d 289,305 (Tex. Crim. App. 1992): see also *Kniatt v. State*. 239 S.W.3d 910,915 (Tex. App. · Waco 2007, order) (per curiam) ("[T]he proper inquiry is whether a reasonable member of the public at large, knowing all the facts . . . concerning the Judge and the case would have a reasonable doubt that the Judge is actually impartial.").

<sup>166</sup> See *Rogers*. 909 S.W.2d at 880. The federal statute governing recusal. 28 U.S.C. \*455(a) contains language that is identical to the recusal language in the Texas Rules of Civil Procedure . See . . e.g .. 28 U.S.C. ~ 455(a) (2006) (requiring a Judge to "disqualify himself" in any proceeding in which his impartiality might reasonably be questioned"). Texas courts. therefore, have looked lo federal case law when applying the Texas rules for recusal. See, e.g. *Rogers*, 909 S. W .2d at 880.



18. Multiple times already in this case Judge Bayless has not allowed the Respondent her due process rights and has voiced her bias. It is reasonable to ascertain that these same actions and bias' will only continue in the future and therefore recusal of Judge Bayless is absolutely necessary.
19. There have been multiple instances in the past 4 years of violations of due process and multiple instances of bias on Judge Bayless' part. In fact the only final orders from Judge Bayless is orders that were entered completely without the Respondent's knowledge. Therefore either disqualification of Judge Bayless or granting the Bill of Review and rendering the unlawful final orders void is necessary.
20. A federal appellate court noted <sup>167</sup> that pertinent U.S. Supreme Court cases "tell us that ordinarily actual bias is not required, the appearance of bias is sufficient to disqualify a Judge." <sup>168</sup>
21. Should a Judge not disqualify himself, then the Judge is in violation of the Due Process Clause of the U.S. Constitution. <sup>169</sup>
22. In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the Judge's impartiality. If a Judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the Judge must be disqualified." <sup>170</sup>
23. Canon 3, subsection (A)(9) of the Code of Judicial Conduct provides that A "Judge shall perform duties without bias or prejudice. In *McClenan v. State*, 661 S.W. 2d 108, 109 (Tex Crim. App. 1983), the court held that such bias is a ground for disqualification and recusal when "the bias is shown to be of such nature and to such an extent as to deny a defendant due process of law."

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<sup>167</sup> In *Bracy v. Schomig*

<sup>168</sup> *Richardson v. Quarterman*, 537 F.3d 466,477 (5th Cir. 2008)

<sup>169</sup> *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based on the Due Process Clause.")

<sup>170</sup> *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).



## **VI. ATTORNEY'S FEES, EXPENSES, COSTS AND INTEREST**

It was necessary for the Respondent to secure the services of licensed attorneys, to prepare this suit.

Respondent contends that the Petitioner, Wes Campbell, as a participant in the violation of the Respondents due process, should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal. Respondent requests post-judgment interest as allowed by law

## **CONCLUSION / PRAYER**

Realtor contends that prior judgment was rendered as the result of fraud, accident, or wrongful act and that the sworn facts are sufficient to constitute a meritorious defense.

Respondent contends that the final orders are unlawful and grossly violated Respondents civil rights and the right to due process.

Respondent filed a Bill of Review when she learned about the unlawful final orders. The appellate deadline had passed due to the court's failure to notify Respondent of final orders being entered.

A bill of review is an independent equitable action brought by a party to a former action seeking to set aside a judgment, which is no longer appealable or subject to a motion for new trial.<sup>173</sup>

1. The bill must state sufficient cause.<sup>174</sup>

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<sup>173</sup> Tex.R.Civ.P. 329b(f); *Caldwell v. Barnes*, 154 S.W.3d 93, 96 (Tex.2004)(Caldwell II ); *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751 (Tex.2003); *Wembley Investment Co. v. Herrera*, 11 S.W.3d 924, 926–27 (Tex.1999); *Caldwell v. Barnes*, 975 S.W.2d 535, 537 (Tex.1998)(Caldwell I ); *State v. 1985 Chevrolet Pickup Truck*, 778 S.W.2d 463, 464 (Tex.1989); *Baker v. Goldsmith*, 582 S.W.2d 404, 406 (Tex.1979).

<sup>174</sup> *State vs 1985 Chevrolet*, 778 S.W.2d at 464.



2. Ordinarily, to establish sufficient cause, a defendant-petitioner must demonstrate:
  - (1) a meritorious defense;
  - (2) justification for the failure to assert that defense; and
  - (3) that the default judgement was not rendered due to the fault or negligence of the defendant-petitioner.<sup>175</sup>
3. The petitioner must normally show that he exercised due diligence to assert all adequate legal remedies before filing the bill of review.<sup>176</sup> However, the absence of proper service alters the availability of a bill of review. Where, as here, a defendant-petitioner claims multiple due-process violations (e.g., no effective service of process), the defendant is not required to prove the first two elements of “sufficient cause” set out above.<sup>177</sup> Stated differently, when a defendant claims he was not served with process, he must only prove the third element (i.e., no fault or negligence).<sup>178</sup>
4. The element is conclusively established if the party proves he was not served.<sup>179</sup>
5. This is true even if a party becomes aware of the proceedings and fails to participate. A party who has acquired knowledge but was not properly served has no duty to participate in the proceedings.<sup>180</sup>
6. Respondent has shown in the Bill of Review that that she was not served as per Texas Rules of Civil Procedure RULE 239<sup>181</sup>

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<sup>175</sup> Caldwell II, 154 S.W.3d at 96.

<sup>176</sup> Caldwell I, 975 S.W.2d at 537

<sup>177</sup> See Caldwell II, 154 S.W.3d at 96–97; see *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 86, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988)(judgment rendered without service violates due process); see also *Lopez v. Lopez*, 757 S.W.2d 721, 723 (Tex.1988)(no need to prove meritorious defense where the defendant had no notice of trial setting).

<sup>178</sup> Caldwell II, 154 S.W.3d at 97.

<sup>179</sup> *Id.*; Caldwell I, 975 S.W.2d at 537; see *Ross v. National Center for the Employment of the Disabled*, 197 S.W.3d 795, 797 (Tex.2006).

<sup>180</sup> Caldwell II, 154 S.W.3d at 97 n. 1; *Wilson v. Dunn*, 800 S.W.2d 833, 837 (Tex.1990)(“[M]ere knowledge of a pending suit does not place any duty on a defendant to act.”).

<sup>181</sup> Texas Rules of Civil Procedure RULE 239



7. Therefore the third and ONLY element required to grant the Bill of Review has conclusively been established as it has been proven that no Return of Service is shown in the case for the Respondent after final orders were entered.
8. Respondent contends that the Bill of Review should be granted and the unlawful orders entered Dec 1, 2017, be deemed void.

Mandamus is an extraordinary writ that should be issued only “when a trial court clearly abuses its discretion and there is no adequate remedy by appeal.” *In re Norris*, 371 S.W.3d 546, 548 (Tex. App.—Austin 2012, orig. proceeding) (citing *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004)).

The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments. *In re State*, 355 S.W.3d 611, 614–15 (Tex.2011) (orig. proceeding). In performing this balancing, an appellate court looks at a number of factors, including whether mandamus review “will spare litigants and the public ‘the time and money utterly wasted enduring eventual reversal of improperly conducted proceedings.’” *In re State*, 355 S.W.3d at 615 (quoting *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding)).

The recusal of Judge Bayless is inevitable based on *GAAL vs. State* where the trial judge predetermined the judgement prior to any hearing therefor denying due process. In *GAAL vs. state* the appellate court also ruled that the recusal judge abused his discretion in denying the motion to recuse.

Judge Bayless should be ordered to recuse herself and this case set before a new and impartial Judge



Relator respectfully prays that the writ of mandamus be granted in this matter, including

- 1) ordering the trial court to enter a written order granting the Bill of Review
- 2) ordering the trial court to vacate the unlawful final orders entered Dec 1, 2017
- 3) ordering the trial Judge to recuse herself from this case

Date: 9/26/2019

Respectfully submitted,

*Cynthia Chebultz*

Respondent / Pro Se

Cynthia Chebultz

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## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing pleading or document has been served upon all parties and attorneys of record on September 26, 2019.

Respondent: Honorable Judge Linda Bayless

Respondent's address: 220 S. Pierce, Room 206

Burnet, Texas 78611

Email: ccalcoord@burnetcountytexas.org

Phone: 512) 715-5245

Attorney for Wes Campbell (Petitioner in the Trial Court): Trey Brown

Attorney's address: 400 S Main St, Burnet, TX 78611

Email: trey@mockandbrown.com

Phone: 512-756-2931

Type of Service:

eFileTXCourts.gov (EFSP) and email

/s/ Cynthia Chebultz



Respondent / Pro Se  
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## **CERTIFICATE OF COMPLIANCE**

I certify that this document was produced on a computer using Adobe Acrobat and the brief excluding the contains 12,628 words, as determined by the software's word-count function, excluding the sections of the document listed in Texas Rule of Appellate Procedure 9.4(i)(1) ( the identity of parties, table of contents, index of authorities, statement of the case, statement of jurisdiction, issues presented, signature, the proof of service, the certification, and the appendix).

/s/ Cynthia Chebultz

*Cynthia Chebultz*

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## **AFFIDAVIT OF CYNTHIA CHEBULTZ**

On this the 26th day of Aug 2019, came on before the undersigned, Cynthia Chebultz, who stated under oath as follows:

"My name is Cynthia Chebultz. I am the Relator and state under oath that every factual statement in the petition is supported by competent evidence included in the appendix or record.

I swear and affirm that the facts asserted in the mandamus are true and correct. I make this affidavit with full recognition of the pains and penalties of perjury."



Cynthia Chebultz

SUBSCRIBED AND SWORN TO BEFORE

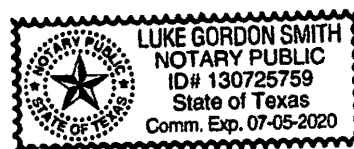
ME on this the 26th day of August 2019.



NOTARY PUBLIC IN AND FOR

THE STATE OF TEXAS

MY COMMISSION EXPIRES 7-5-2020





## **APPENDIX**

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NO. 41,790

IN THE INTEREST OF	X	IN THE COUNTY COURT
	X	
B.J.C.,	X	AT LAW
	X	
A CHILD	X	BURNET COUNTY, TEXAS

**FINAL ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP**

On August 25<sup>th</sup>, 26<sup>th</sup> and 28<sup>th</sup>, 2015, the Court heard this case. On December 1, 2015, the Court heard the Motion to Modify, Correct, or Reform Judgment. After hearing all the evidence at both hearings, and ordering one more post-verdict best interest evaluation to be performed by Dr. Alissa Sherry of Legal Consensus, PLLC, the Court made the following Orders.

**Appearances**

Petitioner, CYNTHIA LEE CHEBULTZ, and her attorney of record, TIM COWART, appeared in person at both hearings and announced ready for trial and ready for the motion hearing.

Respondent, WESLEY HOWARD CAMPBELL, and his attorney of record, F. N. "TREY" BROWN III, appeared in person at both hearings and announced ready for trial and ready for the motion hearing.

**Jurisdiction**

The Court, after examining the record and the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

**Jury**

A jury was waived, and all questions of fact and of law were submitted to the Court.



Record

The making of a record of testimony was made by Vicki Kanewski on both August 25<sup>th</sup>, 26<sup>th</sup> and 28<sup>th</sup>, as well as December 1, 2015.

Child

The Court finds that Petitioner and Respondent are the parents of the following child:

NAME:	B.J.C.
SEX:	Male
BIRTH DATE:	August 23, 2004
SOCIAL SECURITY NO.:	XXX-XX-X791

Parenting Plan

The Court finds that the provisions in these orders relating to the rights and duties of the parties with relation to the child, possession of and access to the child, child support, and optimizing the development of a close and continuing relationship between each party and the child constitute the parenting plan established by the Court.

Conservatorship and Support

The Court, having considered the circumstances of the parents and of the child, finds that the following orders are in the best interest of the child.

IT IS ORDERED that WESLEY HOWARD CAMPBELL and CYNTHIA LEE CHEBULTZ are appointed joint managing conservators of the following child: B.J.C.

IT IS ORDERED that, at all times, WESLEY HOWARD CAMPBELL and CYNTHIA LEE CHEBULTZ, as parent joint managing conservators, shall each have the following rights:



1. the right to receive information from the other parent concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, WESLEY HOWARD CAMPBELL and CYNTHIA LEE CHEBULTZ, as parent joint managing conservators, shall each have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the child; and
2. the duty to inform the other parent if the parent resided with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure (as added by chapter 668, Acts of the 75<sup>th</sup> Legislature, Regular Session, 1997) or



is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the parent begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A PERSON COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PERSON FAILS TO PROVIDE THIS NOTICE.

3. the duty to inform the other conservator of the child if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established, or the conservator resides with or allows unsupervised access to a child, by a person who is the subject of a final protective order sought by the conservator after the expiration of 60-day period following the date the final protective order is issued, or the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the thirtieth day after the date the conservator of the child establishes residence with the person who is the subject of the final protective order, or the ninetieth day after the date the final protective order was issued if the conservator of the child resided with or allows unsupervised access to the person who is the subject of a final protective order sought by the conservator, or the thirtieth day after the date the final protective order issued against the conservator which is issued after the date of the order establishing conservatorship, as appropriate. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.



IT IS ORDERED, that during their respective periods of possession, WESLEY HOWARD CAMPBELL and CYNTHIA LEE CHEBULTZ, as parent joint managing conservators, shall each have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure; and
4. the right to direct the moral and religious training of the child.

IT IS ORDERED that WESLEY HOWARD CAMPBELL, as a parent joint managing conservator, shall have the following rights and duty:

1. the exclusive right to establish the primary residence of the child within Burnet County, Texas and Marble Falls I.S.D.;
2. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;
3. the exclusive right to consent to psychiatric and psychological treatment of the child;
4. the exclusive right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
5. the independent right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
6. the independent right to consent to marriage and



to enlistment in the armed forces of the United States;

7. the exclusive right to make decisions concerning the child's education;

8. except as provided by Section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the child;

9. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the independent right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

10. the independent right to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

IT IS ORDERED that CYNTHIA LEE CHEBULTZ, as a parent joint managing conservator, shall have the following rights:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

3. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

4. except as provided by Section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the child;

5. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the independent right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United



States, or a foreign government; and

6. the independent right to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

Geographic Restriction

The Court finds that, in accordance with Section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that a child will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child, to provide a safe, stable, and nonviolent environment for the child, and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the child shall be Burnet County, Texas and Marble Falls I.S.D. and the parties shall not remove the child from Burnet County, Texas and Marble Falls I.S.D. for the purpose of changing the primary residence of the child until modified by further order of the Court of continuing jurisdiction or by written agreement signed by the parties and filed with the Court. IT IS FURTHER ORDERED that WESLEY HOWARD CAMPBELL shall have the exclusive right to establish B.J.C.'s primary residence within Burnet County, Texas and Marble Falls I.S.D.

IT IS FURTHER ORDERED that this geographic restriction on the residence of the child shall be lifted if, at the time WESLEY HOWARD CAMPBELL wishes to remove the child from Burnet County, Texas for the purpose of changing the primary residence of the child, CYNTHIA LEE CHEBULTZ does not reside in Burnet County, Texas.



Emails

The Court ORDERS WESLEY HOWARD CAMPBELL to email CYNTHIA LEE CHEBULTZ at least once per week, and describe how BJC is doing in school and at his extra-curricular activities and inform her of upcoming events in which BJC participates.

Cost of Court Judgment

It is FOUND and CONFIRMED that CYNTHIA LEE CHEBULTZ is in arrears regarding payment to the custody evaluator in this case in the amount of \$2,902.50 as of December 4, 2017. This amount was charged costs against CYNTHIA LEE CHEBULTZ that was paid by WESLEY HOWARD CAMPBELL to Dr. Sherry, Ph.D., the custody evaluator in this case and includes all unpaid costs and any balance owed on previously confirmed costs or retroactive costs judgments as of the specified date.

A judgment is GRANTED against CYNTHIA LEE CHEBULTZ and in favor of the Office of the Attorney General in the amount of \$2,902.50, with interest as provided by the law of the State of Texas, at the rate of 6% per annum for collection and distribution according to law.

CYNTHIA LEE CHEBULTZ, Obligor, is ORDERED to pay said cost of court judgment by paying \$100.00 each month beginning the 1<sup>st</sup> day of January, 2018, payable on or before that date and on or before the same day of each month thereafter until the arrearage is paid in full, or on the termination of current support for any child the subject of this suit.

If CYNTHIA LEE CHEBULTZ has not paid the judgment in full by the date her current child support obligation ends, she is ordered to pay the remainder of said judgment by paying \$577.00 each month on or before the same day of each



month until the arrearage is paid in full. The withholding order authorized herein shall include such payments, but nothing herein shall prohibit the use of other collection methods authorized by law. The Court's order setting payments on a cost of court judgment does not preclude or limit the use of any other means for enforcement of the judgment.

Notice to Obligor

Any judgment rendered herein is not an installment debt and the entire judgment is now due and owing. The Office of the Attorney General may take whatever enforcement remedies deemed necessary including any remedies required by federal or state laws to collect this judgment, even if regular periodic payments on this judgment are being made.

CYNTHIA LEE CHEBULTZ is placed on notice that should she fail to pay current child and medical support, or toward the arrearage as ordered herein, the Office of the Attorney General may pursue an action to suspend any or all licenses she may have.

Pursuant to Texas Family Code Section 157.269, the Court retains jurisdiction over this matter until all current support and all support arrearages, including interest and any applicable fees and costs, have been paid.

Current Child Support

IT IS ORDERED that CYNTHIA LEE CHEBULTZ is obligated to pay and shall pay to WESLEY HOWARD CAMPBELL child support of \$477.00 per month, with the first payment being due and payable on the 1<sup>st</sup> of June, 2016 and a like payment being due and payable on the 1<sup>st</sup> day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:



1. the child reaches the age of eighteen years, provided that, if the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma, the periodic child support payments shall continue to be due and paid until the end of the month in which the child graduates;

2. the child marries;

3. the child dies;

4. the child's disabilities are otherwise removed for general purposes; or

5. further order modifying the child support.

IT IS ORDERED that any employer of CYNTHIA LEE CHEBULTZ shall be ordered to withhold from earnings for child support from the disposable earnings of CYNTHIA LEE CHEBULTZ for the support of B.J.C.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CYNTHIA LEE CHEBULTZ by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this Order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this Order, the balance due remains an obligation of CYNTHIA LEE CHEBULTZ, and it is hereby ORDERED that CYNTHIA LEE CHEBULTZ pay the balance due directly to the registry of the court specified below.

IT IS ORDERED that all payments shall be made through the Texas Child Support Disbursement, Post Office Box 659791, San Antonio, Texas 78265-9791 and then remitted by



that agency to WESLEY HOWARD CAMPBELL for the support of the child. IT IS FURTHER ORDERED that CYNTHIA LEE CHEBULTZ shall pay, when due, all fees charged by that agency. All payments shall be identified by Obligor name, Obligee name, OAG case number, and Court Cause number.

IT IS FURTHER ORDERED that CYNTHIA LEE CHEBULTZ shall notify this Court and WESLEY HOWARD CAMPBELL by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CYNTHIA LEE CHEBULTZ and the name and address of her current employer, whenever that information becomes available.

IT IS ORDERED that, on the request of a prosecuting attorney, the attorney general, WESLEY HOWARD CAMPBELL, or CYNTHIA LEE CHEBULTZ, the clerk of this Court shall cause a certified copy of the "Employer's Order to Withhold from Earnings for Child Support" to be delivered to any employer. IT IS FURTHER ORDERED that the clerk of this Court shall attach a copy of subchapter C of Chapter 158 of the Texas Family Code for the information of any employer.

IT IS ORDERED that the child support as prescribed in this decree shall be exclusively discharged in the manner ordered and that any direct payments made by CYNTHIA LEE CHEBULTZ to WESLEY HOWARD CAMPBELL or any expenditures incurred by CYNTHIA LEE CHEBULTZ during CYNTHIA LEE CHEBULTZ's periods of possession of or access to the child, as prescribed in this Order, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this Order.



IT IS ORDERED that the provisions for child support in this Order shall be an obligation of the estate of CYNTHIA LEE CHEBULTZ and shall not terminate on the death of CYNTHIA LEE CHEBULTZ. Payments received for the benefit of the child, including payments from the Social Security Administration, Department of Veteran Affairs, or other governmental agency or life insurance proceeds, annuity payments, trust distributions, or retirement survivor benefits, shall be a credit against this obligation. Any remaining balance of the child support is an obligation of CYNTHIA LEE CHEBULTZ's estate.

Child Support Paid by CYNTHIA LEE CHEBULTZ from December 1, 2015

The Court finds that all child support payments ORDERED to be paid on December 1, 2015 by CYNTHIA LEE CHEBULTZ to WESLEY HOWARD CAMPBELL pursuant to the Court's Order of December 1, 2015 regarding the payment of child support, have been paid in full directly to WESLEY HOWARD CAMPBELL through May 31, 2016. As such, child support payments in this Order are ORDERED to begin on June 1, 2016.

Temporary Child Support Paid by WESLEY HOWARD CAMPBELL through November 30, 2015

The Court finds that all temporary child support payments ordered to be paid by WESLEY HOWARD CAMPBELL to CYNTHIA LEE CHEBULTZ pursuant to the parties' previous agreement regarding the payment of temporary child support, and including all child support payments ORDERED by the Court to be paid by WESLEY HOWARD CAMPBELL to CYNTHIA LEE CHEBULTZ on August 28, 2015, have been paid in full directly to CYNTHIA LEE CHEBULTZ through November 30, 2015, prior to this date.



Health Care

IT IS ORDERED that CYNTHIA LEE CHEBULTZ and WESLEY HOWARD CAMPBELL shall each provide medical support for the child as set out in this order as additional child support for as long as the Court may order CYNTHIA LEE CHEBULTZ and WESLEY HOWARD CAMPBELL to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day CYNTHIA LEE CHEBULTZ and WESLEY HOWARD CAMPBELL's actual or potential obligation to support the child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that CYNTHIA LEE CHEBULTZ and WESLEY HOWARD CAMPBELL are discharged from the obligations set forth in this medical support order, except for any failure by a parent to fully comply with those obligations before that date. IT IS FURTHER ORDERED that the cash medical support payments ordered below are payable through the state disbursement unit and subject to the provisions for withholding from earnings provided above for other child support payments.

1. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, x-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the cost of health insurance coverage for a child that does not exceed 9% of CYNTHIA LEE CHEBULTZ's annual resources, as described by section 154.062(b) of the Texas Family Code.



"Reasonable and necessary health-care expenses not paid by insurance and incurred by or on behalf of a child" include, without limitation, any copayments for office visits or prescription drugs, the yearly deductible, if any, and medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges. These reasonable and necessary health-care expenses do not include expenses for travel to and from the health-care provider or for nonprescription medication.

"Furnish" means -

- a. to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;
- b. to deliver the document to the recipient by certified mail, return receipt requested, to the recipient's last known mailing or residence address; or
- c. to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States.
- d. to deliver the document to the recipient at the recipient's electronic mail address as follows:  
CYNTHIA LEE CHEBULTZ: Clcintx@gmail.com  
WESLEY HOWARD CAMPBELL: wes4ut@gmail.com  
and in the event of any change in either party's electronic mail address, that party is ORDERED to notify the other party of such change in writing



within twenty-four hours after the change.

2. Findings on Health Insurance Availability - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

Health insurance is available to WESLEY HOWARD CAMPBELL at a reasonable cost of \$102.00 from another source, including the program under section 154.1826 of the Texas Family Code to provide health insurance in title IV-D cases.

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the child.

3. Provision of Health-Care Coverage-

As additional child support, WESLEY HOWARD CAMPBELL is ORDERED to continue to maintain health insurance for the child who is the subject of this suit that covers basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

WESLEY HOWARD CAMPBELL is ORDERED to maintain such health insurance in full force and effect on the child who is the subject of this suit as long as child support is payable for that child. WESLEY HOWARD CAMPBELL is ORDERED to convert any group insurance to individual coverage or obtain other health insurance for the child within fifteen days of termination of his employment or other disqualifications from the group insurance. WESLEY HOWARD CAMPBELL is ORDERED to exercise any conversion options or acquisition of new health insurance in such a manner that the resulting insurance equals or exceeds that in effect immediately before the change.



WESLEY HOWARD CAMPBELL is ORDERED to furnish CYNTHIA LEE CHELBULTZ a true and correct copy of the health insurance policy or certification and a schedule of benefits within 10 days of the signing of this order. WESLEY HOWARD CAMPBELL is ORDERED to furnish CYNTHIA LEE CHEBULTZ the insurance cards and any other forms necessary for use of the insurance within 10 days of the signing of this order. WESLEY HOWARD CAMPBELL is ORDERED to provide, within three days of receipt by him, to CYNTHIA LEE CHEBULTZ any insurance checks, other payments, or explanations of benefits relating to any medical expenses for the child that CYNTHIA LEE CHEBULTZ paid or incurred.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if WESLEY HOWARD CAMPBELL is eligible for dependent health coverage but fails to apply to obtain coverage for the child, the insurer shall enroll the child on application of CYNTHIA LEE CHEBULTZ or others as authorized by law.

Pursuant to section 154.182 of the Texas Family Code, CYNTHIA LEE CHEBULTZ is ORDERED to pay WESLEY HOWARD CAMPBELL cash medical support for reimbursement of health insurance premiums, as additional child support, of \$102.00 per month, with the first installment being due and payable on June 1, 2016 and a like installment being due and payable on or before the 1<sup>st</sup> day of each month until the termination of current child support for the child under this order.

IT IS ORDERED that the cash medical support provisions of this order shall be an obligation of the estate of CYNTHIA LEE CHEBULTZ and shall not terminate on her death.

Pursuant to section 154.183(c) of the Texas Family Code, the reasonable and necessary health-care expenses of



the child that are not reimbursed by health insurance are allocated as follows: CYNTHIA LEE CHEBULTZ is ORDERED to pay 50% and WESLEY HOWARD CAMPBELL is ORDERED to pay 50% of the unreimbursed health-care expenses if, at the time the expenses are incurred, WESLEY HOWARD CAMPBELL is providing health insurance as ordered.

The party who incurs a health-care expense on behalf of the child is ORDERED to furnish to the other party all forms, receipts, bills, statements, and explanations of benefits reflecting the uninsured portion of the health-care expenses within thirty days after he or she receives them. The nonincurring party is ORDERED to pay his or her percentage of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring party for any advance payment exceeding the incurring party's percentage of the uninsured portion of the health-care expenses within thirty days after the nonincurring party receives the forms, receipts, bills, statements, and explanations of benefits.

These provisions apply to all unreimbursed health-care expenses of the child who is the subject of this suit that are incurred while child support is payable for the child.

4. Secondary Coverage - IT IS ORDERED that if a party provides secondary health insurance coverage for the child, both parties shall cooperate fully with regard to the handling and filing of claims with the insurance carrier providing the coverage in order to maximize the benefits available to the child and to ensure that the party who pays for health-care expenses for the child is reimbursed for the payment from both carriers to the fullest extent possible.

5. Compliance with Insurance Company Requirements - Each



party is ORDERED to conform to all requirements imposed by the terms and conditions of the policy of health insurance covering the child in order to assure the maximum reimbursement or direct payment by any insurance company of the incurred health-care expense, including but not limited to requirements for advance notice to any carrier, second opinions, and the like. Each party is ORDERED to use "preferred providers," or services within the health maintenance organization or preferred provider network, if applicable. Disallowance of the bill by a health insurance company shall not excuse the obligation of either party to make payment. Excepting emergency health-care expenses incurred on behalf of the child, if a party incurs health-care expenses for the child using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that party shall pay all such health-care expenses incurred absent (1) written agreement of the parties allocating such health-care expenses or (2) further order of the Court.

6. Claims - Except as provided in this paragraph, the party who is not carrying the health insurance policy covering the child is ORDERED to furnish to the party carrying the policy, within fifteen days of receiving them, all forms, receipts, bills, and statements reflecting the health-care expenses the party not carrying the policy incurs on behalf of the child. In accordance with section 1204.251 and 1504.055(a) of the Texas Insurance Code, IT IS ORDERED that the party who is not carrying the health insurance policy covering the child, at that party's option, or others as authorized by law, may file any claims for health-care expenses directly with the insurance carrier with and from whom coverage is provided for the



benefit of the child and receive payments directly from the insurance company. Further, for the sole purpose of section 1204.251 of the Texas Insurance Code, CYNTHIA LEE CHEBULTZ is designated the managing conservator or possessory conservator of the child.

The party who is carrying the health insurance policy covering the child is ORDERED to submit all forms required by the insurance company for payment or reimbursement of health-care expenses incurred by either party on behalf of the child to the insurance carrier within fifteen days of that party's receiving any form, receipt, bill, or statement reflecting the expenses.

7. Constructive Trust for Payments Received - IT IS ORDERED that any insurance payments received by a party from the health insurance carrier as reimbursement for health-care expenses incurred by or on behalf of the child shall belong to the party who paid those expenses. IT IS FURTHER ORDERED that the party receiving the insurance payments is designated a constructive trustee to receive any insurance checks or payments for health-care expenses paid by the other party, and the party carrying the policy shall endorse and forward the checks or payments, along with any explanation of benefits received, to the other party within three days of receiving them.

8. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILD, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD.



Cash Medical Support Paid by CYNTHIA LEE CHEBULTZ from December 1, 2015

The Court finds that all cash medical support payments ORDERED to be paid on December 1, 2015 by CYNTHIA LEE CHEBULTZ to WESLEY HOWARD CAMPBELL pursuant to the Court's Order of December 1, 2015 regarding the payment of cash medical support, have been paid in full directly to WESLEY HOWARD CAMPBELL through May 31, 2016. As such, cash medical support payments in this Order are ORDERED to begin on June 1, 2016.

Credit for Child Support and Cash Medical Support Paid by CYNTHIA LEE CHEBULTZ to WESLEY HOWARD CAMPBELL Through the Texas Disbursement Unit and the Office of the Attorney General

In addition to the direct payments of child support and cash medical support paid directly to WESLEY HOWARD CAMPBELL by CYNTHIA LEE CHEBULTZ since the Court's verdict of December 1, 2015, as referenced in this Order, as being paid through May 31, 2016 (thus the beginning date for child support and cash medical support in this Order is June 1, 2016), CYNTHIA LEE CHEBULTZ paid through the Texas Disbursement Unit and the Office of the Attorney General, a one-time payment on June 30, 2017 of \$2,441.00. Respondent, WESLEY HOWARD CAMPBELL acknowledges receipt of this payment, a copy of the receipt is attached hereto as Exhibit "A" and incorporated herein.

IT IS ORDERED that the Texas Disbursement Unit and the Office of the Attorney General credit CYNTHIA LEE CHEBULTZ this payment against any child support obligation or cash medical support obligation owed and that the credit for such payment be made on June 30, 2017. As stated in this Order, all child support and cash medical support payments



shall begin on June 1, 2016 with a payment of \$2,441.00 being applied on June 30, 2017 toward such obligations.

Standard Possession Order

The Court finds that the following provisions of this Standard Possession Order are intended to and do comply with the requirements of Texas Family Code sections 153.311 through 153.317. IT IS ORDERED that the conservators shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the signing of this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise explicitly provided in this Standard Possession Order, when CYNTHIA LEE CHEBULTZ resides 100 miles or less from the primary residence of the child, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child as follows:



1. Weekends - On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. On weekends that do not occur during the regular school term, beginning at 6:00 p.m. on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Friday of each month and ending at 6:00 p.m. on the following Sunday.

2. Weekend Possession Extended by a Holiday - Except as otherwise explicitly provided in this Standard Possession Order, if a weekend period of possession by CYNTHIA LEE CHEBULTZ begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at the time the child's school is regularly dismissed (or 6:00 p.m. on weekends that do not occur during the regular school term) on the Thursday immediately preceding the Friday holiday or school holiday or end at the time school resumes after that school holiday, (or 6:00 p.m. on Monday on weekends that do not occur during the regular school term), as applicable.

3. Thursday - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Break in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

5. Extended Summer Possession by CYNTHIA LEE CHEBULTZ -

With Written Notice by April 1 - If CYNTHIA LEE CHEBULTZ gives WESLEY HOWARD CAMPBELL written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CYNTHIA LEE CHEBULTZ shall have possession of the child for 30 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in



that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If CYNTHIA LEE CHEBULTZ does not give WESLEY HOWARD CAMPBELL written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CYNTHIA LEE CHEBULTZ shall have possession of the child for 30 consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31 of that year.

Notwithstanding the weekend and Thursday periods of possession ORDERED for CYNTHIA LEE CHEBULTZ, it is explicitly ORDERED that WESLEY HOWARD CAMPBELL shall have a superior right of possession of the child as follows:

1. Spring Break in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

2. Summer Weekend Possession by WESLEY HOWARD CAMPBELL - If WESLEY HOWARD CAMPBELL gives CYNTHIA LEE CHEBULTZ written notice by April 15 of a year, WESLEY HOWARD CAMPBELL shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by CYNTHIA LEE CHEBULTZ in that year, provided that WESLEY HOWARD CAMPBELL picks up the child from CYNTHIA LEE CHEBULTZ and returns the child to that same place.

3. Extended Summer Possession by WESLEY HOWARD CAMPBELL - If WESLEY HOWARD CAMPBELL gives CYNTHIA LEE CHEBULTZ written notice by April 15 of a year or gives CYNTHIA LEE CHEBULTZ 14 days' written notice on or after April 16 of a year, WESLEY HOWARD CAMPBELL may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than 7 days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CYNTHIA LEE CHEBULTZ shall not take place in that year, provided that the weekend so designated does not interfere with CYNTHIA



LEE CHEBULTZ's period or periods of extended summer possession.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise explicitly provided in this Standard Possession Order, when CYNTHIA LEE CHEBULTZ resides more than 100 miles from the residence of the child, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child as follows:

1. Weekends - Unless CYNTHIA LEE CHEBULTZ elects the alternative period of weekend possession described in the next paragraph, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child on weekends, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend. Except as otherwise explicitly provided in this Standard Possession Order, if such a weekend period of possession by CYNTHIA LEE CHEBULTZ begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at the time the child's school is regularly dismissed (or 6:00 p.m. on weekends that do not occur during the regular school term) on the Thursday immediately preceding the Friday holiday or school holiday or end at the time school resumes after that school holiday, (or 6:00 p.m. on Monday on weekends that do not occur during the regular school term), as applicable.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child not more than one weekend per month of CYNTHIA LEE CHEBULTZ's choice beginning at 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 on the day before school resumes after the weekend. Except as otherwise explicitly provided in this Standard Possession Order, if such a weekend period of possession by CYNTHIA LEE CHEBULTZ begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend



period of possession shall begin at 6:00 p.m. on the day the child's school is regularly dismissed on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on the day before school resumes after that school holiday, as applicable. CYNTHIA LEE CHEBULTZ may elect an option for this alternative period of weekend possession by giving written notice to WESLEY HOWARD CAMPBELL within ninety days after the parties begin to reside more than 100 miles apart. If CYNTHIA LEE CHEBULTZ makes this election, CYNTHIA LEE CHEBULTZ shall give WESLEY HOWARD CAMPBELL fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's Day weekend below.

2. Spring Break in All Years - Every year, beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

3. Extended Summer Possession by CYNTHIA LEE CHEBULTZ -

With Written Notice by April 1 - If CYNTHIA LEE CHEBULTZ gives WESLEY HOWARD CAMPBELL written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CYNTHIA LEE CHEBULTZ shall have possession of the child for 42 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If CYNTHIA LEE CHEBULTZ does not give WESLEY HOWARD CAMPBELL written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CYNTHIA LEE CHEBULTZ shall have possession of the child for 42 consecutive days in that year beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

Notwithstanding the weekend periods of possession



ORDERED for CYNTHIA LEE CHEBULTZ, it is explicitly ORDERED that WESLEY HOWARD CAMPBELL shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by WESLEY HOWARD CAMPBELL - If WESLEY HOWARD CAMPBELL gives CYNTHIA LEE CHEBULTZ written notice by April 15 of a year, WESLEY HOWARD CAMPBELL shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by CYNTHIA LEE CHEBULTZ during CYNTHIA LEE CHEBULTZ's extended summer possession in that year, provided that if a period of possession by CYNTHIA LEE CHEBULTZ in that year exceeds thirty days, WESLEY HOWARD CAMPBELL may have possession of the child under the terms of this provision on any two non-consecutive weekends during that period and provided that WESLEY HOWARD CAMPBELL picks up the child from CYNTHIA LEE CHEBULTZ and returns the child to that same place.

2. Extended Summer Possession by WESLEY HOWARD CAMPBELL - If WESLEY HOWARD CAMPBELL gives CYNTHIA LEE CHEBULTZ written notice by April 15 of a year, WESLEY HOWARD CAMPBELL may designate 21 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than 7 days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least 7 consecutive days each, during which CYNTHIA LEE CHEBULTZ shall not have possession of the child, provided that the period or periods so designated do not interfere with CYNTHIA LEE CHEBULTZ's period or periods of extended summer possession.

(e) Holidays Unaffected by Distance

Notwithstanding the weekend and Thursday periods of possession of CYNTHIA LEE CHEBULTZ, WESLEY HOWARD CDAMPBELL and CYNTHIA LEE CHEBULTZ shall have the right to possession of the child as follows:

1. Christmas Holiday in Odd-Numbered Years - In odd-numbered years, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for Christmas school vacation and ending at noon on December 28, and WESLEY HOWARD CAMPBELL



shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, WESLEY HOWARD CAMPBELL shall have the right to possession of the child beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for Christmas school vacation and ending at noon on December 28, and CYNTHIA LEE CHEBULTZ shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Even-Numbered Years - In even-numbered years, CYNTHIA LEE CHEBULTZ shall have the right to possession of the child beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the day before the child's school resumes after that Thanksgiving holiday.

4. Thanksgiving in Odd-Numbered Years - In odd-numbered years, WESLEY HOWARD CAMPBELL shall have the right to possession of the child beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the day before the child's school resumes after that Thanksgiving holiday.

5. Child's Birthday - If a conservator is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, that conservator shall have possession of the child beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that that conservator picks up the child from the other conservator's residence and returns the child to that same place.

6. Father's Day Weekend - Father shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if Father is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from the other conservator's residence and return the child to that same



place.

7. Mother's Day Weekend - Mother shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if Mother is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from school and return the child to school.

(f) Undesignated Periods of Possession

WESLEY HOWARD CAMPBELL shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for CYNTHIA LEE CHEBULTZ.

(g) General Terms and Conditions

Except as otherwise explicitly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by WESLEY HOWARD CAMPBELL - WESLEY HOWARD CAMPBELL is ORDERED to surrender the child to CYNTHIA LEE CHEBULTZ at the beginning of each period of CYNTHIA LEE CHEBULTZ's possession at the residence of WESLEY HOWARD CAMPBELL.

If a period of possession by CYNTHIA LEE CHEBULTZ begins at the time the child's school is regularly dismissed, WESLEY HOWARD CAMPBELL is ORDERED to surrender the child to CYNTHIA LEE CHEBULTZ at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not in school, CYNTHIA LEE CHEBULTZ shall pick up the child at the residence of WESLEY HOWARD CAMPBELL at 6:00 p.m., and WESLEY HOWARD CAMPBELL is ORDERED to surrender the child to CYNTHIA LEE CHEBULTZ at the residence of WESLEY HOWARD CAMPBELL at 6:00 p.m. under these circumstances.

2. Surrender of Child by CYNTHIA LEE CHEBULTZ - CYNTHIA LEE CHEBULTZ is ORDERED to surrender the child to



WESLEY HOWARD CAMPBELL at the residence of CYNTHIA LEE CHEBULTZ at the end of each period of possession.

If a period of possession by CYNTHIA LEE CHEBULTZ ends at the time the child's school resumes, CYNTHIA LEE CHEBULTZ is ORDERED to surrender the child to WESLEY HOWARD CAMPBELL at the end of each such period of possession at the school in which the child is enrolled or, if the child is not in school, at the residence of WESLEY HOWARD CAMPBELL at 6:00 p.m.

3. Surrender of Child by CYNTHIA LEE CHEBULTZ - CYNTHIA LEE CHEBULTZ is ORDERED to surrender the child to WESLEY HOWARD CAMPBELL, if the child is in CYNTHIA LEE CHEBULTZ's possession or subject to CYNTHIA LEE CHEBULTZ's control, at the beginning of each period of WESLEY HOWARD CAMPBELL's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by WESLEY HOWARD CAMPBELL - WESLEY HOWARD CAMPBELL is ORDERED to return the child to CYNTHIA LEE CHEBULTZ, if CYNTHIA LEE CHEBULTZ is entitled to possession of the child, at the end of each of WESLEY HOWARD CAMPBELL's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile



number within twenty-four hours after the change.

9. Notice to School and WESLEY HOWARD CAMPBELL - If CYNTHIA LEE CHEBULTZ's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, CYNTHIA LEE CHEBULTZ shall immediately notify the school and WESLEY HOWARD CAMPBELL that the child will not be or has not been returned to school.

10. Requirement to Return the Child to WESLEY HOWARD CAMPBELL at the End of a Period of Possession if the Child Will Not be Staying Overnight in the Marble Falls ISD Area on School Nights - IT IS ORDERED that if CYNTHIA LEE CHEBULTZ cannot stay in the Marble Falls ISD area on all school nights that she has possession of the child, then the child will be returned to the residence of WESLEY HOWARD CAMPBELL at 8:00 p.m. for all Thursday periods of possession and at 6:00 p.m. on the last day of all weekend periods of possession. In this section, "stay" is defined as being at the residence that you will be spending the night at by 10:30 p.m. and remaining at such residence until 6:00 a.m.

11. Requirement to Stay in Marble Falls ISD Area on All School Nights - IT IS ORDERED that the parties cease to stay with the child outside of Marble Falls ISD school boundaries on all school nights. IT IS ALSO ORDERED that the parties promptly respond to requests from the other party to confirm an actual Marble Falls residence location or any address in Marble Falls where the parties and the child are staying on school nights and to update those requests accordingly should there be any change in either party's Marble Falls residence address or in the Marble Falls address where a party and the child are staying on all school nights. Both parties are ORDERED, during any period of possession with the child on school nights, to stay within the Marble Falls ISD school boundaries. In this section, "stay" is defined as being at the residence that you will be spending the night at by 10:30 p.m. and remaining at such residence until 6:00 a.m. For purposes of this section, the residence address that WESLEY HOWARD CAMPBELL will be staying at during all periods of possession with the child on school nights is 103 Thrush Street, Highland Haven, Texas 78654.

This concludes the Standard Possession Order.



Order to Inform Other Parties

Each party is ORDERED to inform the other party within twenty-four hours of any medical condition of the parties' child requiring surgical intervention, hospitalization, or both.

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: WESLEY HOWARD CAMPBELL  
Social Security number: XXX-XX-X981  
Driver's License number and  
issuing State: XXXXX262 TX  
Current residence address: 103 Thrush  
Highland Haven, TX 78654  
Mailing address: 103 Thrush  
Highland Haven, TX 78654  
Home telephone number: (830) 832-0308  
Name of employer: Self-employed  
Address of employment: 103 Thrush  
Highland Haven, TX 78654  
Work telephone number: (830) 832-0308

Name: CYNTHIA LEE CHEBULTZ  
Social Security number: XXX-XX-X553  
Driver's License number and  
issuing State: XXXXX713 TX  
Current residence address: 17708 Calcutta Run Drive  
Jonestown, Texas 78645  
Mailing address: 17708 Calcutta Run Drive  
Jonestown, Texas 78645  
Home telephone number: (512) 905-6549  
Name of employer: Self-Employed  
Address of employment: 17708 Calcutta Run Drive  
Jonestown, Texas 78645  
Work telephone number: (512) 905-6549

Name: BJC  
Social Security number: XXX-XX-X791  
Current residence address: 103 Thrush  
Highland Haven, TX 78654  
Mailing address: 103 Thrush  
Highland Haven, TX 78654  
Home telephone number: (830) 832-0308



EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY (AND THE CLERK OF THIS COURT) WITHIN 10 DAYS AFTER THE DATE OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY (AND THE CLERK OF THE COURT) CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER ANY OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY (AND THE CLERK OF THE COURT) WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. (Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.)



WARNING TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Tax Exemption for Child and Tax Information

IT IS ORDERED AND ORDERD that WESLEY HOWARD CAMPBELL shall claim the dependency tax exemption and/or earned income credit for the child, BJC for the tax year 2015 and all subsequent tax years thereafter.

Costs

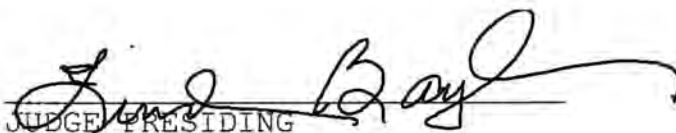
IT IS ORDERED that costs of Court are to be borne by the party who incurred them.

Relief Not Granted

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

Date of Order **12/1/2017 1:52:18 PM**

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

  
JUDGE PRESIDING



INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	DOCUMENT	INVOICE AMOUNT
		CHILD SUPPORT PAYMENT		2,441.00

ISSUE DATE: 06/30/2017

WARRANT TOTAL: \$2,441.00

PAYEE NUMBER: 3XXXXX24906 MAIL CODE: 000

WARRANT NUMBER: 786200557

PAYEE NAME: CAMPBELL, WESLEY HOWARD

— NON-NEGOTIABLE —

*For questions about this payment or to sign up for Direct Deposit, please contact your paying agency:*

OFFICE OF THE ATTORNEY GENERAL

800-252-8014

SIGN UP FOR THE SAFETY AND CONVENIENCE OF DIRECT DEPOSIT BY ENROLLING TODAY!

IF YOU ARE A STATE RETIREE ...

Sign up for direct deposit today by contacting the state retirement system that issues your retirement payment.

1-800-223-8778 Teacher Retirement System  
1-877-275-4377 Employees Retirement System

IF YOU ARE A STATE EMPLOYEE ...

You also have the option to choose the Paycard Program, which deposits your payroll directly to a Debit Card. Contact your payroll office today for more information and to enroll in either program.

IF YOU ARE A CHILD SUPPORT RECIPIENT, sign up for direct deposit or a Debit Card by contacting the Office of the Attorney General at 1-800-252-8014.

Printed by Texas Comptroller of Public Accounts  
(512) 936-8138 or [www.TexasPayeeResources.org](http://www.TexasPayeeResources.org)

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TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

JUNE 30, 2017

TREASURY WARRANT NO.

786200557

063017 3XXXXX24906 000 0994 302 9GC05986  
PAYING AGENCY 800-252-8014 OFFICE OF THE ATTORNEY GENERAL

Pay TWO THOUSAND FOUR HUNDRED FORTY ONE DOLLARS AND 00/100

\$ 2,441.00

To CAMPBELL, WESLEY HOWARD  
103 THRUSH ST  
HIGHLAND HAVEN, TX 78654-9791

Glenn Hegar  
Comptroller of Public Accounts

VOID AFTER 08/31/2019

⑈304⑈ ⑆114900164⑆ ⑈786200557⑈

Exhibit "A"



Filed: 4/6/2016 9:27 AM  
Casie Walker  
District Clerk  
Burnet County, Texas  
Richard, Charmaine, Deputy

NO. 41790

IN THE INTEREST OF

**BJC**

A CHILD

§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

AT LAW

BURNET COUNTY, TEXAS

**ORDER GRANTING CONTINUANCE MOTION**  
**FOR FINAL ORDERS**

On the 6<sup>th</sup> day of April 2016, came to be heard the motion for continuance for final orders which was filed in the above-captioned cause, and the Court, after considering the merits of the motion, is of the opinion that it should in all things be GRANTED.

It is therefore ORDERED, ADJUDGED, and DECREED that the above-captioned case be continued on the docket of this court and set for compliance hearing on May 25, 2016.

SIGNED this 6 day of April 2016.

Signed: 4/6/2016 09:23 AM

  
\_\_\_\_\_  
JUDGE LINDA BAYLESS



## Mandamus Appendix Tab 3 - 2017.10.5 - Final Orders Request - Declined

**From:** Jim Richardson <[jrichardson@richardsonburgess.com](mailto:jrichardson@richardsonburgess.com)>  
**Sent:** Thursday, October 05, 2017 5:26 PM  
**To:** "Cynthia (clcintx@gmail.com)" <clcintx@gmail.com>

Dear Cindy,

Note the email below from Judge Linda Bayless.

In short, Judge Bayless concurs with my request submitted yesterday: Judge Bayless will not sign Trey Brown's proposed orders. In the meantime, Mr. Brown's office has written me to say that he is out of town and not expected back in the office until tomorrow.

The bottom line is that Trey and I will have to jointly prepare and approve of any final orders in this case. If we cannot agree, a hearing will be necessary.

Thank you.

Sincerely,

**James M. Richardson**

**Richardson + Burgess LLP**

221 West 6th Street, Suite 900 ♦ [Austin, Texas 78701](http://Austin.Texas.78701)

Tel: (512) 482-8808 ♦ Fax: (512) 499-8886

[www.richardsonburgess.com](http://www.richardsonburgess.com)

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**From:** Judge Linda Bayless [<mailto:caljudge@burnetcountytexas.org>]  
**Sent:** Thursday, October 05, 2017 4:14 PM  
**To:** 'richardson@richardsonburgess.com' <richardson@richardsonburgess.com>; 'lisa@mockandbrown.com' <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Cc:** 'Erica Gambrell' <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>; 'caljudge@burnetcountytexas.org' <[caljudge@burnetcountytexas.org](mailto:caljudge@burnetcountytexas.org)>  
**Subject:** RE: #41790: ITIO B.J.C. (Campbell/Chebultz)

Agreed.

Judge Bayless



## Mandamus Appendix Tab 3 - 2017.10.5 - Final Orders Request - Declined

**From:** Jim Richardson [<mailto:jrichardson@richardsonburgess.com>]  
**Sent:** Wednesday, October 4, 2017 4:35 PM  
**To:** [ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)  
**Cc:** [lisa@mockandbrown.com](mailto:lisa@mockandbrown.com); Josephine Brent <[jbrent@richardsonburgess.com](mailto:jbrent@richardsonburgess.com)>

**Subject:** RE: #41790: ITIO B.J.C. (Campbell/Chebultz)

Dear Erica,

I write regarding the Campbell matter and Dr. Sherry's recent custody evaluation, along with proposed final orders submitted on Mr. Campbell's behalf.

Specifically, Mr. Campbell's proposed final orders (attached to Mr. Brown's email to the Court, below) significantly depart from the express recommendations contained in Dr. Sherry's evaluation.

For example, Dr. Sherry specifically recommends on page 5 of the evaluation, paragraph 7, that the child should be ordered to attend therapy and attend regularly, and at the professional advice of the therapist. Mr. Campbell's proposed orders fail to follow that recommendation, and indeed, omit it.

Moreover, Dr. Sherry recommends a fifty-fifty possession schedule (week on and week off) next summer, which is also completely omitted from the proposed orders submitted on behalf of Mr. Campbell.

All of Dr. Sherry's important recommendations regarding exchanges are omitted.

The number of deviations from Dr. Sherry's recommendations are too numerous to list. Indeed, Mr. Campbell merely submitted the draft of an old proposed order and completely disregarded Dr. Sherry's evaluation and all of her recommendations. In short, we are most definitely not in the "same situation" we were in before the evaluation was undertaken.

Respectfully, I would like to suggest that Mr. Brown and I be permitted to address these issues and incorporate Dr. Sherry's recommendations before any final orders are proposed. In this regard, I will call Trey Brown, we can visit about this situation, and hopefully, furnish a joint report shortly, after any remaining issues are narrowed.

Thanks so much,

Sincerely,

**James M. Richardson**

**Richardson + Burgess LLP**

221 West 6th Street, Suite 900 ♦ [Austin, Texas 78701](http://Austin, Texas 78701)

Tel: (512) 482-8808 ♦ Fax: (512) 499-8886

[www.richardsonburgess.com](http://www.richardsonburgess.com)



**CAUSE NO. 41790**

IN THE INTEREST OF

B.J.C

A CHILD

§  
§  
§

IN THE COUNTY COURT AT LAW

BURNET COUNTY, TEXAS

**NOTICE OF DISMISSAL DOCKET**

Pursuant to Rule 6, Rules of Judicial Administration, Supreme Court of Texas, Rule 165a, Texas Rules of Civil Procedure and local rules of the County Court at Law, this case has been set on the **Dismissal Docket** for **December 04, 2017** commencing at **9:00 AM** in the Burnet County Courthouse, 220 S. Pierce – Burnet, Texas, at which time the Court intends to dismiss such case for want of prosecution unless good cause is shown for it to be maintained on the docket.

**THIS CASE WILL NOT BE MAINTAINED ON THE DOCKET UNLESS**, at least seven (7) days prior to the dismissal hearing, a written motion is filed with the District Clerk setting out specific facts showing good cause for maintaining the case on the docket, with a copy of such motion being furnished to each opposing counsel or *pro-se* party. Oral hearings will be conducted on all timely filed Motions to Maintain, on the date and time set out above. **NO MOTION TO MAINTAIN WILL BE CONSIDERED BY THE COURT WITHOUT AN ORAL HEARING.**

A lack of service on any party shall not be considered good cause unless it appears that due diligence has been exercised in attempting service.

If bankruptcy proceedings of any party have stayed any further action in this court, it shall be the duty of any party seeking to have the case maintained on the docket of this Court to determine the status of any such bankruptcy proceedings and include such information in any Motion to Maintain on this docket.

In the event the case is maintained on the docket, the Court may refer it to alternative dispute resolution procedure pursuant to Chapter 153, Texas Civil Practice and Remedies Code, Alternated Dispute Resolution Procedures. Fees for the alternative dispute resolution shall be set by the Court and taxed as court costs. If maintained on the docket but not referred to an alternative dispute resolution, the case may be called for trial immediately following the call of the dismissal docket, or set for trial at a later date, depending on the circumstances. This notice shall be considered a Notice of Trial Setting for call to trial immediately following the dismissal hearing.

If maintained on the docket and set for trial at a later date, the case may be continued thereafter only for valid and compelling reasons to be determined by the Court.

**NO SETTINGS WILL BE MADE FOR THIS CASE PRIOR TO THE DISMISSAL DOCKET**

SIGNED: November 02, 2017.

*Casie Walker*

Casie Walker, District Clerk  
1701 East Polk Street, Suite 90  
Burnet, Texas 78611-2757

By: *jm*  
Deputy



The foregoing Notice was mailed to the party/parties listed below by U.S. Mail on November 6, 2017.

**COPIES TO:**

CYNTHIA LEE CHEBULTZ

1101 6TH ST #1201  
MARBLE FALLS TX 78654

JAMES M RICHARDSON

221 W 6TH ST STE 900  
AUSTIN TX 78701

TREY BROWN

400 SOUTH MAIN  
BURNET TX 78611

Case File



NO. 41,790

IN THE INTEREST OF	X	IN THE COUNTY COURT
	X	
<b>BJC</b>	X	AT LAW
	X	
A CHILD	X	BURNET COUNTY, TEXAS

**MOTION TO RETAIN ON DOCKET**

COMES NOW, WESLEY HOWARD CAMPBELL, Respondent, in the above entitled and numbered cause and would show the Court there is good cause for this case to remain on the docket and would show the Court as follows:

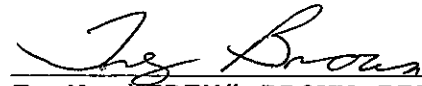
I.

This cause was tried and ruling was made on December 1, 2015. An order is being prepared.

WHEREFORE, Respondent requests that this cause remain on the docket of this Court and set for final hearing.

Respectfully submitted,

LAW OFFICES OF MOCK & BROWN  
Attorneys at Law  
400 South Main  
Burnet, Texas 78611  
Phone (512) 756-2931  
Fax (512) 756-2933



F. N. "TREY" BROWN III  
State Bar No. 00783728



STATE OF TEXAS

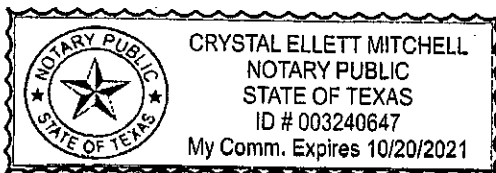
COUNTY OF BURNET

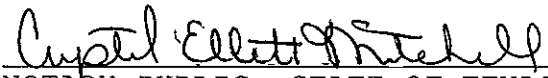
BEFORE ME, the undersigned authority, on this day personally appeared F. N. "TREY" BROWN III, who being first sworn upon his oath does state that he is attorney for Movant. Movant requests that this cause remain on the docket of this Court and set for final hearing at the Court's earliest convenience.

SIGNED this the 9th day of November, 2017.

  
F. N. "TREY" BROWN III

SUBSCRIBED AND SWORN TO BEFORE ME by the said F. N. "TREY" BROWN III on this the 9 day of November, 2017.



  
NOTARY PUBLIC, STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion to Retain on Docket was emailed to Jim Richardson, via jrichardson@richardsonburgess.com, on this the 9th day of November, 2017.

  
F. N. "TREY" BROWN III



NO. 41790

IN THE INTEREST OF

**BJC**

A CHILD

§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

AT LAW

BURNET COUNTY, TEXAS

**AGREED ORDER GRANTING MOTION  
TO WITHDRAW AS COUNSEL**

On this day the Court considered the Motion to Withdraw as attorneys of record for Petitioner, Cynthia Lee Chebultz, filed by James M. Richardson, Richardson + Burgess LLP, Will Moursund, and Moursund Law Offices, P.C.

The Court finds that good cause exists for withdrawal of James M. Richardson, Richardson + Burgess LLP, Will Moursund, and Moursund Law Offices, P.C. as counsel for Cynthia Lee Chebultz.

The Court finds that a copy of the Motion to Withdraw was delivered to Cynthia Lee Chebultz, that Cynthia Lee Chebultz was notified in writing of the right to object to the motion, that Cynthia Lee Chebultz has received notice of the setting on the Motion to Withdraw for November 28, 2017, at 1:30 p.m., that she has consented to the motion, and that the sole pending setting other than the Motion to Withdraw is a Notice of Dismissal set for December 4, 2017, at 9:00 a.m. at the Burnet County Courthouse, 220 South Pierce Street, Burnet, Texas 78611, and that Respondent has filed a motion to retain. The Court finds that Cynthia Lee Chebultz has received notice of such settings.

The Court further finds that the last known mailing address of Cynthia Lee Chebultz is 17708 Maritime Point Drive #303, Jonestown, Texas, and the last known email addresses of Cynthia Lee Chebultz are [Cynthia@clstudio.com](mailto:Cynthia@clstudio.com) and [clcintx@gmail.com](mailto:clcintx@gmail.com). The last known cell phone number of Cynthia Lee Chebultz is (512) 905-6549.

IT IS THEREFORE ORDERED that James M. Richardson, Richardson + Burgess LLP, Will Moursund, and Moursund Law Offices, P.C. are permitted to withdraw as counsel of record for Cynthia Lee Chebultz in this case and are hereby withdrawn.

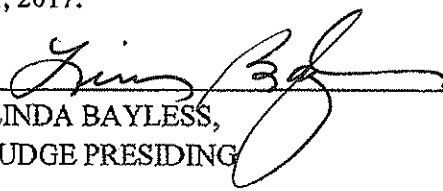
IT IS FURTHER ORDERED that all notices in this case to Cynthia Lee Chebultz shall be either delivered to Cynthia Lee Chebultz in person or mailed to Cynthia Lee Chebultz at that address by both certified and regular first-class mail and sent to Cynthia Lee Chebultz via the





above email addresses.

SIGNED on this 28<sup>th</sup> day of November, 2017.

  
LINDA BAYLESS,  
JUDGE PRESIDING

AGREED:

By: Cynthia Lee Chebultz  
Cynthia Lee Chebultz, Petitioner

**RICHARDSON + BURGESS LLP**  
221 West 6th Street, Suite 900  
Austin, Texas 78701  
(512) 499-8879 Telephone  
(512) 499-8886 Telecopier

By: James M. Richardson  
James M. Richardson  
State Bar No. 16864500  
[jrichardson@richardsonburgess.com](mailto:jrichardson@richardsonburgess.com)

WITHDRAWING ATTORNEYS FOR CYNTHIA LEE CHEBULTZ

**MOURSUND LAW OFFICES, P.C.**  
Will S. Moursund  
10603 U.S. 281  
Round Mountain, Texas 78663  
(830) 825-3233 Telephone  
(830) 825-3276 Telecopier

By: \*Will S. Moursund/jmr  
Will S. Moursund  
State Bar No. 14605500  
[wsm@tstar.net](mailto:wsm@tstar.net)

\* BY PERMISSION  
WITHDRAWING ATTORNEYS FOR CYNTHIA LEE CHEBULTZ



**LAW OFFICES OF MOCK AND BROWN**

Attorneys at Law

400 South Main

Burnet, Texas 78611

(512) 756-2931 Telephone

(512) 756-2933 Facsimile

By: \_\_\_\_\_

F.N. "Trey" Brown III

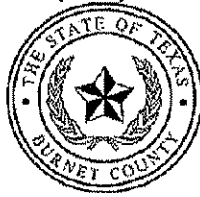
State Bar No. 00783728

[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)

ATTORNEYS FOR RESPONDENT



**OFFICIAL RECEIPT**  
**Casie Walker**  
**Burnet County District Clerk**  
**1701 East Polk, Suite 90**  
**Burnet, Texas 78611-2757**  
**Phone: (512) 756-5450**



Payor  
 JIM RICHARDSON- 221 W. 6TH ST. SUITE 900- AUSTIN, TX

Receipt No.  
**2017-95201**

Transaction Date  
 11/28/2017

Description	Amount Paid
Miscellaneous Payment	
Copies - Non-Certified	3.00
Copies	3.00
<b>SUBTOTAL</b>	<b>3.00</b>
<b>PAYMENT TOTAL</b>	<b>3.00</b>
Cash Tendered	3.00
Total Tendered	3.00
Change	0.00

41790

11/28/2017  
 01:48 PM

Cashier  
 Station CS06

Audit  
 1145473

**OFFICIAL RECEIPT**

*DC*



From: "Erica Gambrell" <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
To: "'Judge Linda Bayless' <'Judge Linda Bayless' >" <[caljudge@burnetcountytexas.org](mailto:caljudge@burnetcountytexas.org)>  
Date: 12/1/2017 2:03:55 PM  
Subject: RE: #41,790; ITIO Campbell

Yes, done.

Erica Gambrell  
Court Coordinator  
Burnet County Court at Law

*Judge Linda Bayless Presiding*

THIS TRANSMISSION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL AND/OR ENTITY TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION AND/OR ATTACHMENTS THAT ARE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, DISTRIBUTION, DULPICATION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMISSION BY SOMEONE OTHER THAN THE INTENDED ADDRESSEE OR ITS DESIGNATED AGENT IS STRICTLY PROHIBITED. IF YOUR RECEIPT OF THIS TRANSMISSION IS IN ERROR, PLEASE NOTIFY THE SENDER BY REPLYING IMMEDIATELY TO THIS TRANSMISSION AND DESTROY THE TRANSMISSION. THANK YOU.

---

**From:** Judge Linda Bayless [<mailto:caljudge@burnetcountytexas.org>]  
**Sent:** Friday, December 1, 2017 1:55 PM  
**To:** 'Erica Gambrell' <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Subject:** RE: #41,790; ITIO Campbell

Erica,

I just signed the order. It is still in the case file. Can you please move it to Autumn's task. I forgot how – sorry!

---

**From:** Erica Gambrell [<mailto:ccalcoord@burnetcountytexas.org>]  
**Sent:** Thursday, November 30, 2017 4:17 PM  
**To:** 'Linda Bayless' <[caljudge@burnetcountytexas.org](mailto:caljudge@burnetcountytexas.org)>; [lindabayless@verizon.net](mailto:lindabayless@verizon.net)  
**Subject:** FW: #41,790; ITIO Campbell

Judge

This case is on the dismissal docket for Monday, if you would like to review the order before then. Thank you

Erica Gambrell  
Court Coordinator  
Burnet County Court at Law

*Judge Linda Bayless Presiding*

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**From:** LuLisa Nance [<mailto:lisa@mockandbrown.com>]  
**Sent:** Thursday, November 30, 2017 3:40 PM  
**To:** Erica Gambrel <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Subject:** #41,790; ITIO Campbell

Erica,

We have just efiled the attached proposed Final Order in Suit Affecting the Parent-Child Relationship in connection with the above matter. Trey wanted me to let you know so that Judge Bayless could review prior to Monday.

Thank you!

Lisa



Mandamus Appendix Tab 8 - 2018.11.30 Ex Parte Proposed Order EFILE by Petitioner

[Print this page](#)**Case # 41790 - IN THE INTEREST OF BJC,  
A CHILD (Bayless, Linda)****Case Information**

Location	Burnet County - District County Court at Law
Date Filed	11/30/2017 3:29 PM
Case Number	41790
Case Description	IN THE INTEREST OF BJC, A CHILD
Assigned to Judge	Bayless, Linda
Attorney	F. N. Brown III
Firm Name	Law Office of Mock & Brown
Filed By	Lisa Nance
Filer Type	Not Applicable

**Fees**

Convenience Fee	\$0.09
Total Court Case Fees	\$0.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$0.00
Total Court Service Fees	\$0.00
Total Filing & Service Fees	\$0.00
Total Provider Service Fees	\$3.00
Total Provider Tax Fees	\$0.25
Total Taxes (for non-court fees)	\$0.00
Grand Total	\$3.34

**Payment**

Account Name	Law Office of Mock & Brown
Transaction Amount	\$3.34
Transaction Response	Approved
Transaction ID	32560042
Order #	021003356-0

---

**Proposed Order**

Filing Type	EFileAndServe
Filing Code	Proposed Order
Filing Description	Proposed Order
Reference Number	1008383



## Mandamus Appendix Tab 8 - 2018.11.30 Ex Parte Proposed Order EFILE by Petitioner

## Comments

Status

Accepted

Accepted Date

11/30/2017 3:37 PM

**Fees**

Court Fee

\$0.00

Service Fee

\$0.00

**Documents***Lead Document*

CampbellOrder.pdf

[\[Original\]](#)[\[Transmitted\]](#)**eService Details**

Name/Email

Firm

Service Method

Status

Served

Date/Time  
Opened

Erica Gambrell

Law Office of  
Mock & Brown

EServe

Sent

Yes

11/30/2017 4:15  
PM

ccalcoord@burnetcountytexas.org





Cynthia Clstudio <clcintx@gmail.com>

---

## Court dates

5 messages

---

**Teresa Duffin** <teresaduffinlaw@gmail.com>

Tue, Aug 28, 2018 at 10:21 AM

To: Cynthia <clcintx@gmail.com>, Lisa@mockandbrown.com

I need to know Trey's availability for the hearing. If I do not hear back by Wednesday, I will set it for October 24th.

---

**Cynthia** <clcintx@gmail.com>

Tue, Aug 28, 2018 at 10:30 AM

To: Teresa Duffin <teresaduffinlaw@gmail.com>

I thought you said October 10th?

[Quoted text hidden]

---

**Cynthia** <clcintx@gmail.com>

Wed, Aug 29, 2018 at 1:31 PM

To: Teresa Duffin <teresaduffinlaw@gmail.com>

Bcc: Matt Grove <lawyermattgrove@gmail.com>

Do we have a court date yet?

[Quoted text hidden]

---

**Cynthia** <clcintx@gmail.com>

Thu, Aug 30, 2018 at 11:03 AM

To: Teresa Duffin <teresaduffinlaw@gmail.com>

Bcc: Matt Grove <lawyermattgrove@gmail.com>

Can you tell me what day our court date is?

[Quoted text hidden]

---

**Cynthia** <clcintx@gmail.com>

Fri, Aug 31, 2018 at 9:48 AM

To: Teresa Duffin <teresaduffinlaw@gmail.com>

Bcc: Matt Grove <lawyermattgrove@gmail.com>

Did you get a date set?

[Quoted text hidden]





Cynthia Clstudio <clcintx@gmail.com>

---

## 48256-ITIO: BJC Campbell

7 messages

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Sep 18, 2018 at 11:25 AM

To: Erica Gambrell <ccalcoord@burnetcountytexas.org>

Cc: trey@mockandbrown.com

Erica,

Good morning!

I was retained to sub in for Teresa Duffin on behalf of mom, Cynthia Chebultz. I e-filed the Motion and proposed Order, which I have also attached to this email. Will you please present this to the boss for signature?

Also, once Judge approves of my substitution, I would like to get the Bill of Review set for a hearing as soon as possible. Can you provide me some dates that I can coordinate with Trey?

Thank you.

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

900 East Pecan Street, Suite 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)



**2 attachments**



**Motion to Sub.pdf**

122K



**ORDER GRANTING SUB.pdf**

41K

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Sep 18, 2018 at 2:39 PM

To: Trey Brown <lisa@mockandbrown.com>, Trey Brown <trey@mockandbrown.com>

Trey-

What's ur time estimate ?

Matt Grove  
Attorney at Law  
THE GROVE LAW FIRM, PC  
900 E. Pecan St., Ste. 300-181  
Pflugerville, TX 78660  
512.945.0615 (cell)  
512.551.0107 (fax)  
[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>

**Sent:** Tuesday, September 18, 2018 1:30 PM

**To:** 'Ma Grove'

**Cc:** [trey@mockandbrown.com](mailto:trey@mockandbrown.com)

**Subject:** RE: 48256-ITIO: BJC Campbell

Once it gets into her queue from efile, she will review the document.

How much time are you anticipating needing for the Bill of Review hearing?

Erica Gambrell

Court Coordinator

Burnet County Court at Law

*Judge Linda Bayless Presiding*



THIS TRANSMISSION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL AND/OR ENTITY TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION AND/OR ATTACHMENTS THAT ARE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, DISTRIBUTION, DULPLICATION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMISSION BY SOMEONE OTHER THAN THE INTENDED ADDRESSEE OR ITS DESIGNATED AGENT IS STRICTLY PROHIBITED. IF YOUR RECEIPT OF THIS TRANSMISSION IS IN ERROR, PLEASE NOTIFY THE SENDER BY REPLYING IMMEDIATELY TO THIS TRANSMISSION AND DESTROY THE TRANSMISSION. THANK YOU.

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Sep 18, 2018 at 2:53 PM

To: Cynthia <clcintx@gmail.com>

FYI —

Matt Grove  
Attorney at Law  
THE GROVE LAW FIRM, PC  
900 E. Pecan St., Ste. 300-181  
Pflugerville, TX 78660  
512.945.0615 (cell)  
512.551.0107 (fax)  
[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Ma Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Sent:** Tuesday, September 18, 2018 2:53 PM

**To:** Trey Brown

**Subject:** Re: 48256-ITIO: BJC Campbell

Trey-

I'm in cps court now. I should be done before 4. My cell is 512-945-0615.

Matt Grove  
Attorney at Law  
THE GROVE LAW FIRM, PC  
900 E. Pecan St., Ste. 300-181  
Pflugerville, TX 78660  
512.945.0615 (cell)



512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Trey Brown <[trey@mockandbrown.com](mailto:trey@mockandbrown.com)>

**Sent:** Tuesday, September 18, 2018 2:40 PM

**To:** Erica Gambrell

**Cc:** Ma Grove

**Subject:** Re: 48256-ITIO: BJC Campbell

Erica, I was under the impression that we would need to go to Mediation first. I will be glad to discuss that with Matt and then get some dates from you regarding a setting.

Sent from my iPad

On Sep 18, 2018, at 1:29 PM, Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)> wrote:

Once it gets into her queue from efile, she will review the document.

How much time are you anticipating needing for the Bill of Review hearing?

Erica Gambrell

Court Coordinator

Burnet County Court at Law

*Judge Linda Bayless Presiding*

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---

**From:** Matt Grove [<mailto:lawyermattgrove@gmail.com>]  
**Sent:** Tuesday, September 18, 2018 11:25 AM  
**To:** Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Cc:** [trey@mockandbrown.com](mailto:trey@mockandbrown.com)  
**Subject:** 48256-ITIO: BJC Campbell

Erica,

[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
To: Cynthia <[clcintx@gmail.com](mailto:clcintx@gmail.com)>

Wed, Sep 26, 2018 at 8:57 AM

Matt Grove  
Attorney at Law  
THE GROVE LAW FIRM, PC  
900 E. Pecan St., Ste. 300-181  
Pflugerville, TX 78660  
512.945.0615 (cell)  
512.551.0107 (fax)  
[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Sent:** Wednesday, September 26, 2018 8:36:10 AM  
**To:** 'Trey Brown'  
**Cc:** 'Ma Grove'  
**Subject:** RE: 48256-ITIO: BJC Campbell

Attorneys:

Judge Bayless has considered your request for mediation and thinks it is the best option in this situation. Can the two of you agree on a mediator or should one be appointed from the wheel?

Erica Gambrell

Court Coordinator



*Judge Linda Bayless Presiding*

THIS TRANSMISSION IS INTENDED FOR THE SOLE USE OF THE INDIVIDUAL AND/OR ENTITY TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION AND/OR ATTACHMENTS THAT ARE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, DISTRIBUTION, DUPLICATION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMISSION BY SOMEONE OTHER THAN THE INTENDED ADDRESSEE OR ITS DESIGNATED AGENT IS STRICTLY PROHIBITED. IF YOUR RECEIPT OF THIS TRANSMISSION IS IN ERROR, PLEASE NOTIFY THE SENDER BY REPLYING IMMEDIATELY TO THIS TRANSMISSION AND DESTROY THE TRANSMISSION. THANK YOU.

---

**From:** Trey Brown [mailto:[trey@mockandbrown.com](mailto:trey@mockandbrown.com)]  
**Sent:** Tuesday, September 18, 2018 3:01 PM  
**To:** Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Cc:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Subject:** Re: 48256-ITIO: BJC Campbell

Ok in the mean time I will get with new counsel and confer.

Sent from my iPad

On Sep 18, 2018, at 2:52 PM, Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)> wrote:

Trey

I have been out for a while, so I will check with Judge to find out what she wanted done with that.

thank you.

[Quoted text hidden]

[Quoted text hidden]





Cynthia Clstudio <clcintx@gmail.com>

---

## BJC Campbell case in Burnet

1 message

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**Matt Grove** <lawyermattgrove@gmail.com>

Thu, Sep 27, 2018 at 8:02 PM

To: "trey@mockandbrown.com" <trey@mockandbrown.com>

Cc: Trey Brown <lisa@mockandbrown.com>

Trey-

Thanks for meeting with me yesterday and giving me both background information and your settlement proposal. At this time, my client is not interested in any form of settlement, which does not include BJC moving back in full time with her.

I will contact Erika on Monday about available dates for setting the Bill hearing.

Thanks.

Matt Grove

Attorney at Law

THE GROVE LAW FIRM, PC

900 E. Pecan St., Ste. 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)





Cynthia Clstudio <clcintx@gmail.com>

---

## ITIO: BJC Campbell; 41790

20 messages

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**Matt Grove** <lawyermattgrove@gmail.com>

Wed, Mar 13, 2019 at 6:55 PM

To: Erica Gambrell <egambrell@burnetcountytexas.org>

Cc: LuLisa Nance <lisa@mockandbrown.com>

Re: ITIO: BJC Campbell # 41790

Erica,

I represent mom, Cynthia Chebultz, in the Bill of Review filed in this case. Trey Brown has dad, Wes Campbell. The parties have been to an 8+ hour mediation with Judge Jones and, unfortunately, it was not successful. I would like to set this Bill of Review for a Hearing. Do you have some hearing dates in the April/May time frame that you could send to Trey and me so we can get together and try to pick one that is mutually agreeable?

Thanks,

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

900 East Pecan Street, Suite 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**Matt Grove** <lawyermattgrove@gmail.com>

Thu, Mar 14, 2019 at 1:33 PM

To: Erica Gambrell <egambrell@burnetcountytexas.org>

Cc: LuLisa Nance <lisa@mockandbrown.com>



I don't anticipate more than 2 hours.

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Thursday, March 14, 2019 at 11:25 AM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

How much time do you anticipate needing for the hearing?

ERICA GAMBRELL

COURT COORDINATOR

BURNET COUNTY COURT AT LAW

JUDGE LINDA BAYLESS PRESIDING

[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

Sun, Mar 17, 2019 at 12:22 PM

To: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Trey-



I hope you had a good weekend. I spent my days off working and watching reruns of Boston Legal—I picked up some new tricks from William Shatner's character Denny Crane ....

With respect to the hearing dates offered by Erica, I am available:

1. 4/24 @ 9:00
2. 5/8 @ 9:00

Do you happen to have availability either of those two days?

Thanks,

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

900 East Pecan Street, Suite 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Friday, March 15, 2019 at 9:27 AM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

We have 4/17 at 9am, 4/24 at 9am, 5/8 at 9a, 5/15 at 9am

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[Quoted text hidden]



---

**Matt Grove** <lawyermattgrove@gmail.com>

Sun, Mar 17, 2019 at 12:22 PM

To: Cynthia Chebultz <clcintx@gmail.com>

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

900 East Pecan Street, Suite 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Matt Grove <lawyermattgrove@gmail.com>

**Date:** Sunday, March 17, 2019 at 12:17 PM

**To:** Erica Gambrell <egambrell@burnetcountytexas.org>, LuLisa Nance  
<lisa@mockandbrown.com>

**Subject:** Re: ITIO: BJC Campbell; 41790

Thank you ... I will get with Trey's office and try to schedule a date that works for us both ...

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)



[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
**Date:** Friday, March 15, 2019 at 9:28 AM  
**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>, LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Subject:** Fwd: ITIO: BJC Campbell; 41790

Sorry, I forgot to hit reply all on the dates.

ERICA GAMBRELL

COURT COORDINATOR

BURNET COUNTY COURT AT LAW

JUDGE LINDA BAYLESS PRESIDING

----- Forwarded message -----

From: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
Date: Fri, Mar 15, 2019 at 9:27 AM  
Subject: Re: ITIO: BJC Campbell; 41790  
To: Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

We have 4/17 at 9am, 4/24 at 9am, 5/8 at 9a, 5/15 at 9am

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[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

Fri, Mar 22, 2019 at 2:12 PM

To: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>, LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Erica,



Trey and I are doing our best to work together on this. Unfortunately, neither of us are available at the same time on those days. Do you have some other dates in late may early-June?

Thanks,

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Friday, March 15, 2019 at 9:28 AM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>, LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Fwd: ITIO: BJC Campbell; 41790

Sorry, I forgot to hit reply all on the dates.

ERICA GAMBRELL

COURT COORDINATOR

BURNET COUNTY COURT AT LAW

JUDGE LINDA BAYLESS PRESIDING

----- Forwarded message -----

From: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

Date: Fri, Mar 15, 2019 at 9:27 AM



Subject: Re: ITIO: BJC Campbell; 41790 To:

Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

We have 4/17 at 9am, 4/24 at 9am, 5/8 at 9a, 5/15 at 9am

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[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

Fri, Mar 22, 2019 at 2:13 PM

To: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Hi ..

I just sent Erica another note about some more dates. What time Monday/Tuesday is a good time to call you?

Matt Grove

*Attorney-at-Law*

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512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Date:** Thursday, March 21, 2019 at 10:51 AM

**To:** 'Matt Grove' <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Subject:** RE: ITIO: BJC Campbell; 41790

Matt,



I have a jury trial starting on April 22, 2019 in Llano County so I will not be available on April 24. On May 8, I have a very hotly contested temporary hearing set in Burnet County Court that morning. I would hate to have to handle both of those cases on the same day. Can you please see if Erica has other dates available. I will check with her as well.

Again, I would very much like to discuss this case with you even if it is an informal settlement conference.

Please give me a call at your earliest convenience.

Trey

[Quoted text hidden]

---

**Cynthia** <clcintx@gmail.com>

Fri, Mar 22, 2019 at 2:28 PM

To: Matt Grove <lawyermattgrove@gmail.com>

Can we get on the schedule for the custody hearing also? We are either going to be granted the bill of review or file a motion to modify.

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Fri, Mar 22, 2019 at 2:31 PM

To: Cynthia <clcintx@gmail.com>

Of course not ... that would make too much sense ... the custody will involve a motion to modify and that is a new lawsuit and we cannot file a new lawsuit until after the Bill ...

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Mon, Mar 25, 2019 at 1:09 PM

To: LuLisa Nance <lisa@mockandbrown.com>

Trey-

From the dates below, I can do: 5/16 (all day open) and 5/29 (all day open). Call me today or tomorrow when you get a few minutes. Thanks.

Matt Grove

*Attorney-at-Law*



THE GROVE LAW FIRM, P.C.

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512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Friday, March 22, 2019 at 2:38 PM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

Ok- will get creative here.

4/15 at 10am. we have suppressions set at that time but we can put your case as back up in case the criminal cases don't go- which is a typical occurrence.

4/29 at 10- same as above date.

5/6 at 10am

5/13 at 10am

5/16 at 9 or 1:30,

5/29 at 9am

Check those and see what you guys can do.

thanks

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[Quoted text hidden]

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**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

Tue, Mar 26, 2019 at 6:41 PM

To: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Great. Thank u



Matt Grove  
Attorney at Law  
THE GROVE LAW FIRM, PC  
900 E. Pecan St., Ste. 300-181  
Pflugerville, TX 78660  
512.945.0615 (cell)  
512.551.0107 (fax)  
[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Sent:** Tuesday, March 26, 2019 11:56 AM  
**To:** 'Ma Grove'  
**Subject:** RE: ITIO: BJC Campbell; 41790

Trey is setting up an appointment with his client and will get back with you as soon as possible.

Thanks!

Lisa

---

**From:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Sent:** Monday, March 25, 2019 1:09 PM  
**To:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Subject:** FW: ITIO: BJC Campbell; 41790

Trey-

[Quoted text hidden]

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**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
To: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
Cc: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Tue, Apr 9, 2019 at 1:42 PM

Erica-

Trey called me this morning saying that he was attempting to get a show cause order signed on his Motion for Enforcement. Before setting a date for him, is there a time that Judge would be available to meet with Trey and I regarding scheduling logistics of my Bill of Review and his Enforcement? There is also a



discovery question that Trey and I would like cleared up, as well. If she has time, I am available to meet at her office tomorrow afternoon or Thursday afternoon.

Trey- Can you meet tomorrow or Thursday afternoon if Judge is open?

Thanks,

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

900 East Pecan Street, Suite 300-181

Pflugerville, TX 78660

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Friday, March 22, 2019 at 2:38 PM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

Ok- will get creative here.

4/15 at 10am. we have suppressions set at that time but we can put your case as back up in case the criminal cases don't go- which is a typical occurrence.

4/29 at 10- same as above date.

5/6 at 10am

5/13 at 10am

5/16 at 9 or 1:30,

5/29 at 9am



Check those and see what you guys can do.

thanks

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Apr 9, 2019 at 5:13 PM

To: LuLisa Nance <lisa@mockandbrown.com>, Erica Gambrell <egambrell@burnetcountytexas.org>

Erica,

Trey says that the boss is out until next week. When you get to her calendar, will you please let us know some days/times next week that she is available for us to come visit? Thank you.

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

407 W. University Ave. No. 5

Georgetown, TX 78626

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Date:** Tuesday, April 9, 2019 at 3:08 PM

**To:** 'Matt Grove' <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>, 'Erica Gambrell' <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Subject:** RE: ITIO: BJC Campbell; 41790



It is my understanding that the Judge is not available this week after today. I don't know if you will want to set something up for next week.

Trey

---

**From:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Sent:** Tuesday, April 9, 2019 1:42 PM  
**To:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
To: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
Cc: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Wed, Apr 10, 2019 at 9:32 AM

Informal conference with Judge in her office.

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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Georgetown, TX 78626

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
**Date:** Wednesday, April 10, 2019 at 8:15 AM  
**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Subject:** Re: ITIO: BJC Campbell; 41790



is this a conference with the judge or are we needing a hearing on something?

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Wed, Apr 10, 2019 at 12:59 PM

To: Erica Gambrell <egambrell@burnetcountytexas.org>

Cc: LuLisa Nance <lisa@mockandbrown.com>

I would anticipate no more than 15 minutes ...

Matt Grove

*Attorney-at-Law*

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512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Wednesday, April 10, 2019 at 11:31 AM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

How much time are we thinking we would need of her time?

[Quoted text hidden]

[Quoted text hidden]

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**Matt Grove** <lawyermattgrove@gmail.com>

Wed, Apr 17, 2019 at 9:51 AM

To: Erica Gambrell <egambrell@burnetcountytexas.org>

Cc: LuLisa Nance <lisa@mockandbrown.com>



Good Morning,

I was wondering if you had an opportunity to meet with Judge about scheduling a time for Trey and I to visit with her regarding the logistics of getting my Bill Hearing and Trey's Enforcement Hearing set?

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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Georgetown, TX 78626

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[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Wednesday, April 10, 2019 at 11:31 AM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

How much time are we thinking we would need of her time?

ERICA GAMBRELL

COURT COORDINATOR

BURNET COUNTY COURT AT LAW

JUDGE LINDA BAYLESS PRESIDING

[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

Tue, Apr 23, 2019 at 1:37 PM



To: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

Cc: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Erica,

From the dates offered below, I would like to get my Bill of Review on this Campbell case set for Wednesday, May 29, 2019 at 9:00 am. I am not exactly sure of Trey's schedule for that day, but it is more than 30 days' notice, so I would hope that would be a sufficient amount of time for him to make accommodations.

Please let me know if we can get a hearing for that day.

Thank you,

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

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[Georgetown, TX 78626](#)

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Friday, March 22, 2019 at 2:38 PM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

Ok- will get creative here.



4/15 at 10am. we have suppressions set at that time but we can put your case as back up in case the criminal cases don't go- which is a typical occurrence.

4/29 at 10- same as above date.

5/6 at 10am

5/13 at 10am

5/16 at 9 or 1:30,

5/29 at 9am

Check those and see what you guys can do.

thanks

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Apr 23, 2019 at 2:17 PM

To: Erica Gambrell <egambrell@burnetcountytexas.org>

Cc: LuLisa Nance <lisa@mockandbrown.com>

Thanks 😊

Matt Grove

*Attorney-at-Law*

THE GROVE LAW FIRM, P.C.

407 W. University Ave. No. 5

Georgetown, TX 78626

512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)



**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
**Date:** Tuesday, April 23, 2019 at 2:16 PM  
**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Subject:** Re: ITIO: BJC Campbell; 41790

I am awaiting a call back from the Judge on this matter. will let you know.

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
To: Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
Cc: LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

Tue, Apr 23, 2019 at 2:59 PM

I am available ...

Matt Grove

*Attorney-at-Law*

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512.945.0615 (cell)

512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>  
**Date:** Tuesday, April 23, 2019 at 2:44 PM  
**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>  
**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>  
**Subject:** Re: ITIO: BJC Campbell; 41790



judge says she can meet with you both Wednesday, 4/24at 1:30. is that acceptable for you both?

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Tue, Apr 23, 2019 at 3:08 PM

To: Cynthia Chebultz <clcintx@gmail.com>

See below

Matt Grove

*Attorney-at-Law*

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---

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Date:** Tuesday, April 23, 2019 at 3:06 PM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

Lisa,

will you let me know if Trey is, please when you get a moment? thank you

[Quoted text hidden]

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>

Wed, Apr 24, 2019 at 10:19 AM

To: Cynthia Chebultz <clcintx@gmail.com>



Matt Grove

*Attorney-at-Law*

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---

**From:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Date:** Wednesday, April 24, 2019 at 10:06 AM

**To:** 'Erica Gambrell' <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>, 'Matt Grove' <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Subject:** RE: ITIO: BJC Campbell; 41790

I will check with Trey, he has some appointments this afternoon, will let you know asap.

Thanks,

Crystal

**From:** Erica Gambrell <[egambrell@burnetcountytexas.org](mailto:egambrell@burnetcountytexas.org)>

**Sent:** Tuesday, April 23, 2019 2:44 PM

**To:** Matt Grove <[lawyermattgrove@gmail.com](mailto:lawyermattgrove@gmail.com)>

**Cc:** LuLisa Nance <[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)>

**Subject:** Re: ITIO: BJC Campbell; 41790

judge says she can meet with you both Wednesday, 4/24at 1:30. is that acceptable for you both?

[Quoted text hidden]

[Quoted text hidden]





Cynthia Clstudio <clcintx@gmail.com>

---

## ITIO: BJC Campbell

3 messages

---

**Matt Grove** <lawyermattgrove@gmail.com>  
To: LuLisa Nance <lisa@mockandbrown.com>

Mon, Apr 1, 2019 at 4:20 PM

Trey-

Did you have any luck conferring with your client and seeing about an agreed hearing date?

Thanks,

Matt Grove

*Attorney-at-Law*

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Pflugerville, TX 78660

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512.551.0107 (fax)

[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)





Cynthia Clstudio <clcintx@gmail.com>

---

## ITIO: BJC Campbell

3 messages

---

**Matt Grove** <lawyermattgrove@gmail.com>  
To: LuLisa Nance <lisa@mockandbrown.com>

Tue, Apr 2, 2019 at 3:31 PM

Trey-

This will confirm our conversation this afternoon about scheduling for the Bill of Review Hearing. You indicated that you wanted to prepare some motions and would file same by Monday, April 8 with the intent on getting your motions set at the same time as the Bill Hearing. Logistically, that makes sense. However, in thinking about it after our meeting, the motions you talked about filing are of an enforcement nature and are, in my opinion, best (and only able to be) filed in the underlying SAPCR cause number—not the Bill of Review case cause.

If you recall, we are dealing with two separate cause numbers. In my mind, you would not be entitled to file enforcement motions in the Bill of Review case. You would need to file those in the original SAPCR case via a Motion to Modify. There are no live pleadings open under the original cause number.

Thoughts?

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---

**Cynthia** <clcintx@gmail.com>  
To: Matt Grove <lawyermattgrove@gmail.com>

Wed, Apr 3, 2019 at 5:17 AM

What endorsement motions is he wanting to file?

[Quoted text hidden]

---

**Matt Grove** <lawyermattgrove@gmail.com>  
To: Cynthia <clcintx@gmail.com>

Wed, Apr 3, 2019 at 11:24 AM

Everything in the world .... You haven't done this or have done that ... more specifically, (his words, not mine):





Cynthia Clstudio <clcintx@gmail.com>

---

## Fwd: In The Interest of Campbell

---

**Matt Grove** <lawyermattgrove@gmail.com>

Sun, Oct 14, 2018 at 11:21 AM

To: Cynthia <clcintx@gmail.com>

We only mediating because our judge is making us do it now regardless of her previous "if the hearing is less than ..." statements. I will see what I can do about getting that October date you want.

Matt Grove  
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512.551.0107 (fax)  
[LawyerMattGrove@gmail.com](mailto:LawyerMattGrove@gmail.com)

---

**From:** Cynthia <[clcintx@gmail.com](mailto:clcintx@gmail.com)>

**Sent:** Saturday, October 13, 2018 4:40 PM

**To:** Ma Gr ove

[Quoted text hidden]

[Quoted text hidden]





Cynthia Clstudio <clcintx@gmail.com>

---

## Today's meeting

1 message

---

**Matt Grove** <lawyermattgrove@gmail.com>  
To: Cynthia Chebultz <clcintx@gmail.com>

Wed, Apr 24, 2019 at 6:33 PM

Cindy,

As you know, I met with the Judge and Wes' attorney, Trey Brown, this afternoon. The meeting was informal and took place in the Judge's office. The only people present in the room were the three of us. Neither Wes, nor anybody else from his "side," were even present in the building.

At issue during the meeting were logistics concerning the setting of a hearing date for the Bill of Review, a hearing date for their Motion for Enforcement, and the general basis supporting the filing of those documents from each side. During the hour-long meeting, both Trey, and myself, had ample opportunity to share our positions with the Judge.

Before I go into the important aspects of the meeting, I want to tell you a few things about how Texas law works. In any type of case, including family law, the "trial court Judge," which this Judge is, has the sole authority to make what are called credibility determinations about witnesses. This simply means that the Judge has the authority to determine which witness is telling the truth or is more believable. "Sole authority" means that the law does not allow an appeals court to overrule a trial court judge on issues of credibility determination. The trial court Judge also has the sole authority to make determinations as to any "factual" matter in dispute, i.e. answering fact-specific questions, such as "did Cindy move out of Marble Falls before or after the trial of the case" The appeals court cannot overrule a trial court judge on issues of factual-based decision making.

Lastly, in family law cases, the trial court judge gets to make the ultimate decision about what the "best interest of the child" would be. A "best interest" analysis is based upon how the Judge views the credibility of a witness, combined with how that same Judge decides factual matters in dispute. The only authority that appellate courts have is to overturn trial court judges on issues involving mistakes that Judge made in applying the law. The appeal court cannot decide anew the credibility of a witness or a factual matter in dispute.

The meeting did not go well for our side. In fact, nothing about the meeting was "good" for us. From the very beginning of the meeting, it was very obvious that the Judge has a very firmly-held belief that your parenting "style" is not in BJC's best interest. Her belief was, obviously, formed from her years of prior dealings with this case. The Judge was very clear that there was nothing that you could say that would change her mind at this point.

This will be difficult for you to read, but I owe you the truth about our meeting. "Fair" or not, the Judge is convinced (and will not change her mind) that:

1. You moved out of the Marble Falls Apartment/House after she ordered you not to move out of MFISD, IF you ever had the apartment at all;



## Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

2. You lied about your income and/or intentionally withheld information about it—she cited a “get-rich-quick scheme” marketing video you made in which you were “half-naked” in a pool with “some guy” drinking alcohol;
3. Judge is convinced that you knew about the dismissal date and intentionally refused to appear;
4. Judge believes that Wes runs a “tough-disciplined” house, but she also believes that Wes’ wife is a very calming agent regarding this discipline. Judge is very, very impressed with Wes’ wife. This is expected, as Judge is a former teacher;
5. Judge believes that you do not live with BJC during school nights in the Marble Falls residence now;
6. Judge does not believe that you are a “bad” person, but she believes that you live a “carefree” “gypsy” lifestyle, with few rules, little discipline and very little structure, which she does not believe is in BJC’s best interest.
7. Judge believes the BJC needs to stay in MFISD until he graduates;
8. Judge believes that you are not as good of an influence upon BJC because you “float from job to job all over the world.”
9. Judge believes that you possibly have untreated psychiatric issues due to the report from some evaluator in Fredericksburg(?) that issued a report saying that he could not identify your personality type(?);
10. Judge believes that you have intentionally violated her court orders throughout this case because you don’t have any “respect for her authority”;
11. Judge believes that you have not paid the money owed Wes under the Final Order not because you didn’t have the money, but simply because you did not want to-- The AG office spreadsheet shows that you owe roughly \$11,500 in support;
12. Judge believes that you should give the passport back immediately and Wes should give you the passport only after you produce a travel itinerary and that you should give passport back to Wes after every trip;
13. Judge is very mad that you do not have a home in MFISD and does not like that you drive all over “everywhere” with BJC to get him back to school from “wherever the hell” you are living.

Judge said that she was ready to sign an order denying your Bill of Review right then—at the meeting—without hearing. I brought up the fact that we wanted a hearing, and she said “no” that she could rule on it without hearing. I believe that she is correct in that fact. Even if she is wrong, a hearing is, obviously, not going to do you any good.



With respect to Trey's Motion to Enforce, Judge was even less sympathetic. She mentioned several times that she would have "zero problem" putting you in jail for the maximum of 180 days for contempt of court in not paying the money owed. Judge made it a point to remind everyone that jail for contempt is "day-for-day," meaning that you would have to serve all 180 days in jail, if so sentenced.

Although Trey has not filed a Motion to Modify, Judge mentioned that if Trey did file such a Motion, that she would also strip you of all visitation with BJC except "supervised visitation." This means that she would make you have someone supervise all of your time with BJC and that this "supervised" time would be measured in terms of a few hours per week at a specific location—not anywhere near the time that you have with BJC currently. Judge is not interested in hearing a Motion to Modify that we would bring asking for Wes to have less visitation—even in the face of witness counselors that we may bring or, most concerning to me, what BJC has to say at this point. She has authority to do all of this if Trey asks for a Modification.

I asked Judge to hold off on denying the Bill of Review and Trey to hold off on setting the Enforcement and filing a Modification. I told them that, in light of Judge's feelings, I would recommend to you that we return back to the mediator, Judge Jones and attempt to mediate this. Judge agreed to hold off. So did Trey—for now.

I met with Trey after the meeting with Judge. He said that he would tell Wes about the Judge's opinions at the meeting and that his advice to Wes would be for Wes to take aggressive action against you; however, he (Trey) believed that Wes would not be vindictive and would not want to take BJC from you because Wes knows that BJC enjoys being around you. Trey did say that they would come back to mediation in "good faith" with "about 80%" of what they had previously offered to you before mediation. I do not believe that they will offer anything near "80%" of what they offered before .... Why would they??

My recommendations:

1. Return the passport to Wes immediately
2. Go back to mediation—at mediation, we can discuss the 50/50 still. Trey did say that they may agree to waive future support if you pay "a big chunk" of the \$11,500 the AG office says that you owe. I also suspect that they may agree to grant the Bill of Review if doing so helps your credit. I know that Trey/Wes will no longer want to consider the past medical bills that Wes has not paid you.
3. Before mediation, get a home of your own that you actually live in within MFISD—this would help significantly! Judge is never going to agree to move BJC from MFISD. You need to show stability in that area. Trey has mentioned several times throughout this case that Wes would be very, very amenable to giving you more custody time if you had an actual residence in MFISD that you actually lived in

I know this is horrible news. I hate having to be the one to tell you. Please take the opportunity to digest all of this overnight, and we can talk tomorrow, if you want. I told Trey and Judge that we would have a decision within a week. Do not do anything rash out of anger. It will only make things worse.

Matt Grove



# Mandamus Appendix Tab 16 - 2019.4.24 Today's Meeting With The Judge

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ey

41790

☆ SUMMARY

DETAIL

PARTIES

EVENTS


SERVICE

HEARINGS


CON


**IN THE INTEREST OF BRODRICK JAMES CAMPBELL, A CHILD**  
Type Parent-Child Relationship - No Divorce

Group By Event

 on AMENDED PETITION (filed by CHEBULTZ, CYNTHIA LEE)

 **09/09/2013** Citation

 on MOTION FOR ENFORCEMENT - FAMILY (OCA)


 **05/29/2019** Precept

 CHEBULTZ, CYNTHIA LEE unserved

 on MOTION FOR ENFORCEMENT

 **06/11/2019** Precept

 CHEBULTZ, CYNTHIA LEE unserved

 on MOTION TO MODIFY

 **06/11/2019** Citation

 CHEBULTZ, CYNTHIA LEE unserved





# Mandamus Appendix Tab 18 - Full Case Summary

1/29/2019

<https://txburnetodyprod.tylerhost.net/PublicAccess/CaseDetail.aspx?CaseID=361806>

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## CASE SUMMAR. CASE NO. 41790

P. TY INFORMATION			
<b>Petitioner</b>	CHEBULTZ, CYNTHIA LEE	<b>Lead Attorneys</b>	Pro Se
<b>Respondent</b>	CAMPBELL, WESLEY HOWARD	<b>TREY BROWN</b>	<i>Retained</i> 512-756-2931(W)

EVENTS & ORDERS OF THE COURT				
	DISPOSITIONS			
12/01/2017	Final Judgment (Judicial Officer: Bayless, Linda)			
	OTHER EVENTS AND HEARINGS			
08/26/2013	ORIGINAL PETITION (OCA)			
08/26/2013	NOTICE OF PRO SE FILINGS			
09/09/2013	AMENDED PETITION			
09/09/2013	Citation			
	CAMPBELL, WESLEY HOWARD	Served	09/10/2013	
		Returned	09/11/2013	
10/03/2013	JURY DEMAND			
11/26/2013	NOTICE OF HEARING			
11/26/2013	MOTION FOR TEMPORARY ORDERS			
12/05/2013	COUNTER ACTION			
12/06/2013	MOTION			
12/11/2013	Temporary Orders (9:00 AM) (Judicial Officer Savage, W.R.)			
	Result: Agreed Pass			
06/20/2014	REQUEST			
06/27/2014	INTERROGATORIES			
07/15/2014	NOTICE OF HEARING			
07/23/2014	ORDER FOR MEDIATION			
08/07/2014	MOTION			
08/07/2014	NOTICE OF HEARING			
08/11/2014	SCHEDULING ORDER			
08/11/2014	MOTION			
08/11/2014	AGREEMENT			
09/22/2014	NOTICE OF HEARING			
09/26/2014	Motion Hearing (9:00 AM) (Judicial Officer Savage, W.R.)			
	Result: Agreed Order			
09/26/2014	ORDER			
09/29/2014	AGREEMENT			
10/06/2014	KIDS FIRST CERTIFICATE			
10/24/2014	Pre-Trial Hearing (10:00 AM) (Judicial Officer Savage, W.R.)			
	Result: Rule 11 Agreement			
11/17/2014	CANCELED Jury Trial (9:00 AM) (Judicial Officer Savage, W.R.)			
	Case Disposed			
03/23/2015	LETTER			
05/21/2015	NOTICE OF HEARING			
06/04/2015	AGREEMENT			
07/16/2015	AGREEMENT			
07/21/2015	NOTICE			
08/03/2015	CANCELED Jury Trial (9:00 AM) (Judicial Officer Bayless, Linda)			
	Other			
08/07/2015	MOTION FOR CONTINUANCE			
08/12/2015	CERTIFICATE			
08/12/2015	MOTION			
08/13/2015	CERTIFICATE			
08/21/2015	KIDS FIRST CERTIFICATE			
08/24/2015	MOTION			
08/25/2015	Bench Trial (9:00 AM) (Judicial Officer Bayless, Linda)			
08/26/2015	Bench Trial (11:00 AM) (Judicial Officer Bayless, Linda)			
	Result: Retained			
08/28/2015	Bench Trial (10:00 AM) (Judicial Officer Bayless, Linda)			
	Result: Heard			
09/08/2015	MOTION FOR NEW TRIAL			
09/09/2015	RECEIPT			
10/06/2015	RESPONSE			
10/07/2015	AFFIDAVIT			
10/20/2015	NOTICE OF HEARING			
10/21/2015	NOTICE OF HEARING			
11/20/2015	APPLICATION			
11/20/2015	SUBPOENA			

<https://txburnetodyprod.tylerhost.net/PublicAccess/CaseDetail.aspx?CaseID=361806>

1/2



# Mandamus Appendix Tab 18 - Full Case Summary

1/29/2019

<https://txburnetodyprod.tylerhost.net/PublicAccess/CaseDetail.aspx?CaseID=361806>

11/23/2015 **APPLICATION**  
11/23/2015 **SUBPOENA**  
11/23/2015 **MOTION**  
11/24/2015 **MOTION**  
11/25/2015 **OBJECTION**  
11/30/2015 **SUBPOENA**  
12/01/2015 **Motion Hearing** (9:00 AM) (Judicial Officer Bayless, Linda)  
*11/04/2015 Reset by Court to 11/18/2015*  
*11/18/2015 Reset by Court to 12/01/2015*  
Result: Granted  
12/09/2015 **RECEIPT**  
03/04/2016 **MOTION**  
03/07/2016 **CANCELED Motion Hearing** (9:00 AM) (Judicial Officer Bayless, Linda)  
*Other*  
*03/09/2016 Reset by Court to 03/07/2016*  
03/09/2016 **Motion Hearing** (9:00 AM) (Judicial Officer Bayless, Linda)  
Result: Granted  
03/22/2016 **MOTION**  
03/23/2016 **NOTICE OF HEARING**  
03/28/2016 **NOTICE OF HEARING**  
04/05/2016 **APPEARANCE**  
04/05/2016 **MOTION TO SUBSTITUTE**  
04/05/2016 **MOTION FOR CONTINUANCE**  
04/06/2016 **ORDER FOR CONTINUANCE**  
04/06/2016 **ORDER ON SUBSTITUTION OF COUNSEL**  
04/07/2016 **ORDER**  
04/13/2016 **RESPONSE**  
05/11/2016 **CANCELED Motion Hearing** (9:00 AM) (Judicial Officer Bayless, Linda)  
*Other*  
*04/06/2016 Reset by Court to 05/11/2016*  
05/25/2016 **CANCELED Compliance Hearing** (9:00 AM) (Judicial Officer Bayless, Linda)  
*Per Judge*  
09/07/2016 **AGREED ORDER**  
04/12/2017 **ORDER**  
11/06/2017 **NOTICE OF DISMISSAL DOCKET**  
11/09/2017 **MOTION**  
11/10/2017 **MOTION TO WITHDRAW AS COUNSEL**  
11/16/2017 **NOTICE OF HEARING**  
11/28/2017 **Motion to Withdraw as Counsel** (1:30 PM) (Judicial Officer Bayless, Linda)  
Result: Granted  
11/28/2017 **ORDER ON WITHDRAW OF COUNSEL**  
12/04/2017 **Dismissal Docket** (9:00 AM) (Judicial Officer Bayless, Linda)  
02/20/2018 **NOTICE**

---

Unofficial Record



**CASE NO. 41790**

<b>IN THE INTEREST OF</b>	<b>§</b>	<b>IN THE COUNTY COURT</b>
	<b>§</b>	
	<b>§</b>	
<b>B.J.C.</b>	<b>§</b>	<b>AT LAW OF</b>
	<b>§</b>	
<b>A CHILD</b>	<b>§</b>	<b>BURNET COUNTY, TEXAS</b>

**SECOND VERIFIED MODIFIED MOTION TO DISQUALIFY OR RECUSE**  
**HONORABLE JUDGE LINDA BAYLESS**

**INDEX**

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Final Orders were provided to Honorable Judge Bayless via ex parte communication. These orders were signed the next day by Judge Bayless in her chambers with no notice, no motion, and no hearing on Dec 1, 2017.	9
Multiple times the Honorable Judge Bayless has not allowed the Respondent her due process rights. It is reasonable to ascertain that these same actions will continue in the future and therefore disqualification of Judge Bayless is necessary.	9
Respondent has not been allowed her 14th Amendment Rights of the US Constitution regarding being notified of any hearing regarding finality, the opportunity to present any objections or an impartial decision-maker.	10
Two days before signing final orders Honorable Judge Bayless signed an agreed order granting withdrawal of counsel that also stated there were no pending motions or hearings brought on by either counsel.	11
Judge Bayless has participated in multiple ex parte communications with opposing counsel.	12



The court failed to send notice of a final order to the pro se Respondent as required	12
Judge Bayless has failed to Act in the Best Interest of the Child in Multiple Instances	13
Multiple Times Judge Bayless has Ignored the Petitioners Many Violations of both the Children's Bill of Rights and Court Orders	14
Despite the Judge's own concerns for the emotional safety of the child while in the care of the Father, Judge Bayless has recently repeatedly ruled in favor of the Petitioner (the emotionally abusive parent) without any hearings to allow testimony and evidence.	15
Judge Bayless Ignores the Petitioners Violation of Court Orders and Allows the Petitioner to Present Fraudulent Information to the Court Under Oath and in Notarized Documents	16
Judge Bayless has Been Influenced Outside the Court to Change Her Decisions Without a Hearing, Testimony or Evidence	16
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Meetings in judges chambers without a court reporter and/or without both parties	19
Abuse of discretion -	19
Judge Bayles knew that Respondent had been without an attorney for less than 72 hours when she signed final orders. Judge Bayless knew that there was no notice sent to the Respondent about final orders being entered. Judge Bayless signed final orders in her private chambers with no hearing, no one else present and no court reporter.	19
Allowed evidence Res Judica	20
Obstruction of Justice	20
Fraud	21
Judge Bayless Failed to recuse herself from this case - Failure to recuse may rise to the level of disqualification when it impacts a litigant's right to due process.	21



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2013 to 2015 Summary	22
On August 26, 2013, the Respondent, in this case, filed a motion for SAPCR.	22
2015 - Final Hearing - Respondent was awarded primary custody and the Petitioner filed a motion to modify correct or reform along with evidence they claimed was new but was not. Judge Bayless stated specific concerns regarding the Father's treatment of the child in two separate hearings.	22
2016 - Judge Bayless Orders a Continuance and Custody Evaluation (costing \$42,000 and taking 17 months to complete, when a custody evaluation had just been completed less than 18 months prior). The petitioner violates court orders for the child's therapist.	31
2017 - Judge Bayless signs final orders in her chambers with no hearing, no motion to enter final orders, no notice to Respondent of intent to sign final orders and without Respondent even having a chance to read or object to any contents of the final orders. Judge Bayless received the proposed final orders from the Petitioners Attorney Ex Parte the day prior. The Clerk's office fails to send Respondent any notice of final orders after they were signed.	32
2019 - Judge Bayless had a meeting with both attorneys in her private chambers threatening Respondent that if the Respondent does not drop the Bill of Review suit and obey the unlawful final orders, Respondent is going to go to jail for 6 months and will only see her son a few hours of supervised visitation a week.	35
2019 - Judge Bayless and Failure to Comply with Texas Rules 18a regarding Motion to Dismiss or Recuse	42
Ongoing Concerns	42
Key statements and concerns from multiple therapists and psychologists - Judge Bayless refuses to hear from the child's new therapist or the child in the past 3 ½ years.	44
Child's Psychological Testing - Judge Bayless has completely ignored the results of the child's psychological testing that cost the Respondent and Petitioner thousands of dollars.	46
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## Brief History of the Case

### 2013

- August 26 - SAPCR filed
- First Mediation with Judge Pohl Dec 2013

### 2104

- Second Mediation with Trouba Derrick Aug 2014
- First Custody Evaluation ordered with Eric Cardwell

### 2015

- First Custody Evaluation complete
- Final Orders - Mom awarded primary parent by Judge Bayless due to multiple parenting issues regarding the Petitioner (the father)
- Petitioner (the father) complains that the Respondent (the mother) lives 5 miles outside the school district boundary
- Judge Bayless orders the Petitioner 6 months of temporary custody to change his parenting style to ensure that the case stays within Judge Bayless' Burnet County jurisdiction.
- Judge Bayless states in writing that the child will stay with his current therapist unless the child wishes to change and the Respondent approves

### 2016

- Instead of seeking counseling for what the judge ordered the Petitioner he sees a counselor (who is also a tenant of his) for 'anger management' issues. After two months the counselor sends a letter stating the Petitioner does not have anger management issues and the Petitioner wants to enter final orders giving him custody.
- The child's therapist states in an affidavit that things have only gotten worse between the child and the father.
- Judge Bayless then decides that a new counselor needs to be brought in, a "totally reputable counselor", because Judge Bayless now feels "there is a lot of bias in this" Judge Bayless orders a psychological evaluation of the child to be completed in 30 days. Even though just 4 months prior Judge Bayless was supportive of the child continuing to see his current therapist of 2 years.
- Judge Bayless orders a continuance and a psychological evaluation of the child to be complete in 30 days.
- The psychologist doing the evaluation on the child contacts the judge privately stating she wants to do a full custody evaluation. Judge Bayless agrees to let her even though a court-ordered custody evaluation was just completed 16 months prior.



- Second Custody Evaluation - Judge Bayless then orders a second full Custody evaluation (taking over a year to complete and costing \$42,000) **To this day there has never been another hearing after this order in 2016 for a custody evaluation.**

## 2017

- Court files a motion to dismiss the case since it has been open for so long - The dismissal hearing is set for Dec 4th.
- The Petitioner files a motion to retain.
- Oct 5 - Judge Bayless agrees via email that the Petitioners proposed orders deviate too much from the professionals' recommendations.
- Nov 28 - Respondent and her attorney sign an agreed order for a release of counsel. This is signed by the Judge and both parties stating that there are no outstanding motions or hearings other than the counties motion to dismiss, in which the Petitioner had filed a motion to retain.
- Nov 30 - The petitioner sends his proposed final orders to Judge Bayless ex parte via e-file and via email that includes multiple instances false and fraudulent information.
- Dec 1 - Judge Bayless signs final orders in her chambers - with no witnesses, no notice to the Respondent, no motion to enter final orders and without a hearing. These are the exact same orders that Judge Bayless agreed in writing that she was not going to sign less than 2 months prior.
- The court clerk fails to send notice of final orders to Respondent

## 2018

- February - Respondent finds out about that final orders were entered months ago in a scheduling discrepancy with the Petitioner.
- Respondent files a Bill of Review
- Judge Bayless refuses to set a hearing or make a decision on the Bill of Review

## 2019

- Third Mediation - Judge Bayless orders a full day of mediation with Judge Jones in regard to the Bill of Review and the unlawful final orders.
- Judge Bayless has a 30-minute meeting in her chambers with only the attorneys. No court reporter was present. There had not been any hearings, no testimony nor presentation of any evidence in the case for over 3 years. Judge Bayless states that if we show up in her courtroom that she is going to put Respondent in jail for 6 months and only give Respondent a few hours a week of supervised visitation. Respondent's attorney takes notes during this meeting and emails them to the Respondent.



**CASE NO. 41790**

**IN THE INTEREST OF**

**B.J.C.**

**A CHILD**

§  
§  
§  
§  
§  
§

**IN THE COUNTY COURT**

**AT LAW OF**

**BURNET COUNTY, TEXAS**

**MOTION TO DISQUALIFY OR RECUSE HONORABLE JUDGE LINDA BAYLESS**

COMES NOW, Cynthia Chebultz, Respondent in the above-styled and numbered cause, who files this MOTION TO DISQUALIFY OR RECUSE Honorable Judge Linda Bayless from presiding over this cause, and moves the Court in the interest of justice and fairness to when a motion is procedurally sufficient in all respects, the trial Judge (Judge Bayless) must either recuse or refer the case to the presiding Judge. <sup>1</sup> This Court should act with dignity and vacate its erroneous Order of December 1, 2018, entitled 'Final Order In Suit Affecting The Parent-Child Relationship' followed by recusing itself and any further orders of this court.

"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law." Which is applicable to this court by application of Article VI of the United States Constitution and *Stone v Powell* <sup>2</sup>. "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold the federal law."

The above-mentioned Judge has in the past deliberately violated the Respondent's personal liberties and/or has wantonly refused to provide due process and equal protection to all litigants before the court or has behaved in a manner inconsistent with that which is needed for full, fair, impartial hearings.

The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. Therefore, the Respondent respectfully demands said Judge recuse themselves in light of the evidence attached detailing prior unethical and/or illegal conduct or conduct which gives Respondent good reason to believe the above Judge cannot hear the above case in a fair and impartial manner.

Further, the Respondent is requesting a motion to recuse based on the contentious and ongoing use of the justice department to violate due process of law, which is a constitutionally protected right with a guarantee to a speedy trial.

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<sup>1</sup> *Winfield v. Daggett*, 846 S.W.2d 920, 921-22 (Tex. App.--Houston [1st Dist.] 1993, orig. proceeding).

<sup>2</sup> 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976)



This motion is brought pursuant to Texas Rules of Civil Procedure 18a and 18b, Tex Const. Art. 5 § 11, Canons 1, 2, and 3 of the Code of Judicial Conduct and the United States Constitution Amendments 5 and 14. Respondent moves for Honorable Judge Linda Bayless to either voluntarily recuse herself in this case or to refer this matter for hearing before a Regional Judge.

## Introduction

Honorable Judge Linda Bayless has and continues to:

- Refuse to enforce the Children's Bill of Rights
- Refuse to allow a hearing in the past 3 and a half years.
- Refuse to allow due process
- Refuse to allow evidence and witnesses to be heard
- Refuse to act in the best interest of the child's welfare
- Refuse to confer with the child who turns 15 this summer
- Refuse to hear the professional psychologists as to what in their professional opinion based on years of therapy with the child, is in the best interest of the child
- Threaten Respondent with 6 months jail time if Respondent continues to press for a hearing
- Threaten Respondent with a few hours weekly supervised visitation with her son if the Petitioners Counsel presents her with a motion to do so, and Respondent refuses to give in to what the Petitioner is offering outside of court
- Refuse to consider best interest standards in determining visitation which is clearly seen as no hearings have taken place, however, the matters, in this case, adjudicated without regard to facts.
- Refuse to follow Texas Child Support Guidelines in calculating Respondents Child Support
- Abuses her Discretion
- Allows her bias to influence her rulings
- Makes rulings without a hearing
- Allows Fraud on the Court
- Allows surprise witnesses
- Allows old information prior to a previous hearing as new evidence for a new hearing.

This case was initiated on August 26, 2013, Cynthia Chebultz by and thru a SAPCR. **Judge Bayless is quoted as saying "she's worked to make it easier for attorneys and residents to get their cases heard much more quickly." This is clearly not what has happened in this case as litigation has been ongoing for almost 6 years with no resolution other than unlawful orders that were rendered without due process of the law. As stated to the Daily Trib at:**

<https://www.dailytrib.com/2017/11/08/linda-bayless-seeks-re-election-burnet-county-court-law-Judge/>

Throughout the proceedings, Cynthia was later named the Respondent in this case, despite initially being the moving party. Final orders were determined without hearing on December 1, 2017. The Respondent had no reasonable ability to present facts of the case, make legal arguments, defenses, or take affirmative actions or stances with regard to issues in this matter. There was no final hearing scheduled, however, the Petitioner's attorney of record entered ex parte final orders without hearing or



trial, and Judge Bayless signed the orders, without a hearing. This would suggest Judge Bayless based her determinations and findings on facts and knowledge obtained from other sources, from her own personal knowledge, and without regard to actual matters in this case. Further, the fact that no notice of service or notification of any sort was offered to the Respondent before or after the hearing, suggests the courts were biased. Further, it was reported by Respondents' attorney of record at the time, that the Judge made seriously derogatory and prejudiced opinions about the respondent without hearing evidence, facts, testimony, or allowing any affirmative defenses.

Throughout the proceedings, Judge Bayless has made determinations and findings without hearing any evidence and testimony. Despite no further evidence or testimony being heard in this case, Respondents attorney of record reported findings for which Judge Bayless had personal knowledge of with regard to matters of this case. No record of the facts and findings were tried or could have been reasonably known by Judge Bayless at that time. This indicates not only violations of due process of law, but is indicative of personal knowledge of the facts of this case. Further, when a Judge refuses rights to due process of law, but makes findings without hearing facts and evidence, there is no other reasonable explanation than that Judge Bayless is forming her findings from her own bias or prejudiced beliefs about this case, or from her own personal knowledge of matters of this case. **Simply put, one cannot make determinations about events or facts without hearing the arguments, unless they have formed a preset belief about the parties and events in this case.**

The due process clauses of both the Texas and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases.<sup>3</sup> This court is in violation of the due process clauses of both the Texas and the United States Constitutions and in violation of Texas Rule of Civil Procedure 18b because Judge Bayless' impartiality might reasonably be questioned.<sup>4</sup> In this case, it is reasonable to question the impartiality and bias of Honorable Judge Linda Bayless because of the facts stated herein.

This motion is timely made as soon as practicable pursuant to TEX. R. Civ. P. 18a(b)(1)(A).

Respondent contends that Honorable Judge Linda Bayless is subject to recusal and should recuse herself or to refer this matter for hearing before a Regional Judge. As is evidenced by the facts and arguments stated herein.

Respondent contends that if Judge Bayless refuses to recuse herself from this case she should be disqualified from the case. **Failure to recuse rises to the level of disqualification when it impacts a litigant's right to due process.**

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<sup>3</sup> Marshall v. Jerrica, Inc., 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980); Metzger v. Sebek, 892 S.W.2d 20, 37 (Tex. App. Houston [1st Dist.] 1994, writ denied).

<sup>4</sup> Tex. R. Civ. P. 18b(2) (a); Dunn v. County of Dallas, 794 S.W.2d 560, 562 (Tex. App. Dallas 1990, no writ).



## **Facts of This Case**

### **1. Final Orders were provided to Honorable Judge Bayless via ex parte communication. These orders were signed the next day by Judge Bayless in her chambers with no notice, no motion, and no hearing on Dec 1, 2017.**

**(SEE EXHIBIT Exhibit 27 - “2017.12.1 Full FINAL JUDGMENT” signed only by Judge Bayless and Exhibit 52 - Final Orders Emailed and Signed by Bayless {showing the ex parte communication and Judge Bayless’ email to the court coordinator stating she signed the final orders in her chambers that day and told the court coordinator to send them to Autumn to file})**

- a. The respondent was refused her due process of law when final orders were signed ex parte and without commencement of a trial.
- b. No notice was provided to the Respondent that any hearing was scheduled for December 1, 2018
- c. No motion was filed that may indicate any hearing for final orders was being considered, scheduled, or heard.
- d. The Petitioner sent ex parte orders to the judge via e-file and via email. The Petitioner failed to provide a copy of any proposed final orders to the pro se Respondent prior to the signing of final orders on December 1, 2018.
- e. Ex parte orders were issued as final orders.
- f. Violating the respondent’s affirmative defenses is bias and prejudiced when the court is required and expected to remain impartial and unbiased while avoiding any appearance of impartiality.

### **2. Multiple times the Honorable Judge Bayless has not allowed the Respondent her due process rights. It is reasonable to ascertain that these same actions will continue in the future and therefore disqualification of Judge Bayless is necessary.**

- a. There was no motion for a final orders hearing
- b. There was no motion to enter final orders
- c. There were no proposed final orders presented to the Respondent (in fact these were only provided to Judge Bayless ex parte)
- d. There was no hearing on December 1, 2018, when the final orders were signed by Judge Bayless in her private chambers and no one else was present.
- e. There was no previous notice to the Respondent about a hearing on December 1, 2018.



- f. There was no notice to the Respondent regarding any intent to enter final orders. Texas law says you must give at least 45 days' notice of a final hearing.
- g. There was no evidence nor argument to support the Court's order other than the Court's bias against Respondent.
- h. The orders signed by Honorable Judge Bayless are based on untruthful and fraudulent information provided to her by the Petitioners Attorney.
- i. Judge Bayless knew that Respondent had been without an attorney for less than 72 hours when she signed final orders.
- j. Judge Bayless has refused for over a year to grant a Bill of Review hearing.
- k. **Judge Bayless refused to recuse herself from this case. Failure to recuse rises to the level of disqualification when it impacts a litigant's right to due process.**

**3. Respondent has not been allowed her 14th Amendment Rights of the US Constitution regarding being notified of any hearing regarding finality, the opportunity to present any objections or an impartial decision-maker.**

- a. "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." <sup>5</sup>
- b. This may include an obligation, upon learning that an attempt at notice has failed, to take "reasonable follow up measures" that may be available. <sup>6</sup>
- c. Notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. <sup>7</sup>
- d. "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest." <sup>8</sup>
- e. This right is a "basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more

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<sup>5</sup> Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). See *also* Richards v. Jefferson County, 517 U.S. 793 (1996)

<sup>6</sup> Jones v. Flowers, 547 U.S. 220, 235 (2006) (state's certified letter, intended to notify a property owner that his property would be sold unless he satisfied a tax delinquency, was returned by the post office marked "unclaimed"; the state should have taken additional reasonable steps to notify the property owner, as it would have been practicable for it to have done so).

<sup>7</sup> Goldberg v. Kelly, 397 U.S. 254, 267-68 (1970)

<sup>8</sup> Mathews v. Eldridge, 424 U.S. 319, 333 (1976). "Parties whose rights are to be affected are entitled to be heard." Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863).



particularly, is to protect his use and possession of property from arbitrary encroachment . . . .”<sup>9</sup>

- f. Thus, the notice of hearing and the opportunity to be heard “must be granted at a meaningful time and in a meaningful manner.”<sup>10</sup>
- g. “An impartial decision-maker is an essential right in civil proceedings as well”<sup>11</sup>
- h. The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him.”<sup>12</sup>

#### **4. Two days before signing final orders Honorable Judge Bayless signed an agreed order granting withdrawal of counsel that also stated there were no pending motions or hearings brought on by either counsel.**

- a. If any pending motions or hearings might have previously existed Judge Bayless signing this document stating there were none would negate any other setting or motion that might have been pending.
- b. These signed orders to withdraw specifically reflect that there is no pending setting of any kind on December 1st.
- c. There was no notice to the Respondent regarding any intent to enter final orders.
- d. Texas law says you must give at least 45 days’ notice of a final hearing.
- e. Opposing Counsel also signed the agreed order on the Petitioner’s behalf thereby also negating any other setting that would have possibly been pending if it existed.
- f. The order did state that there was a pending motion to dismiss brought on by the county later in the month (only because the case was still on the books for over 5 years). But the signed order above also stated that opposing counsel had already filed a motion to retain on that matter.
- g. **(See Exhibit 24 - 2018.11.28 Agreed Order Granting Motion to Withdraw as Counsel File Marked)**

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<sup>9</sup> Fuentes v. Shevin, 407 U.S. 67, 80–81 (1972). See Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170–71 (1951)

<sup>10</sup> Armstrong v. Manzo, 380 U.S. 545, 552 (1965)

<sup>11</sup> Goldberg v. Kelly, 397 U.S. 254, 271 (1970)

<sup>12</sup> Marshall v. Jerrico, 446 U.S. 238, 242 (1980); Schweiker v. McClure, 456 U.S. 188, 195 (1982)



## **5. Judge Bayless has participated in multiple ex parte communications with opposing counsel.**

- a. Judge Bayless received proposed final orders via ex parte email and ex parte e-filing. Judge Bayless then signed the proposed orders the next day in her chambers without a hearing.

**Exhibit 52 - Final Orders Emailed and Signed by Judge Bayless {showing the ex parte communication and Judge Bayless' email to the court coordinator stating she signed the final orders in her chambers that day prior to any hearing and told the court coordinator to send them to Autumn to file}}**

- b. On Multiple Occasions that we have found Judge Bayless includes the Petitioners counsel in email communications but does not include the Respondent.

**(SEE EXHIBIT Exhibit 53 - Bayless cc only Trey 2016 4.6 and Exhibit 54 - Bayless cc only Trey 2016 7.27 Exhibit 58 - DrSherry-Bayless 27 Jul 2016 ex parte {shows faxed but was not})**

- c. Petitioners counsel is allowed to email the judge without copying the Respondent.

Nor does the court or the Petitioner later forward the emails to the Respondent.  
**Exhibit 52 - Final Orders Emailed and Signed by Judge Bayless {showing the ex parte communication between the court and the Petitioner where the Petitioner did not include the Respondent and the court did not forward to the Respondent**

- d. The court coordinator has instructed attorneys in writing to call the Judge directly when she is on vacation.

**Exhibit 55 - Notice to Attorney's to call Bayless on her Cell Phone**

- e. An open records request to the Burnet County IT department failed to include several emails that Respondent already had regarding her case. Therefore it is reasonable to expect that there are additional ex parte communications that have yet to be found in this case.

**(See Jump Drive of zip files that contains several Emails from the County IT department and known emails regarding this case that were not provided in the open records request )**

## **6. The court failed to send notice of a final order to the pro se Respondent as required**

- a. The Court Clerk failed to send notice of a final order to Respondent

Upon reviewing the entire case file there is no notice that was sent to the Respondent that final orders were ever entered.

**(Exhibit 56 - 41790 Service Records)**



- b. Petitioner's Attorney was allowed to list a fictional address for the Respondent on the final orders that Judge Bayless signed.

The petitioner's attorney was allowed by Judge Bayless to intentionally give a false and non-existent address for the Respondent to ensure that if any notice was actually ever sent it would go to a non-existent address.

- c. The court has violated the Texas Rules of Civil Procedure RULE 239 regarding notice post judgment.
  - i. "Upon such call of the docket, or at any time after a defendant is required to answer, the plaintiff may in term time take judgment by default against such defendant if he has not previously filed an answer, **and provided that the return of service shall have been on file with the clerk for the length of time required by Rule 107.**" <sup>13</sup>
  - ii. "At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney shall certify to the clerk in writing the last known mailing address of the party against whom the judgment is taken, **which certificate shall be filed among the papers in the cause.**" <sup>14</sup>
  - iii. "Immediately upon the signing of the judgment, the clerk shall mail written notice thereof to the party against whom the judgment was rendered at the address shown in the certificate, and note the fact of such mailing on the docket." <sup>15</sup>

## 7. Judge Bayless has failed to Act in the Best Interest of the Child in Multiple Instances

- a. Judge Bayless states multiple times, on the record, in multiple hearings in 2015 that she has grave concerns about the father (Petitioner). Since 2016 Judge Bayless has completely ignored these concerns and has not required the Petitioner to follow through with her original orders for counseling and changing his parenting styles.  
**(Exhibit 1 - 2015 8.28 Transcript and Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling)**
- b. Judge Bayless has left the child to be primarily raised in the Petitioners home between 2015 and 2019, where there is significant evidence that this home has been extremely damaging to the child and against 5 years of recommendations from the Child's two different therapists. **(Exhibit 14 - Affidavit Rhonda Gilchrist-4.6.16 and Exhibit 34 - LeAnn Artis Affidavit)**
- c. The last orders that were signed without a hearing, give Respondent less than time with the child than standard visitation provides.

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<sup>13</sup> TRCP Rule 239

<sup>14</sup> TRCP Rule 239a

<sup>15</sup> TRCP Rule 239a



- d. Judge Bayless ordered a year-long \$42,000 psychological and custody evaluation. Then later she ignores this order and never has another hearing. **(Exhibit 15 - 2016 4.7 - Order for Forensic Psychological Evaluation)**
- e. For two years now Judge Bayless refuses to review or consider the very concerning results of the psychological evaluation of the child that she ordered. **(Exhibit 38 - BJC Psyc Eval)**
- f. For over 3 years Judge Bayless continues to refuse to hear from the 15-year-old child or the child's second therapist that he has been seeing now for 2 years.
- g. The only reason that the child was removed from the Respondent and placed with the Petitioner (whom the child's two therapists have deemed is emotionally abusing the child) is because the Petitioner falsely claimed that the Respondent moved 5 miles outside the school district's boundary after the August hearing. When the Petitioner had notes on the stand at the August hearing in his own handwriting that he knew the Respondent had not been living within the school district boundary for quite some time. **(Exhibit 2 - Campbell Notes on stand in court)**

The additional 5-mile drive to school in no way affected the child's visitation with his father or affected his school activities. It is not in the child's best interest to place him with the abusive parent over an additional 5-mile drive to school.

## **8. Multiple Times Judge Bayless has Ignored the Petitioners Many Violations of both the Children's Bill of Rights and Court Orders**

- a. Initial determinations were made after a final hearing that occurred on August 28, 2015 (where the Respondent, the child's mother, was awarded Primary Custody) and an additional temporary hearing on Dec 1, 2015, for which in both hearings Judge Bayless voiced several concerns over the Petitioner's behaviors that were shown by and through evidence and testimony to continually violate the Children's Bill of Rights.

**(Exhibit 1 - 2015 8.28 Transcript and Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling)**

- b. The child's multiple outcries such as "dad is just trying to remove my mom from my life" was not concerning enough to Judge Bayless to leave the child with his mother over a 5-mile discrepancy in the school district boundary.

**(Exhibit 14 - Affidavit Rhonda Gilchrist-4.6.16 and Exhibit 34 - LeAnn Artis Affidavit)**

- c. Petitioner has filed a motion to further reduce the Respondent's time with the child down to try to further alienate the Respondent from the child when there has been no substantial change in circumstances.

**(Exhibit 57 - Campbell Modify 6.10.2019)**

- d. Even though there has been no evidence and no hearings for over 3 years, Judge Bayless has recently told the Petitioners attorney in private chambers that he will be



awarded whatever motion he presents to her including restricting the Petitioner to a few hours of supervised visitation a month.

**(Exhibit 30 - 2019.4.24 Today's Meeting With The Judge)**

- e. The Petitioner excludes the Respondent from information regarding school events, medical appointments, getting braces, school-related matters, extracurricular and sporting activities, etc
- f. Petitioner transferred the child to a new school without notifying the Respondent and without the permission of the Respondent. **(Exhibit 46 - School Transfer Form)**
- g. Everything is being done around the 15-year-old child without allowing him to have input, he has no voice and his concerns are not heard.
- h. The Child's first therapist of 3 years was not listened to in court.
- i. The Child's second therapist of 2 years has still not been able to testify as Judge Bayless will not allow any hearings.

**9. Despite the Judge's own concerns for the emotional safety of the child while in the care of the Father, Judge Bayless has recently repeatedly ruled in favor of the Petitioner (the emotionally abusive parent) without any hearings to allow testimony and evidence.**

- a. Spring Break hearing requested by Petitioner and Judge Bayless scheduled a meeting in her chambers in less than 48 hours. By the time the information made it to Respondent's Attorney and to the respondent this meeting had already happened two hours prior. **(Exhibit 13 - FW\_ Spring Break 2016 campbell)**
- b. Petitioners request to the judge to allow a second custody evaluation that ended up costing an additional \$42,000 when there was a custody evaluation completed just 16 months prior. **(Exhibit 59 - Opposing Counsel Request Second Custody Evaluation)**
- c. Allowing Petitioner to email ex parte proposed orders to the Judge and Judge Bayless signing them the next day with no hearing. **Exhibit 52 - Final Orders Emailed and Signed by Bayless {showing the ex parte communication and Judge Bayless' email to the court coordinator stating she signed the final orders in her chambers that day and told the court coordinator to send them to Autumn to file}}**
- d. Hearing in private chambers April 2019 with only the attorneys not allowing any of the parties, no evidence and no testimony stating that if we do have a hearing it will only result in a severe reduction in time with the child for the Respondent. **(Exhibit 30 - 2019.4.24 Today's Meeting With The Judge)**
- e. Enforcement hearing when Judge Bayless refused to give the Respondent a continuance when the hearing was the exact same date and time of Respondents life-saving cancer surgery that kept her in a hospital or a medical facility for over two months **(Exhibit 60 - Motion for Continuance \_ second ammended\_ signed and Exhibit 61 - Continuance Surgery Proof)**



## **10. Judge Bayless Ignores the Petitioners Violation of Court Orders and Allows the Petitioner to Present Fraudulent Information to the Court Under Oath and in Notarized Documents**

- a. The Petitioner has presented information to Judge Bayless that the Respondent has proven that the Petitioner knows is incorrect or flawed.

For example, the Petitioner led the court to believe that the Respondent moved out of the school district after she won primary custody. When it has been proven in court that the Respondent gave notice to vacate her apartment months before any trial date was even set. **(Exhibit 62 - Apartment Notice to Vacate)**

- b. The Petitioner has taken the child to therapists Judge Bayless specifically ordered the child not see. **(Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016)**
- c. The Petitioner has withheld the Passport from the Respondent for International Travel **(Exhibit 63 - Summer 2018 - Wes refuses to give me BJC passport)**
- d. The Petitioner has refused to give proper notice or any notification at all when he travels with the child out of state or out of the country. **(One of the examples: Exhibit 64 - 2 days notice of BJC leaving the country with Wes)**
- e. The Petitioner has withheld the child from visitation with the Respondent on multiple occasions and holidays such as Mother's day and the child's birthday. **(See Police Reports Filed in Marble Falls - One for Example #18-028642 on 08/23/2018 the child's birthday)**
- f. The Petitioner has produced notarized affidavits to Judge Bayless that contain knowingly fraudulent and false information. **(Exhibit 39 - 2015.09.08 Wes Fraudulent Notarized Statement)**

## **11. Judge Bayless has Been Influenced Outside the Court to Change Her Decisions Without a Hearing, Testimony or Evidence**

- a. August 2015 - Judge Bayless gave the respondent primary custody of the child. There have been no additional hearings with testimony or evidence presented since 2015. Now in 2019 Judge Bayless stated in her last meeting with counsel from both sides that she was going to put the Respondent in jail and give her supervised visitation and specifically cited her bias beliefs of occurrences that have happened in the case since the last hearing over three years ago.

**See #12 below for specific examples and evidence**

- b. Upon Petitioner's December 2015 request for a new therapist for the child Judge Bayless specifically disallowed it unless the child wanted the change. Then later with no hearings and no evidence, Judge Bayless states there needs to be an additional psychological professional because she feels this therapist is now biased.



- i. **December 2015** - quote from Judge Bayless: "I am not inclined to agree with changing BJC's counselor unless BJC wants to and Ms.Chebultz agrees." **(see Page 3 of Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016)**
- ii. **April 2016** - quotes from Judge Bayless state that she now believes there is bias with the child's therapist and does not trust her **(see Page 9 of Exhibit 42 -2016.4.6 Hearing Transcripts):**
  1. *"order a psychological evaluation of BJC by some totally independent, not recommended by Ms. Gilchrist."*
  2. *"But some totally reputable independent doctor or counselor to give me some idea of where he really is."*
  3. *"Because there's a lot of bias in all of this."*
- iii. **There had been no hearings and no new evidence between these two instances Dec 2015 and April 2016 the change in the Judge's opinion of Ms Gilchrist could only have come from an influence from information outside that courtroom.**

**12. Judge Bayless has expressed her bias multiple times in this case. One of the guiding principles of the American system of jurisprudence is the idea of an independent and neutral judiciary. If there is a question regarding judicial bias the Judge must be recused.**

- a. **Judge Bayless has threatened the Respondent with 6 months jail time and completely unwarranted 3 hours of supervised visitation if the Respondent does not stop pursuing her right to due process and if she continues contesting the unlawful final orders through a Bill of Review.**
  - i. These statements below are from the notes that the Respondents attorney took during the last meeting with Judge Bayless and are quotes from Judge Bayless.
  - ii. **"She mentioned several times that she would have "zero problem" putting you in jail for the maximum of 180 days for contempt of court. Judge made it a point to remind everyone that jail for contempt is 'day-for-day,' meaning that you would have to serve all 180 days in jail, if so sentenced."**
  - iii. **"Judge mentioned that if Trey did file such a Motion, that she would also strip you of all visitation with BJC, except 'supervised visitation.' "**
  - iv. **Judge Baylessstatements during that meeting clearly show that she has recent information since the last hearing (which was over 3 years ago).**
  - v. **(see Exhibit 30 - 2019.4.24 Today's Meeting With The Judge)**
- b. **Judge Bayless recently has ignored all evidence against the Petitioner by refusing to have any sort of hearing in the past 3 years. The Petitioner still has not**



**resolved any of the Judge's concerns about the petitioner from 2015 when the Respondent won primary custody.**

- c. **There is not any new evidence or testimony against the Respondent as there have not been any hearings since 2015, yet Judge Bayless continues to severely limit the Respondents time with the child.**
- d. Judge Bayless ordered the Petitioner to come back to her courtroom May 2016 with a counselor showing he was no longer emotionally abusing the child, specifically **"I want a hearing scheduled six months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress in having a relationship with his son where the son is not in constant fear or afraid or intimidated or afraid to say how he feels."** Yet in 2019 this still has not happened. (see *Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz*)
- e. **The child has seen two different additional therapists of his own over the past 5 years and not one of the child's psychological professionals have made any statements or concerns regarding the Respondent to support any of Judge Bayless' recent statements or actions against the Respondent. However these same professionals have made multiple statements and affidavits about their concerns regarding the Petitioner, yet Judge Bayless actions indicate her intentions of giving the Petitioner more parenting time when the Respondent currently has less than standard visitation.**
- f. Respondent was granted primary custody of the child by Judge Bayless August 2015, the event just months after that hearing was that Judge Bayless found out that the Respondent was living 5 miles outside the school district boundary. No other change in circumstance has happened, no additional hearings have occurred, but currently, in 2019, Judge Bayless feels the Respondent needs 6 months jail time and supervised visitation.
- g. Judge Bayless has forced Respondent pay for 50% of the custody evaluator but she will not make the Petitioner pay for 50% of the child's court-ordered therapy which is a greater amount due.
- h. Judge Bayless has shown bias in allowing the Petitioner to hold the child's passport and continue to have multiple passport and travel violations. Judge Bayless refuses to make the Petitioner sign a passport agreement yet also denies the Respondent visitation with the child if she doesn't return the passport to the Petitioner with no pending international travel
- i. **Bias Nothing ever presented to show father changed his behavior**
- j. Judge Bayless refused to grant a Continuance when hearing was scheduled on the exact same day and time that Respondents Mother had major cancer surgery that kept her either in the hospital or in rehab for over two months.



### 13. Meetings in judges chambers without a court reporter and/or without both parties

- a. Spring Break Meeting (**Exhibit 13 - FW\_ Spring Break 2016 campbell**)
- b. Bill of Review Meeting (**Exhibit 30 - 2019.4.24 Today's Meeting With The Judge**)

### 14. Abuse of discretion -

- a. Judge Bayles knew that Respondent had been without an attorney for less than 72 hours when she signed final orders. Judge Bayless knew that there was no notice sent to the Respondent about final orders being entered. Judge Bayless signed final orders in her private chambers with no hearing, no one else present and no court reporter.
  - i. October 5, 2017 - Petitioner's Attorney wants to enter final orders and Judge Bayless "Agree's" that there are too many issues with his proposed orders and will not sign them. NOTE: These are the exact same orders that she signs less than two months later. (**Exhibit 21 - 2017.10.5 - Final Orders Request - Declined**)
  - ii. November 28, 2017 - Judge Bayless allowed Respondents counsel to withdraw from the case.
  - iii. November 30, 2017 - With no warranted reason, opposing counsel sends ex parte final orders to the court to be signed, the same orders the Judge declined less than 2 months prior).
  - iv. December 1, 2017 - Judge Bayless signs final orders in her chambers with no one present with no hearing and no notice to the Respondent. (**see Exhibit 27 - 2017.12.1 Full FINAL JUDGMENT**)
- b. Switching custody because Respondent lived 5 miles outside the school district boundary when there were no issues in getting the child to and from school or extracurricular activities.
- c. Ordered \$42,000 Custody evaluation and then never even looked at it after a full custody evaluation had just been completed 16 months prior.
- d. **Abuse of Discretion - Failing to rule on the bill of review and motion for continuance**
- e. To establish that the trial court abused its discretion by failing to rule, the relator must show that the trial court: (1) had a legal duty to perform a non discretionary act; (2) was asked to perform the act; and (3) failed or refused to do so. Id.; In re Sepeda, 143 S.W.3d 871, 872 (Tex.App.-El Paso 2004, orig. proceeding); see also Newton v. Calhoun, 203 S.W.3d 382, 386 (Tex.App.-El Paso 2006, no pet.) (citing Stoner v. Massey, 586 S.W.2d 843, 846 (Tex. 1979)).
- f. A trial court is required to consider and rule upon a motion within a reasonable time. In re Bonds, [57 S.W.3d 456, 457](#) (Tex.App.-San Antonio 2001) (orig. proceeding); Safety-Kleen Corp. v. Garcia, [945 S.W.2d 268, 269](#) (Tex.App.-San Antonio 1997) (orig. proceeding).



- g. Appellant first asserts that Judge Baraka predetermined the punishment when at the deferred adjudication hearing, he told him that the maximum sentence would be imposed if he violated any term or condition of his probation. He argues in two points of error that because of this, Judge Baraka's failure to recuse himself constituted a denial of due process and due course of law. It is axiomatic that it is a denial of due process for the court to arbitrarily refuse to consider the entire range of punishment for an offense or to refuse to consider the evidence and impose a predetermined punishment. *McClenan v. State*, [661 S.W.2d 108, 110](#) (Tex.Crim.App. 1983); *Cole v. State*, [757 S.W.2d 864, 865](#) (Tex.App. — Texarkana 1988, pet. ref'd).
- h. Latest orders give less than standard visitation to the Respondent with no evidence as to why when the Petitioners behavior is what had concerned the Judge and both the child's therapists.

## 15. Allowed Evidence Res Judica

Evidence Res Judica - Judge Bayless allowed evidence that was known by the Petitioner and could have been obtained prior to the previous hearing, to be submitted as new evidence.

## 16. Obstruction of Justice

- a. No hearings for the SAPCR Case 41790 for over three and a half years
- b. No hearing ever in the past 14 months for the Bill of Review
- c. Judge Bayless states she has grave concerns about the father (Petitioner) - orders continuance and an evaluation of the child. **(See Statements Below)**
- d. There was never another hearing in Judge Bayless' courtroom.
- e. Judge Bayless never heard from the evaluator or the child's new therapist.
- f. Judge Bayless never looks at the psychological evaluation of the child.
- g. Judge Bayless later signs final orders in her private chambers with no hearing and no new evidence giving all primary custody to the father.
- h. Without any hearings or evidence it the last three years Judge Bayless now states she will put Respondent in jail and only give her a few hours supervised visitation to the Respondent.

### **August 28, 2015 remarks made by the Honorable Judge Bayless during the hearing: (see Exhibit 1 - 2015 8.28 Transcript)**

- i. "I think now we're beginning to see some emotional, some serious emotional issues that are developing based on all of this conflict in all of this upheaval in his life."
- j. **"It also appears to me that most of this started about the time you got married two years ago (to Petitioner).** I don't know if there's a connection or not, but I do detect and having the testimony a lot of anger, particularly on your (Petitioner's) part, that I just feel like there are unresolved issues with Ms Chebultz" ... "Hopefully you would seek counseling to find out. **Because some of the things that have been done to and with this child or through this child to the other person makes that very clear to me."**



- k. "I'm shocked at how well adjusted he seems to be, but **he certainly does have some fears, some great fears, some legitimate fears particularly of his father. I heard that in testimony. I heard that from him.**" ...**" and I heard in testimony in from him but there is a lot of criticism, a lot of judging, a lot of trying to influence him and his decision about if he were to talk to me and what he needs to tell me. And that disturbs me greatly."**
- l. **"I have grave concerns about the father alienating the son due to his inability to connect with his son in anything other than pressuring him to be perfect"**
- m. (Orders BJC to live with mom) **"until something else changes or until he expresses a desire at an appropriate age to do something different"**
- n. **I'm going to order counseling for BJC for the next six months because I do believe from both counselors that I heard from he needs to find his voice and be able to state how he feels to his father and mother, he's tired of this and I can understand why"**
- o. **(see Exhibit 1 - 2015 8.28 Transcript)**

**December 1, 2015 remarks made by the Honorable Judge Bayless during the hearing:  
(see see Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz)**

- a. **"I want a hearing 6 months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress as to having a relationship with his son where his son is not in constant fear or afraid or intimidated to say how he feels"**
- b. **"My job is the best interest of the child period. So I'm extremely concerned right now, I can't say today that I have made the best decision by letting him have custody because i have grave concerns about his attitude toward raising this child"**
- c. **"And with regards to Mr. Campbell's counseling, I definitely want to have, before we have the hearing in six months, some kind of report or something from a counselor that I can look at and adequately be prepared for the hearing"**
- d. **"I'm only interested in hearing from his counselor as to his progress regarding his relationship with his son."**

## **17. Fraud**

- a. Judge Bayless signed orders with false Child Support amounts that had no evidentiary support of recent income.

## **18. Judge Bayless Failed to recuse herself from this case - Failure to recuse may rise to the level of disqualification when it impacts a litigant's right to due process.**



## Full Timeline

### 2013 to 2015 Summary

1. On August 26, 2013, the Respondent, in this case, filed a motion for SAPCR.
2. Various Mediations, Evaluations, Hearings, etc happen between 2013 and 2015 but no final orders were entered.

**2015 - Final Hearing - Respondent was awarded primary custody and the Petitioner filed a motion to modify correct or reform along with evidence they claimed was new but was not. Judge Bayless stated specific concerns regarding the Father's treatment of the child in two separate hearings.**

3. August 25, 26 and 28 2015 a final orders hearing was heard for which the Respondent was named primary custody of the child party to this suit.
4. During that hearing, it was noted by the Honorable Judge Bayless that there were several concerns about the child with regard to emotional abuse and violations of the Children's Bill of Rights that was found against the Petitioner, the father in this case. This can be seen clearly in the remarks made by the Honorable Judge Bayless during the hearing as follows: (***see Exhibit 1 - 2015 8.28 Transcript***)
  - a. "I think now we're beginning to see some emotional, some serious emotional issues that are developing based on all of this conflict in all of this upheaval in his life."
  - b. **"It also appears to me that most of this started about the time you got married two years ago (to Petitioner).** I don't know if there's a connection or not, but I do detect and having the testimony a lot of anger, particularly on your (Petitioner's) part, that I just feel like there are unresolved issues with Ms. Chebultz" ... "Hopefully you would seek counseling to find out. **Because some of the things that have been done to and with this child or through this child to the other person makes that very clear to me."**
  - c. "I'm shocked at how well adjusted he seems to be, but **he certainly does have some fears, some great fears, some legitimate fears particularly of his father. I heard that in testimony. I heard that from him.**" ... "and I heard in testimony in from him but there is a lot of criticism, a lot of judging, a lot of trying to influence him and his decision about if he were to talk to me and what he needs to tell me. And that disturbs me greatly."
  - d. **"I have grave concerns about the father alienating the son due to his inability to connect with his son in anything other than pressuring him to be perfect"**
  - e. (Orders BJC to live with mom) **"until something else changes or until he expresses a desire at an appropriate age to do something different"**
  - f. **"I'm going to order counseling for BJC for the next six months because I do believe from both counselors that I heard from he needs to find his voice and be**



**able to state how he feels to his father and mother, he's tired of this and I can understand why"**

***g. (see Exhibit 1 - 2015 8.28 Transcript)***

5. On August 28, 2015 - During the final orders hearing, it was further ordered that the child begin therapy and that there were serious concerns with regards to the way the Petitioner (father) treats the child. Since this order, however, the Petitioner has never been held accountable by the court for his half of the child's therapy costs which Respondent has paid over 80% of the costs over the course of 5 years. Judge Bayless has however recently held the Respondent responsible when the division of the \$42,000 custody evaluation was paid 45% by Respondent and 55% by Petitioner. In the final orders signed only by Judge Bayless on Dec 1, 2017, the Respondent was ordered to reimburse the Petitioner for the custody evaluation, but Judge Bayless failed to hold the Petitioner accountable for a much larger amount for his portion of the child's therapy. **This shows a clear bias that Judge Bayless' has formed in favor of the Petitioner.**
6. During the August 2015 hearing, it was ordered that both parties reside within the child's school district boundaries but only where the school district intersects within Burnet county. The school district boundaries include both Burnet and Travis County. Travis County, despite being in the child's school district, was restricted.
  - a. The geographic restrictions severely limited the Respondent's residence to a very small area, where the only city within that area is a mere 12 square miles of residential properties for which the Respondent would be able to find housing. Due to the severely limited area, and the very small size, as well as the fact that the Respondent was previously living outside of the geographic restrictions, it is unreasonable and oppressive to the Respondent.
  - b. Further, the Respondent's place of employment was in Austin, TX. The Respondent was living a mere 5 miles outside the Marble Falls ISD and halfway between her son's school and her job.
  - c. It should be noted that the restriction limited the Respondent only to the county for which Judge Bayless presides over. This indicates Judge Bayless' intent was to ensure the case was ONLY heard in her court, and not made with regard to the best interest of the children, but in the interest of preventing any possible change in the jurisdiction of this case.
  - d. Respondent would be forced to move to an area much farther from her job to reside only where the school district boundary intersects with Burnet county when the Respondent currently only has the child approximately 45 school days a year, or 11.5% of the year.
7. Sept 8, 2015, a mere 11 days after rendition - The Petitioner filed a motion to modify, correct or reform.
8. October 2015 - Petitioner submitted his affidavit to the courts with false allegations and evidence for the motion to reconsider. The hearing was scheduled for November 18, 2015. The Respondent, by and thru and her attorney of record, objected to the motion to reconsider. The November 18, 2015 hearing was scheduled to determine whether or not the motion to



reconsider would be allowed, or not.

9. The Petitioner attempted to enter new evidence that was available to him prior to the hearings, that could reasonably have been entered previously. The hearing was scheduled solely to delay justice. Evidence of Acts Before the Order to be Modified Is not admissible “Courts may modify the decree awarding the custody of children in divorce cases, but such modification must be upon matters which have arisen subsequently”<sup>16</sup> Case law interpreting Sec. 156.101 is based on principles of res judicata and avoiding relitigation of child custody issues that could have been heard when the first order was entered<sup>17</sup> **The Honorable Judge Bayless showed bias in allowing a new trial based on evidence that was available before the last hearing when there was evidence that the Petitioner had knowledge of the supposedly new evidence prior to and during the last hearing.**

- a. **August 2015 - Petitioner’s notes on the stand stating Respondents “Marble Falls Apartment was just for show” - (see *Exhibit 2 - Campbell Notes on stand in court*)**
- b. **October 2015 - Petitioner’s Affidavit Stating that Respondent moved after the last hearing in August 2015 “to the best of his knowledge Respondent moved Sept 2015” - (see *Exhibit 3 - 2015 October Campbell Affidavit*)**
- c. Resjudicata precludes relitigation of claims that have been finally adjudicated, or that arise out of the same subject matter and that could have been litigated in the prior action.<sup>18</sup> To establish the application of res judicata, a party must show the following elements:
  - i. a prior final judgment on the merits by a court of competent jurisdiction;
  - ii. identity of parties or those in privity with them; and
  - iii. a second action based on the same claims as were raised or **could have been raised in the first action.**

10. On November 18, 2015, the court heard this case in the motion to modify, correct or reform. The hearing was set for 30 minutes and was solely for the purpose of Petitioners motion for Judge Bayless to reconsider her judgment. **(Exhibit 65 - Hearing on Motion to Correct, Modify or Reform)**

- a. The attorney of record was not present due to the fact that he was representing a trial case in front of a jury on that day.
- b. Neither Respondent or her attorney were attending this hearing but an assistant, non-trial lawyer represented the Respondent. The Respondent was not available due to the mutual understanding that the hearing was only to determine if a full hearing would be allowed or not, and if the case would be set for trial. The Respondent was informed by her attorney of record that her presence was not needed that day. However, at some point, Judge Bayless had considered granting the motion to reconsider and Respondent's attorney was not notified.

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<sup>16</sup> Wilson v. Elliott, 73 S.W. 946, 947 (Tex. 1903), Texas Supreme Court

<sup>17</sup> Blackwell v. Humble, 241 S.W.3d 707, 716 (Tex. App.– Austin 2007, no pet.)

<sup>18</sup> Amstadt v. United States Brass Corp., 919 S.W.2d 644, 652 (Tex.1996)



- c. It was reported by multiple witnesses who were in the courtroom that day, that Judge Bayless was extremely upset that Respondent was not there, and that Judge Bayless stated the Respondent better have a good reason for not showing.
- d. Judge Bayless had changed her mind with no notice to Respondent's attorney, and she wanted to proceed that day with new evidence, witnesses and such to reopen the case and reform her judgment.
- e. The Respondent received a call from the assistant attorney requesting her presence in the courtroom, and that the Respondent gathers and bring evidence as the court had decided to hear evidence and testimony on that day on the reconsideration. The Respondent was not prepared for trial on that day, however, did appear as soon as possible.
- f. The trial was eventually reset for December 1, 2015.
- g. During the December 1, 2015, reset for the motion to reconsider, Judge Bayless admitted on record that the hearing on November 18, 2015, was only for a ruling on whether or not she would allow a trial for reconsideration to be heard, not that the trial would commence on that day. This can be seen in her transcripts of the December 1, 2015 hearing where she stated "Originally I had not really intended to have another hearing. I was just going to rule on Mr. Brown's motion." The statement was made in the context of the November 18, 2015 hearing. Further, the statements heard by other witnesses in the courtroom, made by Judge Bayless November 18 highly disfavored the Respondent and without reasonable cause. (*see Exhibit 4 - Hearing 2015 12.1 Judge's comments*)

11. On December 1, 2015, the court granted the motion to reconsider and new surprise testimony and evidence was allowed. The evidence and testimony was allowed without regard to the fact that the evidence heard in that hearing was not new evidence, and could have reasonably been provided during the August 28, 2015, final orders hearing. **According to the supreme court of Texas, a new trial will not be granted, for surprise on account of new evidence, whenever, by reasonable diligence, it could have been previously obtained.**<sup>19</sup> **The Petitioner's notes on the stand at the previous hearing August 2015 proved that the Petitioner had prior knowledge of the evidence.**

- a. During the August 2015 hearing just one month prior to Petitioner's motion, the Petitioner had notes on the stand with him where he acknowledged that Respondent did not primarily live in Marble Falls. Respondent's attorney asked Mr. Campbell, the Petitioner for his notes that stated: **"MF (Marble Falls) Apt is for show". Proving the Petitioner knew at the previous trial that the Respondent did not primarily live in Marble Falls.** Since there was proof that the Petitioner had knowledge of this information it could have been previously obtained and should not have been allowed as any evidence for Motion for a New Trial. (*see Exhibit 2 - Campbell Notes on stand in court*)
- b. **Evidence was entered, that showed the Respondent gave notice to vacate her apartment on June 23rd, 2015 more than two months prior to the August hearing. (see Exhibit 5 - Respondents intent to move in June 2015).** Therefore it is clearly proven that Petitioner and his attorney had knowledge of the Respondents move

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<sup>19</sup> 3 Story, C. C. R. 122; Watts v. Jonson, 4 Tex R. 311, 319)



- that could have been previously obtained.** The Respondent did move a mere 5 miles outside the school district boundary to be closer to a new job that started in July 2015.
- c. The court allowed Sandy Sharpe, a witness for the Petitioner, to testify as a surprise witness and/or with surprise testimony. Erroneous admission of surprise witness' testimony is not harmful if that testimony is "merely cumulative of properly admitted testimony", <sup>20</sup> Ms. Sharpe was the only witness to testify to these facts; her testimony was not cumulative. It was intended to try to show new evidence.** Petitioners insistence on using her testimony indicates how important he thought it was to his case. **Under the circumstances, we hold that the error in admitting Sharpe's testimony was reversible. Respondent's attorney had no advance notice of the witness' testimony and was not allowed any preparation for Sharpe's testimony.**
  - d. Petitioner's Attorney obtained documents and knowledge from Sharpe prior to the hearing through a personal friendship without subpoenas and/or deposition. Petitioners Attorney also did not provide Respondent's attorney with a copy of the subpoena or a copy of the return of service for the subpoena so that the Respondent's attorney would not have knowledge of the surprise testimony.**
  - e. Sandy Sharpe, office staff at Oak Creek Townhomes, gave multiple instances of false testimony. (*Exhibit 6 - 12.1 Sharpe Testimony*)**
    - i. Petitioners Attorney asked Ms. Sharpe "Okay. And you're there, and I understand most property managers, about 12 hours a day; is that right?" to which Ms. Sharpe simply answered "Yes" However Office hours for Oak Creek Townhomes are listed as 8 hours a day from 8:00 a.m. to 4:30 p.m with a half-hour lunch break, Monday thru Friday. That is a 50% error in the calculation of hours per day and Ms Sharpe simply agreed with Petitioners Attorney and said "Yes" like she did on so many other questions of his. Ms. Sharpe's timesheet will show different facts than Ms. Sharpe's testimony as to the number of hours she worked.
    - ii. Ms. Sharpe testified that "she (Respondent) had come in and asked if I was to see her ex-husband could I call the police, that she (Respondent) had a protective order filed." This testimony is completely false. Ms. Sharpe clearly could not remember much correct information from conversations with the respondent.
      - 1. First of all, Respondent was never married to the petitioner and therefore was never her "ex-husband".
      - 2. Second Ms. Sharpe incorrectly stated Respondent had a "protective order".
      - 3. **Respondent and her attorney were not able to prepare for Ms. Sharpe's testimony as she was a surprise witness to the court.**

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<sup>20</sup> citing *McInnes v. Yamaha Motor Corp.*, [673 S.W.2d 185, 188](#) (Tex. 1984), *cert. denied*, [469 U.S. 1107](#), [105 S.Ct. 782](#), [83 L.Ed.2d 777](#) (1985); accord, *McKinney*, [772 S.W.2d at 76](#).

1. *Alvarado v. Farah Mfg. Co. Inc.*, [830 S.W.2d 911, 917](#) (Tex. 1992)



4. Respondent testified in court that she had sent a certified no trespass notice because of the stalking and harassment from Petitioner (not a “protective order”. There is substantial evidence to refute Ms. Sharpe’s testimony that Respondent stated she had a protective order. **This is meaningful because Judge Bayless in closing said on the record that she had decided that Ms. Sharpe was the one telling the truth and that Respondent was not the one telling the truth and therefore Judge Bayless thought there were other things that the Respondent was not truthful about.**
  - a. Police report 11/12/15 where Respondent asked the police to review the CTW (Criminal Trespass Warning) before she sent it to the petitioner. (**see Exhibit 7 - MFPD Cynthia Chebultz**)
  - b. Certified letter about the Criminal Trespass Warning sent 11/12/15 that Petitioner never picked up from the post office (**see Exhibit 8 - Certified No Trespass**)
  - c. Tracking for the certified letter November 12-21, 2015 (Petitioner never picked up, Respondent eventually went and got it from the post office) (**See Exhibit 9 - No Trespass Letter Delivery**)
  - d. Respondents attorney sent the notice to Petitioners attorney 11/13/15 (**see Exhibit 10 - Fwd - No Trespass to Trey**)
  - e. The no trespass letter itself (**see Exhibit 11 - Notice Of No Trespass**)
  - f. **There is no evidence of any protective order as Ms. Sharpe stated.**
5. **This shows Judge Bayless was biased in that**
  - a. **She allowed surprise witness**
  - b. **She did not allow Respondent’s attorney the ability to prepare for Ms. Sharpe’s testimony**
  - c. **She did not allow the Respondent or her attorney time to gather the proper evidence to refute Ms. Sharpe’s testimony**
12. The petitioner claimed that Respondent had moved after the last hearing however Respondent has significant evidence that is not true.
  - a. Respondent has a Witness that she gave much of her furniture to, that will testify that she vacated her apartment shortly after giving the notice to vacate to the apartment manager in June. The final orders hearing was not until the end of August, two months later. This witness will prove that Respondent vacated her apartment prior to the August hearing and any new testimony about this hearing should not have been allowed after the August hearing in a Motion for New Trial.
  - b. Respondent has a Witness, who was her boyfriend at the time, who helped her vacate her apartment shortly after giving the notice to vacate the apartment in June. He will also testify that he and Respondent had acquired a condo in the Hollows, had purchased a lot in the Hollows, was talking to a builder about building a house in the Hollows and had started the design of the house. **Further proving Respondent moved out of her apartment prior to the August hearing and any testimony about this hearing**



**should not have been allowed after the August 2015 hearing in any Motion for New Trial.** Also further proving that Respondent's move had been in the works for a considerable time prior to the hearing to combine households with Mike Hill her long term boyfriend. The Petitioner was more concerned with causing harm to Respondent's relationship with Mr. Hill and Petitioner utilized the fact that this residence was a mere 5 miles outside the school district to try to keep Respondent and Mr. Hill from combining households. (See *Exhibit 32 - Mike Hill Affidavit*)

- c. Respondent presented as evidence her notice to vacate the apartment months prior to the hearing (*Exhibit 62 - Apartment Notice to Vacate*)
- d. Petitioner had notes on the stand with him that stated that he knew that the Respondent no longer lived in the apartment (*Exhibit 2 - Campbell Notes on stand in court*)

13. Dec 1 2015 - The Respondent was called, by the Petitioner in this case, as the first witness. Prior to hearing any testimony or evidence from any other party, Judge Bayless expressed her bias and admonished the Respondent about perjury and lying to the court. (see *Exhibit 4 - Hearing 2015 12.1 Judge's comments*)

- a. The context of the admonishment was based solely on the Petitioner's personal statements of opinion in the Petitioner's own in sworn affidavits. (see *Exhibit 3 - 2015 October Campbell Affidavit.*) No evidence was submitted apart from those statements, and this made the second time Judge Bayless expressed distaste and prejudiced statements for the Respondent without hearing testimony or evidence.
- b. Transcripts show the Honorable Judge Bayless stated to the Respondent "And I would like to admonish you, because there's been a lot of testimony surrounding the issue of your residence, that you are under oath, under penalty of perjury, which can be a criminal offense. So I just wanted to say that so it's clear." **There however had been NO testimony on any issues since the last hearing where the Respondent had been awarded primary custody.** There had also been no testimony specifically of any issues of the Respondent's residence. **In this statement, Judge Bayless is admitting that she had knowledge of this information and without any previous testimony on the subject the only other way Judge Bayless could have received the information would have come from outside information.** (see *Exhibit 4 - Hearing 2015 12.1 Judge's comments*)
- c. Judge Bayless in her admonishment of the Respondent proves that she was already biased against the Respondent before she heard any testimony or saw any evidence.

14. Judge Bayless orders Respondent to Pay Excessive Child Support

- a. Dec 1, 2015, Judge Bayless ordered (to Respondent) "I will order child support based on your income. I don't know what that is." (see *Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz*)
- b. Judge Bayless stated on the record August 28, 2015 (see *Exhibit 1 - 2015 8.28 Transcript*) that Respondents and Petitioners tax returns showed about the same amount, she specifically stated \$23,000 which by Texas Child Support Guidelines



is \$314 a month. Currently, \$824 a month is being withheld from Respondent's monthly income.

- c. Judge Bayless later signed final orders in her chambers without a hearing that set arbitrary child support amounts that had no factual basis.

15. Dec 1 2015, it was ordered that the Petitioner be granted 6 months temporary primary custodianship. Petitioner was ordered to come back in May 2016 with a counselor showing he was no longer emotionally abusing the child, specifically **"I want a hearing scheduled six months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress in having a relationship with his son where the son is not in constant fear or afraid or intimidated or afraid to say how he feels."** (see *Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz*)

- a. No evidence or testimony ever showed that the emotional abuse of the child had subsided. Evidence was presented that things had only gotten worse between the child and his father, the petitioner. Judge Bayless orders show that she has concerns that the father had engaged in that behavior, as is evidenced by her ruling.
- b. Honorable Judge Bayless ordered the father to have a 6 month trial as the primary parent
- c. A reset was scheduled for May 11, 2016, in order to allow Judge Bayless to determine if the Petitioner had changed his parenting style or not.
- d. **No evidence or testimony was heard by any witness** (apart from unsubstantiated testimony from the Petitioner) **that the child's mother, the Respondent had in any way abused or harmed the child, emotionally or physically. In fact, testimony and evidence affirmed the prior finding that the emotional abuse from the Petitioner, the father, had worsened.**
- e. Judge Quotes from Transcript:
  - i. **"I want a hearing 6 months from today in this courtroom with Mr. Campbell's counselor testifying as to his progress as to having a relationship with his son where his son is not in constant fear or afraid or intimidated to say how he feels"**
  - ii. **"My job is the best interest of the child, period. So I'm extremely concerned right now, I can't say today that I have made the best decision by letting him have custody because i have grave concerns about his attitude toward raising this child"**
  - iii. **"And with regards to Mr. Campbell's counseling, I definitely want to have, before we have the hearing in six months, some kind of report or something from a counselor that I can look at and adequately be prepared for the hearing"**
  - iv. **"I'm only interested in hearing from his counselor as to his progress regarding his relationship with his son."**
- f. Judge Bayless solicited a request for evidence from a witness to be seen, inspected, and reviewed prior to the hearing, and without allowing adequate or affirmative defenses. Basically, she solicited evidence to support her finding, after making a finding.
- g. Petitioner has stated that he and his counselor had no idea what he was going to counseling for after 2-3 visits. **Petitioner ended up going to counseling for 'anger**



issues', not for any of the reasons that the judge ordered him to counseling above. The primary concern of the Judge as stated multiple times in two different hearings was how the child was treated. An additional violation of court orders on the Petitioners part for refusing to go to counseling for what the judge ordered. *(See Exhibit 35 - 2016.3.14 Rita Pickering)*

- h. The counselor that Petitioner was seeing was in a dual relationship with Petitioner as she was and is a tenant in one of the Petitioners buildings. It is very reasonable to question whether a tenant would state anything in a negative light about her landlord.

16. March 9, 2016 - the Petitioner voiced complaints about spring break visitation. On March 7, 2016, at 3:41 pm Respondents attorney received notification from the court coordinator that a hearing was to commence on March 9, 2016, in less than 48 hours. However, no motion to hear this argument can be found on file. It was determined, without a hearing, in the judge's private chambers, that spring break would be, split by both parties of this suit. Spring break occurred in just a few days from March 11 until the child returned to school. The case was heard in the judge's private chambers and without the presence of the Respondent. It should be noted that the Petitioner was present during that meeting in the chambers. No transcripts for any hearing can be found, however, a ruling was made. *(see Exhibit 13 - FW\_ Spring Break 2016 campbell)*.

- a. The hearing or meeting which commenced in the Honorable Judge Bayless' chambers occurred in less than 48 hours from any knowledge of the requested the hearing.
- b. There was no court reporter present to record a transcript.
- c. **At this meeting in Judge Bayless' chambers, Judge Bayless ruled that the Respondent and the Petitioner would be splitting spring break in half, which contradicts her previous ruling saying "So you (Respondent) have the standard -- the right to standard visitation."** *(see Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz)*
  - i. Texas Family Code Sec. 153.312(b)(1) states: **the possessory conservator (Respondent) shall have possession in even-numbered years**, beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in odd-numbered years;
  - ii. **This is an abuse of discretion on Judge Bayless' part to change the previously ordered visitation schedule at a meeting in Judge Bayless' chambers with less than 48 hours notice about an important holiday possession that was just days away.**
- d. Respondent did not receive notice until March 9th at 12:12 pm after the hearing had commenced. The Respondent was not available to defend against any allegations made by the Petitioner in this case and the Respondent's attorney did not have personal knowledge of happenings nor evidence to litigate claims due to lack of time to prepare.
- e. Respondent had previously purchased plane tickets for spring break with the child, however, due to these last-minute changes in visitation, she was forced to forfeit the



- tickets, had to cancel a vacation for which was scheduled for that period of visitation and access for spring break would be cut in half.
- f. On March 7, 2016, the court coordinator reported knowledge of the issues in this matter. Specifically, she knew that the issues had to do with spring break. No motions were filed, no affidavits filed with details, no reasonable means for the court to have knowledge of arguments exists in the case file, however, the court did know about such issues. **This suggests that the court-appointed officials, including Judge Bayless, had ex-parte personal knowledge of issues and matters in this case.**
  - g. Note: In July 2018, the Respondent prepared a motion to obtain possession of the child's passport for a vacation. The Petitioner refused to provide the passport. Judge Bayless having previously allowed the Petitioner to present arguments, obtain rulings, without hearings and ex parte. But the Respondent's attorney of record was informed by the court coordinator that the Respondent would need to file motions and wait 30 days for the Petitioner to respond. **Simply put, the Petitioner was repeatedly given privileges the Respondent was not allowed.**

**2016 - Judge Bayless Orders a Continuance and Custody Evaluation (costing \$42,000 and taking 17 months to complete, when a custody evaluation had just been completed less than 18 months prior). The petitioner violates court orders for the child's therapist.**

- 17. April 5, 2016, the Respondent filed an affidavit from Rhonda Gilchrist the child's therapist - The affidavit stated in part, that things had only gotten worse between the child and his father. (see Exhibit 14 - Affidavit Rhonda Gilchrist-4.6.16)**
- 18. April 2016 - Judge orders a continuance and a psychological evaluation of the child. (see Exhibit 15 - 2016 4.7 - Order for Forensic Psychological Evaluation)**
- 19. May 2 2016 - Jonestown Police officer shows up at Respondents condo saying he has reviewed varying files in their office and is concerned about police reports that they have on file regarding Respondent, Officer Andrew Shehan asks Respondent if he can have the Respondents permission to send a cease and desist letter to the Petitioner. (see Exhibit 16 - Jonestown Police Cease and Desist)**
- 20. September 7, 2016 - Judge orders a complete custody evaluation costing \$42,000 and taking 17 months to complete. Since then Judge Bayless had ignored that this ever happened and she never acknowledges this order or evaluation again. Rendering this custody evaluation a waste of time and money.**
  - a. Ordering an additional custody evaluation was an Abuse of Discretion as it was unreasonable to order a second evaluation without any reason to need another custody evaluation report just 13 months after the last custody evaluation.**
  - b. Honorable Judge Bayless' Orders: (see Exhibit 17 - 2016 9.19 - Orders for Child Custody Evaluation)**



c. Previous Evaluation: (**see Exhibit 18 - 2015.03.26 Cardwell's Evaluation of BJC**)

21. September 14, 2016, The Petitioner, Mr. Campbell purposefully violated court orders by taking the child to see a new and different therapist—Madeleine Crane Hewett – instead of taking the child to see Ms. Gilchrist, his existing therapist. The Petitioner and his attorney had already requested permission to take the child to see this new therapist once, and **the Court specifically disallowed it, saying “I am not inclined to agree with changing BJC's counselor unless BJC wants to and Ms.Chebultz agrees.”**

- a. See letter from Respondent's attorney to Petitioner's Attorney, Sept. 14, 2016 (and instructions from the Court prohibiting introducing BJC to the new therapist. (**see Page 3 of Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016**)
- b. **Although Mr. Campbell was asked not to violate Judge Bayless' order, he did anyway. (see Exhibit 20 - BJC to New Unapproved Therapist)**
- c. Further, Petitioner's Attorney declined to answer phone calls and emails requesting that Petitioner complies with the Court's instructions by not taking the child to a new therapist. (**see Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016**)

**2017 - Judge Bayless signs final orders in her chambers with no hearing, no motion to enter final orders, no notice to Respondent of intent to sign final orders and without Respondent even having a chance to read or object to any contents of the final orders. Judge Bayless received the proposed final orders from the Petitioners Attorney Ex Parte the day prior. The Clerk's office fails to send Respondent any notice of final orders after they were signed.**

22. October 5 2017 - Respondent's and Petitioner's attorneys were deliberating signing agreed orders, Respondents attorney opposes the orders presented by Petitioner's attorney. **Respondents attorney sends the court coordinator an email about why these orders should not be signed and Judge Bayless responds “I Agree” Note these are the exact same orders that Honorable Judge Bayless signs in private chambers without a hearing less than two months later (see Exhibit 21 - 2017.10.5 - Final Orders Request - Declined)**

23. November 2, 2017 - Burnet County routinely dismisses cases that have been open for several years and therefore set this case for dismissal. **The Clerk's office sent the notice to the Respondent at an old address**, an address that she had not used for over two years. The court had proof of Respondent's current address on file and had utilized her current address in the past two years. (**see Exhibit 22 - 2017.11.2 Notice of Dismissal**)

24. Nov 9th, 2017 - Petitioner's Attorney (Trey Brown) filed a motion to retain - and never gave any notice of intention to do otherwise (**see Exhibit 23 - 2017.11.9 Motion to Retain on Docket**)

25. Nov 29, 2017 - Respondent can no longer afford a more expensive Austin attorney, so her attorneys, Petitioners Attorney, and Honorable Judge Bayless all signed an agreed order to release attorney Jim Richardson from the case. **This document clearly states that there are**



**no motions, hearings or anything pending other than the dismissal from the county where the Petitioner's Attorney has filed a motion to retain.** Upon receipt of this agreed order is when Respondent learned about the dismissal hearing since the court sent her notice to an old incorrect address (*see Exhibit 24 - 2018.11.28 - Agreed Order Granting Motion to Withdraw as Counsel File Marked*)

- 26. Nov 30th, 2017 - One day after Respondent's attorney is released from the case, Petitioners Attorney via ex-parte communication sends a copy of the exact same orders that Judge Bayless refused to sign in October, to the court coordinator and ONLY to the court coordinator. Petitioners Attorney does not include Respondent or her previous attorney in the communication (see Exhibit 25 - 2018.11.30 Proposed Order EFILE by Petitioner)**
- 27. Dec 1st, 2017 - The very next day Honorable Judge Bayless signs final orders in her private chambers.**
- a. These are the EXACT SAME orders that she agreed in writing that Judge Bayless would NOT sign less than two months prior (see Exhibit 21 - 2017.10.5 - Final Orders Request - Declined).**
  - b. These Final orders only have the signature of Judge Bayless since they were signed in her chambers with no hearing and no one present. This was on a Friday when there are never hearings in Burnet County.**
  - c. The most recent hearing previous to this was over a year and a half earlier and resulted in Judge Bayless ordering a continuance and an order for a psychological evaluation. (see Exhibit 26 - 2016.4.6 Continuance)**
  - d. Honorable Judge Bayless enters final orders with;**
    - i. No motion to enter final orders**
    - ii. No motion for a hearing regarding final orders**
    - iii. No notice to Respondent of any intention to enter final orders**
    - iv. No allowing Respondent to have the opportunity to view or oppose the contents of the final order beforehand**
    - v. No hearing of any kind to hear evidence or listen to witnesses**
    - vi. Nothing in the orders is checked or validated for accuracy and they contain numerous errors and fraudulent information.**
    - vii. No notice to Respondent of any sort after the final orders had been signed an entered**
    - viii. (see Exhibit 27 - 2017.12.1 Full FINAL JUDGMENT)**
- 28. Dec 1st, 2017 - Respondent calls the courthouse since Respondent is out of town and just found out that there was a dismissal hearing the following week. Respondent is told her information is incorrect as orders had been entered that day (Dec 1st) and that there would be no hearing to dismiss this case the following week.**



- a. Dec 4th, 2017 - Respondent checks online for court filings and nothing had been filed yet on Friday as the clerk mentioned
  - b. Dec 2018 to Feb 2019 - Respondent kept checking online to see if anything was ever entered for her case and nothing ever showed up. Respondent checked online at <https://txburnetodyprod.tylerhost.net/PublicAccess/CaseDetail.aspx?CaseID=361806>. Respondent also was watching for some sort of notice from the court if any orders had in fact been entered.
29. A current printout of this case shows nothing about any orders being entered or any event actually happening either on Dec 1st, 2017 or for the following week (**see Exhibit 28 - Full Case Summary**)
30. **Respondent still to this day has never received any notice at all about any final orders being signed. The only reason the Respondent has seen the final orders is because she later went to the Burnet County Courthouse to research it.** An “official mistake” of the clerk and the trial court in failing to notify her of the orders “deprived her of an opportunity to appeal” her case. The Texas Supreme Court has held that “official mistake” is the type of mistake, made by an officer of the court, which, due to the defendant’s reliance thereon, results in the defendant’s failure to answer or appear for trial.<sup>21</sup>
- a. Rule 239a of the Texas Rules of Civil Procedure states:  
At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney shall certify to the clerk in writing the last known mailing address of the party against whom the judgment is taken, which certificate shall be filed among the papers in the cause. Immediately upon the signing of the judgment, the clerk shall mail written notice thereof to the party against whom the judgment was rendered at the address shown in the certificate, and note the fact of such mailing on the docket. The notice shall state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date of the signing of the judgment. Failure to comply with the provisions of this rule shall not affect the finality of the judgment.<sup>22</sup>

**2018 - Respondent finds out about final orders and files a Bill of Review. Off the record, Judge Bayless orders a full day of mediation for the Bill of Review**

31. Respondent contests the final orders and files a Bill of Review
- a. Feb 13, 2018 - Respondent finds out about final orders in a disagreement with petitioner via email where Petitioner states “please count on very strict adherence to the filed

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<sup>21</sup> Transworld, 722 S.W.2d at 408.

<sup>22</sup> Alford v. Cary, No. 12-04-00314-CV, 2005 Tex. App. LEXIS 8638 at \*9-10 (Tex. App.—Tyler Oct. 19, 2005, pet. filed) (memorandum opinion); Buckler v. Tate, 572 S.W.2d 562, 564 (Tex. Civ. App.—Houston [1st Dist.] 1978, no writ) (failure to send notice of default judgment under Rule 239a.; no difference between 239a and 306d for bill of review purposes).



orders from this point forward.....thanks”. This is the first time that Respondent has heard anything about any final orders. (**see Exhibit 29 - 2018.2.13 Gmail - Final Orders**)

- b. Feb 14, 2018 - Respondent goes to the courthouse and prints out copies of the final orders (**Exhibit 27 - 2017.12.1 Full FINAL JUDGMENT**)
- c. March 2018 - Respondent contacts an attorney and she files a Bill of Review since the appellate deadline had passed due to the court's failure to notify Respondent of final orders being entered. **Burnet County Case #48256 (still pending since June 2018)**
- d. Ordinarily, to establish sufficient cause, a defendant-petitioner must demonstrate:
  - i. a meritorious defense;
  - ii. justification for the failure to assert that defense;
  - iii. that the default judgment was not rendered due to the fault or negligence of the defendant-petitioner.<sup>23</sup>
- e. However, the absence of proper service alters the availability of a bill of review. Where, as here, a defendant-petitioner claims a due-process violation (e.g., no effective service of process), the defendant is not required to prove the first two elements of “sufficient cause” set out above.<sup>24</sup>

**32. December 2018 - Judge Bayless orders Respondent and Petitioner to a full day of Mediation for the Bill of Review costing thousands of dollars. This was ordered off the record with no hearing and no transcript.**

- a. There was no hearing, there was no notice of a hearing on Dec 1, 2017, the orders were signed in Judge Bayless’ chambers, with only Judge Bayless present and there was no court reporter.
- b. There was no reason to mediate anything.
- c. There was no argument and nothing negotiable regarding whether respondents due process rights were violated and the bill of review filed.
- d. **This was only done to delay any hearing where Judge Bayless might have to admit that she made a mistake.**

**2019 - Judge Bayless had a meeting with both attorneys in her private chambers threatening Respondent that if the Respondent does not drop the Bill of Review suit and obey the unlawful final orders, Respondent is going to go to jail for 6 months and will only see her son a few hours of supervised visitation a week.**

**33. April 25th, 2019 - Honorable Judge Bayless has a meeting with Respondent’s attorney and the Petitioners Attorney in her private chambers. Judge Bayless did not allow Respondent or**

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<sup>23</sup> See Caldwell II, 154 S.W.3d at 96.

<sup>24</sup> See Caldwell II, 154 S.W.3d at 96-97; see Peralta v. Heights Med. Ctr., Inc., 485 U.S. 80, 86, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988)(judgment rendered without service violates due process); see also Lopez v. Lopez, 757 S.W.2d 721, 723 (Tex. 1988)(no need to prove meritorious defense where the defendant had no notice of trial setting).



Petitioner to be present and there was no court reporter present. Judge Bayless states that she is going to deny Respondents request for a Bill of Review that day. Again this was with no hearing and with no transcript. During this meeting, Honorable Judge Bayless makes several biased, defamatory and fraudulent remarks about the Respondent. **Respondent's attorney's notes that he emailed to the respondent state: (see Exhibit 30 - 2019.4.24 Today's Meeting With The Judge)**

- a. "The meeting did not go well for our side. In fact, nothing about the meeting was 'good' for us. From the very beginning of the meeting, it was very obvious that Judge Bayless has a very firmly-held belief that your parenting 'style' is not in BJC's best interest. **Her belief was, obviously, formed from her years of prior dealings with this case. Judge Bayless was very clear that there was nothing that you could say that would change her mind at this point.**"
- b. "There is not a doubt in my mind that you have a right to be angry and upset about many aspects of this case. Unfortunately, there is no changing the past. **Your ability to control the outcome of the Bill of Review and other related hearings is, sadly, hamstrung by Judge Bayless' negative opinion about you.**"
- c. "This will be difficult for you to read, but I owe you the truth about our meeting. "Fair" or not, Judge Bayless is convinced (and will not change her mind) that:"
  - i. "With respect to Trey's (Trey Brown, Petitioners Attorney) Motion to Enforce, Judge was even less sympathetic. **She mentioned several times that she would have "zero problem" putting you in jail for the maximum of 180 days for contempt of court in not paying the money owed. Judge made it a point to remind everyone that jail for contempt is "day-for-day," meaning that you would have to serve all 180 days in jail, if so sentenced.**"
  - ii. "Although Trey has not filed a Motion to Modify, Judge mentioned that if Trey did file such a Motion, ~~that she would also strip you of all visitation with BJC, except 'supervised visitation.'~~"
    - 1. **There is no testimony or evidence whatsoever that supports the Petitioner, the child's mother of having anything near only a few hours of supervised visitation with the child**
    - 2. **There has been not one piece of evidence that there is any physical or emotional abuse on the mother's part**
    - 3. **There have been numerous concerns from numerous professionals, including Judge Bayless herself, about the father's relationship with the child**
  - iii. **"Judge is not interested in hearing a Motion to Modify that we would bring asking for Wes (Petitioner) to have less visitation—even in the face of witness counselors that we may bring or, most concerning to me, what**



**BJC (the child) has to say at this point.”**

- iv. “You moved out of the Marble Falls Apartment/House after she ordered you not to move out of MFISD, IF you ever had the apartment at all;
  - 1. **This is a claim made by Petitioner in 2015 where Respondent for three and a half years has not been able to get back into Judge Bayless’ courtroom to provide evidence that this is 100% false. (Exhibit 32 - Mike Hill Affidavit and Exhibit 62 - Apartment Notice to Vacate)**
- v. “You lied about your income and/or intentionally withheld information about it—she cited a “get-rich-quick scheme” marketing video you made in which you were ‘half-naked’ in a pool with ‘some guy’ drinking alcohol;”
  - 1. Respondent was in a VERY legitimate network marketing company (Visalus) in 2013 (6 years ago) and was at a company event where people were in the hotel hot tub in regular bathing suits and someone opened their phone and recorded a video and put it on their YouTube channel, Respondent just happened to be present in the video and the child was not present. This hardly justifies any income that Respondent currently makes or has ever made previously.
  - 2. Petitioner, Wes Campbell lives in a million dollar home on Lake LBJ, he has 4 vehicles, two boats, an airplane and a second home in Ruidoso. Mr Campbell’s income tax returns consistently reflect around \$15,000 to \$25,000 of income a year. Respondent has no home and her only asset is her car. Yet Judge Bayless says that the Respondent is the one that lies about income and has intentionally withheld income information. (see Exhibit 31 - Campbell 2014 Taxes)
  - 3. These statements prove the bias and prejudiced beliefs of Judge Bayless
- vi. “Judge is convinced that you knew about the dismissal date and intentionally refused to appear; “
  - 1. **The dismissal date for this case was the following week. Judge Bayless signed final orders prior to any dismissal hearing. Any dismissal hearing that was scheduled for later is irrelevant.**
  - 2. Evidence is provided within this motion that proves the court sent the notice to an old address, an address that Respondent had not lived in for years, and when the court had been using her current address for all other documents. The clerk admitted to Respondent in person that this was a glitch in their system that the dismissal notices went out to old addresses.
  - 3. Respondent found out about the dismissal hearing on November 29th, she finally got a hold of the court clerk on Dec 1 that told her orders had been entered and so there would be no dismissal hearing. Respondent checked online multiple times a week to see what had been ordered or



filed and nothing ever showed up and no notice of any final orders was ever sent to the Respondent.

- vii. “Judge believes that Wes runs a “tough-disciplined” house, **but she also believes that Wes’ wife is a very calming agent regarding this discipline. Judge is very, very impressed with Wes’ wife. This is expected, as Judge is also a former teacher;”**
1. Petitioners wife Mrs. Campbell is not a party to our case. Judge Bayless cannot make any decisions whatsoever based on the petitioners' wife.
  2. Petitioners wife has lived 150 miles away for the past 2 years.
  3. **Honorable Judge Bayless is clearly biased towards Petitioner because she feels a connection with Petitioners wife as they were both teachers**
- viii. “Judge believes that you do not live with BJC during school nights in the Marble Falls residence now;”
1. **There has been no hearings and no evidence presented in 3 years. Judge Bayless cannot comment on anything that has happened in the past 3 years Judge Bayless will not allow Respondent to present witnesses or evidence to prove otherwise.**
- ix. “Judge believes that you are not as good of an influence upon BJC because you “float from job to job all over the world.”
1. **Respondent has never left the continent until a year ago, There have been no hearings in three years, so there has clearly been no evidence or testimony about this. How does Judge Bayless have any knowledge of the Respondents whereabouts in the past 3 years?**
  2. Respondent has to work contract jobs because Judge Bayless will not allow her to live closer to Austin where jobs in her field are.
  3. **Respondent has only ever left the country twice since this case started. Petitioner has left the country many more times than that. This shows that Judge Bayless is biased towards Petitioner.**
  4. Respondent has only had one job where the headquarters was in the Netherlands. Her direct two bosses upward were both in the United States. This position was in the past year and a half. **There has been no hearings and no evidence presented in 3 years, how is Judge Bayless able to comment on anything that has been happening in the past 3 years?**
- x. “Judge believes that you possibly have untreated psychiatric issues due to the report from some evaluator in Fredericksburg(?) that issued a report saying that he could not identify your personality type(?); “
1. **This was our first custody evaluation in Kerrville, this evaluation was not ever entered into evidence and Mr. Cardwell the examiner never testified. It’s obvious that Judge Bayless has personal**



**knowledge of the case to make any such statement about that evaluation that was 4 years ago.**

- 2. There is absolutely nothing remotely similar to these statements in that custody evaluation.**
- 3. This is false information that Judge Bayless has been told by Petitioners Attorney outside of any hearing to try to create bias. (see *Exhibit 32 - 2015.03.26 Cardwell's Evaluation Campbell\_Chebultz*)**

**xi.** “Judge believes that you have intentionally violated her court orders throughout this case because you don’t have any “respect for her authority”; “

- 1. Again Respondent and Petitioner have not been in her courtroom for over 3 years. Judge Bayless has heard no testimony and has seen no evidence in over 3 years.**
- 2. The only time Respondent and Petitioner have been in her courtroom was in the fall of 2015.**
- 3. If she has any knowledge of anything that has happened in the past three years it is only through ex parte communications with the Petitioner's Attorney trying to create bias.**

**xii.** “Judge believes that you have not paid the money owed Wes under the Final Order not because you didn’t have the money, but simply because you did not want to”

- 1. Judge Bayless signed final orders and set arbitrary Child Support amount requirements for the Respondent with absolutely no ~~verification of income or evidence of supporting the arbitrary Child Support amounts that were ordered.~~**
- 2. If you go back to when this case started in 2013 Respondents tax returns do not support the amounts ordered by Judge Bayless on Dec 1, 2017**
- 3. Judge Bayless stated on the record August 28, 2015 (see *Exhibit 1 -2015 8.28 Transcript*) that Respondents and Petitioners tax returns showed about the same amount, she specifically stated \$23,000 which by Texas Child Support Guidelines is \$314 a month. Currently, \$824 a month is being withheld from Respondent's monthly income.**

**xiii.** “Judge is very mad that you do not have a home in MFISD and does not like that you drive all over “everywhere” with BJC to get him back to school from “wherever the hell” you are living. “

- 1. Judge stated to the Respondent at the hearing Dec 1, 2015 “When you have this child on your weekends or whatever nights you have him, you can stay wherever you want to” At some point, Judge Bayless changed her stance on this, and put something different in final**



orders expecting Respondent to move 3 times in 3 years as the geographical boundary set by Judge Bayless is a moving target.

2. **The final orders were entered without the Respondents knowledge or ability to object to any content contained within these final orders**
  3. **Respondent and Petitioner have not been in the Honorable Judge Bayless' courtroom in 3 years. She has not heard any testimony or seen any evidence of this. Any knowledge she has about Respondent during the past 3 years is ex parte communication from outside the courtroom.**
  4. Since entering Judge Bayless' courtroom over 3 years ago Respondent has only ever lived in two places 1) In Marble Falls and 2) and the Hollows (just outside of Lago Vista)
  5. The child's commute to Marble Falls Elementary each morning before school is 2.9 miles - except for an occasional weekend that he goes to visit his grandmother and might, therefore, drive in with his mother, the Respondent, from San Antonio occasionally on Monday morning.
  6. Respondent only has the child about 45 school days a year. How is it in the child's best interest to keep his mother from a 6 figure job in Austin, simply because she resides 5 miles outside the school district boundary. When the respondent has alternate housing that is less than 3 miles from the child's school for the 12% of the days that she has the child on a school night.
- xiv. **"Judge (Bayless) said that she was ready to sign an order denying your Bill of Review right then—at the meeting—without hearing. I brought up the fact that we wanted a hearing, and she said "no" that she could rule on it without hearing."**
- xv. "I met with Trey (Trey Brown, Petitioners Attorney) after the meeting with Judge. He said that he would tell Wes about Judge Bayless' opinions at the meeting and that **his advice to Wes (Petitioner) would be for Wes to take aggressive action against you;** "
- xvi. **"You know that, even if you got a hearing, you will be denied relief at the very least, and potentially sanctioned and/or jailed for contempt and have your custody rights severely curtailed at worst."**

## **2019 - Passport enforcement hearing**

34. May 15, 2019 - Judge sets an enforcement hearing regarding the passport when there are no orders and no agreement existing to enforce and no basis for an enforcement hearing. **The evidence below regarding any sort of passport issues and international travel shows a clear bias on Judge Bayless' part favoring the Petitioner.**



- a. Judge Bayless allows the Petitioner to withhold the passport from the Respondent when Respondent gives him substantial notice requesting the passport, resulting in thousands of dollars of airfare and travel modifications on Respondents part.
- b. The court refused to help the Respondent obtain the passport when the Petitioner refused to provide it stating that all Respondent could do is file a new motion that Petitioner would then have 30 days to respond to. Which was no help because the international travel would have commenced by then
- c. Judge Bayless allows Petitioner to leave the country for Mexico with just hours notice to the Respondent.
- d. Judge Bayless refuses to require the Petitioner to sign an agreement to stop these violations on his part
- e. Judge Bayless set an enforcement hearing with two weeks notice and sets the hearing for the day Respondent's mother is having life-saving cancer surgery) solely because Petitioner wants the passport in his possession, not because he has any near-future plans for international travel
- f. Judge Bayless refuses to allow a continuance to Respondent that was requested 7 days before the hearing because the enforcement hearing is set at the exact same date and time of Respondents mothers life-saving surgery
- g. May 20th, 2019 - an email Respondent sent to Petitioners Attorney suggesting a continuance was returned with a delivery failure error. Respondent needed a continuance because of Respondent's mother having major life saving debulking surgery just hours prior to the hearing. May 22nd, 2019 - Respondent filed a motion for continuance needing more than two weeks notice to find an attorney and gather evidence. Along with the fact that the hearing is just hours after her mother will have had life-saving debulking surgery for cancer that is not responding to chemotherapy.
- h. May 25th, 2019 - an email Respondent sent to Petitioner's Attorney with the motion to continue attachment was returned with a delivery failure error. Respondent sent to Petitioner, Mr. Campbell directly.
- i. May 29th, 2019 - The court has not answered the Respondent's motion for continuance set on the day of Respondent's mother's surgery.
  - i. May 29th at 9:00 am Respondent's mother had major life saving major surgery for her late-stage cancer that was not responding to chemo.
  - ii. Also on May 29th at 9 am the court had set an enforcement hearing. Respondent filed a motion for continuance a week prior
- j. Respondent never received any response from the Petitioner's Attorney. When all other hearings that have been set in this case the attorneys confer with each other about schedule availability, yet Petitioner's Attorney refused to respond to an agreed motion for continuance for major surgery
- k. **Respondent never received any response from Judge Bayless regarding the continuance because of her mother's major surgery. Yet Petitioner's Attorney is able to get hearings within 48 hours regarding things like discrepancies in spring break visitation without filing a motion. There is clear evidence in Judge Bayless' bias to respond to the Petitioner's requests and motions and not responding to the Petitioner's requests and motions.**



- I. **Judge Bayless denied the continuance and proceeded with the enforcement hearing without Respondent present or any attorney representing her.**

## **2019 - Judge Bayless and Failure to Comply with Texas Rules 18a regarding Motion to Dismiss or Recuse**

35. Judge Bayless refuses to recuse herself and refuses to send the case to the regional judge for a hearing within the 3 days allowed. Per Texas Rules of Texas and County Courts - rule 18a(f)(1): within three business days after the motion is filed, must either:
  - a. sign and file with the clerk an order of recusal or disqualification; or
  - b. sign and file with the clerk an order referring the motion to the regional presiding judge.

## **Ongoing Concerns**

36. **Judge Bayless continues to refuse to see evidence that the absolute least amount of time that any of the five psychologists or therapists on our case recommended that Respondent have with the child is 50/50 - a much greater percentage than the minimum standard visitation that Respondent has been getting since the court allowed fraud and bias in her courtroom in 2015. And also a drastically greater amount of time than the few hours of supervised visitation that Judge Bayless is currently threatening the Respondent with.**
37. It continues to come up in hearings and recently in a meeting in closed chambers how much Judge Bayless likes Phyllis, the Petitioners wife (Judge Bayless and Petitioners wife were both school teachers) ... Judge Bayless barely knows anything about Petitioner's wife other than maybe 15 minutes of her testimony 3.5 years ago. Any comments from Judge Bayless stating that she has any preference toward the Petitioner because of his wife is proof of the bias Judge Bayless has regarding this issue.
  - a. Judge Bayless doesn't like it that Respondent lives 5 miles outside the school district boundary so that Respondent can reside halfway between her job and her son's school. Yet Judge Bayless has no problem with Phyllis, the respondents' wife moving 150 miles away for a job.
  - b. Petitioner's wife is not a party to this case
  - c. The Petitioner's wife talks negatively about the child's mother, the Respondent, to the child and others in the community or family. This has been evidenced by both of the child's therapists. These are text messages that came from the Petitioner's wife to the child's phone about the Respondent, the child's mother. **(see Exhibit 33 - Phyllis Text Messages)**
    - i. "BJC is fine custody issues are ongoing and C (Cindy) wants to get custody changed. this is all an attempt to stir the pot. she's doing anything she can to discredit Wes."



- ii. "there's nothing going on other than Cindy is fighting to change it to her being the primary -she will say or do whatever it takes."
- iii. "it's scary to see the lengths she goes to"
- iv. "Because she does this lying and manipulating all the time. she's good at it. She's good at it"
- v. Petitioner Blamed BJC for sharing these "Adult Conversation" Text Messages with his Therapist and mom. Petitioner Misrepresented to BJC that his Mom Illegally "Hacked" into Phyllis' iPhone

**38. Judge Bayless refuses to confer with the nearly 15-year-old child. Even though she told him in person in her chambers when he was 11, that when he was older he would be able to come to her and have a voice.**

**39. Judge Bayless refuses to allow testimony from the child's new therapist of the past two years**

**40. Judge Bayless refuses to enforce the Children's Bill of Rights**

41. The Petitioner was engaged in a pattern of following and spying on Respondent regardless of her whereabouts.

- a. In November of 2015, Respondent issued a "Criminal Trespass Warning" to Petitioner after a pattern of stalking behaviors became evident. The letter was sent via certified mail, but the Petitioner never picked up the notice (**see Exhibit 8 - Certified No Trespass**).
- b. The Petitioner would go so far as to leave the child at home with his Petitioner's new wife to drive 45 minutes one way to Respondents residence to see if her boyfriend's car was there on weekends and Petitioner would take pictures. (**see Exhibit 50 - Mike's Truck**)
- c. Petitioner placed a motion camera outside of Respondents home - (**see Exhibit 51 - Camera Outside Respondents Home**)
- d. Such stalking occurred on multiple occasions. Even when the child was in the car with the Petitioner



## **Key statements and concerns from multiple therapists and psychologists - Judge Bayless refuses to hear from the child's new therapist or the child in the past 3 ½ years.**

### **Quotes from case professionals:**

- LeAnne Artis (Child's Current Therapist 2017 - present)
  - **"I have concerns that if BJC isn't given more of a voice, the perceived alienating stance that is coming from his dad will push him further away and we may see more 'acting out' behaviors in the future."**
  - **"The parenting road BJC is on with his dad may be leading to negative effects not just now, but in the future"**
  - "BJC expressed concern with not being able to "be good enough" for his dad in grades, sports, etc. "
  - **"As the sessions continued, BJC talked about being tired of hearing negative things about his mother, ie: she's a liar, she is bankrupt, she can't be trusted, she doesn't pay child support."**
  - "When I suggested he tell his dad that he didn't want to hear this, he felt dad would be angry"
  - **"His (BJC's) response was that his mom didn't question him about his dad further than showing interest in what he was doing, and that he felt 'interrogated' when his dad questioned him.**
  - He (BJC) feels he is responsible for communication between his mom and dad.
  - **(Exhibit 34 - LeAnn Artis Affidavit)**
- Rhonda Gilchrist (Child's previous therapist 2014-2017):
  - He (the child) was angry and called the therapist, Carrie Foote {his former therapist} and Eric Caldwell (the first custody evaluator) and Judge Bayless liars. "You all told me this would get better after court and it hasn't, **my dad is never going to change**" **"He will never give up, he is trying to take my mom out of my life "** "I hate him"
  - **"Why can't he just let me be with my mom?"** He stated "I've been thinking about running away but my dad has tracker on my phone" "I could ride my bike to my mom's house."
  - **Ms. Gilchrist has approximately 70 pages of hand-written therapy notes reflecting the substance of BJC's sessions with her that she would like to show the court "ad camera".**
  - **(see Exhibit 14 - 2016.4.6 Affidavit Rhonda Gilchrist)**
- Lisa Schwandner (School Counselor):
  - **"I honestly feel like that day, his dad created all the anxiety. I don't understand how they can take it and twist it to say it was you."**
  - **"The Judge could make all this easier on everyone, if she would just talk to BJC! He loves you both; but he wants to live with his mom."**



- **"BJC appears more comfortable and relaxed around his mom.** He knows, with his dad, anything he says goes unheard. His dad will say "we'll talk about it"; however, BJC is old enough to understand that is his dad's way of putting him off."
- **"If the judge is the one undecided in this ordeal; I would strongly ask her to just speak to BJC, and not drag this out any longer."**
- *(see Exhibit 36 - 2015.9 Affidavit MFE school counselor)*
- *(see Exhibit 37 - 2016.4 Affidavit MFE school counselor)*
- Eric Cardwell (First Custody Evaluator):
  - **BJC was clear, in all encounters (both homes and school), of the following:**
    1. I love both my parents.
    2. It is hard/difficult living 50/50 the way it is.
    3. I would rather live more in one place than the other.
    4. I would take either, but rather live more with my mom.
    5. I don't want to hurt their feelings,
  - **BJC views his father as less available to him** and as angry at Ms. Chebultz.
  - **BJC currently does not see some of his father's interests as the same as his.**
  - *(see Exhibit 32 - 2015.03.26 Cardwell's Evaluation Campbell\_Chebultz)*
- Cari Foote, MA - Child's Therapist 2013
  - **Custody 50/50** one week with one parent and then one week with the other
  - **"Both parents are to remain in the MFISD attendance area. If a parent moves 10 miles outside this attendance area, but is still able to drive BJC to and from school and all activities in Marble Falls then custody can remain the same."**
- Dr. Alissa Sherry PHD (Second Custody Evaluator)
  - Beginning summer of 2018, the schedule should revert to 50/50 custody with a week on, week off schedule
  - This court ordered a \$42,000 custody evaluation that contains no usable information from Dr. Sherry directly. Of the 205.85 hours she spent on this evaluation she spent a total of 40 minutes with the child and both times the child was with his father, the Petitioner. The rest was based entirely on the "he-said she-said" claims being presented in which 70% of the Petitioners claims and information was false and not validated.
  - Dr Sherry has had 14 complaints with the Texas Board of Psychology in the past 5 or so years and is currently under investigation in multiple cases.
  - Dr Alissa Sherry has since terminated her company Legal Consensus and is no longer doing Custody Evaluations due to numerous complaints and lawsuits. She stated this to the Texas Board of Psychology in a public meeting on February 14, 2019.



**Child's Psychological Testing** - Judge Bayless has completely ignored the results of the child's psychological testing that cost the Respondent and Petitioner thousands of dollars.

Judge Bayless has shown no interest in even reading the psychological evaluation of the child that she ordered. She has made her decision without allowing any of this testing from two years ago to be heard in her courtroom and therefore has no concern about the test results, which would imply that is is not concerned about what is in the best interest of the child. **(see Exhibit 38 - BJC Psyc Eval)**

**1. Personality Inventory for Youth (PIY)**

- a. With regards to the validity scale, there was evidence of defensiveness in BC's approach. This means he presented as exceptionally well-adjusted and similar to one who may have denied common human faults. **Although responses of this kind appear to suggest a relatively good adjustment, they more often reflect an effort to deny real, current problems.**

**Youth with similar scores reflect inadequate self-confidence. They may admit to loneliness, moodiness, and worry**, and may be concerned that their physical appearance and talk with others may be criticized. These youth are typically unhappy and pessimistic. **These youth evaluate themselves in a negative fashion, are likely to feel misunderstood and hopeless.** A depressed mood may be accompanied by loss of appetite and complaint of fatigue. Youth with similar scores likely exert little social influence and experiences little self-confidence or positive interaction when interacting with peers. **They often feel (or are) ignored, criticized, or ridiculed by peers, these youth feel unpopular** and wish to be more skilled in forming and maintaining friendships. They may experience loneliness yet desire meaningful friendships, these individuals are uncertain and insecure in social interactions.

**2. Rorschach Ink Blots-Rorschach Performance Assessment System (RPAS) scoring method.**

- a. BC's approach to the test procedure included a high number of "pulls." This can be related to **a high need for achievement**, being ambitious, striving to please the examiner, or working hard to soothe insecurity about the testing process. **It may also be due to lowered inhibitions, emotionally driven mania, poor psychological boundaries, a need to challenge the examiner, or problems following the rules** (Pu = 125).
- b. His card turns may have suggested intellectual curiosity, flexibility in approaching the task, or a high level of interest in the task. However, **it is also possible his response style was indicative of obsessiveness or a need to be exhaustive, hostility, defiance, suspicious, anxiety, a need to exert control during the testing process, or a desire to avoid seeing specific, unsettling images in a blot** (CT = 124).



- c. BC may have problems thinking clearly and seeing things accurately. He may be vulnerable to psychotic, quasipsychotic, or borderline states. **Alternatively, he may have experienced trauma** (TP-Comp = 112).
- d. **BC is likely to be under moderate to severe stress related to anxiously feeling as if things are out of his control.** This can be a natural response to a stressful event or it may indicate internal struggle. Nevertheless, **it contributes to BC not functioning as optimally as he could be** (m = 116).
- e. People who regularly see aggressive, powerful, dangerous or threatening images tend to often think about these themes. However, the reasons people see such images in the blots vary and are yet unclear to researchers. Examinees may enjoy aggression, fear, external danger, or see danger as a natural part of life. **Such interpretations may also be triggered by a recent stressful experience with someone or something aggressive.** Such interpretations may be assisted greatly by a good life history background. **Nevertheless, BC's aggressive responses were high and should be evaluated for thematic purposes** (AGC = 119).

## Fraud on the Court

Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or **knowingly makes material misrepresentations to the court**. This has been demonstrated by Petitioner and his counsel's filings that contain wholly manufactured statements of material fact. **Fraud upon the court makes void the orders and judgments of the court.**

Petitioner and his counsel's wholly fabricated and knowingly fraudulent statements of material fact for purposes of committing fraud on the court and to deceive the court into believing facts that never occurred was designed to interfere with the process of the case and gain favor of the court. **Petitioner, and his counsel, know statements made in their pleadings, evidence and testimony are wholly untrue and presented for purposes of and here having influenced Judge Bayless to render a decision that is patently incorrect which issues were referred to in Respondent's Bill of Review but ignored by the Court given the bias it has shown against Respondent .**

**The ONLY reason Judge Bayless removed Respondent as the primary custodial parent is because Petitioner and his counsel misled Judge Bayless** by entering old evidence claiming it was new since the last hearing when there was proof in the last hearing that the evidence was not new.

**Petitioner and his Attorney have falsified facts in his deposition, in his testimony, in motions to the court, in notarized documents to the court, to the custody evaluator, and in his draft of the final orders,** Respondent has two pages listing only the Petitioners false statements during court related events that **can all be proven**, however Judge Bayless has refused for 3 years to give the Respondent that chance.



## **Petitioner has provided blatant false information to the court via Notarized Affidavits**

- 2013-2014 - Health Insurance for Respondent and the child - Petitioner's testimony regarding payment of medical care for Respondent and the child. Petitioner testified that he purchased a policy of insurance for Respondent that covered "all health-related" expenses. Mr. Campbell also testified that the insurance was the best policy money could buy. However,
  - Petitioner only brokered the policy (as an insurance agent). Respondent actually paid the premiums on the insurance Petitioner brokered.
  - Additionally, as shown by the attached policy, Respondent discovered that it did not cover any expenses related to Respondent's pregnancy or pediatric medical care (**see Exhibit 47- CLC Insurance**).
  - Although Petitioner was asked to help Respondent with these medical expenses, he outright refused to do so. Respondent sold approximately \$30,000 worth of personal stocks in 2004 to pay for maternity and pediatric medical expenses as to which Petitioner has refused financial assistance. (**see Exhibit 48- Stocks Sold for Medical Expenses**)
  - Petitioner was forced to quit her job and obtain medical benefits under Medicaid. (Examples of a few of the medical bills are in (**see Exhibit 49 - Insurance & Medical Bills**))
  - If Petitioner's testimony were correct, it would not be refuted by significant and undisputed evidence showing that Respondent personally shouldered all of these prenatal, maternity and newborn expenses.
- August 2013 - When Petitioner transferred the child to a different school without notifying the Respondent.
  - Respondent registered the child for school at the school where he had gone for the past 5 years. (**see Exhibit 45 - BJC school registration**)
  - Petitioner had to go to the superintendent and processed a school transfer (**see Exhibit 46 - School Transfer Form**)
  - Petitioner then had his new wife (the assistant principal at the school Mr Campbell was trying to transfer the child to) falsify information in the school to school request for records that stating that Respondent had moved into that school district, which was 100% false. Respondent had the child's file noted to notify her of any changes and this false information kept the school from notifying the Respondent.
  - Respondent asked about it at the school front office and the registrar specifically said "we didn't think we had to let you know that you had moved" (all documented in the school files)
- August 2015 - Petitioner claimed on the stand that he and the Respondent broke up December 2007 when December 2006 Petitioner was helping Respondent move out and buy her own home. Petitioner was acting as Respondent's real estate broker (see real estate contracts with Petitioner's handwriting and signature) Petitioner falsely claims in court under oath that this 2,500 square foot house was only going to be Respondents business photography studio. The house was in a residential subdivision with strict zoning and HOA rules against running a business out of your home. Petitioner misled the court trying to make it look like Ms Chebultz cheating on him a year later in Dec 2007. (**see Exhibit 44 - 2006 December House Contract**)



***Wildflower)***

- August 2015 - In Court Petitioner claims he went to every doctor's appointment with Respondent when she was pregnant, however in court testimony Petitioner didn't even know the reason that the child had to be born cesarean. In court the Petitioner also could not even give the area in Austin that the doctor's office was in, even though he had claimed that he had been there a dozen times
- Sept 8, 2015 - the Petitioner, Mr Campbell stated in a notarized document to the court that on Monday, August 24, 2015 "I had no idea that my son, B.J.C., was not already in school as his school starts at 7:45 A.M."
  - This has been proven to be a false statement because on Aug 25th in court just 2 weeks earlier, Petitioners Attorney made statements about how the Respondent and the Child were in Austin seeing the Child's therapist.
- Sept 8, 2015 - the Petitioner stated in a notarized document to the court that at "Around 9:25 A.M., at the intersection of Broadway and Avenue P in Marble Falls, I noticed Cynthia Chebultz and BJC approaching in her BMW convertible traveling in the opposite direction. As we passed each other, I waived at them and continued on to my Fifth Street office."
  - This has been proven to be a false statement as the Respondent and the child have both reported that Mr Campbell passed them 6 blocks away from there, right in front of Respondents apartments on a dead end street. Mr Campbell didn't want to admit to the court about his continual driving out of the way to drive by the Respondents home.
  - ***(see Exhibit 40 - Marble Falls Apartment Map)***
- Sept 8, 2015 - the Petitioner stated in a notarized document to the court "Around 10:00 A.M., after completing my work, I returned to my residence in Highland Haven on 1431. As I passed Marble Falls Elementary School, I noticed Cynthia Chebultz's BMW parked in the Marble Falls Elementary School parking lot."
  - This has been proven to be a false statement as the Respondent would have had to clearly identified my car in front of the school, from almost a 90 degree angle, during a 2 second window from over a football field away, while he was driving down the road at 40 mph.
  - ***(see Exhibit 41 - Marble Falls Elementary Map)***
- Sept 8, 2015 - Petitioner proceeds to blame the Respondent for the child being upset at school when the Petitioner is the one that had been badgering the child about what he was going to tell the judge and following the child and mother in his vehicle. ***(see Exhibit 36 - 2015.9 Affidavit MFE school counselor)***
- Dec 1, 2015 hearing - **Petitioner and his counsel falsely told Judge Bayless that Respondent moved AFTER the August hearing** - when Respondent hadn't primarily lived in Burnet County in years - (Respondent kept an inexpensive apartment for the child's elementary school residency as Petitioner was out of the elementary district - the child and Respondent stayed there a couple nights a week during school)



- Respondent has a Witness who was her boyfriend at the time who helped her vacate her apartment shortly after giving notice to vacate the apartment in June. He will also testify that he and Respondent had acquired a condo in the Hollows, had purchased a lot in the Hollows, was talking to the builder about building a house in the Hollows and had started the design of the house. Further proving Respondent moved out of her apartment prior to the August hearing and any testimony about this hearing should not have been allowed after the August 2015 hearing in any Motion for New Trial. **(see Exhibit 32 - Mike Hill Affidavit)**
- During the August 2015, the Petitioner had notes on the stand with him where he acknowledged that Respondent did not primarily live in Marble Falls. Respondent's attorney asked Mr Campbell, the Petitioner for his notes that stated **"MF (Marble Falls) Apt is for show"**. **(see Exhibit 2 - Campbell Notes on stand in court)**
- **Evidence was entered, that showed the Respondent gave notice to vacate her apartment June 23rd 2015 more than two months prior to the August hearing.** **(see Exhibit 5 - Respondents intent to move in June 2015.)**
- March 2016 - Spring Break conflict - Judge Bayless allowed a private meeting in her chambers in less than 48 hours notice and Respondent didn't find out until after the meeting. Since the Petitioner was the one that requested the meeting he attended and **Judge Bayless allowed Petitioner to make false claims that could not be refuted without Respondent being in attendance.**
- April 6, 2016 Hearing - Petitioner's Attorney (Trey Brown) gave false information to Judge Bayless including false information about the child support amounts - Judge Bayless made the Respondent go sit in the back of the courtroom in the audience where Respondent could not hear what was being said and could not object to false information that she was being told.
  - Petitioners Attorney falsely stated to the court "It was clear from your ruling it's four seventy-seven ... and it started December 1st ." **( see Exhibit 42 - 2016.4.6 Hearing Transcripts)**
  - Dec 1 2015 Judge Bayless ordered (to Respondent) "I will order child support based on your income. I don't know what that is." **( see Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling\_Chebultz)**
- September 14, 2016, The Petitioner, Mr. Campbell purposefully violated court orders by taking the child to see a new and different therapist—Madeleine Crane Hewett – instead of taking the child to see Ms. Gilchrist, his existing therapist.
  - The Petitioner and his attorney had already requested permission to take the child to see this new therapist once, and **the Court specifically disallowed it, saying "I am not inclined to agree with changing BJC's counselor unless BJC wants to and Ms.Chebultz agrees. "** See letter from Respondent's attorney to Petitioner's Attorney, Sept. 14, 2016 (and instructions from the Court prohibiting introducing BJC to the new therapist, **(see Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016)**
  - **Although Mr. Campbell was asked not to violate the Judge's order, he did anyway.** **(see Exhibit 20 - BJC to New Unapproved Therapist)** Further, Petitioner's Attorney



declined to answer phone calls and emails requesting that Petitioner comply with the Court's instructions by not taking the child to a new therapist.

- **Judge Bayless has also allowed the Petitioner to fail to provide insurance for the child because the insurance policy canceled because of non-payment on the policy. Petitioner failed to notify Respondent of any changes to the child's insurance policy. Yet Judge Bayless continued to allow the Respondent fraudulently be charged over \$3,500 of insurance premiums for insurance that didn't exist between 2015 and 2019. (See *Exhibit 43 - Transcript of Recorded Phone Call with Child's Health Insurance Company.*)**
- Dec 1 2017 - Honorable Judge Bayless entered Fraudulent Child Support Calculations obtained from Petitioners Attorney into final orders. **Judge Bayless stated on the record August 28, 2015 (see *Exhibit 1 - 2015 8.28 Transcript*) that Respondents and Petitioners tax returns showed about the same amount, she specifically stated \$23,000 which by Texas Child Support Guidelines is \$314 a month. Currently \$824 a month is being withheld from Respondents monthly income.**
- **Petitioners Attorney fabricated the address for the Respondent on the final orders he submitted to the court and Judge Bayless signed the orders with a fabricated address.**
  - Address submitted by Petitioner is 17708 Calcutta Run Drive, Jonestown, Tx 78645 (see *Exhibit 25 - 2018.11.30 Proposed Order EFILE by Petitioner*)
    - This address does not exist anywhere as an actual physical address
    - This is not an address that has ever been given or used by the Respondent
  - Judge Bayless signed final orders with a fabricated address for the Respondent listed on them (see *Exhibit 27 - 2017.12.1 Full FINAL JUDGMENT*)
- **Judge Bayless has allowed fraudulent information to be heard off the record in ex parte communications in multiple private meeting in her chambers.**

**Judge Bayless had rendered decisions that are patently incorrect and based on Fraud on the Court and leads to additions reasons for recusal.**

## **Abuse of Discretion**

"In determining whether there has been an abuse of discretion because the evidence is legally or factually insufficient to support the trial court's decision, we consider whether the trial court had sufficient information upon which to exercise its discretion and whether it erred in its application of that discretion." <sup>25</sup>. "The traditional sufficiency review comes into play with regard to the first question. With regard to the second question, we determine, based on the elicited evidence, whether the trial court made a reasonable decision." <sup>26</sup>

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<sup>25</sup> W.M., 172 S.W.3d at 725; T.D.C., 91 S.W.3d at 872

<sup>26</sup> W.M., 172 S.W.3d at 725



The test for abuse of discretion requires us to determine whether the trial court acted in an arbitrary or unreasonable manner without reference to any guiding rules or principles.<sup>27</sup> A trial court abuses its discretion if it acts in an arbitrary or unreasonable manner or without reference to any guiding rules or principles.<sup>28</sup>

## **Abuse of Discretion and Standard of Review in Child Custody Matters**

To determine whether the trial court abused its discretion, we must decide whether the court acted without reference to any guiding rules or principles; in other words, we must decide whether the act was arbitrary or unreasonable.<sup>29</sup>

In determining whether there has been an abuse of discretion because the evidence is legally or factually insufficient to support the trial court's decision, we consider whether the trial court had sufficient information upon which to exercise its discretion and whether it erred in its application of that discretion.<sup>30</sup> "The traditional sufficiency review comes into play with regard to the first question. With regard to the second question, we determine, based on the elicited evidence, whether the trial court made a reasonable decision."<sup>31</sup>

- 1. One of the biggest issues in this case is that there has not been a hearing or any evidence submitted since 2015. Yet still in 2019 Judge Bayless is making decisions on ex parte information regarding claims that have happened since those hearings.**
- 2. Judge Bayless has violated the constitutional right to due process of law by entering final orders without a hearing and without evidence to support claims made in those final orders.**
- 3. Final orders were initiated that were extremely oppressive and unreasonable in that it was ordered that there be a geographic restriction where the only city within the residential restriction spans a mere 12 square miles and consists of only 6,500 people.** This extreme restriction has severely limited and impaired Respondents ability to commute 1.5 to 2 hours commute each way for work. Prior to the determination on residency restrictions, Respondent and her boyfriend secured a condo in the Hollows which was half way between her work in Austin and her son in Marble Falls. Respondent and her boyfriend were in the process of building a home on a lot that they purchased that was a mere 5 miles outside of the Marble Falls ISD boundary. Family law cases are supposed to consider the best interests of the child. **The best interest of the child would not be impacted by a mere 5 miles outside of school district boundary limits.** There is not any employment for the Respondents skill set within the geographic restrictions placed on Respondent by Honorable Judge Bayless. **It's quite arguable that putting a geographic restriction on a parent that then makes it impossible**

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<sup>27</sup> Jelinek v. Casas, 328 S.W.3d 526, 539 (Tex. 2010).

<sup>28</sup> Walker v. Gutierrez, 111 S.W.3d 56, 62 (Tex.2003) and Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238, 241-42 (Tex.1985).

<sup>29</sup> Low v. Henry, 221 S.W.3d 609, 614 (Tex.2007); Cire v. Cummings, 134 S.W.3d 835, 838-39 (Tex.2004); W.M., 172 S.W.3d at 725

<sup>30</sup> W.M., 172 S.W.3d at 725; T.D.C., 91 S.W.3d at 872.

<sup>31</sup> W.M., 172 S.W.3d at 725



**for them to continue their job because of a nearly 4 hour daily commute is not in the best interest of the child. The only reasoning for residency restrictions to be only where Marble Falls ISD intersects with Burnet county was due to the fact that Honorable Judge Bayless wanted to retain jurisdiction over this case.**

Normal geographic boundary in custody cases is the current county and contiguous counties which in this case is 7,083 square miles. Judge Bayless expected Respondent to quit her job in Austin Texas, halt her home building project in the Hollows and move to Marble Falls all because Respondent was 5 miles outside the school district boundary (the only prior boundary recommended in our case was by one of the child's therapists and suggested 10 miles from the school district boundary as a restriction). Marble Falls ISD School district spans two counties: Travis and Burnet, Respondent is not allowed to live in the part that is in Travis County. The reason Honorable Judge Bayless would not let Respondent continue to live in her residence was because Judge Bayless stated that she wanted this case to stay in her jurisdiction.

- a. Judge Bayless had previously Ruled in December 2015 "When you (Respondent) have this child on your weekends or whatever nights you have him, you can stay wherever you want". **(See Dec 1 2015 orders: Exhibit 12 - 2015 12.1 - Ruling Transcript Hearing Court's ruling)**
  - b. Then the final orders that the Honorable Judge Bayless' signed Dec 2017 were in direct conflict of her previous ruling. Essentially originally restricting Respondent to where the Marble Falls ISD intersected with Burnet County (Aug 2015), then letting the Respondent live 5 miles outside the school district boundary (Dec 2015) then forcing the Respondent to again move back to where the school district boundary intersected with Burnet County.
  - c. **This is an Abuse of Discretion on the Honorable Judge Bayless' part in that it is unreasonable for a Judge to change the geographic restriction three times in three years expecting the Respondent to physically move her home residence each time that Judge Bayless changes the restriction to a different area without any guiding rules or principles.**
4. **Judge Bayless changed the previously ordered holiday visitation schedule at a meeting in Judge Bayless' chambers, with no evidence presented, with no hearing and no court reporter present, without the presence of the Respondent, with less than 48 hours notice about an important holiday possession that was just days away.**
  5. **Judge Bayless ordered a second additional custody evaluation costing \$42,000 just 18 months after the first custody evaluation was completed. The is an Abuse of Discretion as it was unreasonable to order a second evaluation without any reason or evidence supporting a need for another custody evaluation report.**



## Right of Access to Courts

Access to the courts is a constitutionally protected fundamental right and one of the privileges and immunities awarded citizens under Article IV and the Fourteenth Amendment.<sup>32</sup> The First Amendment right to petition the government has as one aspect the right of access to the courts.<sup>33</sup> A mere formal right of access to the courts does not pass constitutional muster. Courts are required that the access be "adequate, effective, and meaningful." Respondent categorically states she has not been able to obtain adequate, effective or meaningful access to the Court who has shown bias against Respondent.

## Factual and Legal Basis for Motion to Recuse

### Judicial Canons

Respondent contends that the Judge of this court has a manifested bias and prejudice and Respondent will continue to be denied due process and course of law as the Respondent has been denied due process and due course of law already in this case.

#### Canon 2

"Avoiding Impropriety and the Appearance of Impropriety in all of the Judge's Activities"

Texas has adopted an objective test for impropriety. See **TEX. CODE JUD. CONDUCT Canon 2** (entitled "Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities");<sup>34</sup> (stating the rule requiring appellate Judges to recuse themselves in any proceeding in which Rule 18b of the Texas Rules of Civil Procedure requires recusal "in any proceeding in which . . . [the Judge's] impartiality might reasonably be questioned"). Expanding on Texas' objective standard, Justice Gammage's declaration of recusal in Rogers stated:

*The rule does not require that the Judge must have engaged in any biased or prejudicial conduct. **It does require the Judge to recuse if "his impartiality might reasonably be questioned,"** regardless of the source or circumstances giving rise to the question of impartiality and even though the source and circumstances may be beyond the Judge's volition or control.*<sup>35</sup>

The Texas intermediate courts of appeals have applied the same objective standard:

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<sup>32</sup> See *Chambers v. Baltimore & Ohio Railroad*, 207 U.S. 142, 28 S.Ct. 34, 52 L.Ed. 143 (1907).

<sup>33</sup> See *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 92 S.Ct. 609, 30 L.Ed.2d 642 (1972); *Wilson v. Thompson*, 593 F.2d 1375 (5th Cir. 1979); *NAACP v. Button*, 371 U.S. 415, 83 S.Ct. 328, 336, 9 L.Ed.2d 405 (1963); *Coastal States Marketing, Inc. v. Hunt*, 694 F.2d 1358, 1363 (5th Cir. 1983). *Rudolph v. Locke*, 594 F.2d 1076, 1078 (5th Cir. 1979)

<sup>34</sup> see *Rogers v. Bradley*, 909 S.W.2d 872, 874 (Tex. 1995)

<sup>35</sup> *Rogers*, 909 S.W.2d at 874.



*The standard for recusal is clear. When the party moving for recusal relies on bias to claim the trial Judge should be recused, the party filing the motion to recuse must show that a **reasonable person, with knowledge of the circumstances, would harbor doubts as to the impartiality of the trial Judge, and that the bias is of such a nature and extent that allowing the Judge to serve would deny the movant's right to receive due process of law.***

**At the very least there is an appearance of impropriety, conflict and bias.**

A federal appellate court noted <sup>36</sup> that pertinent U.S. Supreme Court cases "tell us that ordinarily actual bias is not required, the **appearance of bias is sufficient to disqualify a Judge.**" <sup>37</sup>

Accordingly, the test for whether a Judge should recuse himself is "whether the average Judge in his position is 'likely' to be neutral, or whether there is an unconstitutional 'potential for bias.'" <sup>38</sup> Because it is an objective analysis, due process may sometimes bar a Judge from sitting "who has no actual bias and who would do their very best to weigh the scales of justice equally between contending parties." <sup>39</sup> This test meant to instill trust and confidence in the administration of justice. <sup>40</sup>

Under the "reasonable person" standard, the integrity of the judicial process, which depends in large measure on maintaining the public's confidence in the impartiality of its Judges, requires that the Court be recused from further involvement in this matter.

### **Canon 3, subsection (A)(9):**

Canon 3, subsection (A)(9) of the Code of Judicial Conduct provides that:

A "Judge shall perform duties without bias or prejudice. In *McClenan v. State*, 661 S.W. 2d 108, 109 (Tex Crim. App. 1983), **the court held that such bias is a ground for disqualification and recusal when "the bias is shown to be of such nature and to such an extent as to deny a defendant due process of law."**

### **Canon 3, subsection (B)(5)**

A Judge shall perform judicial duties without bias or prejudice.

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<sup>36</sup> In *Bracy v. Schomig*

<sup>37</sup> *Richardson v. Quarterman*, 537 F.3d 466,477 (5th Cir. 2008)

<sup>38</sup> *Capterton v. A.T Massey Coal Co Inc.* , 129 S.Ct. 2252, 2257 (2009). This is an objective test. not a subjective test. Id. (stating that a disclosure of actual bias would serve as "grounds for appropriate relief"); *Commonwealth, Coating Corp.*, 393 U.S. at 149.

<sup>39</sup> Id. at 2265.

<sup>40</sup> *Rogers*, 909 S. W.2d at 872; see *United States v . Anderson*, 160 F.3d 231 (5th Cir. 1998) (recognizing that it is essential to avoid even the appearance of impropriety because it is as important to develop public continuance in our judicial system as to avoid impropriety).



Honorable Judge Linda Bayless has violated both Canon's to Respondent's detriment and Respondent moves to disqualify<sup>41</sup>

### **Canon 3, subsection (B)(8)**

Canon 3, subsection(B)(8) of the Texas Code of Judicial Conduct prohibits ex parte communications between a Judge and parties to proceedings before the Judge:

A Judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, **the right to be heard according to law**. A Judge shall not initiate, permit, or consider ex parte communications or other communications made to the Judge outside the presence of the parties between the Judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding.

Respondent contends that based on the foregoing, this court should recuse itself from further consideration of any issue in this case.

### **Texas Rules of Civil Procedure**

The Texas Rules of Civil Procedure require that a Judge either voluntarily recuse himself or refer the matter to the presiding Judge of the administrative district to hear the motion to recuse. Tex. Gov't Code Ann. § 74.059(c)(3) provides that a Judge shall "request the presiding Judge to assign another Judge to hear a motion relating to the recusal of the Judge from a case pending in his court." This court should comply with the requirements of the Texas Code of Civil Procedure, the Government Code and Rule 18a and either voluntarily recuse itself or refer this matter as required by § 74.059(c)(3).

Respondent contends that the grounds set forth in Rule 18b(a) and (b) require recusal in this case based on the facts set forth above in this motion.

**The legal standard for motions to recuse is set out in Rule 18b of the Texas Rules of Civil Procedure, and particularly rule 18b(1) & (2), which provide in part that "a Judge must recuse himself in any proceeding in which:**

**(1) the Judge's impartiality might reasonably be questioned**

**... [or]**

**(2) the Judge has a personal bias or prejudice concerning the subject matter or a party."**

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<sup>41</sup> Disqualification is an absolute and may be raised at any time because actions taken by a Judge who is disqualified are void. Disqualification may even be raised for the first time on a collateral attack or by the appellate court on its own motion. A Judge must recuse himself in any proceeding in which his impartiality might reasonably be questioned, where he has a personal bias or prejudice against the subject matter or the parties, or where he has personal knowledge of any disputed facts. Bias is a ground for disqualification especially when it effects Respondent's rights and access to an impartial court are being intentionally violated.



On the issue of whether a Judge's "impartiality might reasonably be questioned," the issue is not whether the Judge is actually biased. As the United States Supreme Court ruled in a recusal case on which the basis of recusal was campaign contributions:

*One must also take into account the judicial reforms the States have implemented to **eliminate even the appearance of partiality**. Almost every State has adopted the American Bar Association's objective standard: "A Judge shall avoid impropriety and the appearance of impropriety." **The ABA Model Code's test for appearance of impropriety is "whether the conduct would create in reasonable minds a perception that the Judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired."***<sup>42</sup>

Texas courts have extended a Judge's requirement to recuse himself beyond those reasons listed in the Federal and State Constitution.<sup>43</sup> The rules governing recusal in a habeas proceeding are located in Texas Rules of Civil Procedure 18a and 18b.<sup>44</sup>

Respondent relies upon several specific grounds for recusal listed in Rule 18b in regards to her request that Honorable Judge Linda Bayless be recused. These provisions state:

- (b) Ground for Recusal. A Judge shall recuse himself in any proceedings in which:
  - (1) his impartiality might reasonably be questioned;
  - (2) he has a personal bias or prejudice concerning the subject matter or a party

In addition to these provisions addressing impartiality and bias, the rules list specific situations that require recusal. To that end, to establish impartiality, bias, or prejudice, the party moving for recusal must introduce "facts sufficient enough to establish that a reasonable man, knowing all the circumstances involved, would harbor doubts as to the impartiality of the trial Judge."<sup>45</sup> This is an objective test that resembles the federal test.<sup>46</sup>

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<sup>42</sup> Caperton v. Massey Coal, 556 U.S. 868, 888 (2009) (citations omitted).

<sup>43</sup> Sears v. Olivarez, 28 S. W.3d 611, 615 (Tex. App. - Corpus Christi 2000) (noting a Judge may be removed from a case under rules promulgated by the State Supreme Court).

<sup>44</sup> TEX. R. CIV. P. 18a; see also Ex Parte Sinegar, ---S.W.3d ---, 2010 WL -4320399, at \*1 (Tex. Crim. App. Nov. 3, 2010) (holding that the civil rule setting forth procedures for recusal of Judges applies in habeas proceedings before the trial court); c/ Deblanc v. State, 799 S.W. 2d 701, 705 (Tex. Crim. App. 1990) (stating recusal rules in the Code of Civil Procedure apply to criminal proceedings).

<sup>45</sup> Kemp v. State, 846 S.W. 2d 289, 305 (Tex. Crim. App. 1992); see also Kniatt v. State, 239 S.W.3d 910, 915 (Tex. App. - Waco 2007, order) (per curiam) ("[T]he proper inquiry is whether a reasonable member of the public at large, knowing all the facts . . . concerning the Judge and the case would have a reasonable doubt that the Judge is actually impartial.").

<sup>46</sup> See Rogers, 909 S.W.2d at 880. The federal statute governing recusal, 28 U.S.C. § 455(a) contains language that is identical to the recusal language in the Texas Rules of Civil Procedure. See . . . e.g. . . . 28 U.S.C. § 455(a) (2006) (requiring a Judge to "disqualify himself" in any proceeding in which his impartiality might reasonably be questioned). Texas courts, therefore, have looked to federal case law when applying the Texas rules for recusal. See, e.g. Rogers, 909 S.W. 2d at 880.



## Texas Code of Judicial Conduct

When a Judge is sworn in they are to uphold the protection of each individual's constitutional rights and the law. In this case this court has demonstrated the opposite.

Texas law does not shield state officials from suits for equitable relief for a violation of one's constitutional rights.<sup>47</sup> Suit for injunctive relief stemming from alleged constitutional violations may be filed against governmental entity.<sup>48</sup> To Respondent's utter shock and surprise Honorable Judge Linda Bayless has demonstrated a continued pattern of wanton disregard of Respondent's due process rights and has shown a pattern of bias against Respondent.

**In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the Judge's impartiality. If a Judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the Judge must be disqualified."** [Emphasis added].<sup>49</sup>

**Should a Judge not disqualify himself, then the Judge is in violation of the Due Process Clause of the U.S. Constitution.**<sup>50</sup>

All proceedings in this matter be abated pending briefing by the parties on this Court's subject matter jurisdiction ... No substantive rulings shall be issued until the Court rules on its subject matter jurisdiction. Respondent believes that Honorable Judge Linda Bayless is unable to maintain impartiality and therefore recusal is reasonable.

Both the federal and state constitutions guarantee due process of law. See U.S. Const. amend. X, § 1 ("[N]or shall any State deprive any person of life, liberty, or property, without due process of law"); Tex. Const. art. I, § 19 ("No citizen of this State shall be deprived of life, liberty, property, privileges, or immunities, or in any manner disenfranchised, except by the due course of the law of the land.").

## Disqualification and Recusal

"Generally, a motion to recuse seeks to prevent a Judge from hearing a case because of a nonconstitutional reason, while grounds for disqualification are limited to those identified in the constitution." Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a Judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. **Rule 18b(2) states, in relevant part, that "A Judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) he has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding[.]"**

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<sup>47</sup> See *City of El Paso v. Heinrich*, 284 S.W.3d 366, 373 n. 6 (Tex. 2009)

<sup>48</sup> *City of Elsa v. M.A.L.*, 226 S.W.3d 390, 391-92 (Tex. 2007)

<sup>49</sup> *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

<sup>50</sup> *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based on the Due Process Clause.")



**The denial of this would further violate Respondent's constitutional right to due process of law as Honorable Judge Bayless has shown bias and prejudice against Respondent in favor of Defendant**

**It is unquestionable that a defendant has a due process right to an impartial and disinterested tribunal under the Fourteenth Amendment to the U. S. Constitution."<sup>51</sup> A fair tribunal "requires not only an absence of actual bias ... [b]ut to perform its high function in the best way justice must satisfy the appearance of justice;" therefore, due process demands avoidance of "even the probability of unfairness."<sup>52</sup>**

A Judge shall recuse in any proceedings in which the Judge's impartiality might be reasonably be questioned."<sup>53</sup> In determining whether a Judge's impartiality might reasonably be questioned so as to require recusal, the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the Judge and the case, would have a reasonable doubt that the Judge is actually impartial.<sup>54</sup> Once a Motion to Disqualify or Recuse is filed, the Judge must take no further action in the case and either (1) recuse herself, or (2) forward the motion to the presiding Judge of the Administrative Judicial District for a Hearing.<sup>55</sup> The Judge cannot make any other ruling, including on whether the party has standing to file a Motion to Recuse, except to choose one of the two options, *supra*.<sup>56</sup>

## **Conclusion**

**Respondent requests that Honorable Judge Bayless dismissed from this case due in-part due to:**

1. Respondent's constitutional and civil rights concerns relating to Recusal Judge's actions and conduct in these proceedings;
2. Pursuant to TRCP 18a
3. Pursuant to TRCP 18b(b)(1), Recusal Judge's impartiality might reasonably be questioned in this matter;

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<sup>51</sup> "Tammy v. Ohio, 273 U.S. 510, 535 ( 1927); see also Chitimacha Tribe of Louisiana v. Harry L Laws Co Inc., 690 F.2d 1157, 1164-65 (5th Cir. 1982) (asserting that .. a fair trial before an unbiased Judge is a basic requirement of due process").

<sup>52</sup> In re Murchison, 349 U.S. 133, 136 ( 1955) (quoting Offut v. United States, 348 U.S. 11, 14 (1954)); Commonwealth Coating Corp., v. Continental Casualty Co., 393 U.S. 145, 150 (finding that a judicial officer "not only must be unbiased but also must avoid even the appearance of bias"); Rogers v. Bradley, 909 S.W.2d 872 (Gammage. J., Declaration of Recusal) (the Due Process Clause will not tolerate "actual bias" or the appearance of impartiality).

<sup>53</sup> Burkett v. State, 196 S.W.3d 892, 896 (Tex.App. — Texarkana 2006) no pet.

<sup>54</sup> Rogers v. Bradley, 909 S.W.2d 872, 873 (Tex. 1995).

<sup>55</sup> Tex.R.Civ.Proc. 18a, In re Thompson, 330 S.W.3d 411 (Tex.App. — Austin 2010).

<sup>56</sup> In re Thompson at 418.



4. Pursuant to TRCP 18b(b)(2), Recusal Judge has a personal bias or prejudice concerning the subject matter of this case;
5. Recusal Judge's high degree of deep-seated favoritism or antagonism as to make a fair judgment impossible;
6. Recusal Judge's refusal to consider the arguments and evidence of Respondent, and following Texas Statutory Law as applied to in this case has and continues to effectively limit Respondent's ability to obtain fair hearings without bias and to Respondent's detriment;
7. Respondent is entitled an unbiased Judge to hear the matters before the Court;
8. Respondent fears and believes that he has not, will not and cannot receive a fair and impartial hearing and determination of any and all matters concerning the above cause if heard and determined by Recusal Judge;
9. Respondent has not had the right, based on the foundation of the American legal system to be heard by a neutral court, instead this Judge has overtly and wantonly disregarded Respondent's civil and statutory rights;<sup>57</sup>
10. Recusal Judge has failed to comply with the fundamental requirements of due process and the results of those proceedings affected in this case are therefore void and subject to collateral attack and new trial;
11. Respondent has grave concerns about the ability of Recusal Judge to maintain her impartiality in being able to continue residing over this proceeding as she has failed to show impartiality during hearings taken place and instead ruled based on bias against Respondent.
12. Recusal Judge allowed fraud on the court by Defendant to interfere in this case.
13. Recusal Judge has demonstrated she cannot be partial and takes actions which raise to her being disqualified.
14. Recusal Judge could not be fair and impartial, and has demonstrated an arbitrary refusal to maintain partiality and providing the parties equal access to her Court.
15. The denial of this motion would further violate Respondent's constitutional right to due process of law.
16. Recusal Judge is subject to statutory disqualification or recusal under Texas rules and the rules under the United States of America.
17. Any trial resulting in an appeal would be a waste of judicial resources because this is a structural error not subject to a harm analysis.<sup>58</sup>
18. Judge Bayless' refusal to recuse herself from the case
19. This motion is brought for sufficient cause and not for the purpose of delay.

The above facts and evidence show a pattern of bias, prejudice, ex parte communications and failure to ensure due process by the Honorable Judge Linda Bayless proving she must be removed from this case.

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<sup>57</sup> Judges have an ethical obligation to recuse themselves if they know of any reason to do so, or if a party files a motion to recuse if they believe a Judge should not hear the case.

<sup>58</sup> See *Neder v. United States*, 119 S.Ct. 1827, 1833 (1999) (biased trial Judge is structural error not subject to harm analysis).



Honorable Judge Linda Bayless' orders must be ruled void and a new trial ordered, otherwise the court will deprive Respondent of a fair trial in violation of the due process clauses of both the Texas and the United States Constitution and in violation of Texas Rule of Civil Procedure 18b.

## **Prayer for Relief**

Pursuant to Tex. R. Civ. P. 18a(b), movant hereby notifies all parties and their counsel that movant expects this motion to be presented to Judge Bayless.

WHEREFORE PREMISES CONSIDERED, defendant herein respectfully requests that the Honorable Linda Bayless, Court at Law Judge of Burnet County, Texas recuse herself from this case, or alternatively that she refer this motion to the Administrative Judge for appointment of a neutral Judge to hear and consider this motion to recuse.

WHEREFORE, PREMISES CONSIDERED, Respondent prays this Court vacate its previous order in this matter, and recuse itself and in the alternative pursuant to the rules for a non-conflicted and qualified Judge to assign another Judge to hear this case and this motion

Respondent requests the following relief pursuant to this motion:

1. That the Court voluntarily recuse itself from any further participation in this case;
2. In the alternative, should the Court not voluntarily recuse itself in response to the motion to recuse, that the motion to disqualify be referred to the Presiding Regional Judge to rule on the referred motion or for assignment of a Judge to consider this motion; this motion; That in the event a Judge is assigned to consider this motion.
3. That in the event a Judge is assigned to consider this motion, that the assigned Judge schedule and conduct a hearing on this motion;

Respectfully submitted,

/s/

Cynthia Chebultz  
108 Marion  
Meadowlakes, Tx 78654  
clcintx@gmail.com  
Tel.: (512) 905-6549



## Exhibits

1. Exhibit 1 - 2015 8.28 Transcript
2. Exhibit 2 - Campbell Notes on stand in court
3. Exhibit 3 - 2015 October Campbell Affidavit
4. Exhibit 4 - Hearing 2015 12.1 Judge's comments
5. Exhibit 5 - Respondents intent to move in June 2015
6. Exhibit 6 - 12.1 Sharpe Testimony
7. Exhibit 7 - MFPD Cynthia Chebultz
8. Exhibit 8 - Certified No Trespass
9. Exhibit 9 - No Trespass Letter Delivery
10. Exhibit 10 - Fwd - No Trespass to Trey
11. Exhibit 11 - Notice Of No Trespass
12. Exhibit 12 - 2015 12.1 - Ruling Transcript\_Hearing\_Court's ruling
13. Exhibit 13 - FW\_ Spring Break 2016 campbell
14. Exhibit 14 - Affidavit RhondaGilchrist-4.6.16
15. Exhibit 15 - 2016 4.7 - Order for Forensic Psychological Evaluation
16. Exhibit 16 - Jonestown Police Cease and Desist
17. Exhibit 17 - 2016 9.19 - Orders for Child Custody Evaluation
18. Exhibit 18 - 2015.03.26 Cardwell's Evaluation of BJC
19. Exhibit 19 - Letter to Trey Brown RE Therapist 9.14.2016
20. Exhibit 20 - BJC to New Unapproved Therapist
21. Exhibit 21 - 2017.10.5 - Final Orders Request - Declined
22. Exhibit 22 - 2017.11.2 Notice of Dismissal
23. Exhibit 23 - 2017.11.9 Motion to Retain on Docket
24. Exhibit 24 - 2018.11.28 Agreed Order Granting Motion to Withdraw as Counsel File Marked
25. Exhibit 25 - 2018.11.30 Proposed Order EFILE by Petitioner
26. Exhibit 26 - 2016.4.6 Continuance
27. Exhibit 27 - 2017.12.1 Full FINAL JUDGMENT
28. Exhibit 28 - Full Case Summary
29. Exhibit 29 - 2018.2.13 Gmail - Final Orders
30. Exhibit 30 - 2019.4.24 Today's Meeting With The Judge
31. Exhibit 31 - Campbell 2014 Taxes
32. Exhibit 32 - Mike Hill Affidavit
33. Exhibit 33 - Phyllis Text Messages
34. Exhibit 34 - LeAnn Artis Affidavit
35. Exhibit 35 - 2016.3.14 Rita Pickering
36. Exhibit 36 - 2015.9 Affidavit MFE school counselor
37. Exhibit 37 - 2016.4 Affidavit MFE school counselor
38. Exhibit 38 - BJC Psyc Eval
39. Exhibit 39 - 2015.09.08 Wes Fraudulent Notarized Statement
40. Exhibit 40 - Marble Falls Apartment Map
41. Exhibit 41 - Marble Falls Elementary Map



42. Exhibit 42 - 2016.4.6 Hearing Transcript
43. Exhibit 43 - Transcript of Recorded Phone Call with Child's Health Insurance Company
44. Exhibit 44 - 2006 December House Contract Wildflower
45. Exhibit 45 - BJC school registration
46. Exhibit 46 - School Transfer Form
47. Exhibit 47- CLC Insurance
48. Exhibit 48- Stocks Sold for Medical Expenses
49. Exhibit 49 - Insurance & Medical Bills
50. Exhibit 50 - Mike's Truck
51. Exhibit 51 - Camera Outside Respondents Home
52. Exhibit 52 - Final Orders Emailed and Signed by Bayless
53. Exhibit 53 - Bayless cc only Trey 2016 4.6
54. Exhibit 54 - Bayless cc only Trey 2016 7.27
55. Exhibit 55 - Notice to Attorney's to call Bayless on her Cell Phone
56. Exhibit 56 - 41790 Service Records
57. Exhibit 57 - Campbell Modify 6.10.2019
58. Exhibit 58 - DrSherry-Bayless 27 Jul 2016 ex parte
59. Exhibit 59 - Opposing Counsel Request Second Custody Evaluation
60. Exhibit 60 - Motion for Continuance \_ second ammended\_ signed
61. Exhibit 61 - Continuance Surgery Proof
62. Exhibit 62 - Apartment Notice to Vacate
63. Exhibit 63 - Summer 2018 - Wes refuses to give me BJC passport
64. Exhibit 64 - 2 days notice of BJC leaving the country with Wes
65. Exhibit 65 - Hearing on Motion to Correct, Modify or Reform



**NO. 41790**

**IN THE INTEREST OF**

**BJC**

**A CHILD**

§ **IN THE COUNTY COURT AT LAW**  
§  
§  
§  
§  
§ **BURNET COUNTY, TEXAS**

**ORDER ON MOTION TO RECUSE HONORABLE JUDGE LINDA BAYLESS**

On August 2, 2019, the Court heard the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless filed herein by CYNTHIA CHEBULTZ.

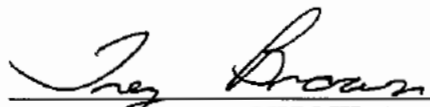
After hearing the evidence and argument of counsel, the Court is of the opinion that the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless be DENIED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless be and the same is hereby **DENIED.**

SIGNED on August \_\_\_\_\_, 2019.

\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM:



F. N. "TREY" BROWN III, Attorney  
For WESLEY HOWARD CAMPBELL



CYNTHIA CHEBULTZ



**NO. 48256**

**IN THE INTEREST OF**

**BJC**

**A CHILD**

§ **IN THE COUNTY COURT AT LAW**  
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§ **BURNET COUNTY, TEXAS**

**ORDER ON MOTION TO RECUSE HONORABLE JUDGE LINDA BAYLESS**

On August 2, 2019, the Court heard the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless filed herein by CYNTHIA CHEBULTZ.

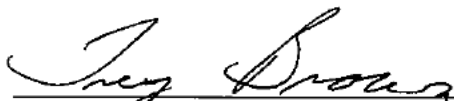
After hearing the evidence and argument of counsel, the Court is of the opinion that the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless be DENIED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the First Modified Motion to Disqualify or Recuse Honorable Judge Linda Bayless be and the same is hereby **DENIED.**

SIGNED on August \_\_\_\_\_, 2019.

\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM:

  
\_\_\_\_\_  
F. N. "PREY" BROWN III, Attorney  
For WESLEY HOWARD CAMPBELL

  
\_\_\_\_\_  
CYNTHIA CHEBULTZ



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REPORTER'S RECORD

VOLUME 1 OF 1 VOLUME

CAUSE NO: 41790

IN THE INTEREST OF	)	IN THE COUNTY COURT
B.J.C.	)	AT LAW
A CHILD	)	BURNET COUNTY, TEXAS

(PARTIAL COURT'S RULING)

On the 1st day of December, 2015, the following proceedings came on to be held in the above-titled and numbered cause before the HONORABLE LINDA BAYLESS, Judge presiding, held in Burnet, Burnet County, Texas.

Proceedings reported by computerized stenotype machine.



1 \*\*\*\*\*

2 THE COURT: I'm going to award custody to  
3 you. You can make the right to determine -- you have  
4 the right to determine the residence. I am going to  
5 order you to counseling. I want a hearing set in six  
6 months. I want the counselor to come testify as to your  
7 progress. And I want weekly counseling. When you have  
8 this child on your weekends or whatever nights you have  
9 him, you can stay wherever you want to because you're  
10 not going to have to have him to school the next day.  
11 So you have the standard -- the right to standard  
12 visitation. I will order child support based on your  
13 income. I don't know what that is.

14 MR. COWART: With elections, Your Honor.  
15 I want to make sure I get that --

16 THE COURT: With elections. But I want a  
17 hearing scheduled six months from today in this  
18 courtroom with Mr. Campbell's counselor testifying as to  
19 his progress in having a relationship with his son where  
20 the son is not in constant fear or afraid or intimidated  
21 or afraid to say how he feels. I am ordering that you  
22 do not talk to him about any of this. About his mother.  
23 If he brings up, Mom's doing great, you say, Okay, I'm  
24 glad to hear it. You do not ask where she is, what  
25 she's doing, anything about her unless he voluntarily



1 gives you that information. And never say a negative  
2 thing about her. And the same to you. You're damaging  
3 the child. You're not helping him. You're being  
4 selfish and immature. And you've got a child that you  
5 both chose to have together and he's still seven years  
6 from reaching the age of majority. So you've got to  
7 deal with this for the next seven years, and you need to  
8 reunite in your efforts and make him the best possible  
9 person he can be. And what you're doing now is  
10 destroying that. And it's destroying his trust in both  
11 of you. Just like she said from the witness stand --  
12 the counselor. I can't remember her name.

13 MR. COWART: Ms. Gilchrist.

14 THE COURT: Ms. Gilchrist can see it.  
15 She hears it from him. Take heed from that. Learn to  
16 work together for his benefit. You can hate each  
17 other's guts. I don't care. But when it comes to that  
18 child you need to be reunited. And you need to  
19 communicate with each other. And by the way I want you  
20 to send her weekly e-mails about how he's doing in a  
21 nice respectful way. He's had a great week. He did  
22 this at school. He did that at school. You know,  
23 here's the next whatever event. We sure would like to  
24 see you there. You're welcome to sit with us. Those  
25 are the kinds of things you need to be saying to each



1 other. Boy, didn't he do well on X. I'm so proud of  
2 him, aren't you? We've made a beautiful child together.  
3 And that's what needs to be said. Not all of this other  
4 crap that's going on. It just makes me sick.

5 MR. COWART: Clarification, Judge. Of  
6 course, Mr. Campbell and Mrs. Campbell are friends, very  
7 close friends with Mr. Henley and Mrs. Henley. What I  
8 would suggest is this. First off, clarification that  
9 the Court order the counseling continued, like you  
10 ordered back in August, that it continue on with Ms.  
11 Gilchrist.

12 THE COURT: Yes. That goes without  
13 saying.

14 MR. COWART: Okay.

15 THE COURT: As long as needed for BJC  
16 to be able to find his voice, stand up for himself and  
17 defend himself when necessary with you two.

18 MR. COWART: And then would you -- are  
19 you ordering that Ms. Gilchrist as BJC's counselor get  
20 with Mr. Campbell's counselor, who I think the Court is  
21 -- I don't know whether the Court --

22 MR. BROWN: I would be opposed to that.

23 THE COURT: I'm --

24 MR. COWART: Then I'm going to be opposed  
25 to Mr. Henley being the counselor because they see each



1 other socially. I've seen that with my own two eyes.

2 THE COURT: I'm not ordering -- I don't  
3 care who he sees.

4 MR. COWART: Well --

5 THE COURT: Why would that be a problem?

6 MR. COWART: If he's seeing his best  
7 friend, then that creates a --

8 THE COURT: Well, I doubt -- you know, I  
9 trust Mr. Henley's professional judgment. And I doubt  
10 seriously that he would counsel Mr. Campbell. If he  
11 did, I would question Mr. Henley's professional  
12 judgment.

13 MR. COWART: Okay.

14 THE COURT: Just like, you know, you  
15 might not want to represent your best friend in a --

16 MR. COWART: Any case.

17 THE COURT: -- in any kind of case. So  
18 he might discuss references with Mr. Henley as far as  
19 who he might recommend. But I doubt seriously that Mr.  
20 Henley would do that. Especially since he has a  
21 relationship with both parties. But I'm not sure that I  
22 want to enter a final judgment until six months from  
23 now, until I see how things are going. So this is going  
24 to be temporary orders, or I'll hold it in abeyance or  
25 whatever -- however you want to characterize it. But



1 we'll finalize it possibly six months from now when we  
2 hear and see how things are going.

3 MR. BROWN: Your Honor, there's a couple  
4 of little matters.

5 THE COURT: Okay. That's fine.

6 MR. BROWN: Okay. Well, I had a lot to  
7 say until your last line, but now that last line has  
8 just thrown me completely. So let me just start with  
9 that I guess. You want to do temporary orders. These  
10 people have gotten along fine since August 28th as far  
11 as visitation is concerned. It's school to school  
12 elections. ?

13 THE COURT: My only issue is to see to it  
14 that Mr. Campbell gets his counseling. And I want to  
15 have some control over that. If it's a final judgment  
16 then I have no control over that any more.

17 MR. BROWN: Then can we do a final  
18 judgment but just put language in there that the Court  
19 has the right under changed circumstances? I mean,  
20 because I would anticipate that going well, so I would  
21 rather like to get a final order entered and so I'm  
22 trying to figure out some other way to still give you  
23 plenary jurisdiction over it with a final order.

24 THE COURT: All right.

25 MR. COWART: And I think that's --



1                   THE COURT: If we can figure it out,  
2                   that's fine. But that's my only issue as far as not  
3                   wanting to issue a final order. If there's another way  
4                   we can do it, I don't know, but you're --

5                   MR. BROWN: Okay.

6                   THE COURT: -- the brilliant legal minds  
7                   here.

8                   MR. COWART: We're happy to address that.  
9                   But right now as it stands the Court's going to issue,  
10                  call them temporary orders. And if there's a way around  
11                  it that we can all agree to --

12                  THE COURT: Right.

13                  MR. BROWN: I'll try --

14                  THE COURT: Or if I can get an assurance,  
15                  you know, from Mr. Campbell that he'll do it and we can  
16                  come back here in six months and see how it's going.  
17                  But the problem is in six months if it's not going well,  
18                  if his counselor reports that things are bad or if I  
19                  hear that BJC is being badgered, then what power do I  
20                  have?

21                  MR. BROWN: Well, Judge --

22                  THE COURT: Unless you all file -- I  
23                  guess you can file a motion to modify.

24                  MR. COWART: Well, the thing is within a  
25                  year you have a much higher burden with an accompanying



1 affidavit.

2 THE COURT: I know.

3 MR. COWART: So I'm more comfortable --

4 THE COURT: I understand that.

5 MR. COWART: -- with you retaining the  
6 plenary jurisdiction. What I'm also concerned about is  
7 when we have this hearing and Mr. Campbell is seeing  
8 this counselor and you're going to be checking up with  
9 the counselor, obviously -- well, a couple of things. I  
10 want to make sure our discovery requests are still  
11 subject to be honored. Or do we need to send out a new  
12 set of discovery requests. I think it would be easier  
13 just to say we have temporary orders, the discovery  
14 requests need to be honored and supplement it  
15 appropriately, number one. And number two, with regards  
16 to Mr. Campbell's counseling, I definitely want to have,  
17 before we have the hearing in six months, some kind of  
18 report or something from a counselor that I can look at  
19 and adequately be prepared for the hearing.

20 THE COURT: I think that's fair.

21 MR. BROWN: Judge, and this may be where  
22 we need a ruling written from you regarding that,  
23 because I don't want -- I would like to propose this in  
24 a final order. That in six months the Court set this  
25 matter for a hearing to hear from Wes's counselor. And



1 Wes's counselor only. The Court reserves the right on  
2 its own motion to modify this final order depending on  
3 that testimony. And that's it. I mean, now -- let me  
4 think about this because I've never had somebody do  
5 something like this, and I --

6 THE COURT: Well, neither have I.

7 MR. BROWN: I know. I'm just talking  
8 about it out loud, because I would like to get a final  
9 order entered. So I need to think about this. But I  
10 definitely --

11 THE COURT: That would be a job for Mr.  
12 Collie.

13 MR. BROWN: What I was trying to do,  
14 Judge, is I don't want to open this up to seven or eight  
15 more witnesses in six more months.

16 (Inaudible discussion.)

17 MR. COWART: I think procedurally, Judge  
18 --

19 MR. BROWN: Just like a protective order.

20 MR. COWART: May I finish? This is  
21 different than a protective order. Protective orders  
22 are governed by very specific rules under the Family  
23 Code. I think what we're talking about is -- I think  
24 the Court is correct this is temporary orders because  
25 the Court can retain plenary jurisdiction. Whereas if



1 we had final orders then I don't know that the Court can  
2 have a -- I will have to research that -- but I don't  
3 think you can have a compliance hearing based on a final  
4 order. However, I do think that we can -- and -- well  
5 --

6 THE COURT: You know, Mr. Cowart, this is  
7 to your client's advantage for this to be a temporary  
8 order.

9 MR. COWART: Obviously.

10 THE COURT: And it's not to yours.

11 MR. BROWN: And I don't want a temporary  
12 order. We need a compliance hearing.

13 THE COURT: If -- let me ask you this.  
14 Basically what you proposed, as far as putting something  
15 in a final judgment, if you both want to research that  
16 and determine whether or not that still gives me  
17 jurisdiction, then we can do that. If it doesn't, then  
18 it's going to have to be a temporary order because I  
19 want to be able to retain jurisdiction without anybody  
20 having to file new motions.

21 MR. BROWN: But Judge, as you know, BJC  
22 needs some finality to this.

23 THE COURT: I know he does. But we're  
24 coming back here in six months any way. And that's up  
25 to his dad.



1 MR. COWART: And I think, Judge,  
2 according to the Family Code in order to modify a final  
3 order within that first year like we talked about, that  
4 specific provision says you have to file an affidavit  
5 saying -- that's a hurdle higher than what this Court  
6 wants to consider right now in terms of, Hey, we're  
7 going to --

8 MR. BROWN: Not if it's in the final  
9 order that the Court reserves the right to re-open the  
10 case based on change in circumstances depending on what  
11 happens at that compliance hearing.

12 THE COURT: Well, why don't you all  
13 research it and let me know.

14 MR. BROWN: Judge, and the other thing.  
15 I don't know, but he just made mention of this, my  
16 client may disagree with me on this and he may call  
17 Rhonda Gilchrist up and start making appointments, but I  
18 don't want Rhonda Gilchrist around this child any more,  
19 Judge. This child goes in and says to her whatever --  
20

21 THE COURT: You're opening up testimony.

22 MR. BROWN: I know. But I'm saying,  
23 Judge, you said something about this compliance hearing  
24 that I was comfortable with and that is let's hear from  
25 the counselor on how --



1 THE COURT: That's right.

2 MR. BROWN : But then we just opened it  
3 up to everybody else --

4 THE COURT: No, we didn't.

5 MR. BROWN: Okay.

6 THE COURT: I'm only interested in  
7 hearing from his counselor as to his progress regarding  
8 his relationship with his son. He's got seven more  
9 years of this child living with him if everything goes  
10 well.

11 MR. BROWN: Okay.

12 THE COURT: Okay. So I just want to make  
13 sure it does. My job is best interest of this child  
14 period. So I'm extremely concerned right now. I can't  
15 say today that I've made the best decision by letting  
16 him have custody, because I have grave concerns about  
17 his attitude toward raising this child. But then on the  
18 other hand I have grave concerns with the mother.

19 MR. BROWN: Last issue, Judge, if we want  
20 to address this now. I'll move on and I understand what  
21 you're saying.

22 THE COURT: Okay.

23 MR. BROWN: And I'll research it and I'll  
24 get back to you. I guess I'm preparing the order now.

25 THE COURT: I guess you are. Or Mr.



1 Collie is.

2 MR. BROWN: The last issue is the child  
3 support, Judge.

4 (End of excerpt.)  
5  
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C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF BURNET )

I, VICKI K. KANEWSKE, Official Court Reporter in  
and for the County Court at Law of Burnet, Burnet  
County, State of Texas, do hereby certify that the above  
and foregoing contains a true and correct transcription  
of all portions of evidence and other proceedings  
requested by counsel to be included in this volume of  
the Reporter's Record in the above-styled and numbered  
cause, all of which occurred in open court or in  
chambers and were reported by me.

I further certify that this Reporter's Record of  
the proceedings truly and correctly reflects the  
exhibits, if any, requested to be included.

I further certify that the total cost for the  
preparation of this Reporter's Record is \$89 and will  
be paid for by Mr. Trey Brown, Attorney at Law.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th  
day of December, 2015.

/s/Vicki K. Kanewske

VICKI K. KANEWSKE, TEXAS CSR NO: 2159; EXPIRES: 12-31-16

Official Court Reporter, Burnet County Court at Law

220 S. Pierce Street, Burnet, Texas 78611

512-715-5244; Fax: 512-715-5226; Email: Vkan@live.com



Munday the 7<sup>th</sup>

I had baseball &  
Boy scouts. Boy scouts  
used to be so <sup>important</sup> to be  
there every  
Time now it's not <sup>important</sup> very.  
Baseball is very important  
to be there every time.

Dad was so mad for  
me not going to base Ball  
Because He said the old  
coach would think I'm  
A slacker. Dad was very  
mad at me. I wanted to  
Punch him in the Gut.  
I was so Mad at Dad



Dad called Gripe at  
me twice. He made  
me so mad he  
made me cry.

I think base ball  
is fun with out

Dad. I was releved win  
he was not at Boy scouts





Don't like Basketball

Don't like that Dad has to  
Be a coach

Dad thinks that I'm better  
than I am

Bulls hair / Pulls me,  
around, gripes, and picks me  
up and throes me.

never good enoff

never want to play sports  
again, I used to love sports

Play sport with out telling  
Dad

I would like sports  
if Dad wasn't there



Brody Campbell

Dad said me up for basketball  
Didn't ask me one else  
I wanted to do robots in st  
He said I could Do robots  
instead of sports. He says  
he never said that Now. He  
interrupted our plans, on fri  
day / tomorrow. we need to  
go to practice Saturday  
But I want to go Austin  
for robots. I was mad at  
him. I told Mom we're not  
going to practice.



Mom and I were talking mg  
Bike we talked about E-mails  
with Dad.

Dad shows me E-mails in print  
and on the screen

I think Dad make stuff up or  
writes stuff in the E-mails  
Because not the way mom talks  
it's right in the way Dad talks  
Dad makes look like mom lies  
Dad says mom lies all the time

Dad shows me 1 or 2 E-mails a week

mom showed me the last three months  
of E-mails and do not match what Dad  
showed me. like Bike E-mails

Dad said Monica told him that  
she knows that mom lies But  
Monica plays it cool and doesn't  
say anything



Dad said that he told  
my mom that Goc's birthday  
was munday the 3rd  
mom said she dose not  
have that text  
dad said mom said something  
ugly. That confuses me  
hard for me to think.  
I wonder wich parent is  
telling the truth



I was supposed to be home  
Day. And I wanted to stay  
at Bradleys for another Day  
but dad wouldn't let me stay  
even though it was mom's day  
I think he wants what he  
wants and doesn't care what  
other people think. I wish  
he cared what I want. I  
Didn't do any thing the next  
day at dad's I wanted to stay  
at Bradleys. I was very frustra-  
ted and mad at him.



I had not see'n my Dad  
in a Long  
time and wanted to Do

stuff with him He said

If I told that I

wanted to live with him,

we would go to the Beach,

Do grate things, have to

lots of fun, A usum

if IY birthday Party,

onther cool stuff,

He made it sound

grote. He talked

A Lot that weak



I gave up I couldn't  
listen to him any more.  
He told me that  
I need to tell Mrs. Cari  
that I wanted to  
live with him. I did  
it because I wanted  
him to stop pushing.  
The next time I  
saw Mrs. Cari I told  
her my dad talked  
me into it. Also told her  
50-50 was too hard



Dad says the utrnays  
think that it would  
BeHer for me to  
Live With Him

Dad shows me emails  
in between him and  
my mom. Hes shows me

the Leagal Papers  
and Has me help

him. I Don't Like

Bing Putt in the middle

te



I knew Mrs. Cari was sending  
a paper home.

Dad said getting down  
to business and told me  
to say good stuff  
about dad bad stuff  
about mom. Less Harsh Words

I told dad I want  
50-50, He told me  
to say 75-25 more  
than once, He Had me  
Repeat it to Phyllis



I + started a Big  
Comosa With Dad talk  
ing to me, Phyllis  
was not mad Dad was  
He said I do not  
get aneything out  
of this, and I Pay  
A Ton of moey. and  
I Dont get eney  
thing out of this and  
I still hafta Pay  
Your mom A lot of money  
Even if I get you 75 Percent



I still ha ft to  
Pay your mem ation  
of money but at least  
i get row.

He dose not like  
to pay her any money.

He says Dont Belere

Yon mom she Lies She

Lies a ton



After we all met  
last dad was mad  
dad was not talking  
to me Becuse I wuld  
not tell a stuff  
good stuff Dad  
bad stuff. mom

Lunch



2-9-15

At boysoaunts we got another thing to minrise and my dad wanted me to minrise it his way. But his way dose nt work for me and he made me sit out wile the other kids played Games. I was very angry that I couldnt just do it my way and I couldnt play, I wanted to punch him



Dad kept asking me -  
if I wanted to go camping  
and he would not stop bothering  
me about camping. Told people  
that I was going camping  
with him on mom's week.  
Keep telling Dad it's in  
between mom and him  
Dad said that mom sent  
 nasty emails. Dad said  
that mom was going to  
tell me a rather story  
and that the story is  
a lie. hope over  
some can't concentrate  
and worry





Took car to mom it at scuts  
wear was car

Dad has it

I wanted to be car with  
mom

so I get to do it

Dad Bilt car last year

inged last year car at  
triles this week



I Really want to go  
With my mom for spring  
Break and Do electronic  
camp and run my RC  
car in the races  
But I want to see my  
mom soon will on one day  
But I want to be with my  
mom most of spring  
Break and don't go camping  
in my dad's stinky old camper  
I don't to tell my dad I Don't  
Want to go camping Because  
he will get mad



Dad asked me what I want to do for spring break. I told Dad that it's in between mom and him. It makes me stressed. Dad got mad and called mom a bad word, also a liar. Then Phyllis said I know you want to trust But you need to make your mind up about what's true and what's not. Dad called back down About 20 min later. Then he made me look at emails about Christmas and spring break. Dad said mom will say crazy stuff that's not true so I'll think her way.



I was as texting my mom  
my Dad heard my typing  
he said wait are you  
Doing I said texting  
my mom He said let me  
see that He said do  
think your mom needs  
to know that stuff  
He Hasent relley let me  
use my ipod.  
He dosent Help me rember  
to call mom from His house  
I Dont call mom  
from Dads house



1 of 2

## CLIENT PROGRESS NOTES

Name

Date

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene☐ disheveled☐ inappropriate attire☒ well-groomed

## Sensorium:

Oriented to: ☒ person ☐ place ☐ time ☐ situation

## Functioning:

☒ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

## Speech:

☒ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

## Behavior:

☒ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

## Mood/Affect:

☒ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

## Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance

☒ no impairment in daily patterns (Anxiety) Adjustment - mom was concerned about

## Thought Content: Brody adjusting and coping w/ custody issues

☒ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas

☒ plan/means ☐ attempts ☐ Safety plan created

☒ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made

☐ hallucinations (circle type) auditory visual olfactory tactile

☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Intake w/ mom

"Wes- (brody's dad) has a very controlling personality. He is a very successful real estate/business man. We can't have a regular visitation schedule, Wes consistently tries to manipulate the schedule to his advantage. We are going back to court. I don't want Brody impacted by this ugly process. When Wes was very controlling with me. He took my measurements and monitored my weight and recorded it in a little book. He did not want me to get fat. He brought me a scale that did body fat and other information after Brody was born. I don't want Brody to grow up with controlling personality or behaviors. Wes made me get on medication to have Brody instead of paying for the birth out of pocket."

☐ Boundaries ☐ Safety ☐ Protective Parenting ☐ Self-Care ☐ Respect ☐ Appropriate Discipline
Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other

Treatment plan:

Referrals made

HW:

Time of appointment

Therapist signature

Date



## Date/Time

**Name:** Cynthia (mom).

416

Mom (Lewin) Dad has gotten worse lately. Mom reports Budie knows more about court case than he should. She reports Budie was previously seen by Kaini Jotti (therapist). Budie reported to mom that dad put pressure on him to tell Kaini things he didn't want to tell her. She gave therapist contact information for Dad - Wes Campbell  
930-837-0308

The report explained the need for balance from both parents to facilitate Body making progress.



1 of 2

## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 4/6-15

Time 530-615

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☒ person    ☐ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns    *Adjustment family relationship/custody*

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Buddy was very polite and quite at the beginning of the session. Therapist explained Confidentiality to Buddy. He asked if the therapist would tell his dad anything he says? Therapist explained the limitations of Confidentiality but assured Buddy if it was not one of the exceptions no she would tell his dad what he said. Buddy mentioned school - likes Science and Math. Loves his tablet. He likes race cars and soccer. Reports his dad pressured him to tell him what he talked about with his old therapist, Kami Forte. They dad would tell me things to say to Kami Forte. Magic Wand question: "I would live with my mom more than my dad she is going to live with" When ask if he felt stuck in the middle? He stated "my dad says mean things about my mom". He told me my mom slept with someone else.

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other \_\_\_\_\_

Treatment plan: *(See page 2)*

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_

Therapist signature *Rhonda Gilchrist*

Date 4-6-15







## CLIENT PROGRESS NOTES

Name \_\_\_\_\_ Date 4-16-15 Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

\_\_\_ poor hygiene \_\_\_ disheveled \_\_\_ inappropriate attire / well-groomed

## Sensorism:

Oriented to: / person / place / time / situation

## Functioning:

\_\_\_ alert/oriented \_\_\_ disoriented/incoherent \_\_\_ confused \_\_\_ impaired judgment \_\_\_ impaired insight  
\_\_\_ memory impairment \_\_\_ short term \_\_\_ long term \_\_\_ abnormal movements \_\_\_ tremors  
\_\_\_ tangential \_\_\_ psychomotor retardation \_\_\_ weight loss \_\_\_ weight gain

## Speech:

\_\_\_ normal \_\_\_ rapid \_\_\_ slow \_\_\_ monotone \_\_\_ pressured \_\_\_ hypervigilant

## Behavior:

\_\_\_ cooperative \_\_\_ uncooperative \_\_\_ threatening \_\_\_ agitated \_\_\_ aggressive

## Mood/Affect:

\_\_\_ congruent \_\_\_ blunted/flat \_\_\_ labile \_\_\_ depressed/sad \_\_\_ anxious \_\_\_ irritable \_\_\_ angry  
\_\_\_ hostile \_\_\_ intense \_\_\_ hopeless/helpless \_\_\_ worthless \_\_\_ anhedonia \_\_\_ euthymic \_\_\_ euphoria

## Daily Patterns:

\_\_\_ insomnia \_\_\_ hypersomnia \_\_\_ nightmares \_\_\_ decreased libido \_\_\_ increased libido \_\_\_ fatigue  
\_\_\_ angry outbursts \_\_\_ increased tearfulness \_\_\_ social isolation \_\_\_ decreased work/school performance  
\_\_\_ no impairment in daily patterns

## Thought Content:

\_\_\_ no suicidal ideation \_\_\_ suicidal ideation \_\_\_ intent \_\_\_ loosening of association \_\_\_ flight of ideas  
\_\_\_ plan/means \_\_\_ attempts \_\_\_ Safety plan created  
\_\_\_ no homicidal ideation \_\_\_ homicidal ideation \_\_\_ intent \_\_\_ means \_\_\_ report made  
\_\_\_ hallucinations (circle type) auditory visual olfactory tactile  
\_\_\_ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Reviewed his routine and school work, no significant issues  
issues. We talked about strengths and weaknesses of  
his parents. "Mom listens and gives me choices" Dad gets  
mad if you don't agree with him, he is being wrong.  
"My dad is on his feet most of the time" "My mom laughs more"  
We worked on re-framing - and talked about personality / motivation  
an impact on relations. It doesn't mean we are mad just approach  
things differently.  
He said my dad said really bad things about my mom.  
When attempting to expose this, Brady cried and stated he  
"wouldn't repeat these words" it hurts too much "to think those  
things about my mom" We processed adult relationships are complicated  
and therapist was sorry Brady was exposed to adult things  
we processed him being safe today. Please don't say that it is his  
\_\_\_ Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: \_\_\_ poor \_\_\_ guarded \_\_\_ fair \_\_\_ good \_\_\_ excellent \_\_\_ N/A

Supportive data \_\_\_ Client report \_\_\_ Therapist Observation \_\_\_ Parent report

Other \_\_\_\_\_

Treatment plan:

finding his voice

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date \_\_\_\_\_



2062

## Progress Notes

[illegible]



10/2

## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 4/21/15

Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorium:

 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns    *anxious about dad coming to see therapist*

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

We discussed how Brody was mad about his dad coming to see therapist. I like seeing you you make it easier "Brody" We went over the children's Bill of Rights and how moms and dads don't always do well with splitting up. Parents once loved each other enough to have a baby together. So when they decide to split up and move apart there are a lot of feelings between them. Everyone loves him and wants more time with him. Parents don't realize they put their children in the middle. Brody expressed how hard it was for one parent to say mean things about the other. He expressed not wanting to go camping w/ Boy Scouts, he wants to go race cars, but dad wants to go camping - so he knows he has to go camping. Brody reported he spoke w/ Phyllis (Stepmom) and she told him she would try to help him with dad.

Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan:

*find his voice, embrace strengths of each parent*

Referrals made:

HW:

Time of appointment \_\_\_\_\_

Therapist signature

*Rhonda Gilchrist*

Date

4/21/15







## CLIENT PROGRESS NOTES

Name Wesley (dad) Campbell Date 4-27-15 Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

\_\_\_ poor hygiene \_\_\_ disheveled \_\_\_ inappropriate attire 1 well-groomed

## Sensorium:

Oriented to: \_\_\_ person \_\_\_ place \_\_\_ time \_\_\_ situation

## Functioning:

\_\_\_ alert/oriented \_\_\_ disoriented/incoherent \_\_\_ confused \_\_\_ impaired judgment \_\_\_ impaired insight  
\_\_\_ memory impairment \_\_\_ short term \_\_\_ long term \_\_\_ abnormal movements \_\_\_ tremors  
\_\_\_ tangential \_\_\_ psychomotor retardation \_\_\_ weight loss \_\_\_ weight gain

## Speech:

1 normal \_\_\_ rapid \_\_\_ slow \_\_\_ monotone \_\_\_ pressured \_\_\_ hypervigilant

## Behavior:

\_\_\_ cooperative \_\_\_ uncooperative \_\_\_ threatening \_\_\_ agitated \_\_\_ aggressive

## Mood/Affect:

1 congruent \_\_\_ blunted/flat \_\_\_ labile \_\_\_ depressed/sad \_\_\_ anxious \_\_\_ irritable \_\_\_ angry  
\_\_\_ hostile \_\_\_ intense \_\_\_ hopeless/helpless \_\_\_ worthless \_\_\_ anhedonia \_\_\_ euthymic \_\_\_ euphoria

## Daily Patterns:

\_\_\_ insomnia \_\_\_ hypersomnia \_\_\_ nightmares \_\_\_ decreased libido \_\_\_ increased libido \_\_\_ fatigue  
\_\_\_ angry outbursts \_\_\_ increased tearfulness \_\_\_ social isolation \_\_\_ decreased work/school performance  
\_\_\_ no impairment in daily patterns

## Thought Content:

1 no suicidal ideation \_\_\_ suicidal ideation \_\_\_ intent \_\_\_ loosening of association \_\_\_ flight of ideas  
\_\_\_ plan/means \_\_\_ attempts \_\_\_ Safety plan created \_\_\_  
1 no homicidal ideation \_\_\_ homicidal ideation \_\_\_ intent \_\_\_ means \_\_\_ report made  
\_\_\_ hallucinations (circle type) auditory visual olfactory tactile  
\_\_\_ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Intake/history/background:  
Dad (Wesley) presents they are in a custody case. They both have attorneys in Burnett County. Wes reported Cynthia (mom) wants to come to Williamson/Texas County area because it is more fertile for her dating and her occupation. Dad believes this is all about jealousy on Cynthia's part. She sent her home to reparation several years ago. He talked about his real estate development business. He did sell insurance/moved an agency but sold it when Brady was born.  
Dad has concerns about: Mom's grasp on things, she is the cool mom. She throws money at Brady but does not supervise him appropriately. Brady could do rotations in Marble Falls - but instead Brady is driven to Austin for Police. Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline  
(\* Step mom Phyllis will come in to a session)

Therapeutic progress since last session: \_\_\_ poor \_\_\_ guarded \_\_\_ fair \_\_\_ good \_\_\_ excellent \_\_\_ N/A

Supportive data \_\_\_ Client report \_\_\_ Therapist Observation \_\_\_ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

\*Dad presents as codependent. How is jealousy tied to custody or reported home?

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 4/27/15

He asked Therapist about credit traps and if Therapist knew how to handle



**CLIENT PROGRESS NOTES****Name** \_\_\_\_\_**Date** 4/30/15**Time** \_\_\_\_\_**MENTAL STATUS****Appearance:**
☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed
**Sensorism:**
 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation
**Functioning:**
☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain
**Speech:**
☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant
**Behavior:**
☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive
**Mood/Affect:**
☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria
**Daily Patterns:**
☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns
**Thought Content:**
☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic
**NOTES**

We played talking/feeling/doing Board game.

During the game he said "I argue the most with my dad because he is never wrong, even if he is." His dad doesn't tell the truth all the time.

He processed how much he like Phyllis and how she helps him out with his dad. He likes her. She makes living w/ dad easier.

Processed that she was a great resource to talk about his feelings.

\_\_\_\_\_ Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

 Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 4/30/15



1 of 2

## CLIENT PROGRESS NOTES

Name

Date 5/5/15

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

Oriented to: ☐ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☒ irritable    ☒ angry  
☐ hostile    ☐ intense    ☒ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☒ angry outbursts    ☒ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Presented as angry and frustrated. Cried throughout the session. "Dad would not trade with mom for Mother's Day." "She is my mom and I should be with her on Mother's Day." "I wanted to go to the race with her." "My dad won't take me to the race, he doesn't want to stay there that long." "This is his way of paying me back because I won't do sports." "I like sports just not with my dad he makes me feel bad because I'm not good enough and he wants me to be good." "He pushes me too hard, makes me feel bad for not being better." "My dad is not interested in me like you said he was." "If I want I am interested in or what I want to do doesn't agree with his stuff - we don't do my stuff." "He constantly decides what I am going to do he never ask me." "Why can't I just live with my mom she listens to me."

Brody sobbed throughout the session. When therapist  
 Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other

Treatment plan:

Referrals made:

HW:

Time of appointment

Therapist signature

Rhonda Gilchrist

Date 5/5/15

1







1 of 2

## CLIENT PROGRESS NOTES

Name Phyllis Campbell Date 5-7-15 Time \_\_\_\_\_  
 (Stepmom)

## MENTAL STATUS

## Appearance:

\_\_\_ poor hygiene \_\_\_ disheveled \_\_\_ inappropriate attire ☒ well-groomed

## Sensorium:

Oriented to: ☒ person ☒ place ☒ time ☒ situation

## Functioning:

☒ alert/oriented \_\_\_ disoriented/incoherent \_\_\_ confused \_\_\_ impaired judgment \_\_\_ impaired insight  
 \_\_\_ memory impairment \_\_\_ short term \_\_\_ long term \_\_\_ abnormal movements \_\_\_ tremors  
 \_\_\_ tangential \_\_\_ psychomotor retardation \_\_\_ weight loss \_\_\_ weight gain

## Speech:

☒ normal \_\_\_ rapid \_\_\_ slow \_\_\_ monotone \_\_\_ pressured \_\_\_ hypervigilant

## Behavior:

☒ cooperative \_\_\_ uncooperative \_\_\_ threatening \_\_\_ agitated \_\_\_ aggressive

## Mood/Affect:

☒ congruent \_\_\_ blunted/flat \_\_\_ labile \_\_\_ depressed/sad \_\_\_ anxious \_\_\_ irritable \_\_\_ angry  
 \_\_\_ hostile \_\_\_ intense \_\_\_ hopeless/helpless \_\_\_ worthless \_\_\_ anhedonia \_\_\_ euthymic \_\_\_ euphoria

## Daily Patterns:

\_\_\_ insomnia \_\_\_ hypersomnia \_\_\_ nightmares \_\_\_ decreased libido \_\_\_ increased libido \_\_\_ fatigue  
 \_\_\_ angry outbursts \_\_\_ increased tearfulness \_\_\_ social isolation \_\_\_ decreased work/school performance  
☒ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation \_\_\_ suicidal ideation \_\_\_ intent \_\_\_ loosening of association \_\_\_ flight of ideas  
 \_\_\_ plan/means \_\_\_ attempts \_\_\_ Safety plan created \_\_\_  
☒ no homicidal ideation \_\_\_ homicidal ideation \_\_\_ intent \_\_\_ means \_\_\_ report made  
 \_\_\_ hallucinations (circle type) auditory visual olfactory tactile  
 \_\_\_ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Phyllis reports she and mom Cynthia communicate weekly

She reports she is very fond of Brady

She works as Principal at Elementary school in Marble Falls TX.

She has grown daughters of her own from a previous relationship/marriage.

(See next page)

\_\_\_ Boundaries \_\_\_ Safety \_\_\_ Protective Parenting \_\_\_ Self-Care \_\_\_ Respect \_\_\_ Appropriate Discipline

Therapeutic progress since last session: \_\_\_ poor \_\_\_ guarded \_\_\_ fair \_\_\_ good \_\_\_ excellent \_\_\_ N/A

Supportive data \_\_\_ Client report \_\_\_ Therapist Observation \_\_\_ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 5-7-15

①



29/2

## Progress Notes

Date/Time	Name:
5-7-15	OU Phyllis - Campbell
	<p>Processed family dynamics of her family. Her care of Brody Relationship w/ Brody. Structure - family home - meals -</p>
	<p>School environment - Brody emotional maturity.</p>
	<p>Processed her dynamics w/ <del>brody</del> both of Brody's relationships with his parents.</p>
	<p>Processed her goals for Brody. She talked about history of her relationship with Brody.</p>
	<p>Processed her impressions of the dynamics between Wes &amp; Cindy.</p>
	<p>Processed her respect for the family dynamics and wanting the best for Brody. At one point "mom was more disconnected than she is now".</p>
	<p>She processed the car racing as being a currency for mom to buy off Brody.</p>
	<p>talked to Phyllis about getting Wes involved in Brody's activities. Brody believes dad only does what he wants to do. Races/interest in cars. Wes is too rigid - Processed ways to get him to loosen up - Phyllis was in agreement - but acknowledge his heart is in the right place. Therapist agreed that both parents love the child but child feels disconnected to dad. Rhonda Gilchrist. ②</p>



# CLIENT PROGRESS NOTES

Name

Date 5/14/15

Time

## MENTAL STATUS

### Appearance:

☐ poor hygiene ☐ disheveled ☐ inappropriate attire ☐ well-groomed

### Sensorism:

Oriented to: ☐ person ☐ place ☐ time ☐ situation

### Functioning:

☐ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

### Speech:

☐ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

### Behavior:

☐ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

### Mood/Affect:

☐ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

### Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☐ no impairment in daily patterns

### Thought Content:

☐ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created ☐  
☐ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Brody processed how his dad came to a place. He processed feeling like his dad was here and didn't really care. He said "he just stood there." "I knew more than my dad." "We talked about how stuff happens and works." "He didn't really stand near like a cat." Brody processed how that shows his dad was interested and we rephrased how maybe dad was feeling like an outsider and he may have been wanting to give Brody space and not make him feel distracted or uncomfortable.

Brody stated "It has helped seeing you, my dad is doing better." "I want to keep seeing you." Encouraged Brody to share with his dad his feelings.

☐ Boundaries ☐ Safety ☐ Protective Parenting ☐ Self-Care ☐ Respect ☐ Appropriate Discipline

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/A

Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other ☐

Treatment plan: ☐

Referrals made: ☐

HW: ☐

Time of appointment ☐ Therapist signature Rhonda Gilchrist Date ☐



# CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date May 18 2015 Time \_\_\_\_\_

## MENTAL STATUS

### Appearance:

☐ poor hygiene ☐ disheveled ☐ inappropriate attire ☒ well-groomed

### Sensorium:

Oriented to: ☐ person ☐ place ☐ time ☐ situation

### Functioning:

☐ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

### Speech:

☒ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

### Behavior:

☒ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

### Mood/Affect:

☒ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

### Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☒ no impairment in daily patterns

### Thought Content:

☐ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created  
☒ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Showered Brody the Pluto Video about Parental Alienation:  
 at the end of the video Brody said "that's me," He said  
 my dad says bad things about my mom. My dad said my  
 mom installed spyware on my phone so she can spy  
 on my dad's phone. I asked my mom she said no she  
 didn't do that. I feel trapped. I don't know why my  
 mom would spy on my dad and I don't want to believe  
 my dad is a liar."

We processed how hard it is when we are exposed to or  
 overhear adult conversations

☐ Boundaries ☐ Safety ☐ Protective Parenting ☐ Self-Care ☐ Respect ☐ Appropriate Discipline

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/A

Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_

Therapist signature \_\_\_\_\_

Date 5/18/15



10/2

## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 5-28-15

Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Processed the end of school in a few days. He has to make up a bad weather day 5 days on Saturday. Car race in San Antonio this weekend. He talked about his cars and the courses in this upcoming race.

He processed his dad has only "talked a little about his mom" "He processed his not being sure his dad even knows he does it" which is why it is so important for Brody to let dad know how it makes him feel when it happens. He stated "I will get in trouble" "My dad tells me not to give my mom my passcode because she will put spyware on the phone. He is probably doing it himself." "He promised me an 'I Fly' Birthday party. He is telling me all the fun stuff we will do or he will get me if he ends up getting me in court." "It scares me because he never pays me, grows back the day, so I don't see her as much. It is easier

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

to just go along with him. Processed how dad can't change what he doesn't know is broken.

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date \_\_\_\_\_



## Date/Time

Name: \_\_\_\_\_

5/28/15

"My dad talks me into stuff I don't want to really do" "I told him I wanted to leave him before because I didn't want him to be mad at me" "My last therapist told him I wanted to leave with my mom and he got really mad at me, he wouldn't stop"



Mom & Dad : attempt at mediation  
**CLIENT PROGRESS NOTES** before court

Name

Date

6-9-2015

Time

300-430

## MENTAL STATUS

## Appearance:

☐ poor hygiene☐ disheveled☐ inappropriate attire☒ well-groomed

## Sensorium:

## Oriented to:

☐ person☐ place☐ time☐ situation

## Functioning:

☒ alert/oriented☐ disoriented/incoherent☐ confused☐ impaired judgment☐ impaired insight☐ memory impairment☐ short term☐ long term☐ abnormal movements☐ tremors☐ tangential☐ psychomotor retardation☐ weight loss☐ weight gain

## Speech:

☒ normal☐ rapid☐ slow☐ monotone☐ pressured☐ hypervigilant

## Behavior:

☐ cooperative☐ uncooperative☐ threatening☐ agitated☐ aggressive

## Mood/Affect:

☐ congruent☒ blunted/flat☐ labile☐ depressed/sad☐ anxious☐ irritable☐ angry☐ hostile☒ intense☐ hopeless/helpless☐ worthless☐ anhedonia☐ euthymic☐ euphoria

## Daily Patterns:

☐ insomnia☐ hypersomnia☐ nightmares☐ decreased libido☐ increased libido☐ fatigue☐ angry outbursts☐ increased tearfulness☐ social isolation☐ decreased work/school performance☒ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation☐ suicidal ideation☐ intent☐ loosening of association☐ flight of ideas☐ plan/means☐ attempts☐ Safety plan created☐ no homicidal ideation☐ homicidal ideation☐ intent☐ means☐ report made☐ hallucinations (circle type)☐ auditory☐ visual☐ olfactory☐ tactile☐ delusions (circle type)☐ paranoid☐ grandiose☐ bizarre☐ erotic

## NOTES

Processed the need to try to settle for Brody's sake/well being.

We talked about Visitation/Scheduling.

Changing schools. Wes NO/Mom Yes.

Dad doesn't want them to leave Marble Falls.

Exchanges between parents at school.

Dad stated when asked if he felt mom was taking care

of Brody he stated "I fear for his life in her care".

Mom stated "She did not worry about Brody's care

or well being in Wes's possession."

Dad is in denial of Brody being upset - States "Brody

has gotten good at lying".

No progress, both parents very resistant to talking

openly/pending court.

Therapeutic progress since last session:

☐ poor☐ guarded☐ fair☐ good☐ excellent☐ N/A

Supportive data

☐ Client report☐ Therapist Observation☐ Parent report

ther

Treatment plan:

Referrals made:

HW:

Time of appointment

Therapist signature

Rhonda Gilchrist

Date

6/9/15



## CLIENT PROGRESS NOTES

Name

Date June 22-15 Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☒ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns    *odd that a child his age talks about being tired*

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Brody - "My dad is so rough on me. He says there is no time for resting. He says its so I can be a grown up." I can't tell him what I really want or think because he gets mean with everybody. "Phyllis and Courtney say just do it so it will be easier." Phyllis is nice so I just do it. Whatever so he won't take it out on the whole family. That's a ton of responsibility. He pressured his dad telling him and asking him to try to talk his mom into letting him go to Colt (school) with Phyllis next year. I told him maybe because I didn't want to make him mad. "Its easier if you don't make him mad." He said "Im tired Im ready to have a day of laying in the bed and just hanging out." Pressured with Brody. Hope everyone needs one of those days to recharge their batteries.

 Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☒ fair    ☒ good    ☐ excellent    ☐ N/A

 Supportive data    ☐ Client report    ☐ Therapist Observation    ☐ Parent report

Other

Treatment plan:

*Find his voice - express feelings to parents.*

Referrals made:

HW:

Time of appointment

Therapist signature

*Rhonda Gilchrist*
Date 6-22-15







10/2

## CLIENT PROGRESS NOTES

Name

Date 7-17-15

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Processed summer's activities since last visit. He floated the river with his dad. "My dad called my mom a liar, he does it a lot to me." "Really he is the liar" He says bad things about her, not as much as he used to but it is still hard to hear. "It makes my stomach tie in knots when they both tell you different things" It bothers me that my dad says my mom is doing something bad and my mom says I'm not. "My mom doesn't say bad things about him" He processed hearing dad talk about court to his attorney he said "that doesn't bother me that much"

"I want to love my mom I trust her more than my dad" We processed that therapist records could get subpoenaed for the upcoming court and how the therapist would testify

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other

Treatment plan:

 Referrals made: Sparking - don't go along with others - find your voice HW:

 Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 7/17/15



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## Progress Notes

Date/Time	Name:
7-17-15 Continued	and do her best to not gate Brody directly but might have to. We processed Confidentiality
	Brody told therapist how when he <sup>saw</sup> <del>was</del> Kenny he felt like he "had to do things to make everyone happy". "I thought if everyone was happy it would all go away" "I learned my lesson today what you really want."
	When asked "what happens if you live with your dad for the majority of the time?"
	"I could live with it", I want to live w/ dad some of the time, but I want to live with my mom more "I want to see my dad" but we get along better when I see him for less time."
	Processed coping skills- deep breathing, putting water on his face, stretching.
	* dad asked therapist if she was sure "you can handle this, do you know what your dealing with"





# CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date August 14-15 Time \_\_\_\_\_

## MENTAL STATUS

### Appearance:

\_\_\_ poor hygiene \_\_\_ disheveled \_\_\_ inappropriate attire ☒ well-groomed

### Sensorium:

Oriented to: ☒ person ☒ place ☒ time ☒ situation

### Functioning:

☒ alert/oriented \_\_\_ disoriented/incoherent \_\_\_ confused \_\_\_ impaired judgment \_\_\_ impaired insight  
\_\_\_ memory impairment \_\_\_ short term \_\_\_ long term \_\_\_ abnormal movements \_\_\_ tremors  
\_\_\_ tangential \_\_\_ psychomotor retardation \_\_\_ weight loss \_\_\_ weight gain

### Speech:

☒ normal \_\_\_ rapid \_\_\_ slow \_\_\_ monotone \_\_\_ pressured \_\_\_ hypervigilant

### Behavior:

\_\_\_ cooperative \_\_\_ uncooperative \_\_\_ threatening \_\_\_ agitated \_\_\_ aggressive

### Mood/Affect:

\_\_\_ congruent \_\_\_ blunted/flat \_\_\_ labile \_\_\_ depressed/sad \_\_\_ anxious ☒ irritable \_\_\_ angry  
\_\_\_ hostile \_\_\_ intense \_\_\_ hopeless/helpless \_\_\_ worthless \_\_\_ anhedonia \_\_\_ euthymic \_\_\_ euphoria

### Daily Patterns:

\_\_\_ insomnia \_\_\_ hypersomnia \_\_\_ nightmares \_\_\_ decreased libido \_\_\_ increased libido \_\_\_ fatigue  
\_\_\_ angry outbursts \_\_\_ increased tearfulness \_\_\_ social isolation \_\_\_ decreased work/school performance  
\_\_\_ no impairment in daily patterns

### Thought Content:

\_\_\_ no suicidal ideation \_\_\_ suicidal ideation \_\_\_ intent \_\_\_ loosening of association \_\_\_ flight of ideas  
\_\_\_ plan/means \_\_\_ attempts \_\_\_ Safety plan created \_\_\_  
\_\_\_ no homicidal ideation \_\_\_ homicidal ideation \_\_\_ intent \_\_\_ means \_\_\_ report made  
\_\_\_ hallucinations (circle type) auditory visual olfactory tactile  
\_\_\_ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Brody processed his dad screaming at him at the lake. "My dad screamed at me because I couldn't get up on the ski." "I didn't want to try anymore he made me do it again and again and he got so mad he twisted my ski off." "I told him 'Mugs tied' He called me a liar." He gave me a 30 minute speech on being a quitter he called me a quitter. "He grounded me from electronics because I'm a quitter." "He makes me not want to try, he makes everything not fun." "If I would have let me be done when I asked I would probably go out on the boat more with him." "He makes me so mad."

We processed his needing to approach dad outside of the moment. He is mad and try to talk to him in a different environment. He shook his head "It won't work."

\_\_\_ Boundaries \_\_\_ Safety \_\_\_ Protective Parenting (Self-Care) \_\_\_ Respect \_\_\_ Appropriate Discipline

Therapeutic progress since last session: \_\_\_ poor \_\_\_ guarded \_\_\_ fair \_\_\_ good \_\_\_ excellent \_\_\_ N/A

Supportive data \_\_\_ Client report \_\_\_ Therapist Observation \_\_\_ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 8-14-15



**CLIENT PROGRESS NOTES****Name****Date**

8/23/15

**Time****MENTAL STATUS****Appearance:**☐ poor hygiene☐ disheveled☐ inappropriate attire☐ well-groomed**Sensorism:**Oriented to: ☐ person ☐ place ☐ time ☐ situation**Functioning:**
☐ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain
**Speech:**
☐ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant
**Behavior:**
☐ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive
**Mood/Affect:**
☐ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria
**Daily Patterns:**
☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☐ no impairment in daily patterns
**Thought Content:**
☐ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created  
☐ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic
**NOTES**

late afternoon:  
 Phone call from mom - Brody in back ground  
 crying. mom states can we come see you in the  
 morning. Set appointment/emergency for 7:30 AM  
 so he would not be too late for school

☐ Boundaries ☐ Safety ☐ Protective Parenting ☐ Self-Care ☐ Respect ☐ Appropriate Discipline
Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent reportOther ☐Treatment plan: ☐Referrals made: ☐HW: ☐Time of appointment ☐

Therapist signature

Rhonda Gilchrist

Date 8/23/15



**CLIENT PROGRESS NOTES****Name** \_\_\_\_\_**Date** 8/24/15**Time** 7:30-8:30 AM**MENTAL STATUS****Appearance:**
☐ poor hygiene      ☐ disheveled      ☐ inappropriate attire      ☐ well-groomed
**Sensorium:**
**Oriented to:** ☐ person      ☐ place      ☐ time      ☐ situation
**Functioning:**
☐ alert/oriented      ☐ disoriented/incoherent      ☐ confused      ☐ impaired judgment      ☐ impaired insight  
☐ memory impairment      ☐ short term      ☐ long term      ☐ abnormal movements      ☐ tremors  
☐ tangential      ☐ psychomotor retardation      ☐ weight loss      ☐ weight gain
**Speech:**
☐ normal      ☐ rapid      ☐ slow      ☐ monotone      ☐ pressured      ☐ hypervigilant
**Behavior:**
☐ cooperative      ☐ uncooperative      ☐ threatening      ☐ agitated      ☐ aggressive
**Mood/Affect:**
☐ congruent      ☐ blunted/flat      ☐ labile      ☐ depressed/sad      ☐ anxious      ☐ irritable      ☐ angry  
☐ hostile      ☐ intense      ☐ hopeless/helpless      ☐ worthless      ☐ anhedonia      ☐ euthymic      ☐ euphoria
**Daily Patterns:**
☐ insomnia      ☐ hypersomnia      ☐ nightmares      ☐ decreased libido      ☐ increased libido      ☐ fatigue  
☐ angry outbursts      ☐ increased tearfulness      ☐ social isolation      ☐ decreased work/school performance  
☐ no impairment in daily patterns
**Thought Content:**
☐ no suicidal ideation      ☐ suicidal ideation      ☐ intent      ☐ loosening of association      ☐ flight of ideas  
☐ plan/means      ☐ attempts      ☐ Safety plan created  
☐ no homicidal ideation      ☐ homicidal ideation      ☐ intent      ☐ means      ☐ report made  
☐ hallucinations (circle type)      auditory      visual      olfactory      tactile  
☐ delusions (circle type)      paranoid      grandiose      bizarre      erotic
**NOTES**

Brady presented to the office. He started crying immediately  
 he laid on the couch in the fetal position. He kept  
 repeating "my dad's going to take my mom away from me"  
 He said this week we were brushing our teeth  
 he (dad) told me court is coming up "what are you going  
 to tell the judge" Brady reported he did not say anything  
 Dad kept giving this sad look on his face, he wouldn't let  
 me out of the bathroom, he said court is coming up  
 you are going to talk to the judge "what are you going to say"  
 Last night on the way to Mike's house Dad pulled  
 the car over and made me get out and he kept asking  
 me what I was going to say to the judge.  
 He told me "to get my mom to not go to court" We got  
 back in car and he went to drop me off to my mom at  
 \_\_\_\_\_  
 Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

**Therapeutic progress since last session:** ☐ poor      ☐ guarded      ☐ fair      ☐ good      ☐ excellent      ☐ N/A

**Supportive data** \_\_\_\_\_ **Client report** \_\_\_\_\_ **Therapist Observation** \_\_\_\_\_ **Parent report** \_\_\_\_\_
**Other** \_\_\_\_\_**Treatment plan:** \_\_\_\_\_**Referrals made:** \_\_\_\_\_**HW:** \_\_\_\_\_
**Time of appointment** \_\_\_\_\_ **Therapist signature** \_\_\_\_\_ **Date** \_\_\_\_\_



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## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date

8/24/15

Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed

## Sensorium:

 Oriented to: ☐ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Plc phone call from mom - Brody was crying upset. He wouldn't let her leave the school, he was convinced he saw his dad trying to chick up on them. He was convinced his dad was at their apartment. Then he thought dad was following them to school. He kept telling mom he'll take me out of school and ask me about where I was. He'll be mad I was late to school. He'll ask me about court. Spoke w/ Brodie and school counselor (She) Brodie was red faced, had swollen eyes and can't see. Therapist recommended he go home for the day and try again tomorrow. Brody told therapist I'll be ok tomorrow because dad will be in court and can't come to school and messure me.

Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_

Therapist signature

Rhonda Gilchrist

Date

8/24/15



## CLIENT PROGRESS NOTES

Name

Date 9-15-15

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorium:

 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☒ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns    *worried/anxious*

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Primary Custody - going well until Brody found text messages on his phone about court. he got messages from Wes attorney and voice mail about pending court. He was very upset. He didn't know that they were going back to court. We processed how his phone must have been synced up with his dad's. His dad would never want him to have text messages from his attorney. Told Brody - practice coping skills - talk his parents about court.

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/ASupportive data: ☐ Client report    ☐ Therapist Observation    ☐ Parent report

ther

Treatment plan:

Referrals made:

HW:

Time of appointment

Therapist signature

Rhonda Gilchrist

Date 9-15-15



**CLIENT PROGRESS NOTES****Name****Date**

10-6-15

**Time****MENTAL STATUS****Appearance:**
☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed
**Sensorism:**
**Oriented to:** ☐ person    ☐ place    ☐ time    ☐ situation
**Functioning:**
☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain
**Speech:**
☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant
**Behavior:**
☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive
**Mood/Affect:**
☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria
**Daily Patterns:**
☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns
**Thought Content:**
☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic
**NOTES**

appointment rescheduled by therapist  
due to family emergency

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

**Therapeutic progress since last session:** ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

**Supportive data** \_\_\_\_\_ **Client report** \_\_\_\_\_ **Therapist Observation** \_\_\_\_\_ **Parent report** \_\_\_\_\_
**Other** \_\_\_\_\_**Treatment plan:** \_\_\_\_\_**Referrals made:** \_\_\_\_\_**HW:** \_\_\_\_\_**Time of appointment** \_\_\_\_\_**Therapist signature** \_\_\_\_\_

Rhonda Gilchrist

**Date** 10-6-15



## CLIENT PROGRESS NOTES

1062  
appt changed  
due to holidays

Name \_\_\_\_\_

Date 11/19/15

Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene ☐ disheveled ☐ inappropriate attire ☒ well-groomed

## Sensorium:

Oriented to: ☒ person ☒ place ☒ time ☒ situation

## Functioning:

☒ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

## Speech:

☒ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

## Behavior:

☒ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

## Mood/Affect:

☐ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

## Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created  
☒ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Processed not looking forward to Thanksgiving. He reported I always throw up on Thanksgiving - I either eat too much or I eat too much spicy food. Body was progressing feeling weird when his friend Kaden kept asking him questions about his mom's house. Kaden said but it weird where you live, do you live with another guy. Kaden said your dad and Phyllis told me to ask you those questions. My dad ask me questions about mom's house. He put a tracker on my phone. Dad took my phone and brought it back to school and told me that he put something on my phone that will track me. He said I have complete control of your phone, he said delete that text message and don't tell anyone it's on your phone. He told me several days

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_

Therapist signature

Rhonda Gilchrist

Date 11/19/15



## Progress Notes

Date/Time	Name:
11/19/15	<p>later, I put that on your phone so I could find your phone if you lose it. When I went to my granddad's house and accidentally my phone there. When I got back to my dad's house without my phone - my dad was really mad. My dad sent me a message about bringing a hat to me. "I want him to stop and leave it alone" "when he just shows up without calling my mom doesn't answer the door" When I am with my dad we always drive by to see if my mom's at the apartment. He will say "oh look your mom is not home." I get the feeling he is trying to make my mom look bad to me."</p>
	<p>"I want you to tell the Judge to make my dad stop doing what he is doing" I am worrying about what will happen. I think this will never stop."</p>
	<p>Processed coping skills - letting go of anxiety Reframing his thoughts</p>



## CLIENT PROGRESS NOTES

Name

Date 12-1-15

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☐ person    ☒ place    ☐ time    ☒ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created

☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made

☐ hallucinations (circle type) auditory visual olfactory tactile

☐ delusions (circle type) paranoid grandiose bizarre erotic

mom, dad, Phyllis and Mike **NOTES** were present  
 Will talked about curiosity being repressed. Brody asked  
 alot questions about top katie, Polatics and seeing  
 his dad more than his mom. Dad assured him he  
 could see his mom as much as he wanted.  
 Brody was upset, but did a good job of talking  
 about his feelings. He said he just want to stay  
 with mom tonight. I want it to be the plot line.  
 Dad was very understanding and supportive of Brody.

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other

Treatment plan:

Referrals made:

HW:

 Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 12-1-15



**CLIENT PROGRESS NOTES****Name** \_\_\_\_\_**Date** 12/15**Time** \_\_\_\_\_**MENTAL STATUS****Appearance:**
☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed
**Sensorism:**
**Oriented to:** ☐ person    ☐ place    ☐ time    ☐ situation
**Functioning:**
☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain
**Speech:**
☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant
**Behavior:**
☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive
**Mood/Affect:**
☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria
**Daily Patterns:**
☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns
**Thought Content:**
☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic
**NOTES**

PC from Brody / school counselor. He is crying and upset about court. Doesn't want to live with dad, -bought to stay in school

Dad & Phyllis were there - Therapist told dad to take him out of school and spend some time with Brody just the two of them - go eat lunch at something - then give Brody a chance to adjust and reset. Dad agreed.

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date \_\_\_\_\_



Name: \_\_\_\_\_

Date 1-19-16Time 4:30-5:00**MENTAL STATUS****Appearance:**
☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed
**Oriented to:**
☐ person    ☐ place    ☐ time    ☐ situation
**Functioning:**
☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain
**Speech:**
☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant
**Behavior:**
☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive
**Mood/Affect:**
☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria
**Daily Patterns:**
☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns
**Thought Content:**
☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    ☐ auditory    ☐ visual    ☐ olfactory    ☐ tactile  
☐ delusions (circle type)    ☐ paranoid    ☐ grandiose    ☐ bizarre    ☐ erotic
**NOTES**

Processed not liking the current custody, and have told my dad several times. I want it to go back to the old way. I just want to go back with my mom. My dad is not doing anything he said he would do. He always says some excuse to not do what I want to do. My dad is a liar. Why does he lie to me? Lying. She has a father (Chapman) and had. He hasn't told Phillip in the past he told his mom & dad. He doesn't like

Processed: Boundaries    Domestic Violence Impact    Red flags    Me time    current  
 Recharging batteries    Appropriate discipline    Supporting kids emotionally/financially    Custody.

Self Esteem Processed telling people how he feels  
 Arguing Effectively    Child Proofing House    Changing Child's Life story    Used him to talk to

Drugs/Alcohol abuse and impact    Coping Skills    Anger Management    she was a good person

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A  
 Supportive data    Client report    Therapist Observation    Parent report

**Treatment plan:****Referrals made:**

HW

Time of appointment    Rhonda Gilchrist    M.A., LPC    Date 1-19-16



## CLIENT PROGRESS NOTES

1 of 3

Name

Date 3-13-2016 Time 2 hour session

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorism:

 Oriented to: ☐ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☒ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☒ anxious    ☒ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

"My dad took Springbrook away from me and my mom. He told me 'Get you back on Wednesday'. I didn't pay attention and I didn't want to fight w/ my dad. I knew I was supposed to be with mom. Then my mom said 'You have to go back to dad's on Wednesday'. I didn't understand. I called him while I was with my mom and told him I didn't understand. 'My dad said he would try to fix it, and that he would come me to have it but the judge ordered it and we had to do what the judge said. 'I kept asking my mom 'Why would the judge just cut off the blue color? Is of Springbrook be changed? I thought I was with you mom?' Mom told me there was a hearing and the judge changed it. Eric Caldwell, you and Karen York told me my parents could work things out."

Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other

Treatment plan:

Referrals made:

HW:

 Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date \_\_\_\_\_



20/3

## Progress Notes

Date/Time	Name:
3/13/16	<p>"but if they agreed, the court order are the rules of parents' Court agree."</p> <p>Therapist explained the court order is the rules to follow when parents can't agree. They can do more visits, they just can't do less.</p> <p>"My dad never tells me the truth" "I only go to robotics about 1/2 the time, "he has only taken me to one race", "he doesn't let me see my mom when I want to" "He said in your office I could see her when I wanted"</p> <p>"I haven't been coming to counseling he won't bring me" "I want to come more all this stuff is going on - he isn't doing what he said." "He told me right after court" "I could keep seeing my mom whenever I wanted" "He is a liar nothing he says is true"</p> <p>Processed Buski trip. He stated "my dad made me go down some slopes I didn't want to" "I fell and tumbled down the slope" "When my dad got down the slope he yelled at me for passing them" A ski instructor helped me get my skis "I twisted my ankle, it was sore and my foot was full of snow, my hands were red and hurting" "But he still made me go back up because he was mad at me and wanted me to look for clay" "I told my dad clay was at the truck" "He made me go anyway"</p>

②







## CLIENT PROGRESS NOTES

Name

Date 3/22/16

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorium:

 Oriented to: ☐ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Progressed second 1/2 of Springbreak with dad. He said  
 he didn't do anything with his dad. He stated his  
 dad called him disrespectful.  
 My dad's deal or disrespect is anytime you don't agree  
 with him. He stated my dad brought my friends  
 Kaden & Clay with us today we are going to Elgo  
 carts after counseling is over.  
 He stated he didn't go skiing with dad because  
 Phyllis wasn't going. I didn't want to go without her.  
 because she will keep me from going down slopes  
 I'm scared of. Phyllis and I went out for frozen  
 yogurt. Dad picked up the house in Jan. I drove 18 hrs  
 in a car to get in a house with Phyllis. Progressed his  
 needing to talk to his dad and be honest about his feelings.  
 Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report    ☐ Therapist Observation    ☐ Parent report

Other

Treatment plan:

Referrals made:

HW:

 Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date \_\_\_\_\_



## Progress Notes

Date/Time	Name:
3/23/16	<p>He said "my dad just gets irritated and walks away" "I just don't bring it up he gets mad."</p> <p>He called therapist a liar because we all said things would get better after court</p> <p>He said "Well, ya'll didn't know my dad was going to be my dad."</p> <p>Talked about healing comes from talking things through and expressing feelings</p> <p>he begged therapist "Please don't tell my dad about my being upset because I don't want him mad at me in front of my friends."</p> <p>He has done that before and it was embarrassing</p> <p>Brody said "this makes my stomach hurt my head and stomach hurt all the time"</p>
	<p>Referred Dad to take Brody to doctor that he was having stomach aches, headaches.</p> <p>Dad stated "Brody is really getting good at this"</p> <p>Dad said Brody had recently gone to Dr and there was nothing wrong w/ Brody.</p>
	<p>Dad asked therapist if she knew how to handle this and did therapist really know what she was dealing with</p> <p>Therapist assured him she was knowledgeable of what she was dealing with</p>



# CLIENT PROGRESS NOTES

Name

Date 4-5-16

Time

## MENTAL STATUS

### Appearance:

☐ poor hygiene ☐ disheveled ☐ inappropriate attire ☐ well-groomed

### Sensorism:

Oriented to: ☐ person ☐ place ☐ time ☐ situation

### Functioning:

☐ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

### Speech:

☐ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

### Behavior:

☐ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

### Mood/Affect:

☐ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

### Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☐ no impairment in daily patterns

### Thought Content:

☐ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created ☐  
☐ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Young with dad and Phyllis to T. Fly tonight after  
 counseling. My dad took me to Sun Plaza after  
 counseling. "We had problems on Edsler" My dad was  
 lying and I didn't let me go see my mom. I told him  
 "I hated him." I went to my friend's house (Caden) I came  
 home later and my dad talked about court. I brought  
 up about you, Eve Caldwell and Karne. I told  
 you that my dad and mom could work things out  
 about visits if needed. My dad said "I don't believe  
 Eric, Rhonda and Karne. I told lie to you so must  
 be the liar."  
 Rhonda then said it is her turn to use his words when  
 his dad calls him a liar. He said "I tried to talk to him  
 he just blamed me. We processed maybe his dad isn't going  
 Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/A

Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other ☐

Treatment plan:

Referrals made:

HW:

Time of appointment

Therapist signature

*Rhonda Gilchrist*

Date 4-5-16



## Progress Notes

Date/Time	Name:
4-5-16	<p>change. Maybe we should work on you accepting this is just who your dad is. He processed how Phyllis helps him with his dad, she will tell dad not to say things or do things."</p> <p>Processed his telling his dad he "hated him" he said "my dad didn't say anything he just drove home." I did tell him the next day I was sorry. Dad said "That's alright but I will never forget it" I think because he's mad and I hurt his feelings he said he'd never forget it"</p> <p>When therapist wanted to switch him out w/ Phyllis and Dad, Brody started crying and said "I don't want thea running to be ruined" "I will get in trouble"</p> <p>Therapist got Brody to agree with her about therapist talking to Phyllis.</p> <p>Brody went outside with dad.</p> <p>Phyllis came in the office - therapist processed with Phyllis the need for rules (dad) to loosen up and not be so tough on Brodie Jackson about sports and Brody reporting dad takes fun out of everything.</p> <p>Phyllis processed a story about her making them throw the basketball 100 times perfect.</p> <p>She stated what is wrong with just throwing the ball around and having fun</p>







**CLIENT PROGRESS NOTES**

<b>Name</b>	<b>Date</b>	<b>Time</b>
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**MENTAL STATUS****Appearance:**
☐ poor hygiene      ☐ disheveled      ☐ inappropriate attire      ☐ well-groomed
**Sensorism:**
 Oriented to: ☐ person      ☐ place      ☐ time      ☐ situation
**Functioning:**
☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain
**Speech:**
☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant
**Behavior:**
☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive
**Mood/Affect:**
☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria
**Daily Patterns:**
☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns
**Thought Content:**
☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic
**NOTES**

- nine month gap in sessions -

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

 Other ☐

 Treatment plan: ☐

 Referrals made: ☐

 HW: ☐

 Time of appointment ☐ Therapist signature Rhonda Gilchrist Date 1-30-16



## CLIENT PROGRESS NOTES

Name \_\_\_\_\_ Date 1/20/16 Time 5:00-6:00pm

## MENTAL STATUS

## Appearance:

\_\_\_ poor hygiene \_\_\_ disheveled \_\_\_ inappropriate attire X well-groomed

## Sensorium:

Oriented to: ✓ person \_\_\_ place \_\_\_ time \_\_\_ situation

## Functioning:

✓ alert/oriented \_\_\_ disoriented/incoherent \_\_\_ confused \_\_\_ impaired judgment \_\_\_ impaired insight  
\_\_\_ memory impairment \_\_\_ short term \_\_\_ long term \_\_\_ abnormal movements \_\_\_ tremors  
\_\_\_ tangential \_\_\_ psychomotor retardation \_\_\_ weight loss \_\_\_ weight gain

## Speech:

✓ normal \_\_\_ rapid \_\_\_ slow \_\_\_ monotone \_\_\_ pressured \_\_\_ hypervigilant

## Behavior:

✓ cooperative \_\_\_ uncooperative \_\_\_ threatening \_\_\_ agitated \_\_\_ aggressive

## Mood/Affect:

\_\_\_ congruent \_\_\_ blunted/flat \_\_\_ labile \_\_\_ depressed/sad \_\_\_ anxious \_\_\_ irritable ✓ angry  
\_\_\_ hostile \_\_\_ intense \_\_\_ hopeless/helpless \_\_\_ worthless \_\_\_ anhedonia \_\_\_ euthymic \_\_\_ euphoria

## Daily Patterns:

\_\_\_ insomnia \_\_\_ hypersomnia \_\_\_ nightmares \_\_\_ decreased libido \_\_\_ increased libido \_\_\_ fatigue  
\_\_\_ angry outbursts \_\_\_ increased tearfulness \_\_\_ social isolation \_\_\_ decreased work/school performance  
\_\_\_ no impairment in daily patterns

## Thought Content:

\_\_\_ no suicidal ideation \_\_\_ suicidal ideation \_\_\_ intent \_\_\_ loosening of association \_\_\_ flight of ideas  
\_\_\_ plan/means \_\_\_ attempts \_\_\_ Safety plan created \_\_\_  
\_\_\_ no homicidal ideation \_\_\_ homicidal ideation \_\_\_ intent \_\_\_ means \_\_\_ report made  
\_\_\_ hallucinations (circle type) auditory visual olfactory tactile  
\_\_\_ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Processed his being angry about his dad messing up his Christmas. He changed visitation my mom had already bought the tickets for my present. "I was going to see the Carolina Panthers!" My mom told me she had to do something else because the visitation got changed by dad. We looked for other things to do after Christmas. "My dad always lies about visitation he never is fair with my mom." My mom explained the visitation to me, my dad and my mom ended him deep from Thanksgiving. Promised him not getting to see his grandfather (pa) he was going to Kansas to see family but when dad changed I couldn't see pa or ma. Processed how complicated holidays can be for families

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: \_\_\_ poor \_\_\_ guarded \_\_\_ fair \_\_\_ good \_\_\_ excellent \_\_\_ N/A

Supportive data \_\_\_ Client report \_\_\_ Therapist Observation \_\_\_ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 1/20/16







## Progress Notes

Date/Time	Name:
3/2/17	<p>year... "I knew she did want me" "My dad was trying to make me think bad about my mom."</p> <p>"I'm worried about the Summer schedule my dad says nothing is going to change."</p> <p>"I still tell him I want to live with my mom" Dad ask me like 6-10 times a week questions about my mom. He will ask "How are your mom and Mike doing?" or he'll say "Has the boat sunk yet?" like he is expecting it to"</p> <p>"He says "Stupid Child under his breath when I'm doing my homework especially math"</p> <p>"I try to play with my friends my dad tries to tell us how to do it" He even tells me "I'm wrong at video games, that he doesn't know about"</p> <p>"I don't talk to Phyllis because she says things to my dad trying to get him to change and he gets mad at her and me."</p> <p>"I don't have anyone to talk to but you and my mom" He says bad things about my mom and doesn't want me to see you.</p> <p>"My mom missed her flight coming home from Florida and my dad said "I don't believe your mom ever had a ticket" "He tries to make my mom look bad to me"</p>



[illegible]



## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 3-6-17

Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed

## Sensorism:

 Oriented to: ☐ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Brodie came in very upset. "I thought Phyllis wouldn't say those things about my mom." Brodie showed the therapist the text and said he received them from Phyllis yesterday. He cried in the office and said "I don't want to go back to my dad's house now, he doesn't want me to show text to my mom. But what else could I do?" We processed how Phyllis could have accidentally sent them to him. Therapist brought up maybe their phones were connected somehow. He said "my dad will get mad because I showed them to you." My dad tracks my phone he will go through it and delete them. So I'm going to turn this off and put it in the car so my dad can't listen to me. Why would Phyllis say that about my mom?

Boundaries    Safety    Protective Parenting    Self-Care    Respect    Appropriate Discipline

Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/ASupportive data: ☐ Client report    ☐ Therapist Observation    ☐ Parent report

Other: \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment: \_\_\_\_\_ Therapist signature: Rhonda Gilchrist Date: 3/16/17



## Progress Notes

Date/Time	Name:
3/16-17	<p>We processed how Phyllis has helped him in the past, reminded him of her helping him shovel gravel. ✓</p> <p>He told therapist I am just so tired of it all, I want it all to end. (suicide check) (fine no ideation) He kept repeating "Phyllis isn't my mom" "I'm going to be like Josh my big brother and move away from my dad and only see him on holidays"</p> <p>Used Brody to talk to Phyllis and find out what happened.</p> <p>Brody calmed down and told therapist I will get grounded and have huge lecture on it from dad"</p> <p>Therapist gave Brody a business card and told him to text her if needed to talk.</p>



## CLIENT PROGRESS NOTES

Name

Date 3-16-17

Time

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☒ well-groomed

## Sensorium:

 Oriented to: ☒ person    ☒ place    ☒ time    ☒ situation

## Functioning:

☒ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☒ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☒ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☒ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☒ irritable    ☒ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☒ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☒ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Brody reported to the office and promised talking to Philip and stated "She told me it was an accident she meant to send those text to your dad." She said she was sorry that she would never do that on purpose. My dad keeps telling me my mom hacked into his phone and put those messages on there. He got me a new phone because he said my mom hacked into the other one. Dad said Apple is easy to hack so he got me an Android. He said you wish he had my Apple ID and she knows how to hack. Then he blamed my mom for the factory reset on my tablet. My dad wants to switch everyone's phones to Android because of this. Philip is telling me 2 different stories one time she did it by mistake then she says she didn't do it. Why? Is she confusing me with different stories? She changes her story when dad is there. It makes me mad when dad calls my mom a hacker, he says terrible things about my mom."

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report    ☐ Therapist Observation    ☐ Parent report

Other

Treatment plan:

Referrals made:

HW:

Time of appointment

Therapist signature

Rhonda Gilchrist

Date 3-16-17



## Progress Notes

Date/Time	Name:
3/16/17	<p>"my dad was so angry and frustrated about me sending you these text messages." He asked me "Why did you send those to her?" I said "I was upset and wanted to talk to her"</p> <p>"He said "You shouldn't have made your mom spend all that money for a copy/paste mistake you should have waited until you got home and let us handle it!"</p> <p>"He was even madder that I told my mom and showed her the text"</p> <p>"He took away my phone and I pout because he said he didn't want me to delete those messages but I think it was punishment for talking to you and my mom" "He kept calling my mom a hacker." "It still hurts me when he calls her names but I try to ignore it" "I'll learn to deal with it"</p> <p>He stated "I want to talk to Dr. Sherry again"</p> <p>"My dad is always watching me, he is always over my shoulder, he has a tracker on my phone"</p> <p>When Eric Caldwell was at our house I could hear my dad standing on the staircase while I was talking to Eric Caldwell. "He must have heard me because for the next couple of days he was upset and angry by me." "I wonder if Dr. Sherry knew, he he tried to make it look better than it was, he did all this landscaping and rock work then Dr. Sherry cancelled."</p> <p>The second time <sup>when</sup> she came dad got my car out and put it out like we were working on it"</p> <p>When she left the car went back in the box"</p>



## Progress Notes

Date/Time	Name:
3/16/17	<p>"He is so mean about little stuff". "There was a ring of rocks around the tree one rock was a lot taller than the rest" "Caden and I were outside and playing around and I knocked that rock over" "Dad grabbed me by the neck and yanked me around" "He accused him of telling us to knock it down" "He made Caden go home. I offered to put the rock back up and I apologized but <sup>Dad</sup> said it won't look right, you'll make it lean" "He took me to the lake, the lake level was down he made me fill up the wheelbarrow with rocks and push them further out into the lake bed" "He would pick at right by me and talk mean to me." "It made me nervous" "Dad kept saying 'this is all because of you' That's vandalism" "you did vandalism" He said "Me or Courtney get blamed for everything that goes wrong" "Courtney got blamed for rocks in the jet ski, and the battery being dead on the lawnmower" "If he doesn't blame her he blames me". "I got in trouble because the tarp had a tear in it and he blamed me for lending the hoe."</p> <p>Processed with Brody the importance of recognizing something are not easily explained. People's anger comes from different places (*We might need to work on Brody accepting his dad is not going to change and this is not Brody's fault dad has anger*)</p>



## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 4/17/2017 Time \_\_\_\_\_

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed

## Sensorium:

 Oriented to: ☐ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

P/C from Mom - She received an email from Wes (Dad) that Brodie was involved in a drinking incident at Wes family Easter function over the weekend. Her friend Cadan was there with Brodie, Cadan got so drunk he was taken to the hospital and given 11 fluids. Brodie didn't drink according to Wes he only had a shot. Mom perceived Brodie was mad she just got by grades he has a failing grade which she reported what she knew, she is worried this is self-harmful. She wants to talk to Brodie when she gets him back and bring him in for appointment to discuss what is going on with his decision making skills.

☐ Boundaries    ☐ Safety    ☐ Protective Parenting    ☐ Self-Care    ☐ Respect    ☐ Appropriate Discipline

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data ☐ Client report ☐ Therapist Observation ☐ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

 Time of appointment \_\_\_\_\_ Therapist signature [Signature] Date 4/17/17



11/5

## CLIENT PROGRESS NOTES

Name

Date 4/2/11

Time 5:30-6:30

## MENTAL STATUS

## Appearance:

☐ poor hygiene
 ☐ disheveled
 ☐ inappropriate attire
 ☒ well-groomed

## Sensorium:

 Oriented to: ☒ person ☒ place ☒ time ☒ situation

## Functioning:

☒ alert/oriented
 ☐ disoriented/incoherent
 ☐ confused
 ☐ impaired judgment
 ☐ impaired insight  
☐ memory impairment
 ☐ short term
 ☐ long term
 ☐ abnormal movements
 ☐ tremors  
☐ tangential
 ☐ psychomotor retardation
 ☐ weight loss
 ☐ weight gain

## Speech:

☒ normal
 ☐ rapid
 ☐ slow
 ☐ monotone
 ☐ pressured
 ☐ hypervigilant

## Behavior:

☒ cooperative
 ☐ uncooperative
 ☐ threatening
 ☐ agitated
 ☐ aggressive

## Mood/Affect:

☒ congruent
 ☐ blunted/flat
 ☐ labile
 ☐ depressed/sad
 ☐ anxious
 ☐ irritable
 ☐ angry  
☐ hostile
 ☐ intense
 ☐ hopeless/helpless
 ☐ worthless
 ☐ anhedonia
 ☐ euthymic
 ☐ euphoria

## Daily Patterns:

☐ insomnia
 ☐ hypersomnia
 ☐ nightmares
 ☐ decreased libido
 ☐ increased libido
 ☐ fatigue  
☐ angry outbursts
 ☐ increased tearfulness
 ☐ social isolation
 ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation
 ☐ suicidal ideation
 ☐ intent
 ☐ loosening of association
 ☐ flight of ideas  
☐ plan/means
 ☐ attempts
 ☐ Safety plan created  
☒ no homicidal ideation
 ☐ homicidal ideation
 ☐ intent
 ☐ means
 ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Brody missed his Easter weekend, he and some of the other children at the family celebration. Brody's older cousin poured them shots (of the thought crown). Caden got so drunk we were in the emergency room for 4 or 5 hours. Brody admitted to having two 1/2 shots. Caden couldn't stand (so) he was throwing up all over the yard. "My dad and Mom were trying to get him to wake up." My cousin's wife was choking food in Caden's mouth before the adults found Caden. "I told him to stop" Caden just kept spitting it out. My cousin's wife videoed it but no one saw it. He saw Caden at school this week. He's not going to tell anyone. I don't know if he got grounded. He had his talent, I don't know if he got grounded. Caden.

Boundaries Safety Protective Parenting Self-Care Respect Appropriate Discipline

Therapeutic progress since last session: ☐ poor ☐ guarded ☐ fair ☐ good ☐ excellent ☐ N/ASupportive data ☐ Client report ☐ Therapist Observation ☐ Parent reportOther ☐Treatment plan: ☐Referrals made: ☐HW: ☐Time of appointment ☐

Therapist signature

Rhonda Gilchrist

Date ☐



## Progress Notes

Date/Time	Name:
4/21/17	Caden said "I hope your parents don't get in trouble with CPS."
	We processed how CPS may have called <del>us</del> by <del>Dr. ER</del>
	Brody stated my aunt & uncle should have checked on him more, because he had to live at a Boys Ranch for like 4 or 5 years. No adults checked on us for like 3 hours. We went and saw the goats, played golf - (hit the balls) and we swam in a big tank without the adults. The <del>house</del> <sup>region</sup> was at the little house and the food was in the big house.
"The night before I got to my mom's while grounded he calls me and says 'How would it be that?'"	I got grounded from electronics, my dad was trying to cover it over so I would not tell my mom the whole story. He basically ask me to sugar coat it for my mom. He had me read the email he was sending my mom. The email said Caden only had 4 drinks, he had more than that. The email said I had a sip but "I had two 1/2 shots and he knew it."
	"He let me take the jet ski out by myself even though" "I don't have boater safety and I can't legally drive any water craft without an adult on it until I'm 13 and I have boater safety course."
	"There is no other reason he would let me do that, I was grounded and I drank two 1/2 shots."



3 of 3

## Progress Notes

Date/Time	Name:
4/2/17	<p>"Phyllis said I had to go to counseling"</p> <p>my dad said "He didn't see why I would need to"</p> <p>"I ask to come see you". "I said can we go see Ms Rhonda?"</p> <p>Phyllis said "no she is too far away"</p> <p>and Ms Rita will give us straight advice" why would Phyllis say that about you?"</p> <p>"Ms Rita is my dad's counselor, he has taken me to see her before."</p> <p>"I told her I'd rather see Rhonda"</p> <p>She said but Dad wants you to come here" "I'm kinda worried she will tell my dad"</p> <p>"When I was alone with her I told her some stuff and my dad knew about it." We were talking and he said something I hadn't told him"</p> <p>"I had asked her not to tell my dad."</p> <p>I saw her with dad (x) and (x) alone.</p> <p>Peer pressure processed, and how to avoid it.</p> <p>Coping Skills Techniques -</p> <p>Pre-thinking scenarios that he could possibly find himself in as a bystander or even a victim of peer pressure.</p> <p>Really peer pressure is a form of Bullying getting someone to do something they know is not a good idea.</p>

Processed the next time Cedar is around - he said I don't think I'd be scared as much. My dad would get mad if I drank at someone else's house.

we did process that his dad wouldn't see the records, then we did a role play with him + Phyllis. A. M. Rita. Then we did a role play with him + Phyllis.

Processed our phone call on Wed. about his records were released to Dr Sherry - He said Am okay with that



## Progress Notes

[illegible]



## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 5-6-17

Time 130-230

## MENTAL STATUS

## Appearance:

☐ poor hygiene☐ disheveled☐ inappropriate attire☒ well-groomed

## Sensorism:

Oriented to: ☒ person ☒ place ☒ time ☒ situation

## Functioning:

☒ alert/oriented ☐ disoriented/incoherent ☐ confused ☐ impaired judgment ☐ impaired insight  
☐ memory impairment ☐ short term ☐ long term ☐ abnormal movements ☐ tremors  
☐ tangential ☐ psychomotor retardation ☐ weight loss ☐ weight gain

## Speech:

☒ normal ☐ rapid ☐ slow ☐ monotone ☐ pressured ☐ hypervigilant

## Behavior:

☒ cooperative ☐ uncooperative ☐ threatening ☐ agitated ☐ aggressive

## Mood/Affect:

☒ congruent ☐ blunted/flat ☐ labile ☐ depressed/sad ☐ anxious ☐ irritable ☐ angry  
☐ hostile ☐ intense ☐ hopeless/helpless ☐ worthless ☐ anhedonia ☐ euthymic ☐ euphoria

## Daily Patterns:

☐ insomnia ☐ hypersomnia ☐ nightmares ☐ decreased libido ☐ increased libido ☐ fatigue  
☐ angry outbursts ☐ increased tearfulness ☐ social isolation ☐ decreased work/school performance  
☒ no impairment in daily patterns

## Thought Content:

☒ no suicidal ideation ☐ suicidal ideation ☐ intent ☐ loosening of association ☐ flight of ideas  
☐ plan/means ☐ attempts ☐ Safety plan created  
☒ no homicidal ideation ☐ homicidal ideation ☐ intent ☐ means ☐ report made  
☐ hallucinations (circle type) auditory visual olfactory tactile  
☐ delusions (circle type) paranoid grandiose bizarre erotic

## NOTES

Brody processed his father (uses) putting him down Tuesday night (May 2nd) and scrolling through his phone and asking Brody when did you see Rhonda, he went on to ask Brody why did you tell Rhonda I passed you on the first day of school, by your apartment last year or the first day of school. Brody stated I got nervous because I didn't know what he reading from. "He just kept asking me if I was lying or if I said certain things." I just looked him out and said I don't know or maybe to everything he asked me. At one point Brody reported Phyllis called him a trouble maker. She said "you like to stir trouble". He processed how it hurt his feelings that Phyllis said those things. But he processed how Phyllis & Phyllis had an argument not long ago in which uses "accused Phyllis of not being supportive enough". Brody processed his dad telling him he had to make it right with Cadens mom and his mom.

Therapeutic progress since last session: ☐ poor ☒ guarded ☐ fair ☐ good ☐ excellent ☐ N/A

Supportive data \_\_\_\_\_ Client report \_\_\_\_\_ Therapist Observation \_\_\_\_\_ Parent report \_\_\_\_\_

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

Time of appointment \_\_\_\_\_ Therapist signature Rhonda Gilchrist Date 5-6-17



## Progress Notes

Date/Time	Name:
5-6-17	<p>When asked what does that mean? "Make it right"? Brody replied "I think there is the truth and then there is my dad's truth." He wants me to not make a big deal out of the drinking story. He got mad because I told my mom what really happened. He wants me to tell his truth not mine." Brody said "he calls me a liar or ask why I tell people lies." Therapist told Brody "I believe you, I believe you tell me the truth." Have you ever told me a lie? He said "No". Therapist told him "Everyone has told a lie, or stretched the truth it doesn't mean you are a bad person." But it's important for you to know I believe you".</p> <p>Brody processed wanting this to be all over, he asked therapist "Is this going to be over before school starts next year?" Therapist told Brody she wasn't sure that was a great question for the lawyer and the judge. He processed "Being tired of all of it".</p> <p>Therapist asked Brody how he ended the conversation with Phyllis and Dad on the night he was being questioned. He said "I said I have to go take a shower and just went upstairs." He said "I figured out I don't think he had your notes or it would have been worse". "Plus, he was talking about stuff from last year." But he did call my mom a Racker again.</p> <p style="text-align: right;">* two sided</p>



Therapist ask Brody "Does your mom say negative things to you about your dad?" Does she make you feel uncomfortable by asking you questions about Dad or Dads house."

"No" "If I tell her something she listens and talks to me but she doesn't ask me questions or say mean things about my dad like he says about her."

"She will let me text or <sup>speaker</sup> call dad when I'm at her house". "My dad makes it ~~awkward~~ awkward at his house". He says "make it fast we've got things to do." "He doesn't give me alone time to talk to her". He also says "text me atleast twice while you're at your moms or I'll ground you from electronics."

Processed with Brody how this is really not about him. Told him his thinking about something else and answering I don't know or maybe was a good coping skill, but the best skill was his numbing himself by going to shower.



## CLIENT PROGRESS NOTES

Name \_\_\_\_\_

Date 7-5-17Time 7:00-8:00pm

## MENTAL STATUS

## Appearance:

☐ poor hygiene    ☐ disheveled    ☐ inappropriate attire    ☐ well-groomed

## Sensorium:

 Oriented to: ☐ person    ☐ place    ☐ time    ☐ situation

## Functioning:

☐ alert/oriented    ☐ disoriented/incoherent    ☐ confused    ☐ impaired judgment    ☐ impaired insight  
☐ memory impairment    ☐ short term    ☐ long term    ☐ abnormal movements    ☐ tremors  
☐ tangential    ☐ psychomotor retardation    ☐ weight loss    ☐ weight gain

## Speech:

☐ normal    ☐ rapid    ☐ slow    ☐ monotone    ☐ pressured    ☐ hypervigilant

## Behavior:

☐ cooperative    ☐ uncooperative    ☐ threatening    ☐ agitated    ☐ aggressive

## Mood/Affect:

☐ congruent    ☐ blunted/flat    ☐ labile    ☐ depressed/sad    ☐ anxious    ☐ irritable    ☐ angry  
☐ hostile    ☐ intense    ☐ hopeless/helpless    ☐ worthless    ☐ anhedonia    ☐ euthymic    ☐ euphoria

## Daily Patterns:

☐ insomnia    ☐ hypersomnia    ☐ nightmares    ☐ decreased libido    ☐ increased libido    ☐ fatigue  
☐ angry outbursts    ☐ increased tearfulness    ☐ social isolation    ☐ decreased work/school performance  
☐ no impairment in daily patterns

## Thought Content:

☐ no suicidal ideation    ☐ suicidal ideation    ☐ intent    ☐ loosening of association    ☐ flight of ideas  
☐ plan/means    ☐ attempts    ☐ Safety plan created  
☐ no homicidal ideation    ☐ homicidal ideation    ☐ intent    ☐ means    ☐ report made  
☐ hallucinations (circle type)    auditory    visual    olfactory    tactile  
☐ delusions (circle type)    paranoid    grandiose    bizarre    erotic

## NOTES

Proceeded making up w/ Caden. "We are okay now"

Camp Imagination Summer camp in Burnett County for a whole week. Met new people, everyone was from in state except one kid from North Carolina.

Phyllis got a job in San Antonio - South of San Antonio. She will live in the R.V. during the week. Will be done with P.D. this year. ~~Weeks this time before school starts~~

They are not getting along great. They argue about Caden's behavior.

 Therapeutic progress since last session: ☐ poor    ☐ guarded    ☐ fair    ☐ good    ☐ excellent    ☐ N/A

 Supportive data: ☐ Client report    ☐ Therapist Observation    ☐ Parent report

Other \_\_\_\_\_

Treatment plan: \_\_\_\_\_

Referrals made: \_\_\_\_\_

HW: \_\_\_\_\_

 Time of appointment: \_\_\_\_\_ Therapist signature: Rhonda Gilchrist Date: \_\_\_\_\_



## Progress Notes

Date/Time	Name:
7/5/17	<p>Dad was moving the money and it fell out of his truck mostly cosmetics.</p> <p>Courtney moved</p> <p>Dad made me hike in New Mexico I was having trouble breathing because of the allergies/air. He made me keep going.</p> <p>Why cant I decide what extracurricular activities I get to do. I want to choose my extra time it always has to be his decision.</p> <p>I didnt pass the test for multimedia class, dad made me go over the test 3 or 4 times.</p> <p>My dad went to the counselor and made a big deal out of it.</p> <p>I hope Im not even in that school next year I want this to be over before school starts. Its really important to me but Im not getting my hopes up.</p> <p>Dad and Rhyliss were arguing in the past week day before yesterday Rhyliss told me that when she first met Josh he told her the same thing I say Dad takes the fun out of everything</p>



## Progress Notes

Date/Time	Name:
	after there arguement. Phyllis told me. They were arguing and dad said something about Josh.
	My dad complains about my mom not responding to his emails. He says your mom doesn't reply to my text, my emails, your mom took 3 months to
	Dad listed all the things he had spent money on and my arm was on the list "2000.00 on
	→ dad said he doesn't have enough money for tires - he is complaining about money all the time
	→ Hasn't gone back to doctor
	Broke my arm the 2nd to the last day of school - fell off of skateboard being pulled <del>by</del> by a bike cycle
	Dad cut his cast off before camp because the doctor didn't have time. He didn't want me to go to camp with the cast.
	I wish the doctor would have taken it off

your arm =



**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.**

**AFFIDAVIT**

STATE OF TEXAS §

§

COUNTY OF BURNET §

BEFORE ME, the undersigned authority, appeared (LeAnn E. Artis, LPC, LMFT), who after being by me duly sworn, stated the following under oath: "My name is (LeAnn Artis). I am above the age of eighteen years, and I am fully competent to make this affidavit. I am not a party to this suit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am an LPC and LMFT assigned to the case of Campbell/Chebultz in the matter of their son, BJC Campbell. According to the recommendations put forth by Dr. Alissa Sherry, Ms. Chebultz was to meet with me both alone and with BJC to address possible 'over-sharing' information about the ongoing custody case between Ms. Chebultz and Mr. Campbell. I have seen BJC approximately once a month since September, 2017. At the onset of our sessions, BJC presented as a well-adjusted, smart, engaging young man. His concern was the fact that he felt the split of time between his parents was 'unfair', as he would like to spend an equal amount of time with his mother. He expressed concern with not being able to "be good enough" for his dad in grades, sports, etc. As the sessions continued, BJC talked about being tired of hearing negative things about his mother, ie: she's a liar, she is bankrupt, she can't be trusted, she doesn't pay child support. When I suggested he tell his dad that he didn't want to hear this, he felt dad would be angry or have his feelings hurt. I talked about Dad being the 'Parent' and he wanted what was best and their wouldn't be repercussions. BJC responded that he wouldn't openly punish him for saying that, but would get angry and ground him for minor transgressions and would 'take it out on him'.

When I saw both BJC and his dad together, BJC was less likely to engage in conversations and would stay with 'safe' answers. When I would see BJC with his mom, he was more forthcoming with the struggles he was having in school – not being as conscientious as he normally would be. He



becomes quite animated when talking about rebuilding a boat with his mom and racing his robotic cars. He looks forward to spending time with his mom "even when she makes me do my homework". When I have visited with both mom and BJC , she is calm and encouraging with him. She obviously puts her parenting role first when they are together as far as setting limits, boundaries and expectations. He is discouraged from staying in sports as he doesn't want his dad 'coaching' him from the sidelines. After Brody would speak about not liking hearing negative things about his mom, I discussed with him the idea that Dad wanted what was best for him and could have been trying to explain the situation to him. His response was that his mom didn't question him about his dad further than showing interest in what he was doing, and that he felt 'interrogated' when his dad questioned him. He ( BJC ) feels he is responsible for communication between his mom and dad.

I have concerns that if BJC isn't given more of a voice, the perceived alienating stance that is coming from his dad will push him further away and we may see more 'acting out' behaviors in the future.

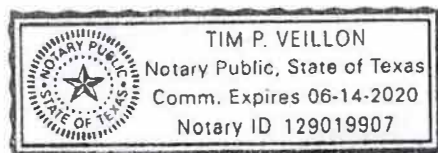
I have established a strong rapport with BJC and can support his feelings. I have no doubt both of his parents love him dearly and want what is best for him. That being said, the parenting road he is on with his dad may be leading to negative effects not just now, but in the future.


FURTHER, AFFIANT SAYETH NAUGHT

  
LeAnn E. Artis, LPC, LMFT.

SUBSCRIBED AND SWORN TO BEFORE ME

on 06/11/2019



  
Notary Public, State of Texas





Cynthia Clstudio <clcintx@gmail.com>

---

**BJC**

---

**LeAnn Artis** <leannartisipc@gmail.com>  
To: Cynthia <clcintx@gmail.com>  
Cc: Wes Campbell <wes4ut@gmail.com>

Mon, Jul 2, 2018 at 3:50 PM

Hi both of you,  
I'd like to weigh in here. I've communicated with BJC and he is asking questions about how Dad came to this conclusion and if I'm one of the people he talked with about the trip. I hesitate to quote him as he feels he will then be questioned. I can say he doesn't understand how two people who love him can place him in this much stress. Those are my words. In four short years, he will be making his own decisions about who and where he will be spending his time. These disagreements and perceived injustices are forming these decisions.  
Please find a way to work together for BJC's sake.  
LeAnn

Sent from my iPhone

On Jul 1, 2018, at 5:36 PM, Cynthia <clcintx@gmail.com> wrote:

This is just a clear statement of your continued jealousy and retaliation. None of this has anything to do with me being able to travel with BJC and is largely lies and manipulation of the truth, or things that YOU do and try to blame me for. You are doing nothing but hurting BJC and making him distrust you more.

You might want to consider the possibility of BJC actually getting a say about what parent he lives with as kids do in Texas when they turn 12 .... and consider the day that you might have to ask me to take BJC or of state or out of the country, because I will most likely let you set precedence now for how I will respond in the future.

On Sat, Jun 30, 2018 at 11:44 AM, Wes Campbell <wes4ut@gmail.com> wrote:

I'm sorry about not directly responding yesterday regarding your request to provide you with BJC's passport however I needed to visit with several other knowledgeable parties before I made a final decision.....Trey Brown then called me and said that he had already spoken to Natalie Bennett about the matter (she called him at your request) and he relayed our decision to her at that time .....While I really appreciate you thinking about taking BJC on a trip to Europe, under the current circumstances i don't feel that me relinquishing his passport to you would be in any way reasonable or most importantly, it would not be in BJC's best interest, safety or well being due to the following considerations:

- 1) Your long standing pattern of conscious deceit regarding BJC's whereabouts while he is in your custody (the New York trip in May as the most recent example)
- 2) A well established and documented pattern of dishonesty about who is picking BJC up for your visitation periods, and your whereabouts during those periods
- 3) Your repeated and consistent refusal to communicate with me on any reasonable basis regarding advance notice of scheduling matters, vacation plans, exchange dates, etc
- 4) Your continuing pattern of total disregard (and deception) for court decisions concerning your residency address, child support payments, notification of employer, etc

In summary, i hope that you and BJC have a safe and fun summer.....if you decide to take him on a domestic (lower 48 states) trip, i will be happy to contribute up to \$250 for his airline ticket to help you out, but please give me immediate notice of the destination and schedule.....hopefully, by this time next year the situation will be more stable to the extent that allowing BJC to travel internationally makes more sense to me as his father.....thanks





Cynthia Clstudio <clcintx@gmail.com>

---

**BJC**

---

**Wes Campbell** <wes4ut@gmail.com>  
To: Cynthia <clcintx@gmail.com>

Sat, Dec 30, 2017 at 11:39 PM

I just wanted to let you know that BJC and I are going to be in Cozumel from Jan 2 thru 6th for a couple of days of scuba diving



REPORTER'S RECORD

VOLUME 1 OF 1 VOLUME

CAUSE NO: 41790

IN THE INTEREST OF	)	IN THE COUNTY COURT
B.J.C.	)	AT LAW
A CHILD	)	BURNET COUNTY, TEXAS

EXCERPT TRANSCRIPT

(Excerpt of Comments by Judge)

On the 1st day of December, 2015, the following proceedings came on to be held in the above-titled and numbered cause before the HONORABLE LINDA BAYLESS, Judge presiding, held in Burnet, Burnet County, Texas.

Proceedings reported by computerized stenotype machine.



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A P P E A R A N C E S

LAW OFFICE OF MOCK AND BROWN

400 S. Main Street

Burnet, Texas 78611

512-756-2931

BY: MR. TREY BROWN

APPEARING ON BEHALF OF MR. WES CAMPBELL

MR. TIM COWART

Attorney at Law

119 Avenue G

Marble Falls, Texas 78654

830-798-1063

APPEARING ON BEHALF OF MS. CYNTHIA CHEBULTZ



1 P R O C E E D I N G S

2 THE COURT: Mr. Brown is out checking on  
3 a witness. I'm going to go ahead and just call the case  
4 to save some time. This is cause number 41790, in the  
5 interest of B.J.C., a child.

6 \*\*\*\*\*

7 THE COURT: We had a hearing back in  
8 August, our original hearing. Then Mr. Brown filed a  
9 motion -- let's see. Where is yours? Motion to modify,  
10 correct or reform judgment on September the 8th. That  
11 was followed up with affidavits from Mr. Brown. Well,  
12 Mr. Brown submitted affidavits signed by a couple of  
13 different people. Then I believe Mr. Cowart responded  
14 with a response on or about October 6th. And then I  
15 think there's been a motion filed for me to confer with  
16 the child that was filed by Mr. Cowart. And then an  
17 objection was filed by Mr. Brown.

18 \*\*\*\*\*

19 THE COURT: Originally I had not really  
20 intended to have another hearing. I was just going to  
21 rule on Mr. Brown's motion. However, the affidavits  
22 that he submitted on or about October the 7th disturbed  
23 me greatly because they had to do with your client, Mr.  
24 Cowart, evidently violating the court order. At least  
25 that's how it appears. And so I was very concerned



1 about that. That's why we're here today. I understand,  
2 just for the record, I issued an order in Court the day  
3 we had the hearing in August. No actual final judgment  
4 has been issued or signed or submitted for me to sign.

5 Like I said, my big concern is, Mr. Cowart, you  
6 know, some of the issues regarding your client. So I  
7 guess Mr. Brown, this is your original motion to modify.  
8 So I would assume that you need to go first.

9 \*\*\*\*\*

10 CINDY CHEBULTZ

11 Having been sworn by the Court, testified on her oath as  
12 follows:

13 THE COURT: And I just would like to  
14 admonish you, because there's been a lot of testimony  
15 surrounding the issue of your residence, that you are  
16 under oath, under penalty of perjury, which can be a  
17 criminal offense. So I just wanted to say that so it's  
18 clear.

19 MR. COWART: May I proceed, Your Honor?

20 THE COURT: Yes.

21 \*\*\*\*\*

22 (End of excerpt transcript.)  
23  
24  
25



C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF BURNET )

I, VICKI K. KANEWSKE, Official Court Reporter in  
and for the County Court at Law of Burnet, Burnet  
County, State of Texas, do hereby certify that the above  
and foregoing contains a true and correct transcription  
of all portions of evidence and other proceedings  
requested by counsel to be included in this volume of  
the Reporter's Record in the above-styled and numbered  
cause, all of which occurred in open court or in  
chambers and were reported by me.

I further certify that this Reporter's Record of  
the proceedings truly and correctly reflects the  
exhibits, if any, requested to be included.

I further certify that the total cost for the  
preparation of this Reporter's Record is \$35 and has  
been paid for by Ms. Cindy Chebultz.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the  
19th day of September, 2018.

/s/Vicki K. Kanewske

VICKI K. KANEWSKE, TEXAS CSR NO: 2159; EXPIRES: 12-31-18

Deputy Court Reporter, Burnet County Court at Law

315 Firestone Dr., Marble Falls, Texas 78654

830-302-2060 Email: Vkanews@live.com



Us

① Stable, structured environment

- a) Long term relationships
- b) Regular bedtime
- c) Meals Breakfast school lunches poked
- d) Home

② Loving, normal relationships

- a) We encourage BJC to have strong relationships with his mother + entire family
- b) We don't bypass parenting because of pending litigation
- c) Real traditional home

③ Reasonable/Cooperative

- a) always try to accommodate Cindys demands without totally

Cynthia

① Chaotic, 'Circus', Nomadic

- a) Multiple boyfriends short term
- b) Sleeping on boyfriends couches of wherever they land
- c) No dietary stability, junk / fast foods, high protein
- d) Visalus shakes
- e) No real home; MCart is for show

② Abnormal

- a) CLC tells BJC that Phyllis doesn't really love him and that our relationship won't last
- b) 'Seductive' relationship
  - sleeps w/ BJC regularly
  - Undermines our parenting efforts
- c) Contrived Fake, Unhealthy Treats BJC like a scam target, Flirty

③ Pushy / Unreasonable

- a) Grandparent rights threats to sue back to 2007
- b)



Belief system

- Take responsibility
- Honesty
- Integrity
- Truthfulness
- Goal
- Hard Work
- 100% Effort do your best
- If at first you don't succeed
- ~~Give~~ moving conversation

- Blame someone else
- Anything goes
- Deceit
- Lies
- Sex sells
- Take the easy way out
- if something doesn't work at first, give up & move on to next scam

Morals

- Never introduced BJC to anyone except Phyllis then only after 3-4 weeks

- Introduce BJC to boyfriends
- Provocative wardrobe around BJC

Extracurricular activities

- ULL
- MF robotics
- does not support basketball
- Scouts
- contradicts Cori's orders

Safety Health

Never leave body

- Latch Key Jul 31
- friends roaming around MF
- ~~phases path to cars~~
- ~~phases path to cars~~



STATE OF TEXAS

COUNTY OF BURNET

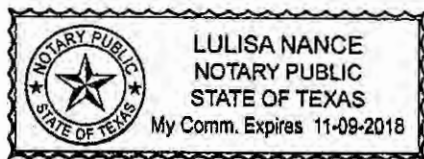
BEFORE ME, the undersigned authority, on this day personally appeared, WESLEY HOWARD CAMPBELL, who, after being by me duly sworn stated:

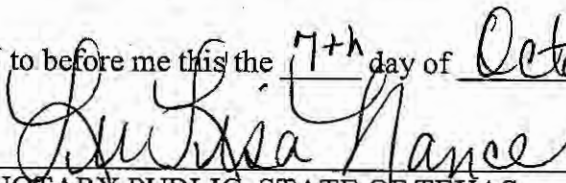
"From what I have ascertained, CYNTHIA CHEBELTZ vacated her Marble Falls apartment on or about September 21, 2015, as apparently she had already given notice of lease termination prior to trial in late August. Over the past two weeks, it is my understanding that CYNTHIA CHEBELTZ has been 'house sitting' a few days for Bryant Higginbotham (an ex-boyfriend) at his residence in Meadowlakes and has also been staying at another Marble Falls, Texas home of one of BJC's classmates, Josh Ballard. Most recently, she is living with some man named Eric back at the same apartment complex which she lived before at 1101 Sixth Street, Marble Falls, Texas, but not at the same apartment. Multiple requests for her current address information have been ignored and it is my understanding that most of her personal belongings are in storage.

"I have read the foregoing and swear that all of the allegations of fact contained therein are true and correct to the best of my knowledge."

  
WESLEY HOWARD CAMPBELL

SUBSCRIBED AND SWORN to before me this the 7<sup>th</sup> day of October, 2015.



  
NOTARY PUBLIC, STATE OF TEXAS



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REPORTER'S RECORD

VOLUME 2 OF 2 VOLUMES

CAUSE NO: 41790

IN THE INTEREST OF	)	IN THE COUNTY COURT
BJC	)	AT LAW
A CHILD	)	BURNET COUNTY, TEXAS

EXHIBITS



EXHIBIT INDEX

CAUSE NO: 41790

DECEMBER 1, 2015

**MOVANT'S EXHIBITS:**

No.	Description	Offered	Admitted	Vol.
1	Intent to Move	7	7	1
2	Forwarding address	10	10	1



# Mandamus Appendix Tab 30 - Respondents intent to move in June 2015

Movant's  
#1





TEXAS APARTMENT ASSOCIATION

M E M B E R

## Resident's Notice of Intent to Move Out

(Deliver to owner's representative.)

Date when filled out: June 23, 2015Apt. #: 1201 Apartment community Oak Creek Townhomes

or street address (if house, duplex, etc.) \_\_\_\_\_

Names of all residents on Lease Contract: Cynthia ChebultzDate you will move out and surrender premises: August 31, 2015 Sept 21, 2015 Sept 15, 2015

1. **Date of Surrender.** Under paragraph 41 of the Lease Contract, you surrender the dwelling for all purposes (including security-deposit refund, cleaning, and all repairs) when any of these events occurs:

- You turn in all keys and access devices where you pay the rent;
- The move-out date passes and no one is living in the dwelling; OR
- You abandon the dwelling (as defined in the Lease Contract).

All residents and occupants lose their right of possession on the move-out date. Any resident who wishes to remain lawfully in the dwelling unit must sign a new Lease Contract.

2. **Changes in Move-Out Date.** Under paragraph 37 of the Lease Contract, you must get our prior written approval to change or retract the move-out date. You may not hold over beyond the above move-out date. If the dwelling is relet to others after we receive this notice, you won't be granted any extensions. We and any new residents must be able to rely on this move-out notice for all purposes.

3. **Early Move-Out and Other Lease Contract Violations.** Under paragraph 36 of the Lease Contract, just because our representative gets this notice does not mean that we have approved your early move-out or that you are no longer liable for money that may become due under the Lease Contract. We reserve all contractual and statutory remedies for unauthorized early move-out, including accelerated rent for the remainder of the lease term, reletting charges, late charges, returned-check charges, damages, attorney's fees, contractual lien (unless otherwise prohibited by law), and liability for increased holdover rents and Lease Contract extensions.

4. **Holdover.** If you stay past the move-out date, you will be subject to increased rent for the holdover period and will incur substantial special damages as outlined in paragraph 32 of the Lease Contract.

5. **Cleaning.** Under paragraph 38 of the Lease Contract, you must leave the dwelling clean. Please follow any written move-out cleaning instructions that we've furnished.

6. **Security-Deposit Refund.** The check for your security-deposit refund, less any itemized deductions, will be handled as explained in paragraph 41 of the Lease Contract. If you cause us to have to stop payment on the check and reissue another one, you will be responsible for any bank charges and other expenses we incur. Please provide below the forwarding address of the person or people listed in paragraph 4 of the Lease Contract.

7. **Retaining Receipt.** After our representative signs and acknowledges receiving this notice, you should keep the bottom portion of this notice as verification that you gave written move-out notice.

8. **Proper Notice.** When you use this form, notice from one resident is notice from all, except when a co-resident (other than the terminating resident's spouse or dependent) terminates because of the Servicemembers Civil Relief Act (SCRA), or because of family violence or sexual assault. Your advance notice must be at least the number of days' notice required in Paragraph 3 of the Lease Contract, even if your contract has become a month-to-month lease. If we require you to give us more than 30 days' written notice to move-out before the end of the lease term, we will give you a written reminder not less than 5 days nor more than 90 days before your deadline for giving us your written move-out notice.

9. **Move-Out Inspection.** You should meet with our representative for a move-out inspection. Our representative is not authorized to bind or limit us from charging for necessary repairs, damages, or charges. Any statement or estimate, either by us or by our representative, is subject to our correction, modification, or disapproval before final refunding or accounting.

10. **Reasons for Moving.**

Moving to Austin

Your Signature or Signatures

Cynthia Chebultz

Your Forwarding Address (required)

Cynthia Chebultz  
1105 Citrus Cove  
Austin TX 78750

You may be contacted now at:

Home phone: ( ) \_\_\_\_\_

Work phone: (512) 905-6549Date when you delivered this notice: 6/23/15

FOR OFFICE USE ONLY:

Owner's representative who received this notice: \_\_\_\_\_

Date notice was received: \_\_\_\_\_

Move-out date was ☐ approved ☐ not approved.

Tear Here

Owner's Acknowledgment of Receiving Move-Out Notice  
(Copy and return to resident)We have received your notice of intent to move out of Apt. # 1201 in Oak Creek Townhomes

(name of apartment community), or street address (if house, duplex, etc.): \_\_\_\_\_

(city, state, zip)

on 6/23/15 (date). If move-out is approved, your prorated rent (if any) through the move-out date will be \$ \_\_\_\_\_.

If you fail to pay rent through the remainder of the Lease Contract term or renewal period, you will have to pay a reletting fee under paragraph 10 of the Lease Contract.

If your move-out notice does not comply with paragraph 23 or 36 and we haven't given you a written release of your obligations under the Lease Contract, your right of occupancy will end on the move-out date and you will continue to be liable for all sums due until the Lease Contract or renewal period expires, including a reletting fee under paragraph 10 of the Lease Contract.

We encourage you to reconsider your decision to move out, but at our option, we may rely on your notice and enter into a Lease Contract with someone else. That lease will take effect the day after your move-out date.

Our receipt or acceptance of your move-out notice does not waive or diminish our remedies (such as reletting charges, suit for rent, exercise of liens, and the like) for early move-out, nonpayment, holding over, and other Lease Contract violations.

(Owner to check only one of the following):

- ☒ We approve the move-out date that you submitted in your Notice of Intent to Move Out, and your Lease Contract term will end on that date.
- ☐ We acknowledge receipt of your move-out notice, but we do not have enough information at this time to approve or disapprove it. Your notice is presumed disapproved until we notify you otherwise.
- ☐ We acknowledge receipt of your move-out notice. We do not approve it or release you from liability under the Lease Contract. We may rely on your notice for purposes of reletting your dwelling unit to others.

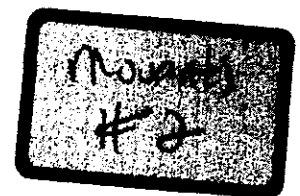
Date notice was received by our representative: 6/23/15 Signature of our representative: S. Sharp

You are entitled to receive a copy of this Resident's Notice of Intent to Move Out after it is fully signed. Keep it in a safe place.





Cynthia Chebultz  
17708 Maritime Point  
Drive #303  
Jonestown, TX. 78645





C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF BURNET )

I, VICKI K. KANEWSKE, Official Court Reporter in  
and for the County Court at Law of Burnet, Burnet  
County, State of Texas, do hereby certify that the above  
and foregoing contains a true and correct transcription  
of all portions of evidence and other proceedings  
requested by counsel to be included in this volume of  
the Reporter's Record in the above-styled and numbered  
cause, all of which occurred in open court or in  
chambers and were reported by me.

I further certify that this Reporter's Record of  
the proceedings truly and correctly reflects the  
exhibits, if any, requested to be included.

I further certify that the total cost for the  
preparation of this Reporter's Record is \$170.50 and  
will be paid for by Mr. Trey Brown, Attorney at Law.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the  
30th day of March, 2017.

/s/Vicki K. Kanewske

VICKI K. KANEWSKE, TEXAS CSR NO: 2159; EXPIRES: 12-31-18

Official Court Reporter, Burnet County Court at Law

220 S. Pierce Street, Burnet, Texas 78611

512-715-5244; Fax: 512-715-5226; Email: V kaykan@live.com



**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.**

**AFFIDAVIT**

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned authority, appeared Michael Hill, who after being by me duly sworn, stated the following under oath: "My name is MICHAEL HILL. I am above the age of eighteen years, and I am fully competent to make this affidavit. I am not a party to this suit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

This statement is intended to represent the facts and circumstances around the residence of Cynthia Chebultz and her son, BJC during the period from 2013-2016 as I understand them and directly experienced them.

**Background:**

During the time period from 2013-2016 I owned and lived in a house located in Austin about 60 minutes East of Marble Falls, Texas. I shared joint custody of my two daughters (ages 17 and 14 to ages 19 and 17, respectively, during these years).

During this time period, when BJC was in his Mom's custody (vs. his Dad's custody or at school), I directly observed Cynthia and BJC activities primarily in the Austin area (i.e. East of Marble Falls). These activities included:

- 1) BJC's Grandfather (Cynthia's Dad, Richard Chebultz) and Step-Grandmother (Luan Chebultz) lived in Cedar Park, Texas located in the Greater Austin Area about 45 minutes East of Marble Falls. BJC appeared to enjoy visiting his Grandparents, spending the night with them on occasion, and he talked about how much fun he had with them.



2) BJC's Grandmother (Cynthia's Mom, Patty Chebultz) lived in San Antonio, Texas just about 90 minutes South of Marble Falls. BJC appeared to enjoy visiting his Grandmother in San Antonio, spending the night with her on occasion, and he talked about how much fun he had with her. His Grandmother would join BJC and Cynthia at events and activities in Austin and San Antonio such as remote control car racing events (all day events and sometimes all weekend events).

3) BJC's best friend, Bradley Story, lived in Cedar Park, Texas located in the Greater Austin Area about 40 minutes South of Marble Falls. BJC enjoyed spending time with his best friend and their family, spending the night with them on occasion, attending birthday parties together, and BJC talked about how much fun he had with Bradley. Cynthia would frequently take BJC and Bradley to fun activities in and around Austin including educational and creative places like The Thinkery in the Mueller neighborhood located near downtown Austin, Summer outdoor movie night at Auditorium Shores in downtown Austin, X Games Festival in downtown Austin, and the Formula One festival in downtown Austin.

4) BJC enjoyed many hobbies and interests which had locations in and around the Greater Austin Area including: a) Lego and robotics classes at the Cedar Park YMCA about 45 minutes East of Marble Falls; b) Maker Shop classes in Round Rock, Texas about 60 minutes East of Marble Falls; c) remote control (RC) car racing tournaments in Hutto, Texas about 60 minutes East of Marble Falls and in San Antonio about 90 minutes South of Marble Falls.

5) BJC's therapist was located in Georgetown, Texas about 60 minutes East of Marble Falls.

6) As mentioned above, my house was located in Austin about 60 minutes East of Marble Falls. Cynthia and BJC would come over and we spent a lot of time together at my house.

enjoyed my house where he found many interesting activities to do with Cynthia and me. We also did many all-day boating excursions which originated and ended back at my house because my boat was kept there. BJC really enjoyed being out on the boat with Cynthia and me.



7) Cynthia was also trying to restart her digital marketing career in Austin's thriving technology community where the jobs are (as there are not any digital marketing jobs based in Marble Falls). During this period, I introduced Cynthia to business leaders located in the Austin technology job market, and she began working as a consultant in downtown Austin in the summer of 2015.

Plotting on a map all of Cynthia and BJC's activities described above, one can clearly see that Cynthia and BJC geographic orientation to Austin when BJC was not at his Dad's house or in school. Naturally, given all of these activities in Austin, it would be much easier for Cynthia and BJC to move closer to Austin from Marble Falls. However, Cynthia did not want to move all the way into Austin because she didn't want to jeopardize her custody of BJC in any way and she wanted to do what was in BJC's best interest, so she followed the written suggestions of her first therapist Ms. Cari Foote. As I understand them, Ms. Foote's written suggestions included a geographic boundary within which each parent should reside. Ms. Foote's geographic boundary was for each parent to stay within 10 miles of the MFISD boundary. Voluntarily following this geographic restriction suggested by Ms. Foote's criteria, Cynthia and I looked for property and found the resort community of The Hollows. The Hollows is located approximately 30 minutes East of Marble Falls and was still well within the geographic boundary that Ms. Foote suggested to the family. Cynthia rented a condo in The Hollows so that we could get a feel for the community. BJC loved The Hollows community, Cynthia loved it, and I loved it. BJC quickly made friends his own age whom also resided in The Hollows and he enjoyed all of the amenities that The Hollows offered including being a little closer to Austin for all of his family, friends, and activities described above. After becoming comfortable that The Hollows community was a good geographic solution for us (family, friends, activities and work in Austin for all of us, while BJC still needed access to MFISD and to his Dad), I bought a residential lot in The Hollows community with an intention to build a new house and live there.



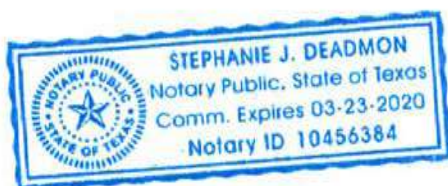
Cynthia turned in the notice to terminate her Marble Falls apartment lease in June 2015 and moved into a condo in The Hollows. Subsequent to cancelling her apartment lease in Marble Falls, I understand that there was a court ruling published late August whereby the judge ordered that Cynthia had to reside within the confines of only where the MFISD boundary intersects Burnet County, which is a much tighter boundary around Marble Falls than Ms. Foote's suggested geographic residence boundary limit. This ruling meant that Cynthia and BJC could not reside in The Hollows condo. In order to comply with this unexpected court ruling, we transferred The Hollows condo rental agreement into my name, as Cynthia did not want to be perceived as non-compliant with the court. Cynthia then went about trying to find a residence to rent which met with the court's newly mandated tighter geographical limit for Cynthia's location of residence. Knowing that BJC, Cynthia, and I still loved The Hollows Resort community and believing that the geographic location of The Hollows was a good compromise for all involved and believing that the court's mandated geographical limit for Cynthia would be reasonably worked out given all of these circumstances and realities, I went ahead and started planning to build a new house including interviewing builders.


**FURTHER, AFFIANT SAYETH NAUGHT**

  
\_\_\_\_\_  
Michael Hill

**SUBSCRIBED AND SWORN TO BEFORE ME**

on June 10, 2019\_\_\_\_\_



  
\_\_\_\_\_  
Notary Public, State of Texas



***Eric R. Cardwell, LPC, CFMHE***

320 Jefferson  
Kerrville, Texas 78028

Office 830-739-8185  
Fax 830-896-3772

Cause No. 41.790

In the Interest of

B.J.C.,

A Child

In the County Court

At Law of

Burnet County, Texas

***Evaluation***

**REASON FOR THE REFERRAL:** This Evaluator was appointed by the Court to prepare a Best Interest Evaluation with recommendations as to custody, conservatorship, and possession of the child,  
**BJC** The governing criteria will be the best interests of the child.

**SOURCES OF INFORMATION:**

Collateral Contact Interviews

Clinical Interviews

Parent Self Report

Parent-Child Observation

Home Visit

Review of Documentation:

Recommendation by Cari Foote, LPC, dated 08/04/2014

Files of Cari Foote, LPC

Miscellaneous emails, pictures, past proposals of possession

Criminal History/Central Registry Background

Evaluative Testing:

Mental Status

Minnesota Multiphasic Personality Inventory-2

Ackerman Shoendorf Scales for Parent Evaluation of Custody (ASPECT)

Parent-Child Relationship Inventory

CONFORMING COPY  
Original Document filed  
3/23/15 at 3:15 pm  
In the Court Records of the  
Burnet County District Court  
COPY NOT COMPALED TO  
Case Walker



**Summary of Significant Events:**

Mr. Campbell and Ms. Chebultz met and began a relationship in 2000. Mr. Campbell and Ms. Chebultz were never married. At the time they met, Mr. Campbell resided in Kingsland, Texas and Ms. Chebultz resided in San Antonio. Ms. Chebultz eventually moved in with Mr. Campbell in Kingsland in 2001.

In 2002, Ms. Chebultz's employment in San Antonio discontinued and she began working from her residence. Mr. Campbell continued working with his insurance agency and real estate investments.

According to Mr. Campbell, in the spring of 2003, Ms. Chebultz became pregnant and had an abortion without his knowledge. According to Ms. Chebultz, this is untrue.

In May 2004, Mr. Campbell sold his insurance agency and continued working with his real estate investments. Ms. Chebultz became pregnant and their son BJC was born in August 2004. According to Ms. Chebultz, she did not inform Mr. Campbell of the pregnancy with BJC until after the first trimester. She stated "He would have wanted an abortion because he did not want me to have a child. So I waited." They continued living in Mr. Campbell's residence, BJC was enrolled in daycare in Kingsland and they shared parenting duties.

In early 2007 Ms. Chebultz starting a photography business in Marble Falls and BJC was enrolled in daycare in Marble Falls. According to Mr. Campbell, in late 2007 he became aware of Ms. Chebultz having an affair. Their romantic relationship discontinued shortly after. Ms. Chebultz moved to an apartment in Marble Falls and although has changed residences within Marble Falls continues to live there today. They continued co-parenting

According to Mr. Campbell, BJC resided with him the majority of the time with Ms. Chebultz's parents (Ms. Chebultz's dad lived in Marble Falls at the time) helping with most of the remainder due to Ms. Chebultz's inconsistency of residence and relationships. According to Ms. Chebultz, "We always split time equally. We just didn't have anything written because we just worked it out." The split in time became more organized as 50/50 time with each parent when BJC became school age.

Mr. Campbell began dating Phyllis Campbell in June 2008. Mrs. Campbell was a teacher and resided in Burnet, Texas at the time. Mr. and Mrs. Campbell dated until getting married in May 2013. Mrs. Campbell is currently the Assistant Principal at Cole Elementary in Marble Falls.

Brody attended Marble Falls Elementary from first grade to present. According to Mr. Campbell, he attempted to dialogue with Ms. Chebultz "several weeks prior to the registration deadline" about moving BJC to Cole Elementary for the academic year 2013-2014. Mr. Campbell reported Ms. Chebultz would not commit "one way or the other saying she needed to research some things." Mr. Campbell reported after having not gotten any response from Ms. Chebultz he registered BJC at Cole Elementary without notifying Ms. Chebultz.

According to Ms. Chebultz, she took BJC to meet the teacher at the start of school and discovered BJC had been transferred to Cole Elementary without her knowledge. Ms. Chebultz admits this scared and angered her. She utilized an attorney friend to help her file a SAPCR to revoke the transfer in August 2013. Ms. Chebultz also filed a request for full custody of BJC Mr. Campbell then counter filed for full custody.

Ms. Chebultz reported she was recommended to two attorneys, Trey Brown and Tim Cowart. Ms. Chebultz stated she went to discuss the case with Mr. Brown first and discovered Mr. Campbell was hiring him. Ms. Chebultz then hired Mr. Cowart.



In December 2013 both parties attended mediation. An agreement was reached concerning temporary orders. In August 2014 both attended mediation for final orders. No agreement was reached nor any change to temporary orders.

Both parties are seeking full custody with the other party having standard visitation.

### Cynthia Chebultz Family Information:

Family Name: Cynthia Chebultz  
Address: 1101 6<sup>th</sup> Apt. 1201  
City/St/Zip: Marble Falls, Texas 78654  
County: Burnet  
Phone: 512-905-6549

#### Household Members (at time of study):

<u>Name</u>	<u>Age/DOB</u>	<u>Gender</u>	<u>Relationship</u>	<u>Citizenship</u>	<u>Language</u>	<u>Education Level</u>
Cynthia Chebultz	12/28/1968	F	Mother	US	English	16
BJC		M	Son	US	English	4

#### Adult Children Not Living at Home:

<u>Name</u>	<u>Age/DOB</u>	<u>Gender</u>	<u>Residence</u>
NONE			

#### History of Residence:

<u>Street Address</u>	<u>City, State</u>	<u>Years of Residency</u>
1101 6 <sup>th</sup> St. Apt. 1201	Marble Falls, Texas	2 yr.
301 Av. N	Marble Falls, Texas	6 yr.
704b 5 <sup>th</sup> Street	Marble Falls, Texas	3 mo.
100 Raindrop Lane	Kingsland, Texas	6 yr.



### **SOCIAL REPORT:**

#### **Background History for Cynthia Chebultz:**

Ms. Chebultz was born in Wichita, Kansas to Richard and Patricia Chebultz. Her father was a policeman until retirement when he began working for the State of Kansas in law enforcement. Eventually he began working for the local county where they lived in Haysville, Kansas. Her mother worked for the Methodist Church. Her mother continues today to work for the Methodist system in San Antonio, Texas.

According to Ms. Chebultz, she enjoyed an average childhood. She remembers spending weekends on family trips to ski or spend time with extended family. Ms. Chebultz lived and attended school in the same location throughout her grade school years. Haysville was a small town on the outskirts of Wichita, Kansas. She remembers having the same friends and growing up playing and hanging out with them. Ms. Chebultz described herself as active in sports participating on the swim and volleyball teams, and being in the band.

Ms. Chebultz's parents divorced when she was a junior in high school. Ms. Chebultz stated the divorce was amicable. Ms. Chebultz noted hearing they "just didn't love each other anymore and were not happy together." Ms. Chebultz stated she lived primarily with her mother, but her father lived close by.

Ms. Chebultz attended college in Wichita, Kansas and worked through her college experience. After graduating, Ms. Chebultz worked at several companies until her career world changed with the advent of the internet. Ms. Chebultz learned computers and began working for companies such as Pizza Hut Corporation in areas such as online marketing. These jobs exposed her to Texas as she traveled for her work at times.

According to Ms. Chebultz, her last position while living in Kansas discontinued and she decided to move to San Antonio, Texas. After a period, she began working for Travelocity in San Antonio and then a medical online continuing education company. Ms. Chebultz stated she had several relationships since college, but no major ones until she met Mr. Campbell in 2000. While dating she eventually moved in with Mr. Campbell in Kingsland, Texas.

#### **HOME ENVIRONMENT:**

Ms. Chebultz resided in a 3 bedroom, 2 bathroom apartment. The apartment was located on the 2<sup>nd</sup> floor, in a neighborhood with a through street. Across the street from the complex was a city park. The apartment was clean, lived in, and seemed to have the necessary amenities. The bedrooms were split allowing for privacy and development. One bedroom is currently being utilized for Ms. Chebultz's business.

#### **EDUCATION:**

Ms. Chebultz graduated high school from Campus High School in Haysville, Kansas. Ms. Chebultz attended higher education at Wichita State University and graduated with a Bachelors of Business in Marketing. Ms. Chebultz has no current plans to attend further education.

#### **EMPLOYMENT AND FINANCIAL STATUS:**

Ms. Chebultz is currently self employed. She owns a photography and internet marketing and website business. Ms. Chebultz currently works from her home. Ms. Chebultz's financial picture seems adequate to provide for her expenses.

#### **MILITARY HISTORY:**

Ms. Chebultz has not served in the Armed Forces.

#### **CRIMINAL HISTORY:**



Ms. Chebultz completed a criminal history background check and CRS Central Registry for Abuse and Neglect check. Ms. Chebultz had no criminal history and was not listed in the Central Registry.

#### ALCOHOL AND DRUG HISTORY:

Ms. Chebultz reported drinking alcohol socially when younger. Ms. Chebultz denies any abuse of alcohol. Ms. Chebultz denies any usage of illicit drugs.

#### MEDICAL HISTORY:

Ms. Chebultz does not remember having any major illness as a child. Ms. Chebultz stated she is under the care of her family physician. Ms. Chebultz reported her health as good.

#### PSYCHIATRIC HISTORY:

Ms. Chebultz reported no history of mental illness in her family. Ms. Chebultz has not been prescribed or taken any medication for psychiatric purposes.

#### MARITAL AND FAMILY LIFE:

Ms. Chebultz reported she has never been married and has been in a romantic relationship with Mike Hill for approximately 2 years. Ms. Chebultz reported Mr. Hill resides in Austin, Texas. Ms. Chebultz reported dividing her time between Mr. Hill's residence and her residence in Marble Falls. Ms. Chebultz stated she and Mr. Hill have no current plans to marry and that they are content with the status of their relationship. Ms. Chebultz reported her biggest support is Mr. Hill and her parents. Ms. Chebultz related not needing someone outside of family to care for BJC since she works from home and is available. She did state, if necessary, her family was available to help with BJC. Ms. Chebultz reported her father and stepmother live in Cedar Park, Texas and her mother in San Antonio, Texas.

Ms. Chebultz reported her mode of discipline with Brody was removal of stimulus, discussion, and behavior/reward systems.

Ms. Chebultz related, concerning child rearing, drawing from parents, teachers, friends, and computer.

#### DIET AND EXERCISE:

Ms. Chebultz stated she did not adhere to any specific diet, but instead made good choices around nutrition and eating. Ms. Chebultz reported in the past she worked out often at a local gym. She stated she has not done that as much recently, but enjoys being active.

#### SPIRITUAL/RELIGION:

Ms. Chebultz reported currently being involved in the Marble Falls United Methodist Church.

#### Evaluative Results:

##### Minnesota Multiphasic Personality Inventory-2 (MMPI-2):

Ms. Chebultz was administered the MMPI-2. The MMPI-2 is a widely used personality measure utilized in Forensic settings concerning custody. The following is based on the characteristics of other persons in a large-scale validation study who provided similar test results. Interpretations from tests such as these are useful in identifying general personality approaches.

Ms. Chebultz style of responding resulted in a marginal profile concerning validity due to her defensive manner. Those answering in a similar manner are seen as overcautious and evasive due to a concern about social image and are generally reluctant to disclose much about personal adjustment. In addition, there is the hope, through this approach, to avoid appearance of having problems. Those in custody situations answering in a similar



...often tend to avoid taking responsibility and blaming to look internally for origins of issues, but rather blame externally. Caution was therefore warranted in interpreting Ms. Chebultz's profile due to similar patterns usually result in an underestimation of problems.

The above findings were corroborated in this evaluator's experience with Ms. Chebultz providing information requested of her. Ms. Chebultz, when given a task to complete (background history of self, health form, budget, etc.), seemed to get bogged down in what might be noted about her as well as how the information might be used against her or her son even after several explanations. There did not seem to be a distinction between the benign demographical information and the more positional legal. This concern or perhaps fear lends itself to delay. This delay in decision making or follow through likely causes distress and frustration in relationships for Ms. Chebultz.

#### Ackerman Shoendorf Scales for Parent Evaluation of Custody (ASPECT):

The ASPECT assesses parent-child relationships and child rearing practices and beliefs, as well as the overall emotional well-being of the parent. Ms. Chebultz's responses continue to validate the findings of the MMPI-2 of desiring a favorable impression. The profile consists of an Observational (T 100) and Social Scale (T 100) as well as a Parent Custody Index (T 97). Due to the defensive nature of the responses to testing, the differences between her profile and Mr. Campbell's will not be interpreted. However, her profile does suggest adequate capacity to parent and communicate with her child.

#### Parent-Child Relationship Inventory (PCRI):

The PCRI is designed to identify specific aspects of the parent-child relationship that may cause problems, and to give an overall picture of the quality of the relationship. The PCRI scales are Parental Support, Satisfaction with Parenting, Involvement, Communication, Limit Setting Autonomy, and Role Orientation. Ms. Chebultz's measures on the scales associated with validity suggest that her responses are valid. Scaled scores were within normal limits.

#### Mental Status Exam:

Ms. Chebultz was well groomed and dressed and showed to all appointments on time. She was slim, of average weight and height, and seemingly fit. Ms. Chebultz's mood was mildly anxious to calm with related affect. She was oriented to person, place, time, and situation. No suicidal or homicidal ideation in the present or past nor any intentions or plans for future were noted. Her memory for recent and remote events was intact. There was no evidence of any psychotic symptoms or a thought disorder. Her cognition, judgment and insight were intact.



**Wes Campbell Family Information:**

Family Name: Wes & Phyllis Campbell  
 Address: 103 Thrush St.  
 City/St/Zip: Highland Haven, Texas 7878654  
 County: Burnet  
 Phone: 830-832-0308

**Household Members (at time of study):**

<u>Name</u>	<u>Age/DOB</u>	<u>Gender</u>	<u>Relationship</u>	<u>Citizenship</u>	<u>Language</u>	<u>Education Level</u>
Wes Campbell	07/01/1955	M	Father	US	English	15
Phyllis Campbell	09/08/1965	F	Step Mother	US	English	16
BJC	08/23/2004	M	Son	US	English	4

**Adult/Other Children Not Living at Home:**

<u>Name</u>	<u>Age</u>	<u>Gender</u>	<u>Residence</u>
Josh Campbell	36	M	Marble Falls, Texas
Courtney Smith	22	F	Burnet, Texas
Haylea Smith	20	F	San Marcos, Texas

**History of Family Residence:**

<u>Street Address</u>	<u>City, State</u>	<u>Years of Residency</u>
103 Thrush St.	Highland Haven, Tx.	1
100 Raindrop Lane	Kingsland, Tx.	15

**SOCIAL REPORT:****Background History for Wes Campbell:**

Mr. Campbell was born in Baytown, Texas to James and Catherine Campbell. He has an older sister and a younger brother. His father served in the Navy during WWII. His father graduated as a mechanical engineer after discharge from the military and his mother worked in various jobs. His father worked for Humble Oil Co. for a period then remained as an employee of the State of Texas until his retirement.

Mr. Campbell remembered moving a number of times in his childhood. Mr. Campbell noted his parents rarely having discord and the messages of honesty, accountability and the Golden Rule along with consequences for non-compliance. They attended the Presbyterian Church where his dad was an elder.

Mr. Campbell reported enjoying his grade school years. He was active in activities, clubs, and sports. Mr. Campbell attended Austin High School where he did well academically and excelled at golf.



According to Mr. Campbell, he attended the University of Texas Aerospace engineering program. In his junior year after questioning whether he wanted to continue, he discontinued higher education. He obtained his pilots license and a real estate broker's license. Mr. Campbell re entered school and walked on to the university golf team.

According to Mr. Campbell, academics were suffering due to his focus on a dating relationship with Becky Rogers from Llano, Texas. After dating Becky for 7 months and at the age of 21, they decided to marry. Mr. Campbell discontinued higher education again and began working for Texas Farm Bureau as an insurance agent.

Mr. Campbell and his wife had one son Josh on October 20, 1978. Mr. Campbell reported his wife suffered from psychiatric issues and, along with being young, this made the relationship difficult. Reportedly, Becky informed Mr. Campbell of having an affair. Mr. Campbell and Becky then divorced with each having joint conservatorship of Josh. Mr. Campbell resigned from Farm Bureau, moved to Kingsland, Texas and opened an independent insurance agency.

According to Mr. Campbell, soon after divorce, he married for a second time to Tammy Scantlin. During his 7 year marriage to Tammy he continued working with his insurance business and taking part in his son Josh's life. Mr. Campbell and Tammy divorced due to her alleged affair. Mr. Campbell decided to focus on growing his business and raising his son Josh. Josh graduated from high school, went to college and graduated.

Mr. Campbell met Cynthia Chebultz in the spring of 2000 via Match.com and they began a dating relationship.

#### HOME ENVIRONMENT:

Mr. Campbell resides in a 4 bedroom, 4 bathroom home he remodeled himself. The home is well appointed and presented with no known difficulties. The home is situated in a residential neighborhood at the end of a cul de sac. The lot has a back yard that fronts the lake.

#### EDUCATION:

Mr. Campbell attended the University of Texas, but did not graduate. He has acquired several trainings congruent with his career such as a real estate license. He currently has no plans to attend further education. Phyllis has completed her graduate degree and also has no plans currently for attending further education.

#### EMPLOYMENT AND FINANCIAL STATUS:

Mr. Campbell is retired from his insurance business and currently manages his investments. Phyllis is the Assistant Principal of Cole Elementary School. Mr. Campbell's financial picture appears to provide for his expenses.

#### MILITARY HISTORY:

None

#### CRIMINAL HISTORY:

Mr. and Mrs. Campbell completed a criminal history background check and CPS Central Registry for Abuse and Neglect check. They had no criminal history and were not listed in the Central Registry.

#### ALCOHOL AND DRUG HISTORY:



Mr. Campbell reported abusing alcohol socially. He reported drinking more when younger and much less now that he is older. Mr. Campbell stated he has not used illicit drugs. Mr. Campbell denied being treated for or abusing alcohol and drugs.

#### MEDICAL HISTORY:

Mr. Campbell did not state any major illness when he was growing up. He reported no medical issues for himself.

#### PSYCHIATRIC HISTORY:

Mr. Campbell reported no mental illness and no use of psychotropic medication. Mr. Campbell reported was taken to Ms. Cari Foote, a counselor, for help with the current legal issue.

#### MARITAL AND FAMILY LIFE:

Mr. Campbell is married to Phyllis Campbell. They dated for 5 years prior to getting married in May 2013. Mr. Campbell stated "I finally found the right one." Mrs. Campbell reported she and Mr. Campbell dated for several years because she wanted to make sure they were right for each other and the timing was right also. They both related that their approach to the world complements each others.

Mrs. Campbell stated she loves BJC and feels like she has a special relationship with him. She was quick to say she is not his mother and, in no way desires to replace Ms. Chebultz.

Mr. Campbell described his approach to discipline as utilizing discussion and removal of stimulus. Mr. Campbell stated rarely needing to discipline BJC. Mr. Campbell reported not spanking his children.

#### DIET AND EXERCISE:

Mr. Campbell reported no particular diet stating they try to eat healthy. He reported being active and staying fairly fit. He stated enjoying hiking, swimming, water skiing, and outdoor activities in general.

#### SPIRITUAL/RELIGION:

Mr. Campbell reported he and Phyllis were Christian. He stated they did not currently have a church home, but were searching for one.

#### Evaluative Results:

##### Minnesota Multiphasic Personality Inventory-2 (MMPI-2):

Mr. Campbell was administered the MMPI-2. The MMPI-2 is a widely used personality measure utilized in Forensic settings concerning custody. The following is based on the characteristics of other persons in a large-scale validation study who provided similar test results. Interpretations from tests such as these are useful in identifying general personality approaches. Mr. Campbell responded in a valid manner.

Mr. Campbell responded in a style suggesting adequate personal adjustment and the ability to effectively deal with situational stressors. Clinical profile was within normal limits suggesting no serious emotional disturbance/problems. Interpersonally, Mr. Campbell likely enjoys being around others, is gregarious, and enjoys attention. Mr. Campbell presented himself in a somewhat positive manner, denied any disorganized thinking patterns, and tried to present himself as a responsible person. This is common with those involved with custody issues in the legal system. No emotional or personality problems that would interfere with parental capacity or daily functioning were noted. Content scales and substance abuse indicators were within normal limits.



The above interpretation is corroborated in Mr. Campbell's history and descriptions given by others including Ms. Chebultz.

**Ackerman Shoendorf Scales for Parent Evaluation of Custody (ASPECT):**

The ASPECT assesses parent-child relationships and child rearing practices and beliefs, as well as the overall emotional well-being of the parent. Mr. Campbell's responses suggest a valid profile. The profile consists of an Observational (T 89) and Social Scale (T 85) as well as a Parent Custody Index (T 85). Mr. Campbell's profile suggest adequate effectiveness in parenting skills and home environment. This along with Mr. Campbell's MMPI-2 profile suggest adequate capacity for parenting.

**Parent-Child Relationship Inventory (PCRI):**

The PCRI is designed to identify specific aspects of the parent-child relationship that may cause problems, and to give an overall picture of the quality of the relationship. The PCRI scales are Parental Support, Satisfaction with Parenting, Involvement, Communication, Limit Setting, Autonomy, and Role Orientation. Mr. Campbell's measures on the scales associated with validity suggest that his responses are valid. Scaled scores were within normal limits.

**Mental Status Exam:**

Mr. Campbell was well groomed and dressed and showed to all appointments on time. He was of average weight and height, and seemingly fit. Mr. Campbell's mood was mildly anxious with related affect. He was oriented to person, place, time, and situation. No suicidal or homicidal ideation in the present or past nor any intentions or plans for future were noted. His memory for recent and remote events was intact. There was no evidence of any psychotic symptoms or a thought disorder. His cognition, judgment and insight were intact.

**INTERVIEW WITH CHILD/OBSERVATIONS:**

BJC is a cute, energetic youngster seemingly of average height and weight. He greeted this evaluator upon arrival at each meeting. BJC was polite and courteous in his interactions. BJC was observed moving about in each home and interacting with both parties.

While at his mothers he looked to her for direction when he stumbled with a problem and utilized the assistance she provided. She touched him lovingly and each gave eye contact. They held conversation with ease and planned and discussed experiences. Ms. Chebultz was noted giving labeled and unlabeled praise. He moved around the home with ease and without apprehension.

While at his father's he looked for direction from Mr. and Mrs. Campbell at different times and acted on the direction. He was noted sitting next to Phyllis leaning against her in a loving manner and she was noted touching him in a warm manner. BJC was noted hugging on his father in a playful way as we conversed. Praise was noted. Eye contact noted with each. BJC moved about the home with ease and without apprehension.

In addition to meeting with BJC at his parent's residences, this evaluator met with him at school. reported enjoying robotics, playing with his games, remote cars, skate park, and writing his book. He stated enjoying school and not having much difficulty with his subjects. His favorite subject is science. BJC stated his mother or Phyllis help him mostly with his homework. BJC stated his typical day consisted of arising around 6:30am, getting dressed, eating breakfast, and going to school. When he goes home after school with his mother, he will play on his ipad, go to the skate park, or sometimes play with a friend. He will generally eat



with his mother they will generally go to Austin or San Antonio to visit Ms. Chebultz's boyfriend or her parents. When he is staying with his father, he goes to Cole Elementary after school where Phyllis is after school. Once they go home he will do his homework with Phyllis, sometimes play with a friend or video games or on his ipad, his father will cook dinner, take his bath, read or play on his ipad for a time, and then bedtime around 9:00. BJC reported generally staying home on weekends while at his fathers.

BJC reported he was looking forward to visiting with this evaluator. He stated he has wanted to talk to someone about the difficulties he has concerning his parents conflict. BJC seemed very aware of the conflict between his mother and father. He stated his understanding my role was to help the judge make a decision where he was to live.

BJC stated the following:

"It has gotten hard for me." "I always have to move [between houses]." "I feel like I just get there and then have to pack up and move again. I don't feel like I ever get settled." "I don't want to switch every week." "I love both my parents." "I don't know who I am going to be with over holidays until last minute." "I want to live one place a little longer than the other where I live at the other house on weekends or something."

BJC stated about his parents:

"I love both my parents."

"I don't want to hurt either one of them."

"My dad gets angry at my mom."

"My mom will cry after they talk sometimes."

"I would want to do more things with my dad if he helped me do them rather than do them himself and me watch."

"I like Phyllis. We get along and can talk. She does more with me than my dad. He works a lot."

"I can do more at my moms." "She doesn't have as many rules."

"I get out more at my moms (ie. Skate park, remote cars)." "I stay in more at my dads."

While discussing this BJC stated "I do more with friends at my dads than my moms. I do like that."

BJC was asked what he wanted the judge to know:

"I want to live at one place more than the other. That way I can settle in."

"I would rather live more with my mom, but either is ok. I just want this to be over and different."

When asked what it would be like if the judge decided he live more with his mother:

"I would like that because I would get to do my robotics more and we could go to Austin more."

When asked what it would be like if the judge decided he live more with his father:

"That would be ok. I would worry about my mom."

### COLLATERAL INFORMATION:

Kathy Payson:

Ms. Payson was BJC's homeroom teacher at Marble Falls Elementary. Ms. Payson reported having BJC at the beginning and end of each school day and having the most parent contact. Ms. Payson described BJC as an outspoken child with strong opinions, learning how to be open to others opinions, considerate, very responsive, average academically, has friends, and can, at times, be a nuisance trying to fit in. Ms. Payson



seeing view from other side.

According to Ms. Payson, BJC realizes he has to shift from one parent to the other and seems to handle the shift positively and maturely. She related BJC sees the conflict in his parents.

Ms. Payson stated about the parents that Ms. Chebultz helps anytime she is asked. Mr. Campbell checks in on BJC but seems to be less available. If Mr. Campbell is not available, Phyllis is. Ms. Payson reported both parties are involved, concerned, and loved. "I think he [BJC] is a loved child from both sides." Ms. Payson described Ms. Chebultz as more outwardly emotional. "Cindy will tear up when visiting about

No reservations were noted of either parent.

Carri Foote, LPC, LMFT:

Ms. Foote saw BJC in the fall 2013 and made recommendations as to possession and arrangements. She later saw BJC and his parents in the summer 2014 and made amended recommendations. Ms. Foote reported about BJC that he wanted to be with each of his parents, loved both of his parents, but did not want the 50/50 split in time. He instead wanted the impossible of 100 percent of each parent.

Ms. Foote described BJC as extremely anxious when she began working with him. BJC wanted "all the commotion to stop." Ms. Foote related Brody was bright, analytical, and easily swayed by each party. She reported BJC would come in with a list of concerns about each parent while with the other. In addition, Ms. Foote stated BJC was concrete with some information he would hear. For instance, she related, he was told it was good to eat all his food due to children elsewhere without. This resulted with increased anxiety on an occasion when his mother came to eat lunch with him at school while his dad had sent a lunch. BJC was not only concerned about the suffering children, but also concerned about upsetting his dad or mom. Ms. Foote reported working with BJC and his parents to alleviate this unnecessary anxiety.

According to Ms. Foote, BJC would do fine in either home. Neither parent is dangerous, and both want what is best for BJC. Because they both love and want what is best for BJC when he comes to them with concerns or questions about the other, they react and utilize the information to have conflict rather than helping BJC sort through his thinking.

Ms. Foote reported believing BJC would do well with a 50/50 arrangement if each party would set aside the conflict, live where they want to live, and attend to Brody. Ms. Foote also stated, if the parties would not give up the conflict, BJC would do well in a more standard model of primary and standard visitation. Ms. Foote reported BJC would do fine with either parent in either role. Ms. Foote stated seeing no necessity in moving school districts. She related he seemed to be doing well and was not experiencing any difficulties.

### Summary

Brody Campbell is the son of Wes Campbell and Cynthia Chebultz. Mr. Campbell and Ms. Chebultz separated and were never married. Mr. Campbell and Ms. Chebultz currently share 50/50 possession due to a temporary order. Each party is seeking conservatorship with the other party to have standard visitation orders.

It is obvious life has included much conflict between Mr. Campbell and Ms. Chebultz. They each communicate and approach the world in a different manner. This difference in approach does not seem to make sense to the other. A difference in approach, ill feelings, and having no standing orders to fall back on when conflict arises



...and their experience of the world around them. This is certainly true for

Sadly, BJC is very aware of the conflict between his parents. He certainly loves each of them and feels caught in the middle trying to take care of them. The good news is Mr. Campbell and Ms. Chebultz both dearly love BJC and want what is best for him even at the cost of "losing" some time to him. Unfortunately they have not been willing, thus far, to work this out between the two of them.

was clear, in all encounters (both homes and school), of the following:

1. I love both my parents.
2. It is hard/difficult living 50/50 the way it is.
3. I would rather live more in one place than the other.
4. I would take either, but rather live more with my mom.
5. I don't want to hurt their feelings.

Mr. Campbell loves BJC. He has a wonderful residence in a seemingly safe and kid friendly neighborhood. Mr. Campbell is married to Phyllis Campbell. Phyllis and BJC have a good relationship and all, including Ms. Chebultz, agree to this and believe this relationship to be a blessing for BJC. BJC views his father as caring and wanting the best for him. Mr. and Mrs. Campbell plan to remain in the local area.

Ms. Chebultz loves BJC. Ms. Chebultz is actively involved in BJC education and teachers. BJC enjoys several activities of interest with his mother such as robotics and RC cars. BJC describes more closeness with his mother which is somewhat common at this age.

Mr. and Mrs. Campbell work well as a team. This lends itself to Phyllis being more available than Mr. Campbell to BJC. BJC views his father as less available to him and as angry at Ms. Chebultz. BJC views his mother as sad and hurt by Mr. Campbell. This is confusing and creates an inner conflict for BJC he cannot solve. BJC currently does not see some of his father's interests as the same as his.

Ms. Chebultz has support that is not in the local area (San Antonio and Austin). She has been in a 2 year relationship with Mike Hill. Ms. Chebultz reported no plans to marry. Ms. Chebultz desires to live in Austin to be closer to her supports, for BJC to attend what she believes to be better schools, and to be available to better jobs.

Mr. Campbell and Ms. Chebultz have shared and discussed their conflict with BJC which is not helpful to

### Conclusion

This best interest evaluation was requested by the court to include recommendations as to custody, conservatorship, and possession of BJC.

This evaluator found no evidence of domestic violence, of repeated harm to BJC, no history of assaultive or abusive conduct, and no history of substance abuse. Brody does not exhibit or share any fear or apprehension in living or returning to either party. Measurement profiles were within normal limits noting no thinking disorders, emotional disturbance, or mental illness. Profiles supported each person's approach as different suggesting difficulties in relating with each other. Profiles supported the notion of both parent's attachment, care, and capacity to parent.

BJC shares a bond with and attachment to both his parents. This attachment looks different with each as their approach to him is different. Each party demonstrated adequate parenting skills with care, safety, supervision,



Through each party can identify imperfections of the other as a parent, each agrees of the other that BJC should be involved with both parents and neither is dangerous. BJC has experienced confusion about his parent's actions on both sides from time to time.

Collateral references reported no reservations for either party as parents. Reportedly, BJC is doing well and thriving in school and, outside of intermittent conversations about his parent's conflict, he appears to most as happy and healthy.

BJC is, however, affected by the conflict between his parents. His utmost desire is for them to get along, put aside their differences, and most importantly, get him out of the middle. He believes having orders designating possession will be helpful for planning and cut down on the arguing/disappointment. BJC does not experience having a home base, wants one, but is unsure how to obtain this without hurting one of his parents.

The research is clear the most devastating factor affecting children is the conduct between parents. This is to say the adjustment of children is directly related to parents putting aside their conflict, wants, and desires in order to parent and raise a child from two separate households. Unfortunately, all too many times this is not the case. This would be true for BJC (Thayer and Zimmerman. 2001 *The Co-Parenting Survival Guide* Garrity and Baris. 1994 *Caught in the Middle*)

Where parents do not co parent effectively, the research suggests certain schedules over others. Possession schedules such as 50/50 become difficult for the child to feel settled, secure, and stable. When parents have difficulty, children seem to fair better with one parent having standard possession schedule. Further, research is clear children do better when there is greater access to each parent through proximity. The research does not give a mileage between parents, but rather suggests access occurs more with less distance. (Thayer and Zimmerman. 2001 *The Co-Parenting Survival Guide*; Garrity and Baris. 1994 *Caught in the Middle*; Baris, and Garrity. 1988 *Children of Divorce*; Blau. 1993. *Families Apart*; Darnall 1998. *Divorce Casualties*)

There has been no substantial change in the household that would necessitate a change in the custody arrangement. There has been an ongoing and, perhaps intensifying conflict, but no significant change. Would the stress likely to occur with a change in arrangement be outweighed by the benefits to BJC of the change? BJC has asked for a change and for seemingly good reasons. He is unaware of the how a change in custody would affect him other than the possible positives he envisions. The stress he would experience would be directly proportional to how the parents reacted to the change. Simply changing custody does not alleviate BJC's desire to please his parents or solve their conflict.

This evaluator wants to be clear in that choosing ones residence and types of schooling are personal and not questioned in and of themselves. There will always be a case for "better opportunities" elsewhere. BJC's experience of stability with school as well as his apparent success suggests moving locations and school systems would not be in his best interest currently. It is common for children to have likes and dislikes about parents. BJC is no different. One role of the parent is to help a child sort through their thinking without utilizing the information for conflict. Sorting through his thoughts in this manner will decrease BJC's anxiety.

Children do well when there routine is reasonably consistent and predicted. Having orders in place concerning holidays, weekends, summers, etc. is needed and will alleviate much conflict between parents and, thus BJC's anxiety in these areas.

Following what was stated above according to research; BJC would do well with a 50/50 possession schedule or one following a Standard Possession Order. The key to his best interest in this will be his parents setting aside their conflict and the notion of "my time." Should they not be willing to set aside conflict, a 50/50



arrangement will continue to raise difficulties for BJC. In this case having one parent with primary and the other with standard possession schedule would be advised. As noted above, there are pros and cons on each side of the table. Therefore, this would be a decision for the court as to which parent would receive which schedule. In either event, this evaluator suggests BJC's residence and schooling continue in his current local area (Marble Falls School District and residence within the district). This will maintain stability in light of the shaky ground he experiences with his parents.

### Recommendations

Based on the above history, review of the records, clinical interviews, observations, evaluative data, and the best interest of the child, this evaluator, in addition to the above conclusions, recommends the following:

1. Counseling for BJC with an emphasis on BJC and not for positioning for court. Counseling for BJC to deal with anxiety secondary to his parent's conflict. Continue to learn tools to address his parents in an effective manner. Counseling to help BJC sort through his thinking in a safe environment.
2. Counseling for each parent, separately, to identify and learn ways of dealing with their angst toward each other as well as to identify how their actions, seen or unseen, affect BJC. Counseling to learn ways to help BJC sort through his thinking about each parent rather than fuel conflict.
3. Counseling for Ms. Chebultz to learn assertiveness skills necessary to communicate more effectively with Mr. Campbell.
4. Counseling for Mr. Campbell to learn how best to connect with BJC in a manner that works for each of them.
5. Parents discontinue asking BJC his wishes concerning custody or utilizing BJC in any investigative manner about the other party.
6. Orders following the Standard Possession Order (families within 100 miles) for schedules pertaining to holidays, birthdays, mothers/fathers day, etc. as well as during summer vacation. This is suggested whether the arrangement is decided by the court to be 50/50 or other. Should the court decide a 50/50 arrangement, this will allow BJC periods of extended time with each parent.
7. Appointment of a Parent Coordinator as a resource to assist in communication and resolving conflicts outside of the courtroom.

Evaluator: Eric R. Cardwell, LPC, license # 11724, Certified Forensic Mental Health Evaluator #0066.

Eric R. Cardwell LPC, CFMHE  
Signature

3/18/2015  
Date



REPORTER'S RECORD

VOLUME 1 OF 1 VOLUME

CAUSE NO: 41790

IN THE INTEREST OF	)	IN THE COUNTY COURT
B.J.C.	)	AT LAW
A CHILD	)	BURNET COUNTY, TEXAS

(COURT'S RULING)

On the 28th day of August, 2015, the following proceedings came on to be held in the above-entitled and numbered cause before the HONORABLE LINDA BAYLESS, Judge presiding, held in Burnet, Burnet County, Texas.

Proceedings reported by computerized stenotype machine.



A P P E A R A N C E S

MR. TIM COWART

Attorney at Law

119 Avenue G

Marble Falls, Texas 78654

830-798-1063

APPEARING ON BEHALF OF THE PETITIONER

LAW OFFICE OF MOCK AND BROWN

400 S. Main Street

Burnet, Texas 78611

512-756-2931

BY: MR. TREY BROWN

APPEARING ON BEHALF OF THE RESPONDENT



P R O C E E D I N G S

\*\*\*\*\*

THE COURT: A few comments. I can't make one of these rulings without making some comments. I mean, he's 11. Okay. So he's, up to now, pretty much been a little boy. I think now we're beginning to see some emotional, some serious emotional issues that are developing based on all of this conflict and all of this upheaval in his little life. Which is extremely sad to me and it's sad to see two grown, fairly intelligent people not realize, I imagine, what you're doing to that child. And you're doing it. Both of you. You come here wanting me to make a decision for you. You purport to have his best interest at heart, and yet you have done damage that may be beyond repair, in my opinion. Both of you. You're both very guilty of that. I would strongly advise, although I can't order it, I would strongly advise both of you to seek counseling on how to parent a child in a relationship like the two of you have.

It also appears to me that most of this started about the time you got married, two years ago. I don't know if there's a connection or not, but I do detect and have in the testimony a lot of anger, particularly on your part, that I just feel like there are unresolved



1 issues with Ms. Chebultz. I don't know if that's true  
2 or not. Hopefully you would seek counseling to find  
3 out. Because some of the things that have been done to  
4 and with this child or through this child to the other  
5 person makes that very clear to me.

6 I think your lifestyle has not been probably the  
7 best for a little boy to have to be exposed to at this  
8 point. Again, I'm shocked at how well adjusted he seems  
9 to be, but he certainly does have some fears, some great  
10 fears, some legitimate fears particularly of his father.  
11 I heard that in testimony. I heard that from him. It's  
12 sad. It's very sad. This is a time in his life where  
13 he needs to, I believe as Mr. Henley testified, have a  
14 good strong bond in relationship with his dad. And I  
15 heard in testimony and from him that there's a lot of  
16 criticism, a lot of judging, a lot of trying to  
17 influence him and his decision about if he were to talk  
18 to me and what he needs to tell me. And that disturbs  
19 me greatly. Because you all were admonished from the  
20 beginning, the Children's Bill of Rights, that you were  
21 not under any circumstances to talk to that child or in  
22 front of that child about this case. And there is no  
23 doubt in my mind that that has happened. And that  
24 disturbs me greatly. I don't -- I mean, my job is to  
25 determine the best interest, what's best for this little



1 boy. And I almost feel like if I had a third person to  
2 give him to I would, because the two of you need to grow  
3 up is the bottom line. And I'm sorry to be so blunt but  
4 it's just a fact.

5 But unfortunately my job is to decide who he needs  
6 to live with. I do believe that he needs to be in one  
7 home full time. I've seen and heard repeatedly he does  
8 not like this going back and forth. And as long as it  
9 worked, it was great. But it's not working any more and  
10 as he gets older it will be more and more difficult for  
11 him. So that's one thing, he's going to be living with  
12 one parent full time. The other parent will have the  
13 right -- the basic visitation schedule, standard  
14 visitation that's in the family code

15 The hardest part for me is to decide which parent.  
16 I mean, honestly it is. There are many good and  
17 positive things about Mr. Campbell's home, his  
18 environment, the stability, the continuity of life  
19 there, the things he's able to offer BJC . But at the  
20 same time I have grave concerns about the father  
21 alienating the son due to his inability to connect with  
22 his son in a -- other than pressuring him to be perfect.

23 I have concerns about the mother not having a  
24 stable life and wanting to move him, which in my opinion  
25 should not happen.



1           So this is what I'm going to do. I want -- I will  
2   order that BJC live with his mother, that she have the  
3   right to determine residence but that residence has to  
4   be within Burnet County, that he must remain in the  
5   Marble Falls School District until he graduates from  
6   high school or until something else changes or until he  
7   expresses a desire at an appropriate age to do something  
8   different.

9           I'm going to order to the extent possible -- I do  
10   want this wording in the order -- that neither parent is  
11   to ever discuss with this child anything about the other  
12   parent other than, How was your weekend. No negative  
13   talk whatsoever about the other parent. You're not  
14   helping your child when you do that. I'm going to order  
15   counseling for BJC for the next six months because I  
16   do believe from both counselors that I heard from he  
17   needs to find his voice and be able to state how he  
18   feels to his father and his mother. He's tired of this  
19   and I can understand why.

20          I'm going to order the father to pay child support  
21   based on the guidelines in the Code of -- the Family  
22   Code. Standard visitation for dad. But mother may not  
23   move him from the school he's in or move out of Burnet  
24   County with him. If you want to move, then he goes to  
25   live with dad. He stays in Burnet County. Joint



1 managing conservatorship with mom having the right to  
2 determine the residence within the county and within the  
3 Marble Falls School District.

4 I would order counseling for the two of you, but  
5 I'm not. I can't. I don't really think I could put  
6 that in an order, or I would. But I would strongly  
7 suggest that you both do it. Because you're not doing  
8 this little -- he is a wonderful child, but he is at a  
9 point right now in his life at age 11, entering puberty,  
10 getting older, being much more observant and cognizant  
11 of what's going on around him, he can -- you know, what  
12 they say about kids is true, and Phyllis I'm sure knows  
13 this, they know what's going on. And so you both need  
14 to learn to limit your comments, your feelings, your  
15 emotions about the other person so that you do your  
16 darndest not to let him know what you're thinking. You  
17 need to be supportive of each other.

18 The two of you will be involved in this child's  
19 life from now on. There will be birthday parties.  
20 There will be graduations. There will be weddings.  
21 There will be births of grandchildren. It never ends.  
22 So the two of you need to find a way to bury the  
23 hatchet, hold hands and work together to help make him  
24 the best person he can be. You may not be happy with  
25 yourselves, but you can do the greatest -- give him the



1     greatest gift a parent can give a child, and that's help  
2     make him be the best person he can be. And this  
3     behavior is not headed in that direction at all.

4             So that's my ruling.

5             MR. BROWN: We would opt for elections.

6             MR. COWART: And obviously we're familiar  
7     with what the Family Code says about that and at the  
8     time of the rendition of the order, the SPO, the  
9     elections will kick in.

10            THE COURT: Okay.

11            MR. COWART: I do have one point --

12            THE COURT: As far as attorneys' fees,  
13     you each pay your own.

14            MR. COWART: As far as the guidelines for  
15     child support. We heard from his income -- from his  
16     testimony his rental income was in excess of \$10,000 a  
17     month.

18            THE COURT: Do you have his tax returns?

19            MR. COWART: The tax return --

20            MR. BROWN: I'll figure it out.

21            THE COURT: You can do it based on his  
22     tax returns just like he did it based on hers.

23            MR. BROWN: I'll figure it out and --

24            MR. COWART: The issue with that, Your  
25     Honor, is this. There are a lot of deductions that show



1 his income as being only --

2 THE COURT: Well, what I'll do is --

3 MR. COWART: And I think his income is  
4 considerably more than that based on his testimony and  
5 based on --

6 THE COURT: I'll go by his last reported  
7 income tax return. Hers showed about that amount too.  
8 So or whatever, 23,000.

9 MR. COWART: At any rate, Your Honor,  
10 with regard to the schedule -- I know everybody's tired  
11 and wants to get out of here. I just want to make sure  
12 that we avoid any further dispute, with regards to the  
13 scheduled deductions on there, the depreciations on  
14 there, typically through my experience the courts don't  
15 always allow those when considering --

16 THE COURT: What's his net income on the  
17 first page?

18 MR. BROWN: Judge, we're going to have to  
19 have a huge hearing on that, okay. Because the net  
20 income is completely different from net assets in this  
21 case.

22 THE COURT: Okay. We'll have a hearing.

23 MR. COWART: We'll have a hearing, Judge.

24 MR. BROWN: I'll figure it out and if we  
25 can't have an agreement we'll have a hearing on it.



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THE COURT: All right. Thank you all.  
(End of Court's ruling.)



C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF BURNET )

I, VICKI K. KANEWSKE, Official Court Reporter in  
and for the County Court at Law of Burnet, Burnet  
County, State of Texas, do hereby certify that the above  
and foregoing contains a true and correct transcription  
of all portions of evidence and other proceedings  
requested by counsel to be included in this volume of  
the Reporter's Record in the above-styled and numbered  
cause, all of which occurred in open court or in  
chambers and were reported by me.

I further certify that this Reporter's Record of  
the proceedings truly and correctly reflects the  
exhibits, if any, requested to be included.

I further certify that the total cost for the  
preparation of this Reporter's Record is \$66 and will be  
paid for by Mr. Trey Brown, Attorney at Law.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th  
day of September, 2015.

/s/Vicki K. Kanewske

VICKI K. KANEWSKE, TEXAS CSR NO: 2159; EXPIRES: 12-31-16

Official Court Reporter, Burnet County Court at Law

220 S. Pierce Street, Burnet, Texas 78611

512-715-5244; Fax: 512-715-5226; Email: Vkaykan@live.com



NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

**AFFIDAVIT OF RHONDA GILCHRIST**

STATE OF TEXAS                   §  
  §  
COUNTY OF BURNETT           §

BEFORE ME, the undersigned authority, appeared Rhonda Gilchrist, who after being by me duly sworn, stated the following under oath:

"My name is RHONDA GILCHRIST. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct I am a Licensed Professional Counselor in the State of Texas. I have a M.A. in Psychology and a M.S. in Juvenile Justice. Due to the last minute notification of court on April 6 2016 and my scheduled previous commitments at Fort Hood I am unable to attend court so I am completing this affidavit. I have been **BJC's** therapist since 4/5/15. I am concerned over final orders being issued in **BJC's** case for the following reason:

- **BJC** has only been seen 3 times since court date in December 2015.
- I have had no contact with Dad's therapist to relay important information about **BJC's** perspective of his relationship with his dad. Her information has not been provided to me nor have any released been signed allowing our



communication.

- **BJC** has displayed more anger and disrespect as evident in my witnessing one emotional meltdown in which he raised his voice, and stated he hated his dad, he called the Judge, myself and the other therapist and home evaluator liars. He complained about physical symptoms of not sleeping, headaches and stomach aches. **BJC** presents as losing ground in his progress.

The following is a detailed explanation of my concerns:

In December of 2015 **BJC** and both set of parents came to the office for to be able to process the results of court earlier that day. The following week I received a text from Wes stating that since the judge didn't want **BJC** traveling up and down the roads so much his attorney was going to see if they could get a local therapist. As a result **BJC** was not seen for therapy in December. On December 7<sup>th</sup> there was a very upset phone call from **BJC** while he was in the school counselor's office. He was crying and upset to the point I recommended he go home for the day and start over the next day. He was seen on Jan 19, 2016. During this session **BJC** told me he thought he could be seen only once a month, He did process not liking the schedule and that he had told his dad several times he just wanted to go back to his mom. He processed that his dad had not done



anything he said he would do, "he always finds some excuse to not do what I want to do"

Wes sent a text to reschedule **BJC** appointment for February due to school open house event. He put it off until after Spring Break because he didn't believe he had **BJC** for Spring Break.

Mom contacted me during Spring Break and stated she had **BJC** and he was requesting to see me and was angry and very upset at his Dad.

**BJC** was seen in the office for 2.5 hour on March 13, 2016. He was angry and called the therapist, Carrie Foote (his previous therapist) and Eric Caldwell (custody evaluator) and the Judge liars. "You all told me this would get better after court and it hasn't, my dad is never going to change" "He will never give up, he is trying to take my mom out of my life" "I hate him" "Eric Caldwell and you told me my parents could work things out if they agreed and the court order is the rules if they don't agree." "He told me he would let me stay the whole spring break with my mom but the Judge won't let him she order me to spend half of spring break with my dad" He said "it is not up to me it is up to the Judge" **BJC** stated "I kept asking my mom why would the Judge just decide to do this and my mom told me there was another hearing and the Judge did decide to split Spring break." "My dad knew I had plans all week with my mom and now I can't do what we planned". My dad hasn't told me the truth I only go to robotics about half the time



and he has only gone to one race and he told me I could see mom when I wanted to” “When he does take me somewhere he drops me off and then comes back to pick me up he doesn’t stay like my mom did”

“Why can’t he just let me be with my mom?” He stated “I’ve been thinking about running away but my dad has a tracker on my phone” “I could ride my bike to my mom’s house.” “I haven’t been coming to counseling he hasn’t been taking me, I want to come more”

He processed an incident when they were snow skiing and he stated “My dad takes the fun out of everything” “He is making me hate snow skiing” He made me go up to slopes that I didn’t want to ski” “I passed my dad and I fell and tumbled down the slope and when I stopped falling I had snow in one of my boots, an instructor had helped me get my skis and poles” My ankle was sore and my face and hands were red I wanted to go to the truck and he was mad at me so he made me go back up to look for my friend Clay” “I told him Clay was at the truck but he made me go back up, my dad pushes me too much and makes me not want to anything with him.” “It won’t ever be over with my dad, I don’t think he will quit he always wants more” I don’t want to see my dad he lies to me, he is a jerk”

When asked about him being disrespectful to his dad he stated “He thinks disrespect is disagreeing with him, he always blames someone else”

He reported he has to take melatonin to sleep at his dad’s house , and stated “I



don't know what is wrong with me I can't sleep at night and I am tired at school"

He reported he is spending time alone in his room. Mom was referred to take him to MD for medical check- up. He complained about stomach issues and headaches.

Dad brought **BJC** in on 3/22/16 -- **BJC** processed spring break with his dad "I rode 18 hours to sit in a house with Phyllis while dad worked on the house" " The highlight was having frozen yoghurt with Phyllis" We processed his need to express how he is feeling with his dad. He stated "My dad just gets irritated and walks away" I told him we need to sit down and talk about this as a group and he stated "Please don't do this now my friends are with me and we are going to drive go carts and I don't want my dad to be mad at me in front of my friends, he has done it before and it is embarrassing"

He processed still being upset at the Judge, Eric Caldwell, Carrie Foote and myself for lying to him and telling him it would get better after court was over. He stated "well ya'll didn't know my dad was going to be my dad" He did report he was a little better than a week ago.

I brought Dad in to the office and told him about the need to sit down and process feelings and his perspective of their relationship. I relayed an overview of being unhappy about spring break and Wes stated "that is a lie, he is really getting good at this" He stated "I offered to take **BJC** snow skiing while we

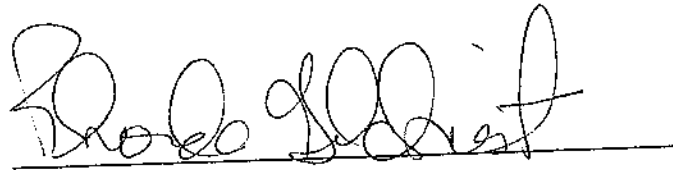


were on spring break and he didn't want to go" Wes went on to blame **BJC** mom Cynthia for coaching **BJC** Additionally, Wes questioned my ability to handle a case of this nature and asked me at least three times if I was sure if I knew what I was dealing with, I did address **BJC** physical complaints and Wes stated he had been to an Ear Nose and Throat and ~~that~~ there was nothing wrong with him. He wanted to confront **BJC** about lying and I said no we would address at the next session.

I have concerns for **BJC** and respectfully request the court give us more time to help heal this father son relationship by increasing honest communication.

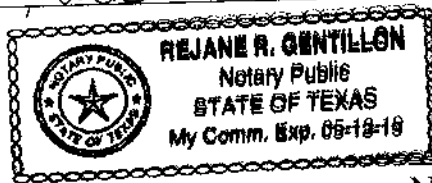


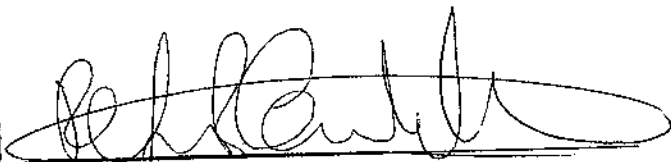
Further affiant sayeth not.

  
Rhonda Gilchrist

SUBSCRIBED AND SWORN TO BEFORE ME on

April 5<sup>th</sup>, 2016



  
Notary Public, State of Texas



**BC (8/23/2004)**

**Psychological Testing**

**Cognitive Testing**

**Wechsler Intelligence Scale for Children-IV (WISC-IV)**

The following is a summary of BC's WISC-IV scores:

<b>Subtest</b>	<b>Scaled Score</b>	<b>Percentile Rank</b>
Similarities	15	95
Vocabulary	14	91
Comprehension	16	98

**Verbal Comprehension Index (VCI) Total: Very Superior**  
**Composite Score: 130**  
**Percentile Rank: 98**

<b>Subtest</b>	<b>Scaled Score</b>	<b>Percentile Rank</b>
Block Design	15	95
Picture Concepts	13	84
Matrix Reasoning	10	50

**Perceptual Reasoning Index (PRI) Total: High Average**  
**Composite Score: 117**  
**Percentile Rank: 87**

<b>Subtest</b>	<b>Scaled Score</b>	<b>Percentile Rank</b>
Digit Span	6	9
Letter-Number Sequencing	10	50

**Working Memory Index (WMI) Total: Low Average**  
**Composite Score: 88**  
**Percentile Rank: 21**

<b>Subtest</b>	<b>Scaled Score</b>	<b>Percentile Rank</b>
Coding	1	0.1
Symbol Search	13	84



**Processing Speed Index (PSI) Total:      Low Average**

**Composite Score:    83**

**Percentile Rank:    13**

**Full Scale    IQ:    Average**

**Full Scale IQ Score: 109**

**Percentile Rank:    73**

The WISC-IV scores can be understood in the following context: subtest scores have a mean of 10 and a standard deviation of 3; Index and Full Scale IQ scores have a mean of 100 and a standard deviation of 10. BC's unique set of thinking and reasoning abilities make his overall intellectual functioning difficult to summarize by a single score. His verbal reasoning abilities are much better than his nonverbal reasoning abilities. It is important to note BC had difficulties sustaining his attention and focus to tasks at hand, which may have accounted for the significantly lower scores on certain subtests such as Coding and Digit Span. BC obtained a Full Scale IQ score of 109, placing him in the "Average" range of intelligence.

BC's verbal reasoning abilities as measured by the Verbal Comprehension Index are in the Very Superior range and above those of approximately 98% of his peers. The VCI is designed to measure verbal reasoning and concept formation. BC performed comparably on the verbal subtests contributing to the VCI, suggest that these verbal cognitive abilities are similarly developed.

BC's nonverbal reasoning abilities as measured by the Perceptual Reasoning Index are in the High Average range and above those of approximately 87% of his peers. The PRI is designed to measure fluid reasoning in the perceptual domain with tasks that assess nonverbal concept formation, visual perception and organization simultaneous processing, visual-motor coordination, learning, and the ability to separate figure and ground in visual stimuli. BC performed comparably on the perceptual reasoning subtests contributing to the PRI, suggesting his visual-spatial reasoning and perceptual-organization skills are similarly developed. He performed better on Block Design (associated with good mental processing speed and strong visual-spatial abilities) than Matrix Reasoning (associated good visual-perceptual abilities and cognitive flexibility).

BC's ability to sustain attention, concentrate and exert mental control is in the Low Average range, which was significantly lower than the VCI and PRI measures.

BC's ability in processing simple or routine visual material without making errors is in the Low Average range, which was significantly lower compared to the VCI and PRI measures. Processing visual material quickly is an ability BC performs less well than his verbal reasoning ability. Processing speed is an indication of the rapidity with which BC can mentally process simple or routine information without making errors. Because learning often involves a combination of routine information processing (such as reading) and complex information processing (such as reasoning) a relative weakness in the speed of processing routine information may make the task of comprehending novel information more time-consuming and difficult for BC. Thus, this significant weakness in simple visual scanning and tracking may leave him less time and mental energy for the complex task of understanding new material. In both the Working Memory Index and Processing Speed Index tasks, it was observed BC has difficulties sustaining his attention and required redirection. This may have significantly impacted these particular measures. It is also important to review the results of his personality testing, which may also shed light his lower scores.



Personality Testing

Personality Inventory for Youth (PIY)

With regards to the validity scale, there was evidence of defensiveness in BC's approach. This means he presented as exceptionally well-adjusted and similar to one who may have denied common human faults. Although responses of this kind appear to suggest a relatively good adjustment, they more often reflect an effort to deny real, current problems.

Youth with similar scores reflect inadequate self-confidence. They may admit to loneliness, moodiness, and worry, and may be concerned that their physical appearance and talk with others may be criticized. These youth are typically unhappy and pessimistic. These youth evaluate themselves in a negative fashion, are likely to feel misunderstood and hopeless. A depressed mood may be accompanied by loss of appetite and complaint of fatigue. Youth with similar scores likely exert little social influence and experiences little self-confidence or positive interaction when interacting with peers. They often feel (or are) ignored, criticized, or ridiculed by peers, these youth feel unpopular and wish to be more skilled in forming and maintaining friendships. They may experience loneliness yet desire meaningful friendships, these individuals are uncertain and insecure in social interactions.

BC endorsed the following critical items:

*Depression and Worry*

- 63. I have a lot of nightmares.
- 208. I often having trouble falling asleep or staying asleep.

*Cognitive Ability and School Adjustment*

- 27. It is hard for me to make good grades.

*Distractibility and Hyperactivity*

- 28. I cannot keep my attention on anything.
- 68. I cannot sit still in school because I get nervous.

*Health Concerns*

- 59. I often have back pains.
- 84. I often have headaches.
- 94. I often have stomach aches.

*Family Discord*

- 172. My parents are now divorced or living apart.
- 207. My parents often argue.

Rorschach Ink Blots-Rorschach Performance Assessment System (RPAS) scoring method.

BC's approach to the test procedure included a high number of "pulls." This can be related to a high need for achievement, being ambitious, striving to please the examiner, or working hard to soothe insecurity about the testing process. It may also be due to lowered inhibitions, emotionally driven mania, poor psychological boundaries, a need to challenge the examiner, or problems following the rules (Pu = 125). His card turns may have suggested intellectual curiosity, flexibility in approaching the task, or a high level of interest in the task. However, it is also possible his response style was indicative of obsessiveness or a need to be exhaustive,



hostility, defiance, suspicious, anxiety, a need to exert control during the testing process, or a desire to avoid seeing specific, unsettling images in a blot (CT = 124). Other behavioral observations of the examinee should be used to confirm or disconfirm these hypotheses. Though other factors besides just the number of responses determine overall protocol validity, BC provided a sufficient number of responses for a valid and interpretable protocol (R = 98).

The overall complexity of an examinee's score has been associated with age, education, intelligence, and coping style. BC is able to notice and communicate subtle aspects of his internal and external world. As a result, he is able to engage meaningfully with the complex and less evident aspects of his experiences and relationships (F% = 108). He displays a simple and straightforward thought style, focusing on common and easy-to-understand elements (Sy = 100). BC can engage in experiences with energy, reflective thought, and emotion, suggesting healthy adaption to the world around him. He likely has rich internal experiences and shows depth, sensitivity, and awareness of the world (MC = 118). BC is likely to have the capacity to cope well with the daily events of life. He can use his own internal resources to deal with different situations, making them more stable, predictable, reliable, and resilient in the face of upsetting events. He is likely to be less vulnerable than most other people to setbacks in life or disruptions in relationships with others (MC-PPD = 123). He likely copes by spontaneously reacting to and interacting with the world around him. He likely uses trial-and-error approach to problem solving. Gut reactions, inspirations, and emotions are likely to influence how he views himself, events, and the world (M/MC = 84). BC has a healthy balance between using his thoughts to solve problems and his feelings to solve problems (CF+C/SumC = 100).

BC may have problems thinking clearly and seeing things accurately. He may be vulnerable to psychotic, quasipsychotic, or borderline states. Alternatively, he may have experienced trauma (TP-Comp = 112). He displays the capacity to think logically and coherently. He is as capable as most people his age of coming to reasonable conclusions about the relationship between events. His thoughts likely connect in easy to follow, understandable ways (WSumCog = 93). However, he may have the tendency to distort or misinterpret external reality in ways that often lead to poor judgment or unconventional behavior. This finding is strongly associated with reality disturbance and psychopathology (FQ-% = 117). He shows evidence of unusual interpretations of events and poor judgment that are strongly associated with problems perceiving reality (WD-% = 123). BC does have the ability to see things the way most other people do, which can be an important strength, even in disturbed individuals (P = 105).

BC is likely to be under moderate to severe stress related to anxiously feeling as if things are out of his control. This can be a natural response to a stressful event or it may indicate internal struggle. Nevertheless, it contributes to BC not functioning as optimally as he could be (m = 116).

BC's responses were similar to those individuals who value creativity, individuality, and healthy self-assertion (SR = 89). People who regularly see aggressive, powerful, dangerous or threatening images tend to often think about these themes. However, the reasons people see such images in the blots vary and are yet unclear to researchers. Examinees may enjoy aggression, fear, external danger, or see danger as a natural part of life. Such interpretations may also be triggered by a recent stressful experience with someone or something aggressive. Such interpretations may be assisted greatly by a good life history background. Nevertheless, BC's aggressive responses were high and should be evaluated for thematic purposes (AGC = 119).





**MARBLE FALLS  
INDEPENDENT  
SCHOOL DISTRICT**

Robert O'Connor, Ed.D. - Superintendent  
1800 Colt Circle Marble Falls, Texas 78654 Phone 830-693-4357 Fax 830-693-5685

August 19, 2013

Mr. & Mrs. Wes Campbell  
100 Raindrop Lane  
Kingsland, TX 78639

RE: Intra-District Transfer Request Approval

Dear Mr. & Mrs. Campbell,

This letter will serve as approval of your intra-district transfer request allowing your elementary age child, **BJC** to attend Colt Elementary instead of Highland Lakes Elementary, which is your current resident attendance zone. Please note that Pre-Kindergarten enrollment (if applicable) is contingent upon the family meeting prescribed federal guidelines as well as available space at the requested campus.

This request is approved for the 2013-2014 school year only and granted with the understanding that if the enrollment exceeds the 22:1 teacher/student ratio the transfer may be revoked. Also, please be aware that this transfer may be revoked at any time during the school year should attendance and/or discipline issues arise. Bus transportation is not available to and from school under these circumstances.

If you have any questions, please do not hesitate to call me.

Sincerely,

Rob O'Connor, Ed.D.  
Superintendent



Learners Today...  
Leaders Tomorrow...  
**Mustangs  
Forever!**



## MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

County District #027904

## 2013-2014 TRANSFER REQUEST FORM

## Please Print

Student's Name BJC Transfer Requested for 3 Grade Level  
 Student's Name \_\_\_\_\_ Transfer Requested for \_\_\_\_\_ Grade Level  
 Student's Name \_\_\_\_\_ Transfer Requested for \_\_\_\_\_ Grade Level  
 Student's Name \_\_\_\_\_ Transfer Requested for \_\_\_\_\_ Grade Level

## MFISD Campus Requested

Student #1: Colt Student #2: \_\_\_\_\_ Student #3: \_\_\_\_\_ Student #4: \_\_\_\_\_  
 Parent/Guardian's Name: Wes Campbell Email Address: Wes4UT@gmail.com  
 Physical Address: 103 Thrush City: Highland Haven Zip: 78657  
 Mailing Address: 100 Raindrop Ln. City: Kingland Zip: 78639  
 Home Phone: 830-832-0308 Work Phone: same Cell Phone: same

Reason for Request: 1. Inter-District Transfer - Living outside district boundaries (Also, please complete student background check)

Phyllis Campbell

2. Parent is a MFISD Employee Campus/Dept: Colt Elem  
 Intra-District Transfer - Transfer between Elementary Attendance Zones Resident Campus: \_\_\_\_\_  
 3. Moving out of district, wish to remain in MFISD for the rest of the current school year, Date of move: \_\_\_\_\_  
 5. Building/Buying a residence in MFISD, estimated move-in date \_\_\_\_\_ (attach contract)

School (campus and district) last attended:

Student #1: MF Elem Student #2: \_\_\_\_\_  
 Student #3: \_\_\_\_\_ Student #4: \_\_\_\_\_

## Documents that may be required:

1. Most recent report card (gr K-12)
2. Test Scores (TAKS, Assessment) (gr 4-12)
3. Transcripts (gr 8-12)

## Special Services being provided:

☒ None \_\_\_\_\_ ESL \_\_\_\_\_ 504  
 \_\_\_\_\_ Career & Technology  
 \_\_\_\_\_ Speech  
 \_\_\_\_\_ Special Education (attach IEP)

Other (specify) \_\_\_\_\_

If you would like to include additional information please attach a separate letter of explanation to this form.

## INTER-DISTRICT TRANSFERS REQUIRED INFORMATION - MUST COMPLETE IF YOU DO NOT LIVE WITHIN MFISD

\*Resident School District \_\_\_\_\_ (the district in which you live)  
 \*\*Resident School (campus) \_\_\_\_\_ (the school you would attend if not attending MFISD)

## SIGNATURES - MUST COMPLETE

I understand that, if approved, the transfer is granted conditionally based on the following criteria: program availability, discipline history, academic performance, and attendance, including tardies. The transfer may be revoked based on Board Policy FDA (Local), to the extent permitted by law. It is effective for one school year only. I understand that transportation to the requested school is my responsibility. I understand that falsification of information is a Class A Misdemeanor and can lead to legal action. I have read and understand the District policy on out-of-district transfers. I agree to abide by all rules and regulations set forth in this policy. I understand that as a transfer student school placement may be changed to accommodate resident students. I have been informed that, in some cases, previously approved transfers may be revoked due to space limitations.

Parent/Guardian Signature Wes Campbell Date 8/15/13

Please submit the transfer request to the MFISD Central Administration Office - 1800 Colt Circle - 830-693-4357

## MFISD USE ONLY

Received: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied (reason): \_\_\_\_\_ Date: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date of notification to Parent/Guardian: \_\_\_\_\_ Campus Notified: \_\_\_\_\_

Reason for Denial: 1. Attendance 2. Academics 3. Space/Staff 4. Discipline 5. Program Activity





Cynthia Clstudio <clcintx@gmail.com>

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**FW: campbell 41790**

**Cindy Vernon** <cowartlawaide@timcowartlawoffice.com>  
To: "clcintx@gmail.com" <clcintx@gmail.com>

Wed, Mar 9, 2016 at 12:12 PM

Cynthia: Please see message below regarding a hearing tomorrow at 11:45 a.m. As stated, it is not necessary for you to appear but can if you wish.

If you have any questions, please feel free to give us a call.

Sincerely,

Cindy Vernon

Legal Assistant

Cowart Law Offices

---

**From:** Erica Gambrell [mailto:[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)]  
**Sent:** Tuesday, March 8, 2016 8:41 AM  
**To:** Tim Cowart  
**Cc:** Cindy Vernon; [trey@mockandbrown.com](mailto:trey@mockandbrown.com)  
**Subject:** RE: campbell 41790

Great! I will let her know. thank you tim. I don't anticipate it being more than a 15-20 minute hearing on the Spring Break issue. Correct me if that is not your understanding.

*Erica Gambrell*

*Court Coordinator*

*County Court at Law*

**512-715-5245**

---

**From:** Tim Cowart [mailto:[jtcowart@timcowartlawoffice.com](mailto:jtcowart@timcowartlawoffice.com)]  
**Sent:** Monday, March 07, 2016 7:05 PM  
**To:** [ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)  
**Cc:** Cindy Vernon; [trey@mockandbrown.com](mailto:trey@mockandbrown.com)  
**Subject:** Re: campbell 41790

Hi Erica,



## Mandamus Appendix Tab 37 - FW\_ Spring Break 2016 campbell

Please inform the judge that I will make my best efforts to be there at 11:45 a.m. on March 9, 2016.

Please let the judge know that I have four cases on the San Saba felony docket that morning, along with two CPS cases at 1:30 p.m. in Llano.

Ms. Ashby has a final hearing scheduled on Wednesday, so she cannot be there.

I will notify you in the event I am running late.

Regards,

Tim Cowart  
Attorney at Law

**Phone:** (325) 247-5486 (Llano)  
**Phone:** (830) 798-1063 (Marble Falls)  
**Fax:** (866) 418-4160

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**From:** Erica Gambrell [<mailto:ccalcoord@burnetcountytexas.org>]  
**Sent:** Monday, March 7, 2016 3:41 PM  
**To:** [trey@mockandbrown.com](mailto:trey@mockandbrown.com); 'Crystal Ellett-Mitchell'; Cindy Vernon; TIM COWART  
**Subject:** campbell 41790

All:

I have spoken with the Judge regarding the Spring Break issue on this case. She has stated we will have a **hearing on March 9** in order that we may have the issue resolved before Spring Break. Mr. Cowart ( or Ms. Ashby) you are welcome to choose the time and you may also appear by phone at that time. Parties will not need to be present but may if they so choose but attorneys will either be present or appear by phone. Please let me know what time works best for you. Thank you and looking forward to hearing from you.

*Erica Gambrell*

*Court Coordinator*



Mandamus Appendix Tab 37 - FW\_ Spring Break 2016 campbell  
*County Court at Law*

**512-715-5245**



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**From:** Crystal Ellett-Mitchell [<mailto:crystal@mockandbrown.com>]  
**Sent:** Thursday, July 21, 2016 3:49 PM  
**To:** Alissa Sherry <[asherry@legalconsensus.com](mailto:asherry@legalconsensus.com)>  
**Cc:** 'Jim Richardson' <[jrichardson@richardsonburgess.com](mailto:jrichardson@richardsonburgess.com)>; Erica Gambrell <[ccalcoord@burnetcountytexas.org](mailto:ccalcoord@burnetcountytexas.org)>  
**Subject:** Campbell/Chebultz

Dear Dr. Sherry:

I am in receipt of your email of Tuesday, July 19, 2016. Please be advised that I spoke with the Court Coordinator, Erica, this week and asked her if the Judge had responded to your letter of June 27, 2016. Erica informed me that she would speak to the Judge regarding this matter and let all parties involved know of her response. If you or Jim have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

Trey Brown

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NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

**Cause Number** 41790*Complete this section so that it looks exactly like the Petition filed in your case.*

In the Interest of the following Minor Child(ren):

1 BJC  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_

In the (check one):

33 ☐ District Court  
 Court Number ☒ County Court at Law  
☐ Justice Court (JP)  
 Precinct \_\_\_\_\_  
 Burnet County, Texas

## Second Amended Motion for Continuance and Notice of Hearing

- My name is: Cynthia Lee Chebultz.  
First Middle Last
- I am the Respondent in this case.
- This case is presently set for a hearing or trial on 5 / 29 / 2019.  
Month Day Year
- I ask the Court to change the date of the hearing or trial to a later date because: (Check all that apply.)  
☒ See "Reason for Continuance - Attachment"

- ☐ I did not get at least 3 days' notice of this hearing.
- ☐ I did not get at least 10 days' notice of this **contempt/enforcement** hearing.
- ☐ I did not get at least 45 days' notice of this **final** hearing or trial, which did not give me enough time to prepare for the hearing. The lack of notice was not reasonable and violated my due process rights as well as Rule 245 of the Texas Rules of Civil Procedure.
- ☒ I need time to hire a lawyer.
- ☒ I need time to get legal advice and get ready to represent myself at the hearing.
- ☐ Other: (see attached)

- This continuance is not sought solely for delay but that justice may be done. I ask the Court to grant my Motion for Continuance.

Respectfully submitted,

Cynthia Lee Chebultz

Your Signature

Cynthia Lee Chebultz

Your Printed Name

108 Marion Meadowlakes, TX 78654

Mailing Address

clcintx@gmail.com

Email Address

5/28/2019

Date

512-905-6549

Phone

City

State

Zip

Fax Number (if available)



## Notice of Hearing

The above motion is set for hearing on 5/29/2019 at 9 : 00 ☒ a.m. ☐ p.m.

at the Burnet County Courthouse, located at:

1701 E Polk St, Ste 90 , Burnet, TX 78611

*Physical Address of Courthouse*

*City*

*State*

*Zip*



*Signature of Judge or Clerk (if required in your County)*

## Declaration (Pursuant to Texas Civil Practice & Remedies Code 132.002)

My full name is: Cynthia Lee Chebultz,

my date of birth is: 12 / 28 / 1968, and my address is: 108 Marion Meadowlakes, TX 78654

and United States of America  
*Country*

I declare **under penalty of perjury** that: 1) I am the person asking for a continuance, 2) I have read this Motion for Continuance, and 3) the statements in this Motion for Continuance are within my personal knowledge and are true and correct.

Executed (formally signed) in Burnet County, Texas on this date: 5/28/2019.



Cynthia Chebultz

*Signature of Party Asking for Continuance*

## Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: (Check one.)

☐ Hand delivery to the other party: \_\_\_\_\_

☐ Hand delivery to the other party's lawyer: \_\_\_\_\_

☒ Email to this email address: Wes Campbell at wes4ut@gmail.com;

☐ Certified mail, return receipt requested to this address: **(Note: This method may take too long.)**

☐ Commercial delivery service (for example FedEx) to this address: \_\_\_\_\_

☐ Fax to fax #: \_\_\_\_\_

☐ Electronic service through the electronic filing manager. **(Note: The method is required if you electronically file (e-file) this document and the email address of your spouse or your spouse's attorney is on file with the electronic file manager.)**



Cynthia Chebultz

*Signature of Party Asking for Continuance*

5/28/2019

*Date*



Amended to Add that Respondent has been unable to communicate with opposing counsel Trey Brown after multiple tries due to errors in his email inbox stating that his email inbox is full. I have attached the proof in this amended motion

My mother, Patty Chebultz spent May 28th in pre-op with complications regarding getting into surgery that day. Her surgery for major debulking procedure was rescheduled to May 29th 2019 at 9am (The exact same time as the hearing at had) for her late-stage ovarian cancer that is not responding to Chemotherapy. Stone Oak Baptist Hospital in San Antonio 520 Madison Oak Dr, San Antonio, TX 78258 - (210) 297-4000. James Wilder MD 540 Madison Oak Dr #570, San Antonio, TX 78258 (210) 402-3700

#### Reason for Continuance - Attachment

My mother is suffering from late stage ovarian cancer that is not responding to chemotherapy. The Petitioner, Wes Campbell filed a motion to enforce on the day that my mom was going in for a major debulking surgery on May 15th. My mother was not healthy or strong enough for surgery that day and so it has been rescheduled for May 28th. There is a very real possibility that on May 29th that I could be planning my mothers funeral. At the least I hope to only be at the hospital in San Antonio making medical decisions for her as her only living adult family member. I do not foresee any reasonable way that I can be gone from the hospital for half a day just hours after she comes out of surgery. If there are any live saving decisions that need to be made I need to be able to be there at the hospital for 24-48 hours post surgery. I can provide verification from the Dr. Wilder if necessary.

Matt Grove does not currently and has not ever represent me in this case. Mr. Grove has only ever represented me in a different case (Case #48256). I need time to find a lawyer that can represent me in this case or have time to prepare to represent myself Pro Se.

I need time to gather my evidence consisting of multiple times for the past 9 months that my attorney has requested a written passport agreement so that the petitioner:

1. Cannot deny my access to travel with the child. Which he did in July of 2018 in which I gave Mr Campbell weeks advance notice of international travel and still I had extensive travel change expenses as I was 2 days late leaving the country for a business trip in which Mr Campbell refused to produce the Child's passport. The court would not hear our case until after the trip had ended and so the child and I had to fly back to Texas so the child go go into his fathers house and get the passport while his father was at work. Because of this I am sure that Mr Campbell will in the future lock the passport up so even the nearly 15 year old child does not have access to the passport.
2. Cannot travel internationally with the child without proper notice to me. December 31st 2017 I received notice from Mr Campbell that he and our son were leaving the country for Mexico in less than 48 hours. This is not sufficient notice for international travel with a child.
3. Cannot continue to refuse to sign a passport agreement.

Because of the reasons above I feel I will be able to demonstrate that **Mr Campbell is the only one to have ever violated any verbiage that should be in a passport agreement.** I will also be able to show that **for 9 months Mr Campbell has continued to refuse to sign a passport agreement** and that multiple times over the past 9 months I have offered to FedEx the passport to Mr Campbell as soon as he signs the agreement. With Mr. Campbell's continued actions violating any such sort of passport agreement and his continued refusal to sign an agreement I will be asking the court to put such an agreement in place so that when this happens in the future I will have recourse (which I have not had in the past). With my mother so ill I need more time to gather the evidence regarding the reasons for this request.

Thank You





Richardson + Burgess LLP

September 14, 2016

**VIA ELECTRONIC MAIL**

Mr. Trey Brown  
Law Office of Mock & Brown  
400 South Main  
Burnet, Texas 78611

Re: *In the Interest of B.J.C. a Child*; No. 41,790; In the County Court at Law, Burnet County, Texas

Dear Trey:

At 9:43 a.m. today, your client, Mr. Campbell, wrote to Cindy Chebultz, saying:

“Just wanted to let you know that *I am introducing BJC to Madeline Crain-Hewitt today* so in case he ever needs a local counselor he will have an *established relationship.*”

....

Thx.

(Email from W. Campbell to C. Chebultz dated September 14, 2016) (emphasis added). However, on December 15, 2015, in an email that is attached, you made the identical request of Judge Bayless for Mr. Campbell to take **BJC** to a new therapist “to establish a proper relationship,” as follows:

Judge Bayless,

“Mr. Campbell wants to be able to establish a proper relationship with a new counselor and to also allow for Ms. Chebultz to establish a new and neutral relationship as well. We would like that relationship to . . . be geographically close in the event that **BJC** have some sort of more urgent need.”

In reply, Judge Bayless stated, “Trey, – I’m not inclined to agree with changing counselor unless **BJC** wants to and Ms. Chebultz agrees.”

Today, Ms. Chebultz explicitly does *not* agree to Mr. Campbell taking **BJC** to a new therapist any more so than she agreed to that proposal in December when Judge Bayless denied your request. Nor may Judge Bayless’ order be circumvented by attempting to label the visit as an



Mr. Trey Brown  
September 14, 2016  
Page 2

“introduction” to create “an established relationship.” That is exactly what was proposed and denied in December.


Accordingly, please inform your client *immediately* that Ms. Chebultz does *not* agree o this proposed unilateral action. If Mr. Campbell elects to take such unilateral action anyway, Ms. Chebultz will take appropriate measures to bring such misconduct to the attention of the court and Dr. Sherry.

The transcript of the December 2015 hearing includes multiple requests by Judge Bayless to the parties that they work together cooperatively for the benefit of the child and forge agreements *before* actions are taken. Today’s email from Mr. Campbell to my client without even bothering to contact me first and without more than a few minutes’ notice violates the court’s express instructions and ruling. Please call should you have any questions.

Thank you.

Sincerely,

RICHARDSON + BURGESS LLP

By:   
James M. Richardson

Attachment  
cc: Mr. Will S. Moursund



Forwarded message  
Mandamus Appendix Tab 40 - Letter to Trey Brown RE Therapist 9.14.2016  
From: Kimberly Ashby <cowartlaw@gmail.com>  
Date: Tue, Dec 15, 2015 at 2:52 PM  
Subject: FW: ITIO Campbell - PLEASE FORWARD TO JUDGE BAYLESS  
To: Tim Cowart <jtcowart@timcowartlawoffice.com>  
Cc: Cindy Vernon <cowartlawaide@timcowartlawoffice.com>

From: Linda Bayless [mailto:caljudge@burnetcountytexas.org]  
Sent: Tuesday, December 15, 2015 2:38 PM  
To: lisa@mockandbrown.com  
Cc: 'Cowart Law' <cowartlaw@gmail.com>  
Subject: RE: ITIO Campbell - PLEASE FORWARD TO JUDGE BAYLESS

Trey,

I do not have an objection to No. 1.

I agree with No. 2.

No. 3 – I'm not inclined to agree with changing **BJC** counselor unless **BJC** wants to and Ms. Chebultz agrees.

Judge Bayless

---

From: Erica Gambrell [mailto:ccalcoord@burnetcountytexas.org]  
Sent: Monday, December 14, 2015 10:18 AM  
To: caljudge@burnetcountytexas.org  
Subject: FW: ITIO Campbell - PLEASE FORWARD TO JUDGE BAYLESS



From Trey

Erica Gambrell

Court Coordinator

County Court at Law

512-715-5245

---

**From:** LuLisa Nance [mailto:[lisa@mockandbrown.com](mailto:lisa@mockandbrown.com)]

**Sent:** Friday, December 11, 2015 12:02 PM

**To:** Erica Gambrell

**Cc:** Cowart Law

**Subject:** ITIO Campbell - PLEASE FORWARD TO JUDGE BAYLESS

Dear Judge Bayless,

I would like to address a few points in your ruling for the Campbell case, for both your consideration and then your clarification. These points have to do with the Order for Counseling Services.

1. You have Ordered my client, Wes Campbell, to pursue weekly Counseling, and then specifically request that the Court receive a progress summary at the Hearing in May. We have identified a new Counselor who is just starting a private practice in Marble Falls. Her name is Rita Pickering. She is a Licensed Marriage and Family Therapist. She has 30 plus years of experience and we initially believe she has the experience and professional maturity to assist Wes in his compliance with your Order. But there is a possible complication that we want to address up front in order to avoid any problems for the future.

Rita Pickering is in Private Practice and works independently, however, she is sub-leasing office space from Robert Henley, out of his Whitestone office in Marble Falls. Mr. Henley leases the first floor of an office building that is owned by Wes Campbell. I have checked and confirmed that Ms. Pickering works for herself. She does not work for Robert Henley in any manner. She also does not have any business arrangement or obligation with Wes Campbell. She leases office space on a month to month basis from Robert Henley and holds no established contract obligation. Mr. Henley is allowing Ms. Pickering to utilize the space for a monthly fee while she attempts to establish her practice. Ms. Pickering does not know Wes Campbell and has no conflicts of interest or professional duality concerns. I just want to be sure the Court does not have an objection that is discovered well after the fact and the completion of Wes' Counseling Services.

2. In regard to the Counseling Order we would also request that the clarification be made that Counseling services be provided under the instruction and recommendations of the identified Counselor and that services be provided in accordance with his or her recommendations. I am concerned that an Order for weekly services potentially puts my client in a position of jeopardy, if at some time in the future, the Counselor recommends that progress is made and that services or visits would be ordered at a different frequency. Wes will comply with whatever the Counselor prescribes but I simply want to rest on the recommendations of a professional to make that clinical decision and avoid putting my client at risk.



3. In regard to Counseling services for **BJC**- My position is that the Court has correctly ruled in the proper favor of my client and that this Order will stand and become Final. To that end we would like to utilize the reasonable right for Wes Campbell to pursue a new and neutral Counselor to now establish a therapeutic relationship with **BJC** and provide reasonable and prescribed services at an office located in or around Marble Falls. Wes wants to be able to establish a proper relationship with a new counselor and to also allow for Ms. Chebultz to establish a new and neutral relationship as well. We would like that relationship to develop based on the new and future circumstances for **BJC** and for that Counselor to be geographically close in the event that **BJC** have some sort of more urgent need. We also would like to respectfully begin a new relationship with a Counselor for **BJC** who was not Forensically involved in the case and who was not selected in the manner the present counselor was obtained, and someone who will be able to start fresh and establish an equal and balanced contact and relationship with both Parents. As **BJC** is very probably going to maintain his long term residence in Marble Falls, we would like to avoid the need to change his therapeutic contact once this process completes. If he establishes a new relationship now, with a new and neutral Counselor, he will be able to continue that relationship for the long term future as needed.

We do not have a specific Counselor in mind but know that a new Counselor is now practicing in Marble Falls and she specializes mainly in work with Children. I apologize but I do not specifically know her name but I believe it is Marilyn (?) and we can find out more information if this reasonable and very appropriate request can be granted. I do not have any personal dealings with her nor does my client. I do not believe Ms. Chebultz knows her ether. Mr. Cowart may know of her and have information that we do not have.

I believe these clarifications and considerations are appropriate and necessary to establish an appropriate process by which all Parties can comply with the Order in a manner that is appropriate, timely, and will allow for services consistent with your ruling in this case and that will also provide a foundation for continued services in the future as necessary.

I look forward to hearing from you soon, regarding these three (3) points of clarification regarding your December 1, 2015, ruling, as Wes is needing to start his counseling soon.

Sincerely yours,

Trey Brown



STATE OF TEXAS

COUNTY OF BURNET

BEFORE ME, the undersigned authority, on this day personally appeared, WESLEY HOWARD CAMPBELL, who, after being by me duly sworn stated:

"I am the Respondent in the above entitled and numbered cause.

"On Monday, August 24, 2015, I left my residence in Highland Haven around 9:10 A.M. to run errands in Marble Falls, Texas, and hand water the lawn at the Fifth Street office building. I had no idea that my son, BJC , was not already in school as his school starts at 7:45 A.M. Around 9:25 A.M., at the intersection of Broadway and Avenue P in Marble Falls, I noticed Cynthia Chebultz and BJC approaching in her BMW convertible traveling in the opposite direction. As we passed each other, I waived at them and continued on to my Fifth Street office. Around 10:00 A.M., after completing my work, I returned to my residence in Highland Haven on 1431. As I passed Marble Falls Elementary School, I noticed Cynthia Chebultz's BMW parked in the Marble Falls Elementary School parking lot. I did not stop or go inside the Roadrunner Convenience Store, which is approximately 250 yards from the Marble Falls Elementary School front entrance, or enter the parking lot of the school.

"The following is a brief summary of my limited communication with B.J.C. the week of trial:

"Sunday, August 23, 2015 - When we dropped BJC off at Mike Hill's residence at 2:50pm, he was all smiles and perfectly normal. I told him to be strong and everything was going to work out fine (since he had previously mentioned to Phyllis and I that he was aware the trial date was the coming up). Cindy and I had a 15 second conversation (after BJC went inside) during which I asked her to please reconsider pushing through with the trial. I suggested that we both do what was best for BJC and try to work out a Rule 11 proposal which we had proposed. She replied that the trial was what was best for BJC

"Monday, August 24, 2015 - BJC must have become needlessly upset because he had to go to Rhonda Gilchrist's office Monday morning.

"Tuesday, August 25, 2015 - During trial on Tuesday, I learned of the Monday incident with BJC I called/texted Cindy starting around 4:45pm requesting to speak with BJC She finally allowed him to call me from her phone at 9:12pm (as she was whispering to him in the background, which is normal). Call lasted 3 min 55 sec. I just told him we loved him and assured him everything was going to work out. He seemed normal.

"Wednesday, August 26, 2015 - I went to MF Elementary to take BJC a sack

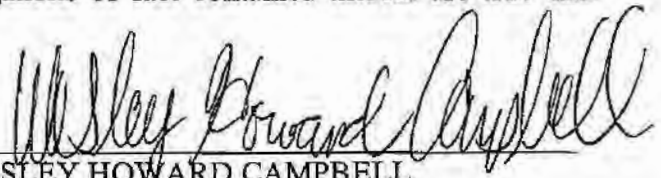


lunch, and while there I briefly visited with the school counselor (Lisa). She said that BJC seemed fine now, but confirmed that he was upset on Monday morning and seemed to be fearful that I was going to 'come and take him away from school'. I assume that BJC was picked up from school by Cindy's mother (Patty Chebultz) because trial lasted until 6:30pm.

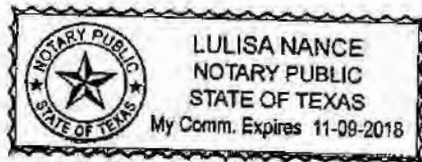
"Thursday, August 27, 2015 - I emailed his 2 teachers and their responses both stated that BJC was doing well at school and seemed very happy. See attached copy of email from Jill Watson.

"Friday, August 28, 2015 - Again I assume that BJC was picked up from school by Patty Chebultz because trial lasted until 5:00 pm and we were advised around 4:00 that BJC was present on the square in Burnet and ready to speak with the judge.

"I have read the foregoing Affidavit in Support of Motion to Modify, Correct, or Reform Judgment and swear that all of the allegations of fact contained therein are true and correct."

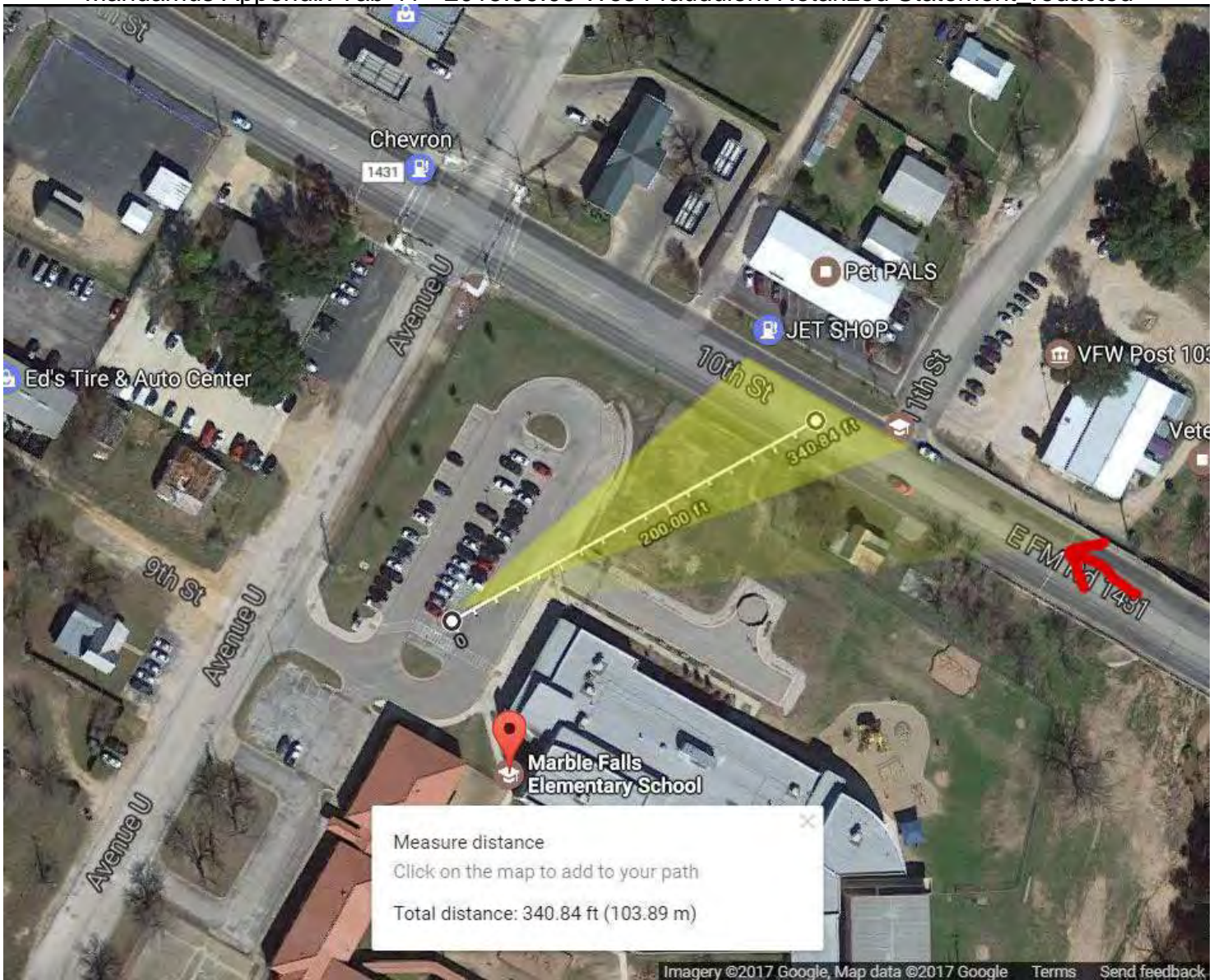
  
WESLEY HOWARD CAMPBELL

SUBSCRIBED AND SWORN to before me this the 8<sup>th</sup> day of September  
2015.



  
NOTARY PUBLIC, STATE OF TEXAS



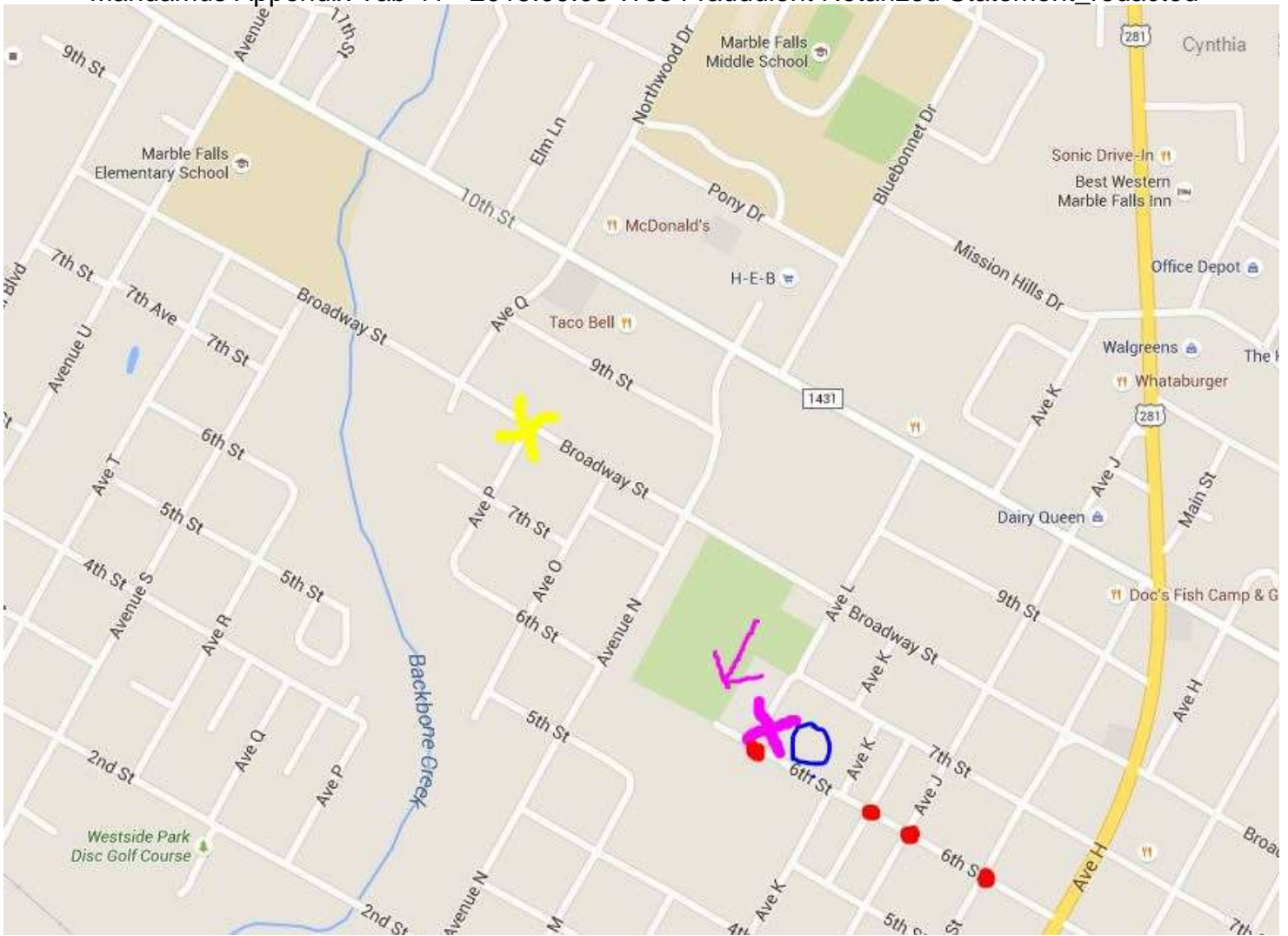


**Mr Campbell's notarized document to the court** he talks about passing school, Mr Campbell states that he was traveling westbound on 1431 heading home. **"Around 10:00 A.M., after completing my work, I returned to my residence in Highland Haven on 1431. As I passed Marble Falls Elementary School, I noticed Cynthia Chebultz's BMW parked in the Marble Falls Elementary School parking lot."**

The designated front office visitor parking is the spots right there in front of the door that are vacant in this aerial photo. I knew Mr Campbell was following us as we had passed him in front of my apartment already, so I made a point of parking as close to the front door as possible, which measures 340 feet from westbound 1431 where Mr Campbell claims he was traveling.

If you look at that aerial view the only place where Mr Campbell would have been able to see my car from 1431 was the yellow shaded area. Because of the trees, buildings and other cars that are in the way along 1431 the only shot he had to see my car was the brighter shaded area. That brighter shaded area heading West on 1431 is about 125 ft long. The speed limit is 40 mph (or 59 ft per second). And as you can see I was parked around 340 ft from that part of Westbound 1431. **So Mr Campbell is claiming he just happened to clearly identify my car in front of the school from almost a 90-degree angle, during a 2-second window from over a football field away, while he was driving down the road at 40 mph??**





Mr Campbell says he passed us where the yellow X is.

He actually passed us where the purple X is traveling in the direction of the purple arrow.

My apartment was at the blue circle.



REPORTER'S RECORD

VOLUME 1 OF 1 VOLUME

CAUSE NO: 41790

IN THE INTEREST OF	)	IN THE COUNTY COURT
B.J.C.	)	AT LAW
A CHILD	)	BURNET COUNTY, TEXAS

HEARING

On the 6th day of April, 2016, the following proceedings came on to be held in the above-entitled and numbered cause before the HONORABLE LINDA BAYLESS, Judge presiding, held in Burnet, Burnet County, Texas.

Proceedings reported by computerized stenotype machine.



A P P E A R A N C E S

MOCK & BROWN

400 S. Main Street

Burnet, Texas 78611

512-756-2931

BY: Mr. Trey Brown

APPEARING ON BEHALF OF MR. WESLEY CAMPBELL

MR. TIM COWART

Attorney at Law

119 Avenue G

Marble Falls, Texas 78654

830-798-1063

APPEARING ON BEHALF OF CYNTHIA CHEBULTZ

RICHARDSON & BURGESS

221 West 6th Street

Suite 900

Austin, Texas 78701

512-482-8808

BY: MR. JIM RICHARDSON

APPEARING ON BEHALF OF CYNTHIA CHEBULTZ



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A P P E A R A N C E S   C O N T ' D

MOURSUND LAW OFFICE

10603 US 281

Round Mountain, Texas   78663

830-825-3233

BY:   MR. WILL MOURSUND

APPEARING ON BEHALF OF CYNTHIA CHEBULTZ



1 P R O C E E D I N G S

2 THE COURT: What are we doing? Why are  
3 we here? I mean, other than if we're not going to enter  
4 a final order. What are you going to do?

5 MR. RICHARDSON: Well, Your Honor, I'd  
6 like to introduce myself. I don't know that you and I  
7 have met.

8 THE COURT: We have not.

9 MR. RICHARDSON: Although I've been in  
10 this court quite a few times. My name is Jim  
11 Richardson.

12 THE COURT: Since I've been here?

13 MR. RICHARDSON: No, not since you've  
14 been here.

15 THE COURT: Oh, okay.

16 MR. RICHARDSON: When Judge Savage was  
17 here.

18 THE COURT: I know this gentleman very  
19 well.

20 MR. MOURSUND: Do you know this guy?

21 THE COURT: I know this guy too. You  
22 were the only unknown.

23 MR. RICHARDSON: Well, I hope to change  
24 that. Again, my name is Jim Richardson. I made an  
25 appearance in the case yesterday for the first time to



1     assume the role of lead counsel on behalf of Ms.  
2     Chebultz. And I've also filed a motion for continuance  
3     of what I thought was a motion filed by Mr. Brown for  
4     entry of final orders today.

5                     THE COURT: Right.

6                     MR. RICHARDSON: And the reason for that  
7     is, number one, obviously since I just became involved  
8     in the case last week I would like to have a brief delay  
9     to review everything. But more importantly I have been  
10    able to review the transcript from the hearing that took  
11    place in this courtroom on December 1st. And at that  
12    time the Court indicated very strongly that as a result  
13    of the change of the conservatorship that was occurring  
14    then that the Court wanted to retain jurisdiction to  
15    make absolutely sure that the issue of compliance could  
16    be evaluated in about six months. And in that regard  
17    there was a hearing set in the nature of a compliance  
18    hearing for May 25th, 2016.

19                    THE COURT: Correct.

20                    MR. RICHARDSON: And the purpose of that  
21    hearing was essentially to hear from the therapist of  
22    the father. However, I have spoken with Rhonda  
23    Gilchrist who has been for approximately a year the  
24    therapist for the child. And Rhonda Gilchrist has  
25    signed an affidavit stating that she could not be here



1 today, but pointing out that there have been a multitude  
2 of problems, and essentially what amounts to a  
3 deterioration of the child's wellbeing from the December  
4 1st date to the present. The affidavit is rather  
5 lengthy. It's self explanatory in terms of he's having  
6 headaches, he does not want to be living with his  
7 father, he has threatened to run away from home. Those  
8 were the --

9 MR. BROWN: Judge, I'm going to object to  
10 him --

11 MR. RICHARDSON: Excuse me, if I may  
12 finish.

13 THE COURT: Wait a minute. Let him  
14 finish.

15 MR. BROWN: I'm going to object to any  
16 purported testimony being offered at this time.

17 THE COURT: Well --

18 MR. RICHARDSON: So I offered that not to  
19 be argumentative, but for --

20 THE COURT: And I might point out that  
21 none of this would have happened had your client done  
22 what she was supposed to do in the first place.

23 MR. RICHARDSON: Okay.

24 THE COURT: So I'm not very sympathetic  
25 to her about any of this. Because she blatantly



1     disobeyed a court order, blatantly. So I'll grant the  
2     continuance. You all get a new date.

3                     MR. BROWN: May I --

4                     THE COURT: Sure.

5                     MR. BROWN: With respect to the  
6     discussions on December 1st regarding plenary  
7     jurisdiction and stuff, after you expressed some  
8     concerns about that -- and I think what you said on  
9     December 1st was consistent with your e-mail last week  
10    when you said final orders. We discussed 156.102 and we  
11    discussed the section that says, If after the compliance  
12    hearing you believed and there was an affidavit filed  
13    that some significant impairment to the child's  
14    emotional development is going on here then you could  
15    after that compliance hearing grant any parties' motion  
16    to modify before the one year anniversary of December  
17    1st. And that was where you came up with I think I can  
18    do that under 156.102 so let's enter final orders. And  
19    that's why I wanted the clarification I got last week.  
20    So before we break, is it still your intent to enter  
21    final orders? Because I'll be glad to provide those to  
22    Mr. Richardson today, provide him the transcript and say  
23    I believe my final orders comply with your ruling of  
24    December 1st, can you please make any suggested changes  
25    to these so that we can get this entered. Of course we



1 still have the compliance hearing set for May 25th.

2 MR. RICHARDSON: And if I may simply  
3 respond. I have in connection with the motion for  
4 continuance also filed a brief with this Court  
5 indicating that under the Texas Supreme Court's numerous  
6 decisions regarding plenary power this Court's  
7 jurisdiction will go away exactly 30 days after this  
8 final order is signed, which would mean that the Court  
9 would lose jurisdiction on May 6th. Mr. Brown knows  
10 this. And there would be then a compliance hearing that  
11 would take place without the Court having jurisdiction.  
12 The only way that jurisdiction could be reinstated is if  
13 a new lawsuit were filed, a motion to modify with  
14 service of process being had on the parties again and it  
15 would have to be an emergency motion set supported by  
16 affidavit.

17 My thought would be that going back to what you,  
18 Your Honor, rightly stated during that last hearing in a  
19 multitude of instances, you stated that you have grave  
20 concerns at that point in time. I understand where you  
21 were with respect to the mom. You also stated that you  
22 had grave concerns with respect to the conservatorship  
23 being awarded to the dad. And that you wanted to wait  
24 -- I think this is pretty much an exact quote, Let's  
25 take a look at what happens in the ensuing months and



1 then let's have a hearing about six months down the road  
2 to look at this. I want this to be temporary. That's  
3 pretty much a quote.

4 So the idea to get a leg-up by entering final  
5 orders after I thought the Court simply a few moments  
6 ago granted the continuance --

7 THE COURT: I did.

8 MR. RICHARDSON: Okay.

9 THE COURT: It's granted. I'm wondering  
10 if it would be worthwhile to order a psychological  
11 evaluation of BJC by some totally independent, not  
12 recommended by Ms. Gilchrist.

13 MR. RICHARDSON: Right. Okay.

14 THE COURT: But some totally reputable  
15 independent doctor or counselor to give me some idea of  
16 where he really is.

17 MR. RICHARDSON: Yes.

18 THE COURT: Because there's a lot of bias  
19 in all of this.

20 MR. RICHARDSON: I agree. What I would  
21 like to do is --

22 THE COURT: It's not comforting to me  
23 just to know that Ms. Gilchrist says this.

24 MR. BROWN: I would only feel comfortable  
25 doing that, Your Honor, if you were to pick someone out.



1 You understand that's already been done by the best  
2 interest evaluation --

3 THE COURT: Well, we've had a new  
4 development supposedly. And I'm not going to go just on  
5 what she says. I'm just not. So I would really like --  
6 and I guess I'll just order --

7 MR. RICHARDSON: Okay.

8 THE COURT: -- that he be evaluated by an  
9 independent reputable well-known counselor or  
10 psychiatrist or doctor or psychologist, whatever.  
11 Someone with really good credentials that does this  
12 frequently.

13 MR. RICHARDSON: Would it be all right  
14 for Mr. Brown and I to confer and just give you three  
15 names that we agree on, and then if we can't agree you  
16 can just pick one of them.

17 THE COURT: That's fine.

18 MR. BROWN: I don't know that I'm  
19 equipped to do that.

20 THE COURT: Well, who do I know? There  
21 used to be a psychiatrist in Austin, but he retired.  
22 Come up with three names.

23 MR. RICHARDSON: Okay.

24 THE COURT: And then I will research  
25 those people personally, because I want to be sure it's



1 somebody that works with children, someone who  
2 understands kids, someone who's, you know, not going to  
3 just rubber-stamp something that another counselor says.

4 MR. BROWN: Your Honor --

5 THE COURT: Independent evaluations.

6 MR. BROWN: -- there's been zero payments  
7 of child support since December 1st and zero payments of  
8 medical --

9 THE COURT: Why?

10 MR. BROWN: I don't know. It was clear  
11 from your ruling it's four seventy-seven and 102, and it  
12 started December 1st.

13 MR. RICHARDSON: I don't know.

14 THE COURT: Well, if she doesn't want to  
15 be held in contempt today, she needs to catch up today.

16 MR. RICHARDSON: That will be done, Your  
17 Honor.

18 THE COURT: By 5 p.m. today.

19 MR. RICHARDSON: Absolutely. My  
20 apologies.

21 THE COURT: Okay.

22 MR. RICHARDSON: I didn't know that.

23 THE COURT: See, that's another blatant  
24 disregard and respect for this Court. Not me  
25 particularly, but this Court.



1 MR. COWART: And it would be helpful if  
2 counsel might have said, Hey, where's the child support?  
3 But that didn't happen.

4 THE COURT: Well, counsel doesn't have to  
5 say that.

6 MR. COWART: I understand that, Your  
7 Honor. But --

8 THE COURT: Nobody has to say that to  
9 him, Tim.

10 MR. COWART: -- in this context, Judge --

11 THE COURT: I don't care.

12 MR. COWART: -- when we've got counsel  
13 bring that up to the Court in order to inflame the Court  
14 and then --

15 THE COURT: I mean, it's something I need  
16 to know. And it upsets me.

17 MR. COWART: I hear you.

18 MR. MOURSUND: Your Honor, with the  
19 dynamics of this case such as they are and have been,  
20 and maybe we're catching up and we apologize if we're  
21 not fully caught up, but with the evaluation of the  
22 child, will that obligation be shared mutually by the  
23 parents?

24 THE COURT: Yes.

25 MR. BROWN: Your Honor, can we reset this



1 hearing for a time that is within 30 days of May 25th?

2 That way on May 25th you still do have --

3 THE COURT: Well, it's probably going to  
4 be --

5 MR. BROWN: -- plenary jurisdiction if  
6 you enter final orders.

7 THE COURT: It's probably going to be  
8 that anyway.

9 MR. MOURSUND: Mr. Brown, we don't know  
10 hypothetically what is going to be developed. So quit  
11 trying to leg-up.

12 THE COURT: Okay. Get a new date. Do it  
13 -- what's May 6th?

14 MR. BROWN: It could be April 25th. You  
15 would still have 30 days after the compliance hearing.

16 (Off the record between Judge and  
17 coordinator.)

18 MR. RICHARDSON: But if we're going to go  
19 ahead and --

20 THE COURT: Now, an evaluation can take  
21 longer, right?

22 MR. RICHARDSON: That's what I'm saying.  
23 If we're going to be doing that, this is just an example  
24 of someone who's trying to cut the Court off at the pass  
25 in listening to what the evidence is before we make a



1 decision.

2 THE COURT: Well --

3 MR. BROWN: Your Honor, I'm really not.

4 MR. RICHARDSON: Yes, you really are.

5 MR. BROWN: I really thought it was a  
6 final order with a compliance hearing on May 25th.

7 THE COURT: What he thought --

8 MR. RICHARDSON: Right.

9 THE COURT: -- per my e-mail that what we  
10 were doing here today was a final hearing.

11 MR. RICHARDSON: Yes, Your Honor.

12 THE COURT: I changed -- I totally  
13 switched gears on him.

14 MR. RICHARDSON: Okay.

15 THE COURT: So I have a little  
16 understanding about that.

17 Let's -- there's surely -- today is April the 7th  
18 or 6th?

19 MR. COWART: Today's the 6th all day.

20 THE COURT: Okay. Surely you can find a  
21 psychiatrist or psychologist, get an evaluation, get a  
22 report before May 10th? That's 30 days.

23 MR. BROWN: Judge, are there going to be  
24 certain rules of who brings him to this? And I assume  
25 this is just a psychological evaluation of BJC



1                   THE COURT:   BJC       Well, if the  
2 counselor needs to speak with the parents to get the  
3 full picture, then the counselor needs to speak with the  
4 parents. I would assume they'd want to do that. I  
5 think any thorough evaluation of the child and  
6 especially in the situation where it's being alleged  
7 that he's having trouble adapting to living with one  
8 parent, a counselor is going to want to speak to those  
9 parents as well. So it doesn't matter to me who takes  
10 him. If that's an issue, then I'll decide. But surely  
11 to goodness they can at least figure out who's going to  
12 take him. And then both are ordered to work, you know,  
13 to work with the counselor, to be interviewed if that's  
14 what the counselor wants to do. Set it before May 15th.  
15 May 11th?

16                   MR. RICHARDSON: Your Honor, may I ask  
17 the Court to grant this motion for substitution of  
18 counsel?

19                   MR. BROWN: Judge, I really don't know  
20 what they're substituting in. We've got a final order.  
21 There are no motions filed for anything.

22                   THE COURT: Well, we're going to do it.

23                   MR. BROWN: Does this mean --

24                   THE COURT: Tim, you had notice of this,  
25 right?



1                   MR. COWART: I received that yesterday  
2 evening and I have no objection to it.

3                   THE COURT: All right. Okay. That's  
4 all. Thank you. I'll see y'all on May 11th.

5                               (End of proceedings.)  
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C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF BURNET )

I, VICKI K. KANEWSKE, Official Court Reporter in  
and for the County Court at Law of Burnet, Burnet  
County, State of Texas, do hereby certify that the above  
and foregoing contains a true and correct transcription  
of all portions of evidence and other proceedings  
requested by counsel to be included in this volume of  
the Reporter's Record in the above-styled and numbered  
cause, all of which occurred in open court or in  
chambers and were reported by me.

I further certify that this Reporter's Record of  
the proceedings truly and correctly reflects the  
exhibits, if any, requested to be included.

I further certify that the total cost for the  
preparation of this Reporter's Record is \$119 and will  
be paid for by Mr. Will Moursund, Attorney at Law.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the  
13th day of April, 2016.

/s/Vicki K. Kanewske

VICKI K. KANEWSKE, TEXAS CSR NO: 2159; EXPIRES: 12-31-16

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