

1 IN THE DISTRICT COURT OF MIAMI COUNTY, KANSAS
2 SIXTH JUDICIAL DISTRICT

3
4 In the Matter of:

5 SYNTHIA TRAGER

6 Case No. 2017-JC-35

7
8 TRANSCRIPT OF ADJUDICATORY HEARING

9
10 PROCEEDINGS had before the Honorable Amy
11 L. Harth, Judge of the Sixth Judicial District of
12 the State of Kansas, at Paola, Kansas, on the 17th
13 day of January, 2018.

14 APPEARANCES:

15 Appearing for the Plaintiff was MS.
16 ELIZABETH SWEENEY-REEDER, COUNTY ATTORNEY, Miami
17 County Courthouse, 120 South Pearl Street, Paola,
18 Kansas 66071.

19 Appearing for the Natural Mother,
20 CHANTAL L. BEST, was MR. KEVIN CAVANAUGH, 7111
21 West 98th Terrace, Suite 140, Overland Park,
22 Kansas 66212.

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24
25 Reported by Paula McRorey, CSR, RPR, RMR

APPEARANCES (Continued)

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Appearing for the Natural Father, Sun E.
Trager, was MS. GERI HARTLEY of NICHOLSON,
DASENBROCK & HARTLEY, LC, 26 West Peoria Street,
Paola, Kansas 66071.

Guardian Ad Litem, MR. RICHARD M.
FISHER, JR., 549 Main, Osawatomie, Kansas 66064.

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1 THE COURT: This is 17-JC-35, In
2 the Interest of Synthia Trager.

3 Are the parties ready to proceed?
4 Counsel enter their appearances,
5 please.

6 MS. SWEENEY-REEDER: State by
7 Elizabeth Sweeney-Reeder, Miami County Attorney.

8 MR. FISHER: Your Honor, the minor
9 appears in person and by and through her guardian
10 ad litem, Richard M. Fisher, Jr.

11 MR. CAVANAUGH: The natural mother,
12 Chantal Best, appears in the courtroom and with
13 her attorney, Kevin Cavanaugh.

14 THE COURT: Counsel, we are set for
15 adjudication today. Are the parties ready to
16 proceed?

17 MS. HARTLEY: Your Honor, if it
18 please the Court, the natural father appears not
19 but by and through counsel, Geri Hartley.

20 THE COURT: Sorry, Miss Hartley.
21 Are we ready to proceed?

22 MS. SWEENEY-REEDER: I believe so,
23 Your Honor.

24 THE COURT: Mr. Fisher.

25 MR. FISHER: Yes, Your Honor.

1 THE COURT: Mr. Cavanaugh.

2 MR. CAVANAUGH: Yes.

3 THE COURT: Miss Hartley.

4 MS. HARTLEY: Yes, Your Honor.

5 THE COURT: Any preliminary matters
6 for the Court to address?

7 MS. SWEENEY-REEDER: Your Honor, I
8 believe there are several witnesses. I know I
9 have two that we've subpoenaed, and I think that
10 Miss Best has got some individuals here. I'm not
11 sure if the Court would invoke the witness rule.

12 THE COURT: Any objection to the
13 Court invoking the witness sequestration rule?

14 MR. FISHER: No, Your Honor.

15 MR. CAVANAUGH: I have no objection
16 to that. I would like to add that I have a couple
17 of teachers here who must get back to their
18 schools. I would ask the Court's permission to
19 take them out of time to call them first. Each
20 one has about five minutes of testimony each and
21 that way they can get back to their school, and
22 they don't have to wait the morning away from
23 their students.

24 THE COURT: Any objection?

25 MR. FISHER: I don't have an

1 objection.

2 MS. SWEENEY-REEDER: I don't have
3 an objection, Your Honor.

4 THE COURT: Miss Hartley.

5 MS. HARTLEY: No, Your Honor.

6 THE COURT: All right.

7 MS. HARTLEY: Your Honor, I suppose
8 as a preliminary matter, I'd also inform the Court
9 I've had no contact from or with dad, none of our
10 mail has been received or any contact with him has
11 been received by my office. So, I'm simply
12 objecting to anything contrary to his interests.

13 THE COURT: Thank you,
14 Miss Hartley.

15 You don't want to cross-examine any
16 parties, or do you?

17 MS. HARTLEY: I don't believe I
18 would need to.

19 THE COURT: I'll just keep asking
20 you just in case you want to inquire about
21 residence or anything like that.

22 MS. HARTLEY: Thank you.

23 THE COURT: If you are a witness in
24 this proceeding and you're not going to be called
25 first, you'll need to wait in the hall.

1 Mr. Cavanaugh.

2 MR. CAVANAUGH: I have a further
3 question; and that is, if the Court intends
4 sometime during or after the -- immediately after
5 this hearing to require my client to submit to a
6 UA, now would be a really good time to do that.

7 THE COURT: Mr. Fisher, are you
8 requesting mom take a UA?

9 MR. FISHER: I'm not requesting
10 one, Your Honor.

11 THE COURT: Okay. Sounds like
12 she's not going to have to take one today. Does
13 she need to take a break?

14 MR. CAVANAUGH: Yes.

15 Let's take about a two-minute
16 break. We'll come back and get started with
17 Mr. Cavanaugh's first teacher witness.

18 (A recess was taken.)

19 THE COURT: Mr. Cavanaugh, you may
20 call your first witness.

21 MR. CAVANAUGH: At this time I will
22 call Mike Norris.

23 MICHAEL WAYNE NORRIS,
24 a witness, being first duly sworn, testified under
25 oath as follows:

1 DIRECT EXAMINATION

2 BY MR. CAVANAUGH:

3 Q. Sir, would you please tell the Court
4 your full name.

5 A. My name is Michael Wayne Norris.

6 Q. And, Mr. Norris, how are you employed?

7 A. I am an assistant principal at Lawrence
8 High School in Lawrence, Kansas.

9 Q. Incidental to your duties as an
10 assistant principal at Lawrence High School, did
11 you come to make the acquaintance of Synthia
12 Trager?

13 A. I did.

14 Q. And when was that, approximately?

15 A. Early October. I can't remember the
16 exact date.

17 Q. Of 2017?

18 A. Of 2017, this past semester.

19 Q. And so who brought Synthia to your
20 school?

21 A. Synthia was assigned to one of the group
22 homes in Lawrence, The Villages Incorporated
23 specifically. They're in our attendance area, so
24 that's how she came to come to Lawrence High.

25 Q. And is it your understanding that The

1 Villages obtained Synthia, if you will, from the
2 Department of Children & Families?

3 MR. FISHER: Judge, I think I'm
4 going to object on relevancy, Your Honor. I know
5 this petition was filed in September, Judge, and
6 if he came in contact with Miss Trager in October
7 of 2017, and I believe that -- I think I'm going
8 to object on the grounds that it's irrelevant and
9 immaterial, his testimony, if it's post petition.

10 MR. CAVANAUGH: Your Honor, if I
11 may. One of the charges against my client is that
12 she's neglectful and that her daughter was
13 subjected to sexual behaviors and so forth, and
14 specifically sexual behaviors at the Lawrence High
15 School, and that this witness is here to testify
16 that as far as the school is concerned, none of
17 that took place. So the argument is going to be
18 that she's not supervising her daughter and she's
19 neglectful, and that one of the reasons I've been
20 given is because of incidents that occurred --
21 sexual incidents at the school during school hours
22 involving Synthia, and Mr. Norris is here to
23 disavow that.

24 THE COURT: Let me look back at the
25 petition.

1 MS. SWEENEY-REEDER: There is
2 nothing in the petition --

3 MR. FISHER: I don't believe --

4 MS. SWEENEY-REEDER: -- about any
5 of that.

6 THE COURT: Which part of the
7 petition -- to which part of the petition are you
8 referring so I can have a look at that? I mean,
9 are those facts specifically alleged in the
10 application.

11 MR. CAVANAUGH: Those facts are not
12 specifically alleged other than, you know, perhaps
13 the child was -- after DCF took Synthia into
14 custody, KVC took her to -- took Synthia to the
15 group home and had her enrolled in Lawrence High
16 School and has been managing her education since
17 that time.

18 THE COURT: Okay.

19 MR. CAVANAUGH: So things that have
20 happened, you know, since the petition was filed,
21 such as what I'm alleging, is those kinds of
22 neglects are -- we think are being asserted
23 generally against my client.

24 So, we want, through our two
25 witnesses, want to apprise the Court that -- and

1 another issue regarding, you know, mother's
2 cooperation generally, that they're alleging that
3 she's very uncooperative with issues related to
4 her daughter and her daughter's education and her
5 daughter's welfare, and these two witnesses will
6 also testify that she's been, you know,
7 cooperative with them about changing schools,
8 entering into different kinds of programs and so
9 forth. So, they haven't had any problems with
10 mother not wanting to go along with what KVC and
11 DCF have been doing in moving the child from
12 school to school and so forth. It's just --

13 THE COURT: Are you trying -- is he
14 supposed to be a character witness for
15 Miss Trager, is that what this is?

16 MR. CAVANAUGH: No, just to explain
17 that mother has been cooperative, that the child
18 has not had sex at school.

19 THE COURT: At his school?

20 MR. CAVANAUGH: At his school.

21 THE COURT: Okay.

22 MR. CAVANAUGH: Okay. And that the
23 child was placed there by The Villages, a group
24 home, and that there are all kinds of unexcused
25 absences that The Villages and KVC and DCF should

1 have been asking the school about. It was their
2 responsibility since they placed her there. She
3 was only there at the school --

4 MR. FISHER: Judge, I'm going to
5 object.

6 THE COURT: Let him finish his
7 statement. Go ahead, Mr. Cavanaugh.

8 MR. CAVANAUGH: She was only in the
9 school itself for four weeks. She came to the
10 school in the program for the first two weeks --

11 THE COURT: Mr. Norris' school?

12 MR. CAVANAUGH: Mr. Norris' school,
13 Lawrence High School.

14 She was in the school system a
15 total of six weeks. The first two weeks she was
16 in a program outside of the school, perhaps an
17 orientation program, and then actually she only
18 spent four weeks in the school. She was not
19 effectively managed by the group home or KVC.
20 She's having unexcused absences and, you know, he
21 never -- he's contacting them -- trying to contact
22 DCF and KVC, but they don't respond to any of his
23 calls. The Villages finally, you know, they
24 become aware that these unexcused absences are
25 happening, but they're not doing anything

1 proactive to find out how she's doing, what's
2 going on.

3 THE COURT: Okay. Mr. Fisher's
4 objection is sustained.

5 So that I am clear, we are trying
6 the petition that was filed, which means evidence
7 or facts relevant to what has happened subsequent
8 to the filing is not relevant to me and that goes
9 to all the parties.

10 So, I don't want to hear from the
11 State about what mom has or hasn't done post
12 filing, because I think that's irrelevant, and the
13 same thing for this evidence, unless Mr. Norris
14 has evidence relative to the allegations in the
15 petition. And it does not sound --

16 MR. CAVANAUGH: I do believe he
17 does.

18 THE COURT: -- on your proffer that
19 he has.

20 If you're offering him for a
21 character witness to say that mom is active and
22 engaged and involved in Synthia's education to try
23 to dispel the idea that she was not prior to
24 filing, I will allow it for that very limited
25 purpose, but that's it.

1 MR. CAVANAUGH: Well, that's not
2 testimony that we can offer. Because they
3 wouldn't allow -- KVC and DCF wouldn't allow
4 mother to be involved. As far as Lawrence school
5 was concerned, their contact --

6 THE COURT: Then I have ruled this
7 evidence is not relevant. I have ruled this
8 evidence is not relevant. Mr. Fisher's objection
9 is sustained.

10 Do you have any other questions for
11 Mr. Norris?

12 MR. CAVANAUGH: I don't.

13 THE COURT: Mr. Norris, you are
14 free to go. Thank you, sir.

15 You may call your next witness.

16 MR. CAVANAUGH: At this time I
17 would call Jeff Hines.

18 JEFFREY THOMAS HINES, JR.,
19 a witness, being first duly sworn, testified under
20 oath as follows:

21 MR. CAVANAUGH: Can we have a
22 consensus as to when this petition was filed?

23 MS. SWEENEY-REEDER:
24 September 27th, 2017.

25 MR. CAVANAUGH: Thank you.

1 DIRECT EXAMINATION

2 BY MR. CAVANAUGH:

3 Q. Sir, please tell the Court your full
4 name.

5 A. My name is Jeffrey Thomas Hines, Jr.

6 Q. Mr. Hines, how are you employed?

7 A. I am the principal at Paola High School.

8 Q. And in the course and scope of your
9 duties as principal of Paola High School, did you
10 come in contact with a young woman by the name of
11 Synthia Trager?

12 A. Yes, I did.

13 Q. And how did that occur?

14 A. Well, she transferred into our school
15 district this year. So, she started classes the
16 middle of August like all of our other students.
17 I had contact with her in the office quite quickly
18 based on some behaviors that she exhibited in the
19 classroom.

20 Q. Okay. And so did these behaviors that
21 she exhibited in the classroom lead you to believe
22 that perhaps Paola was not the correct academic
23 experience for her and that she would be better
24 served perhaps in a different type of school
25 environment?

1 A. Be fair to say that. When a student
2 transfers into our district, oftentimes we get a
3 very incomplete list of student records and other
4 times we get a detailed set of records.

5 The information that we received
6 from her previous school district indicated that
7 she had some behavioral concerns there. I thought
8 that it was quite likely that we may not be the
9 proper placement, but we needed to give her the
10 chance to be successful in our school first.

11 Within a week of her being a
12 student at Paola High School, the number of times
13 that she was sent down to the office was quite
14 troubling in terms of disruptions to the
15 classroom. It was obvious that she was lacking
16 the skills that most of her peers had which
17 enabled them to be successful and remain in the
18 classroom.

19 So as a result of that, our
20 administrative and counselor team, which is
21 comprised of four individuals, all reached a
22 consensus that we felt changing her placement
23 outside of her high school would be appropriate,
24 and we started the process of contacting parent
25 and that other school to see if there would be

1 support to make that change.

2 Q. When you contacted the parent, you
3 contacted her mother, Chantal Best?

4 A. We did. It was kind of a strange
5 situation. Mom was residing in -- somewhere
6 outside of the district, I believe. We had a
7 document, more or less, saying she was staying
8 with an individual and that we could contact them,
9 but that document, in our opinion, did not give
10 said individual the legal right to make
11 educational decisions, specifically to change her
12 placement, and so that required us to reach out to
13 mom to bring her down for a meeting to determine
14 if she would be supportive of making that change.

15 Q. "Mom" being Chantal Best.

16 A. Yes.

17 Q. Here in the courtroom?

18 A. Yes, sir.

19 Q. And how would you characterize her level
20 of support in your meeting with her for the
21 educational objectives that you had planned for
22 Synthia?

23 A. Sure. Well, we had scheduled the
24 meeting initially for September the 1st. I
25 reviewed my records this morning. I noticed that

1 we had changed the meeting date to September 5th.
2 There was some kind of a conflict that had rose up
3 with her at work. We were supportive of making
4 that change. Mom went -- mom wanted to ensure
5 that she could be there. So, we changed that
6 meeting to a different date.

7 What we offer is, we use the East
8 Central Kansas Academy. It's down in Garnett.
9 We're part of a group of member schools that pool
10 their resources together to send students to a
11 different location, share that cost. So,
12 essentially, when we're ready to have that
13 meeting, we ask the parent to come to Paola and
14 join us. We offer them a ride down to Garnett
15 because it's about a 30-minute drive south of
16 here. In this case, mom had other obligations
17 after the meeting and chose to drive herself. So,
18 mom drove down there.

19 When we arrived in Garnett, we
20 spent about an hour talking about the behaviors
21 that we had seen at Paola High School, and we
22 received a summary of what that program would
23 offer her daughter in terms of helping her better
24 manage those negative behaviors that we saw.

25 During that meeting, it was obvious

1 that mom recognize that Synthia had some behaviors
2 that were causing her to not be successful in a
3 regular school setting. Mom asked that we dismiss
4 Synthia from the room so that she could speak
5 candidly regarding daughter's educational needs.
6 So, we sent Synthia out of the room. She took a
7 tour of the building.

8 During that time, we got down to
9 the nitty-gritty of what mom had seen, you know,
10 during her time as a parent raising daughter in
11 previous school systems, our concerns as well, and
12 made the determination that our recommendation was
13 valid, that she should change placement and go to
14 school there. The only thing that could have held
15 that back at that point would be mom not agreeing
16 to that placement. However, she was supportive of
17 it.

18 Q. And so Synthia was then transferred to
19 this school?

20 A. She was. When a student transfers to
21 ECKA, East Central Kansas Academy, they are still
22 technically enrolled as a Paola USD 368 student,
23 but the day-to-day care and, you know, watching
24 over that student all resides down there. So, my
25 contact with mom and daughter, essentially, ended

1 at that point in time. The principal and teachers
2 down there would have been primarily responsible
3 for her educational needs at that point.

4 MR. CAVANAUGH: Thank you. No
5 further questions.

6 THE COURT: Cross-examination,
7 Miss Hartley.

8 MS. HARTLEY: Only one.

9 CROSS-EXAMINATION

10 BY MS. HARTLEY:

11 Q. Mr. Hines, are you aware of what the
12 document -- you said there was a document saying
13 she was staying with someone. Are you aware of
14 what the document listed?

15 A. As in who was on that?

16 Q. Yes.

17 A. It was a gentleman by the name of Bob.
18 He's outside of the courtroom today.

19 Q. Were you -- is that her natural father
20 as far as you're aware?

21 A. Not that I'm aware of.

22 Q. Have you ever had any contact with her
23 natural father?

24 A. I have not.

25 MS. HARTLEY: I have nothing

1 further, Your Honor.

2 THE COURT: Miss Sweeney-Reeder.

3 CROSS-EXAMINATION

4 BY MS. SWEENEY-REEDER:

5 Q. Mr. Hines, you had indicated that when
6 Synthia first came to your school, she had come to
7 your office many times; is that correct?

8 A. Yes, ma'am.

9 Q. Can you -- do you know how many times
10 she had been to your office?

11 A. If I had my phone, I could look it up.
12 I don't know. It was probably once a day.

13 Q. Okay.

14 A. Yeah.

15 Q. And what were some examples of behaviors
16 that she was being sent to your office for?

17 A. Cursing at teachers, refusal to work in
18 the classroom. Specifically when she would come
19 down -- you know, we have students that are what
20 we call frequent flyers. We see them on a weekly
21 basis. Daily would not be normal. But many of
22 those students when you get them in a different
23 setting, you can calm them down and they're ready
24 to return to their classroom and be successful.

25 We always, with zero exceptions,

1 always had the opposite experience with Synthia.
2 When you brought her down, you tried to talk with
3 her separate, she would ramp up and go through the
4 roof to a point where she could not return to the
5 classroom and we'd have to send her home for the
6 rest of the day.

7 Q. And you indicated that on your meeting
8 with Miss Best, she had asked Synthia to leave --
9 or for Synthia to leave the room so she could talk
10 to you. What sort of things did mom tell you
11 about issues she had had with Synthia?

12 A. I mean, specifically, that, if I
13 remember correctly, she was at North Kansas City
14 prior to that, didn't feel like they were able to
15 offer the support that she needed, daughter wasn't
16 likely to be successful there, and so she
17 transferred her to Paola, and she was staying
18 with, you know, the gentleman that I referenced
19 having that document for.

20 Q. Did she give you any sort of examples of
21 the problems she was having at North Kansas City?

22 A. She didn't. In reading through
23 daughter's, you know, permanent file that
24 accompanied her, it was the same behaviors that we
25 were seeing in Paola, lots of cursing,

1 uncooperative, refusal to work.

2 Q. And this document that you had that
3 indicated she was staying with a gentleman you
4 referred to as "Bob," did that appear to be filed
5 with a court or what did it look like?

6 A. I wish I had brought her file with me
7 today. It's my first time doing something like
8 this. So, I didn't think about doing that.

9 Q. That's no problem.

10 A. I could tell you that when we reviewed
11 it, and I say "we," our administrative counselor
12 team, there's four of us, our counselors have a
13 lot more experience working through the files of
14 the students, and we're of the opinion quickly
15 that it did not give him the right to make the
16 kinds of decisions like changing her placement.
17 So, we had to reach out to mom. I know there was
18 some frustration on the gentleman's part that he
19 couldn't be the decision-maker. That caused a
20 little bit of a rift between the school system and
21 him.

22 MS. SWEENEY-REEDER: I have no
23 further questions, Your Honor.

24 THE COURT: Mr. Fisher.

25 CROSS-EXAMINATION

1 BY MR. FISHER:

2 Q. So, Mr. Hines, when you said that
3 Synthia was acting up and then she would ramp up
4 and you had to send her home, how did she -- I
5 mean, did you call this gentleman up to get her
6 and he'd pick her up and took her home?

7 A. Yeah, you know --

8 Q. To your knowledge?

9 A. Correct. Yes. We would have -- I can
10 tell you, as a matter of fact, that one time we
11 had to take her to the home, no one was available
12 to come get her. In situations like that, we ask
13 for permission to transport the child, and we send
14 two individuals from our building. So, in this
15 particular case, myself and Mr. Elliot took her
16 home -- Mr. Elliot is one of our guidance
17 counselors -- left her at the residence that we
18 had listed, with permission from the gentleman
19 that she was staying with who had enrolled her,
20 and dropped her off there. Then, I know there was
21 an issue later on that same day outside of the
22 school system. She was really agitated that day.

23 Q. When you say "enrolled," so this
24 individual also enrolled her in school?

25 A. Well, the form that he had allowed her

1 to be enrolled -- her to be enrolled, but not to
2 make changes to what we'd call an IEP, Individual
3 Education Plan. So, you're held to a different
4 standard with that, that's a legal document at
5 that point in time.

6 MR. FISHER: I don't have any
7 further questions, Your Honor.

8 THE COURT: Mr. Cavanaugh,
9 redirect?

10 MR. CAVANAUGH: I have no redirect.

11 THE COURT: May Mr. Hines be
12 excused?

13 MR. CAVANAUGH: Yes, he may.

14 THE COURT: Mr. Hines, you're free
15 to go or stay. Thank you, sir.

16 Mr. Cavanaugh, any other teachers
17 out there for you?

18 MR. CAVANAUGH: No, we don't have
19 anymore teachers.

20 THE COURT: Miss Sweeney-Reeder,
21 you may call your first witness.

22 MS. SWEENEY-REEDER: Call Jennifer
23 Stockard.

24 JENNIFER STOCKARD,
25 a witness, being first duly sworn, testified under

1 oath as follows:

2 DIRECT EXAMINATION

3 BY MS. SWEENEY-REEDER:

4 Q. Could you state your name for the
5 record, please.

6 A. Jennifer Stockard.

7 Q. What's your occupation?

8 A. I'm a child protection specialist with
9 the Department for Children & Families.

10 Q. How long have you been employed in that
11 capacity?

12 A. About 17 -- almost 18 years.

13 Q. And prior to working for the Department
14 of Children & Families, where did you work?

15 A. I worked for a couple of different
16 school districts as a school social worker.

17 Q. How long have you been a social worker?

18 A. About 25 years.

19 Q. And what sort of training do you have to
20 be a social worker?

21 A. I'm licensed by the state of Kansas. I
22 have a Bachelor's degree in Social Work which is
23 required for a license, and also a Master's
24 degree, and I'm licensed at the Master's level.

25 Q. Do you have to have any continuing

1 education in your position?

2 A. Yes, we are required to maintain 40
3 continuing education hours per two-year period.

4 Q. And what sort of topics do you have
5 continuing education?

6 A. Different topics including child abuse,
7 neglect, interviewing children, interviewing
8 techniques, that sort of thing.

9 Q. And in your 25 years, have you
10 maintained your 40 hours of continuing education
11 each year?

12 A. Yes.

13 Q. Did you receive a report on
14 September 20th of 2017 regarding a child named
15 Synthia Trager?

16 A. Yes, I did.

17 Q. What did you do when you received that
18 report?

19 A. Well, I reviewed the concern in the
20 report and then reviewed history that we had with
21 Synthia. I was familiar with Synthia from prior
22 reports. And then I went to interview Synthia
23 regarding the concerns at her school.

24 Q. What day did you interview Synthia?

25 A. I saw Synthia at her school on

1 September 21st.

2 Q. And did Synthia speak with you during
3 your time with her at the school?

4 A. She did.

5 Q. And what was her demeanor like when she
6 was with you?

7 A. She was cooperative, willing to talk
8 with me, and talked a little bit about what had
9 happened in the year or so since I had seen her
10 and what led her back to Paola.

11 Q. Okay. And what did she tell you about
12 what had led her back to Paola?

13 A. She told me that she had been kicked out
14 of school in Kansas City, Missouri, where she had
15 been living with her mother, and so she wanted to
16 come back to Paola and go to school in Paola.

17 THE COURT: Mr. Cavanaugh, the
18 court reporter can't hear the witness over you
19 two, so I'm going to ask you to be a little bit
20 quiet.

21 I'm sorry, Miss Stockard, I got
22 distracted, also. I heard you say that she filled
23 you in on what had happened in the 12 months since
24 you two had last seen each other, and that she had
25 been kicked out of school in Kansas City,

1 Missouri, and that's the farthest I got.

2 THE WITNESS: Right. So then she
3 had told her mom she wanted to come back and live
4 with Mr. Davis and go to school here and that's
5 how she ended up back in Paola.

6 Q. So when you met with her September 21st,
7 2017, where did Synthia tell you she was living?

8 A. She told me she was living with Carrol
9 Bob Davis.

10 Q. And are you familiar with Carrol Bob
11 Davis?

12 A. Yes, I am.

13 Q. How are you familiar with him?

14 A. I had several previous reports involving
15 Synthia while she lived with Mr. Davis. I also
16 had other reports with other minor children who
17 had had contact with Mr. Davis.

18 Q. And when you say "reports," what do you
19 mean by "reports"?

20 MR. CAVANAUGH: I'd object on the
21 basis of hearsay if she's going to testify about
22 people or statements and reports that are not
23 available to the Court at this time.

24 MS. SWEENEY-REEDER: Your Honor,
25 I'm not asking her to testify about the reports.

1 I'm just asking her to clarify what a report is
2 that she would be investigating.

3 THE COURT: Go ahead. Overruled.

4 A. A report that had come into our
5 centralized reporting center involving concerns of
6 abuse and neglect of a minor child.

7 Q. (By Ms. Sweeney-Reeder) How long did
8 Synthia say that she had been living with Mr.
9 Davis this time?

10 A. She indicated she had come back and had
11 spent most of the summer with Mr. Davis. I
12 believe she may have gotten kicked out at the end
13 of the school year some time in May and had come
14 back to Mr. Davis after she was kicked out of
15 school then, and she indicated she spent most of
16 the summer hanging out with friends here in Paola.

17 Q. What did she tell you -- first of all,
18 September 21st, what school did you actually
19 interview her at?

20 A. I interviewed her at East Central Kansas
21 Academy which is located in Garnett, Kansas.

22 Q. And did Synthia tell you anything about
23 how she ended up at East Central Kansas Academy?

24 A. Yes. She indicated she started her
25 freshman year of high school at Paola High School

1 but had been transferred out shortly after the
2 beginning of the school year due to behavioral
3 concerns in the classroom setting. So, East
4 Central Kansas Academy is an educational setting
5 that the special education cooperative in this
6 area utilizes for children who are experiencing
7 significant behavioral issues who have an
8 individualized education plan.

9 Q. Did you have any discussions with
10 Synthia about Mr. Davis and any drug use?

11 A. Yes, I did.

12 Q. What did Synthia tell you about that?

13 A. She indicated that he had in the past
14 provided her with an herb called Damiana. She at
15 first denied that -- well, she did deny that he
16 had provided her with anything other than Damiana
17 and indicated to me that she believed that that
18 was a legal substance.

19 THE COURT: A legal or illegal?

20 THE WITNESS: A legal substance?

21 A. She did indicate that she had smoked
22 marijuana with Mr. Davis on at least one occasion.

23 Q. Did she indicate when that was that she
24 had smoked with him?

25 A. She couldn't give me a specific time

1 frame. She just said that he had smoked with her
2 once.

3 Q. Did Synthia indicate anything else about
4 her personal drug use?

5 A. She told me that she had smoked
6 marijuana recently, but over the summer she had
7 been charged with possession of drug paraphernalia
8 in Ottawa, Kansas, and that since that time, since
9 that contact with law enforcement, she had -- the
10 term she used -- sobered up, and that she denied
11 that she was currently using.

12 Q. Did you and Synthia discuss any of her
13 mental health needs?

14 A. Yes.

15 Q. What did the two of you discuss with
16 regards to her mental health needs?

17 A. Well, I asked her if she was currently
18 receiving any mental health services. Because due
19 to my past contact with her, I was aware that she
20 had received some pretty intensive services
21 through the local mental health center and that
22 she had received services through the SED Waiver
23 Program.

24 Q. What is the SED Waiver Program to your
25 knowledge?

1 A. It's a -- it's a funding source that
2 allows for a mental health center to provide
3 intensive community based services to children who
4 have severe emotional disturbance.

5 Q. And Synthia had received services
6 through that before?

7 A. Quite a long time.

8 Q. What did Synthia indicate to you about
9 whether she was currently receiving services?

10 A. She indicated she was not. She told me
11 she thought she needed services. She told me that
12 she had had some recent thoughts of suicide and
13 had cut herself in the recent past. She told me
14 she thought she might have bipolar disorder, and
15 that she thought she needed treatment for that;
16 and that she had told Mr. Davis that she thought
17 she needed treatment, but that he didn't agree
18 with her and didn't think she needed treatment for
19 that.

20 Q. Synthia indicate any attempts to
21 self-medicate for these problems?

22 A. She did. She indicated that on one
23 occasion she had taken a Xanax pill that was given
24 to her by a cousin.

25 Q. When did she take that Xanax pill?

1 A. That was while she was living with her
2 mother, Miss Best.

3 Q. You said she told you she got it from a
4 cousin; is that correct?

5 A. That's what she told me.

6 Q. So it was not prescribed for her?

7 A. Right.

8 MR. CAVANAUGH: I would like to
9 object at this time about any further testimony
10 coming from the child Synthia. Is she intending
11 to testify?

12 THE COURT: She's present and
13 available for cross-examination --

14 MS. SWEENEY-REEDER: She is, Your
15 Honor.

16 THE COURT: -- is that correct?

17 MS. SWEENEY-REEDER: Yes, she's
18 present. If defense wants to cross-examine her,
19 she's welcome to.

20 THE COURT: She's present and
21 available. Your objection is overruled.

22 MR. CAVANAUGH: Thank you.

23 Q. (By Ms. Sweeney-Reeder) Was that the
24 entirety of your conversation with Synthia?

25 A. Yes.

1 Q. What did you do next in your
2 investigation?

3 A. I then contacted Synthia's mother
4 Chantal Best.

5 Q. And do you see her in the courtroom?

6 A. I do.

7 Q. Where is she seated?

8 A. She's seated over there (indicating).

9 MS. SWEENEY-REEDER: Your Honor, I
10 would like the record to reflect that the witness
11 has identified the mother. She did just point to
12 her.

13 THE COURT: Show me again sorry.

14 THE WITNESS: (Indicating.)

15 THE COURT: The record will so
16 reflect.

17 Q. When did you speak with Miss Best?

18 A. I spoke to her on the phone on
19 September 21st and then again on September 27th.

20 Q. And had you had prior contact with
21 Miss Best?

22 A. I had spoken with her on the phone
23 during past cases on occasion, yes.

24 Q. What did you ask Miss Best regarding
25 Synthia?

1 A. I asked her how Synthia ended up back
2 here in Paola. Because the last conversation I
3 had had with Miss Best was, approximately, June of
4 2016, which is when Synthia returned to her care
5 and had expressed grave concerns about Synthia --
6 I had expressed grave concerns about Synthia being
7 with Mr. Davis, and had told Miss Best that
8 Synthia should not return to Paola to Mr. Davis'
9 care. So that's how I kind of started off the
10 conversation what led Synthia to coming back here
11 after our last conversation.

12 Q. And what did she tell you?

13 A. She indicated that Synthia had been
14 kicked out of school for displaying oppositional
15 behaviors, and she just indicated that she was
16 also experiencing these oppositional behaviors at
17 home.

18 Q. Did she give you any examples of what
19 sort of behaviors those were?

20 A. I don't recall specific examples. She
21 just said that she struggled with providing
22 adequate structure to Synthia, that she parented
23 out of guilt. She felt guilty for not being her
24 parent over the past several years.

25 Q. And you had indicated she returned back

1 to -- Synthia returned back to Miss Best's care
2 the last time you had talked to her which would
3 have been about May of 2016. Were you aware of
4 where Synthia was prior to that time?

5 A. Could you ask that question again,
6 please?

7 Q. Yes. Your testimony was that Synthia
8 had returned back to Miss Best's care around May
9 of 2016 --

10 A. May or June, yes.

11 Q. -- when you talked to her?

12 Are you aware of where Synthia was
13 living prior to that time?

14 A. Yes, she was with Mr. Davis.

15 Q. Here in Paola?

16 A. Yes.

17 Q. And during that time, had you had
18 reports that you had to investigate with Synthia
19 and Miss Davis -- I'm sorry -- Synthia and Mr.
20 Davis as well?

21 A. Yes, that's what led to my conversation
22 with Miss Best at that time.

23 Q. And I believe your testimony was that
24 you had -- during that June 2016, May, June 2016
25 conversation with Miss Best, you had told her she

1 can't go back with Mr. Davis; is that correct?

2 A. That's correct.

3 Q. When you talked with Miss Best in
4 September of 2017, did she indicate she remembered
5 that conversation?

6 A. Yes, she said she did.

7 Q. And what was your two's discussion about
8 that?

9 A. She indicated to me that she knew that
10 Mr. Davis' home wasn't the best place for Synthia
11 to be, but she was really struggling with
12 Synthia's behaviors, didn't really know how to
13 address them. She indicated to me that she was
14 aware of the allegations against Mr. Davis that
15 had occurred in the past involving providing
16 illicit substances to minors and touching minors
17 inappropriately in a sexual manner, but she just
18 didn't know what to do with Synthia at that point
19 in time.

20 Q. Okay. Did you have any discussions with
21 Miss Best about Synthia's drug use?

22 A. Yes.

23 Q. What were those discussions?

24 A. We discussed Synthia's -- the
25 allegations that Synthia was using drugs.

1 Miss Best indicated to me she was aware that
2 Synthia had been charged with possession of drug
3 paraphernalia over the summer. She also indicated
4 that Synthia had told her that she had used
5 marijuana and methamphetamine over the summer as
6 well.

7 Q. Did Miss Best indicate whether she
8 believed Synthia's drug -- that Synthia was using
9 drugs?

10 A. She told me that she believed that
11 Synthia had stopped using.

12 Q. Did you discuss any concerns regarding
13 Miss Best's drug use?

14 A. Yes, and that's where part of her guilt
15 comes from. She had had some past struggles with
16 the use of methamphetamine but indicated that she
17 had been sober since 2015.

18 Q. Did you have any discussions with
19 Miss Best regarding Synthia's need for mental
20 health services?

21 A. Yes, we discussed that. She indicated
22 to me she believed that Synthia does need mental
23 health services, but she just couldn't provide the
24 structure and get Synthia to participate.

25 Q. Was she aware that Synthia was not

1 receiving any mental health services?

2 A. I believe she was aware of that. She
3 just was asking for my help in getting those
4 things established.

5 Q. Okay. During your conversation, did
6 Miss Best indicate anything about Synthia's
7 father?

8 A. She indicated that Synthia's father was
9 Sun Trager, and that he had never been involved in
10 Synthia's life.

11 Q. Have you personally been able to make
12 any contact with Sun Trager?

13 A. No, I have not.

14 MS. SWEENEY-REEDER: I have no
15 further questions of this witness, Your Honor.

16 THE COURT: Mr. Cavanaugh.

17 CROSS-EXAMINATION

18 BY MR. CAVANAUGH:

19 Q. I would like to ask you some questions
20 about those answers that were just elicited from
21 you, and then I have some other questions of my
22 own.

23 You stated that Synthia told you
24 that she had been arrested -- or you became aware
25 from her that she had been arrested for a

1 paraphernalia charge?

2 A. Yes.

3 Q. And charged with that offense; correct?

4 A. Yes.

5 Q. And you're also aware that there was a
6 carload of kids in the car, not just her?

7 A. She told me she was with several other
8 minor children, yes.

9 Q. She never told you that the
10 paraphernalia belonged to her, did she?

11 A. No, she told me it was on her person,
12 but she was holding it for another minor.

13 Q. Every child in that car was charged with
14 possession of paraphernalia; correct?

15 A. I don't know.

16 Q. You didn't find that out in your
17 discussion with her; you focused only on her; is
18 that a fair statement?

19 A. I talked with Synthia about what was
20 going on with her, yes.

21 Q. And you knew that there were other kids
22 in the car with her at that time?

23 A. Yes, she told me that.

24 Q. And you didn't ask her if the other kids
25 were charged as well?

1 A. No.

2 Q. This Damiana that you referred to, you
3 are testifying, to your knowledge, that that is a
4 legal substance; correct?

5 A. No. I testified that Synthia said she
6 believed it was legal.

7 Q. Then you don't know for a fact whether,
8 in fact, it is legal --

9 A. I don't have --

10 Q. -- or illegal?

11 A. I don't have any information on it.

12 Q. Okay. And you testified that Synthia
13 told you that on one occasion she had smoked
14 marijuana with Bob, Mr. Davis?

15 A. Yes.

16 Q. Okay. But you don't know whether it was
17 marijuana, in fact, do you?

18 A. Synthia told me she smoked marijuana
19 with Mr. Davis. That's what she told me.

20 Q. Would you agree with me she could have
21 smoked some substance that she thought was
22 marijuana but indeed was not marijuana; is that a
23 possibility?

24 A. I suppose it's possible. She believed
25 it to be marijuana, though.

1 Q. Okay. And before Synthia came to
2 Kansas, to Paola, to live in May or August of
3 2017, she had been a resident of Missouri; is that
4 your understanding?

5 A. Yes, she had been living with her mother
6 in Kansas City, Missouri.

7 Q. For the school year in Kansas City?

8 A. Yes.

9 Q. Okay. The school year normally in
10 Missouri and Kansas is two semesters, from August
11 to May, is that approximately correct?

12 A. I would say approximately, yes.

13 Q. And the child in need of care petition
14 was brought to the court here on September 21st of
15 2017, approximately?

16 A. I think it was a few days after that.

17 Q. Okay. The only circumstance that you're
18 aware of is that Synthia told you that one time
19 she smoked marijuana with Bob, Mr. Davis; correct?

20 A. She told me that, yes.

21 Q. Okay. And so she didn't reference any
22 other time, any other occasions when she was
23 taking a drug or marijuana in Mr. Davis' home?

24 A. She indicated that she had been smoking
25 marijuana, but I did not ask her what location she

1 was using.

2 Q. Well, but you told us it was one time,
3 now you're expanding that to something greater.

4 A. No, I said she used one time with Mr.
5 Davis, but she had used other times.

6 Q. Based on what?

7 A. What she told me and what she told her
8 mother as well.

9 Q. So it's possible that had she smoked
10 marijuana on some other occasion, it was not with
11 Mr. Davis or at his home or with his knowledge?

12 A. That's possible, yes.

13 Q. Okay. Likely, isn't it?

14 A. I don't know likely. It's definitely
15 possible.

16 Q. Wouldn't you agree that if mom did not
17 become aware of that one time that her daughter
18 smoked marijuana, if, in fact, she did smoke
19 marijuana with Mr. Davis in his home, that her
20 lack of knowledge of that doesn't make her a
21 neglectful mother; would you agree with me on
22 that?

23 A. My concern with Synthia being with Mr.
24 Davis was more than one occasion of smoking
25 marijuana with Mr. Davis, and that's what I had

1 discussed with Miss Best, is that there was a long
2 history, and she and I had discussed the concerns
3 in June of 2016 and discussed those again in
4 September of 2017 after Synthia was back here.

5 Q. Charges were brought against Mr. Davis
6 for those concerns that you had; correct?

7 A. Which --

8 Q. Do you know?

9 A. Which concerns?

10 Q. Marijuana, inappropriately touching.

11 A. I believe he was charged with providing
12 illicit substances to a minor.

13 Q. And you're aware that those charges were
14 dismissed by this court, are you not?

15 MS. SWEENEY-REEDER: Your Honor, I
16 would object. He's incorrectly stating the facts.

17 THE COURT: Well, the witness can
18 answer what, if anything, she knows.

19 MS. SWEENEY-REEDER: Okay.

20 A. I believe Mr. Davis is currently on
21 probation for those charges, that conviction.

22 Q. Would you agree with me that mother,
23 Miss Best, was cooperative with Mr. Hines and with
24 the Paola school when they wanted to transfer
25 Synthia to the school in Garnett?

1 would object. Again, this is after -- to
2 follow-up on Mr. Fisher's earlier objection as to
3 relevance. This is about an adjudication based on
4 things that --

5 MR. CAVANAUGH: I'll withdraw the
6 question.

7 THE COURT: The question is
8 withdrawn.

9 Q. (By Mr. Cavanaugh) Do you have any
10 knowledge of Synthia's attendance at school in
11 North Kansas City and the fact that her IEP was
12 dropped?

13 A. That is part of the conversation I had
14 with Miss Best, but I don't have -- I did not have
15 any contact with the school district directly.

16 Q. So you're telling us that KVC or DCF did
17 not have anything to do with the dropping of the
18 IEP for Synthia in North Kansas City?

19 THE COURT: Ma'am. Ma'am, are you
20 having a problem?

21 MS. BEST: No. I'm sorry, he's
22 getting it confused.

23 THE COURT: Do you need a recess?
24 Because you're going to have to be quiet. The
25 reporter can't take a record with you talking

1 behind her. Do you need a break to talk to your
2 attorney? It's okay if you do. It's okay if you
3 do.

4 MR. CAVANAUGH: We can take a short
5 break.

6 THE COURT: Okay. Let's take three
7 minutes and break, and then we're going to get on
8 here.

9 (A recess was taken.)

10 THE COURT: Mr. Cavanaugh, she has
11 got to be quiet at counsel table.

12 MR. CAVANAUGH: I understand.

13 THE COURT: Mr. Cavanaugh, you may
14 continue.

15 Q. (By Mr. Cavanaugh) Miss Stockard, when
16 you talked to Chantal Best, Synthia's mother,
17 about problems that you were seeing with Synthia,
18 did she ask you that she would like, you know,
19 more tools and how could she get more tools to
20 help her daughter to resolve her issues?

21 A. Yes, we talked about what -- what kind
22 of help she could have.

23 Q. So she recognized that her daughter had
24 some special needs, and that she was asking you,
25 you know, for tools to help her daughter?

1 A. We discussed that, yes, she does
2 recognize that Synthia has some special needs, and
3 she told me that she just could not deal with
4 Synthia's behaviors on her own in the home, and we
5 discussed filing a child in need of care petition.

6 THE COURT: I'm sorry,
7 Mr. Cavanaugh.

8 I'm going to ask you to repeat that
9 last -- you said that mom indicated what about her
10 behaviors in the home?

11 MR. CAVANAUGH: That --

12 THE COURT: No, I'm asking the
13 witness to repeat herself.

14 THE WITNESS: That she could not
15 deal with Synthia's behaviors in the home.

16 THE COURT: Thank you. Go ahead,
17 Mr. Cavanaugh.

18 Q. And your response to her was, well, we
19 can just file a child in need of care case?

20 A. She indicated to me that she could not
21 have Synthia back in her home, and I indicated to
22 her that Synthia could not stay with Mr. Davis.
23 So, we discussed filing a child in need of care
24 case as a means to get Synthia mental health and
25 substance abuse treatment that I felt she needed.

1 Q. Have you ever been in Mr. Davis' home --

2 A. Yes, I have.

3 Q. -- when Synthia was residing there?

4 A. Yes, I have.

5 Q. Was the home comfortable and safe and
6 clean?

7 A. Structurally, it provided a safe place
8 for Synthia to be. But emotionally and
9 supervision-wise, it was not appropriate.

10 Q. Supervision-wise?

11 A. Correct.

12 Q. Did you think at any time that Synthia
13 was malnourished, not getting a proper diet?

14 A. No.

15 Q. There was nothing in Mr. Davis' home
16 that indicated that there was a danger of harm
17 from the environment inside the home, was there?

18 A. During my previous cases involving Mr.
19 Davis' home, there was concern that he had
20 marijuana and alcohol accessible to minors in the
21 home. So, in that way, yes, it was a danger.

22 Q. Was any action taken against Mr. Davis
23 because of those -- some prior occasion that is
24 not part of the petition that we're discussing
25 herein?

1 A. I believe I mentioned it in the
2 petition. But, yes, I believe that there were
3 charges, and I believe that's what he's currently
4 on probation for.

5 Q. So you're telling us that you informed
6 mom, Chantal Best, that you had concerns about
7 Synthia and how she was coping generally with her
8 life, and that she asked you for tools and help to
9 assist her daughter to rectify any behavioral,
10 emotional concerns, or whatever concerns that you
11 had about Synthia; correct?

12 A. Yes. Yes, I am saying that I discussed
13 with Miss Best the concerns that she had about
14 Synthia, the concerns she recognized Synthia being
15 with Mr. Davis was not appropriate. We discussed
16 other places Synthia possibly could be. She
17 indicated to me that -- because in the past, her
18 mother had been a source of support for her.

19 THE COURT: I'm sorry, when you say
20 "her mother," are you talking about Miss Best's
21 mother?

22 THE WITNESS: Yes.

23 A. And she indicated to me that their
24 current living situation was such that that wasn't
25 an option at that particular time because they

1 were living in a travel trailer.

2 Q. Well, since you bring up the travel
3 trailer, isn't it -- isn't it a fact that KVC
4 asked to, on an emergency basis, put the daughter
5 in grandma's travel trailer?

6 A. I don't know.

7 Q. You don't know that?

8 A. That request would not have come through
9 me, no.

10 Q. And so, first of all, KVC denied the use
11 of grandma's travel trailer because they thought
12 it was unfit, and then turned around and asked
13 grandma if they could put Synthia in the travel
14 trailer?

15 MS. SWEENEY-REEDER: Your Honor,
16 again, I would object as to relevance of this.

17 THE COURT: Sustained.

18 Q. (By Mr. Cavanaugh) You are aware that
19 Mr. Davis is a lifelong friend of Chantal Best and
20 Synthia, are you not?

21 A. I know that he's been involved in their
22 lives for many years, yes.

23 Q. You're aware that he was at Synthia's
24 birth?

25 A. I didn't know that, but that doesn't

1 surprise me.

2 Q. Since Synthia -- during the time that
3 Synthia was in Mr. Davis' care, nothing happened
4 to her as a result of any action or inaction by
5 Mr. Davis; isn't that true?

6 A. I don't know what you mean by "nothing
7 happened to her."

8 Q. Well, the issues that we've talked about
9 are issues that the child has, Synthia has with
10 her emotional well-being and her behavior issues
11 that really have nothing to do with Mr. Davis. He
12 was just a family friend who was helping another
13 family friend care for her child and for her to go
14 to school?

15 A. Except for the fact that there's
16 concerns that Mr. Davis has provided other minor
17 children, including Synthia, with illicit
18 substances including alcohol, and Synthia told me
19 that she had smoked marijuana on at least one
20 occasion with Mr. Davis.

21 Q. Concerns are one thing. Charges and
22 convictions and tests of drugs are something else.
23 But to come into court and say we have concerns
24 and the child's life turns on that is --

25 A. But Synthia confirmed for me --

1 THE COURT: Stop. There's no
2 question before you.

3 THE WITNESS: Sorry.

4 THE COURT: What's your question,
5 Mr. Cavanaugh?

6 Q. That is an unreasonable, unfair approach
7 to take with the child's life and well-being in
8 the balance in the court, don't you think?

9 A. No.

10 Q. In fact, there was never any accusation
11 or concern that Mr. Davis had done anything
12 inappropriate to Synthia in the way of touching
13 her, abusing her in any way, isn't that a fact?

14 A. No. She had told me that he smoked
15 marijuana with her.

16 Q. One time?

17 A. On one occasion.

18 Q. Didn't touch her?

19 A. She did not say that he did.

20 Q. Okay. She was pretty willing to tell
21 you about other things, but she never told you --
22 accused him of anything like that, did she?

23 A. Not on that occasion, no. And I don't
24 recall the interviews that I did with Synthia
25 during a prior case as what she had to say about

1 those concerns.

2 Q. Mr. Davis' house is clean and safe;
3 we've established that; correct?

4 A. No.

5 Q. We haven't?

6 A. Not safe. Clean, yes.

7 Q. Well, safe other than your concerns
8 about it, you know, involving he and Synthia one
9 time where they smoked marijuana what they thought
10 was marijuana?

11 A. I think that was not safe.

12 Q. Okay.

13 MR. CAVANAUGH: No further
14 questions.

15 THE COURT: Miss Hartley.

16 CROSS-EXAMINATION

17 BY MS. HARTLEY:

18 Q. Miss Stockard, when did you first come
19 in contact with Synthia and Miss Best?

20 A. Synthia was about nine years old, I
21 believe. I'm sorry, I don't have the exact.

22 Q. How old is she now?

23 A. She's 14.

24 Q. So in the last five years, have you had
25 any contact with her natural father?

1 A. I don't believe I have. There was one
2 case involving Synthia's brother Gage, and at the
3 time Gage was living with Mr. Trager, but I don't
4 believe that I had contact with -- I don't believe
5 I was able to have contact with Mr. Trager during
6 that case.

7 Q. In the course of this case, did
8 Miss Best or anyone provide you any documentation
9 that Mr. Trager had made an agency arrangement or
10 provided in any way, shape or form for anyone to
11 have legal authority over Synthia?

12 A. No.

13 Q. And Bob did not have any documentation
14 that he had any legal authority, guardianship, or
15 other authorization to provide medical care for
16 Synthia?

17 A. Miss Best had previously signed an
18 informal power of attorney paper giving Mr. Davis
19 the ability to enroll her in school and take her
20 for doctor's appointments and that sort of thing,
21 yes. That had had happened in the past.

22 Q. Mr. Trager was not listed on any of
23 those documents as far as you know?

24 A. No.

25 MS. HARTLEY: I don't have anything

1 further, Your Honor.

2 THE COURT: Mr. Fisher.

3 MR. FISHER: Just a few questions,
4 Your Honor.

5 CROSS-EXAMINATION

6 BY MR. FISHER:

7 Q. Miss Stockard, the conversation that you
8 had with Miss Best concerning her -- your issues
9 concerning Synthia being with Mr. Davis, and her
10 response is that she could not deal with Synthia's
11 behaviors and not have Synthia in the home at this
12 time, did that conversation take place in
13 September of this year?

14 A. Yes.

15 Q. So that wasn't something that took --
16 that took place a year previous. You talked about
17 June of 2016?

18 A. Correct. The conversation in June of
19 2016 was that Synthia should not return to Mr.
20 Davis' home.

21 Q. And then Synthia did return to Mr.
22 Davis' home, to your knowledge?

23 A. Yes.

24 Q. Then you had this conversation in
25 September with Miss Best about the issues you had

1 with Synthia being back with Mr. Davis; is that
2 correct?

3 A. Correct.

4 Q. Now after that conversation you had with
5 Miss Best, what action did Miss Best take to your
6 knowledge?

7 A. She did not take any.

8 Q. So Synthia was not removed from Mr.
9 Davis' home after you had the conversations with
10 Miss Best in September?

11 A. No.

12 Q. She remained there at Mr. Davis'
13 residence?

14 A. Until the child in need of care petition
15 was filed.

16 Q. And you testified that -- and again I
17 may be wrong, written it down. But you indicated
18 in your conversation with Miss Best that she was
19 aware that Synthia needed mental health treatment;
20 is that correct?

21 A. Yes.

22 Q. And Miss Best was aware that Synthia was
23 not receiving mental health treatment while she
24 was residing with Mr. Davis?

25 A. Yes.

1 MR. FISHER: No further questions,
2 Your Honor.

3 THE COURT: Miss Sweeney-Reeder.

4 MR. CAVANAUGH: Question or two on
5 redirect.

6 THE COURT: No, this is
7 Miss Sweeney-Reeder's witness. So, I'm going to
8 let her redirect. Then you're going to get
9 another turn, Mr. Cavanaugh.

10 MR. CAVANAUGH: Thank you.

11 REDIRECT EXAMINATION

12 BY MS. SWEENEY-REEDER:

13 Q. Just a few clarifying things.
14 Miss Stockard, Mr. Davis, does he reside in Paola,
15 Kansas?

16 A. Yes, he does.

17 Q. And that's where Synthia was with him?

18 A. Yes.

19 Q. And I believe you had testified that
20 this herb, Damiana, Synthia, did she say she had
21 smoked that or not?

22 A. Yes.

23 Q. She said she had smoked that?

24 A. That Mr. Davis had provided it.

25 Q. And how old is Synthia?

1 A. She's now 14.

2 Q. She is he now 14. How old was she in
3 September?

4 A. She was 14 at that time.

5 Q. And when you spoke with Synthia, when
6 did she indicate she had started living with Mr.
7 Davis this time -- this last time?

8 A. She indicated that she had spent most of
9 the summer here in Paola, hanging out with friends
10 and living with Mr. Davis.

11 Q. And you had -- I think it was in
12 response to Miss Hartley's question. You had
13 indicated you had known Synthia sometime, maybe
14 like eight or nine when you first met her; is that
15 correct?

16 A. Yes.

17 Q. So how many investigations have you had
18 with Synthia since the time you've known her?

19 A. Since I've known her, I believe I've had
20 at least four or five.

21 Q. Okay. And how many of those
22 investigations have also involved Mr. Davis, if
23 you know?

24 A. With Synthia?

25 Q. Yes.

1 A. I believe four.

2 Q. Okay.

3 THE COURT: Is that counting this
4 one?

5 THE WITNESS: Well, Your Honor, I
6 was just trying to calculate that in my mind. It
7 may have been all of them. It may have been five,
8 at least four.

9 Q. And during any of those investigations,
10 was Mr. Davis substantiated for anything?

11 A. Yes, for this past.

12 Q. This past investigation?

13 A. Past investigation.

14 Q. What was the substantiation for?

15 A. Lack of supervision.

16 Q. Mr. Cavanaugh asked you a question about
17 the appropriateness of Mr. Davis' home, and you
18 responded that emotionally and supervision-wise it
19 was not appropriate. What do you mean by that?

20 A. I mean that reports that we received was
21 that Mr. Davis was providing minors with alcohol,
22 cigarettes, illicit substances in his home; that
23 his home was basically a place for teens to hang
24 out and engage in these activities. So in that
25 way emotionally, I did not believe that it was

1 safe.

2 Additionally, Mr. Davis, at the
3 time that I was involved, worked as a truck
4 driver. So, he would be gone for long periods of
5 time and not provide supervision for the
6 activities in his home.

7 Q. Have you had investigations with Mr.
8 Davis that did not involve Synthia?

9 A. Yes.

10 Q. How many of those investigations have
11 you had?

12 A. I believe I've had two, but the
13 agency -- other workers in my office may have had
14 another one.

15 Q. Any of your investigations, has there
16 been any substantiation?

17 A. Yes.

18 Q. And how many?

19 A. I believe that I substantiated him for
20 the sexual abuse of another minor child.

21 Q. Do you remember how old that child was?

22 A. I believe she was 10 or 11.

23 MS. SWEENEY-REEDER: I have no
24 further questions, Your Honor.

25 THE COURT: Recross, Mr. Cavanaugh.

1 When exactly in September of 2017 was that that
2 you had that conversation?

3 A. It was September 21st.

4 Q. The same day that the petition here was
5 filed?

6 A. No, I don't believe the petition was
7 filed on the 21st. I believe it was the 27th.

8 Q. So you're basing a petition that mom was
9 neglectful because in a week's time she had not
10 made some drastic change in her daughter's life
11 and so you brought the CINC petition here on the
12 27th, if that was the date, but very, very soon
13 after your September 21, 2017, conversation with
14 her?

15 A. Yes.

16 Q. The Monday before the petition was filed
17 here, you called to talk to Miss Best about the
18 location of Synthia, and Synthia was with her
19 mother at that time; is that a fair statement?

20 A. I don't recall that. Do you have the
21 date?

22 Q. A few days -- a few days before the
23 petition was -- the CINC petition was filed
24 herein.

25 You testified about alcohol use,

1 just before the CINC petition was filed, in Mr.
2 Davis' house?

3 A. I'm not sure what you're asking me.

4 Q. Was alcohol an issue with regard to
5 Synthia?

6 A. I don't believe that I indicated that
7 Synthia was using alcohol just prior to the
8 petition being filed. I think what I said was
9 that Mr. Davis was providing minors with alcohol
10 in his home. That had been an ongoing concern.

11 Q. Just before the -- but just before the
12 CINC petition was filed?

13 THE COURT: Was that an ongoing
14 concern right before the CINC petition was filed?

15 THE WITNESS: Yes.

16 Q. But were you aware that Synthia was with
17 her mother at that particular time and not in Mr.
18 Davis' household?

19 A. No.

20 Q. Okay. But you've got an ongoing concern
21 about alcohol use with Mr. Davis and providing
22 that to minors, but these other four times, that
23 didn't cause you to bring a CINC petition or to
24 advise the Court that there was a child in need of
25 care because of that or anything else. It was

1 only several days after you spoke with mom, you
2 know, a CINC petition was filed here because Mr.
3 Davis allegedly smoked marijuana one time with
4 Synthia. So that's really the nub of the case
5 here, isn't it?

6 A. I'm not sure what you're asking me.

7 Q. Well, you had been involved with Mr.
8 Davis for several years on all kinds of issues
9 that you had concerning him involving minors and
10 drugs and alcohol and all this stuff, and none of
11 that involved -- or led to a CINC petition but --

12 A. Those --

13 THE COURT: Let him finish his
14 statement. There's no question to you.
15 Mr. Cavanaugh.

16 Q. Why, why, why didn't you think those
17 other times warranted a CINC petition but now you
18 do?

19 A. Those concerns had happened prior to
20 Synthia returning to her mother in June of 2016.
21 When I had the conversation with -- at that time
22 with Miss Best stating due to these concerns, due
23 to these ongoing concerns that had come to light
24 in the months before, that Synthia should not
25 return to Mr. Davis' home, and that at that time

1 Synthia went with her mother in Kansas City,
2 Missouri.

3 Q. You testified earlier that, you know,
4 Synthia was neglected because Mr. Davis was a
5 truck driver and gone all of the time. But isn't
6 it a fact that he's a day truck driver and he's
7 home every night by 6:30?

8 A. Yes.

9 Q. Okay. So that's like any other person
10 with a family, somebody goes to work every day,
11 but nobody thinks to come in and allege that their
12 children are in need of care and they're being
13 neglected. Why Synthia? Why, you know, this
14 particular occasion?

15 A. Because I had previously told Miss Best
16 that Synthia should not be in Mr. Davis' home due
17 to these ongoing concerns, and then Synthia
18 returned to Mr. Davis' home, and these concerns
19 continued.

20 Q. For no more than a period of a few days
21 until the CINC petition was brought.

22 A. Is there a question?

23 Q. Do you know whether mother was trying to
24 arrange any other living situation for her
25 daughter?

1 A. No.

2 Q. Okay.

3 MR. CAVANAUGH: No further
4 questions.

5 THE COURT: Miss Hartley.

6 MS. HARTLEY: No, thank you, Your
7 Honor.

8 THE COURT: Mr. Fisher.

9 MR. FISHER: I have nothing.

10 THE COURT: Miss Sweeney-Reeder,
11 redirect.

12 FURTHER EXAMINATION

13 BY MS. SWEENEY-REEDER:

14 Q. When you spoke with Miss Best on
15 September 21st, just to clarify, at that time she
16 was not going to be taking Synthia back into her
17 home; is that correct?

18 A. She indicated to me that she could not
19 deal with Synthia's behaviors in her home.

20 Q. On September 21st, did she give you any
21 indication that she was going to find a different
22 appropriate place for Synthia?

23 A. No.

24 MS. SWEENEY-REEDER: No further
25 questions, Your Honor.

1 THE COURT: Recross, Mr. Cavanaugh.

2 MR. CAVANAUGH: No questions.

3 THE COURT: Miss Hartley.

4 MS. HARTLEY: No, thank you.

5 THE COURT: Mr. Fisher.

6 MR. FISHER: No questions, Your
7 Honor.

8 THE COURT: May Miss Stockard be
9 excused?

10 MS. SWEENEY-REEDER: Yes, Your
11 Honor.

12 THE COURT: Miss Stockard, you're
13 free to go or stay as you wish.

14 Miss Sweeney-Reeder, you may call
15 your next witness.

16 MS. SWEENEY-REEDER: I'm sorry,
17 Your Honor?

18 THE COURT: You may call your next
19 witness.

20 MS. SWEENEY-REEDER: The State has
21 no more witnesses, Your Honor.

22 We would request that the Court
23 take judicial notice of 2017-CR-78 filed here in
24 Miami County, Kansas. The initial file date was
25 May 18th, 2017. This is the case against Carrol

1 Bob Davis. He pled to an amended charge of
2 endangering a child on November 21st, 2017, and is
3 currently on probation.

4 THE COURT: I'll take judicial
5 notice of its own file 17-CR-78.

6 Miss Sweeney-Reeder, are you
7 resting?

8 MS. SWEENEY-REEDER: Yes, Your
9 Honor.

10 THE COURT: Before you do that,
11 Mr. Cavanaugh, do you want Synthia brought in, or
12 Miss Hartley or Mr. Fisher, do you want Synthia
13 brought in and subject to cross-examination on any
14 statements she may have made? Mr. Cavanaugh.

15 MR. CAVANAUGH: I don't think so.

16 THE COURT: Miss Hartley.

17 MS. HARTLEY: No, thank you.

18 THE COURT: Mr. Fisher, do you want
19 your client brought in?

20 MR. FISHER: No.

21 THE COURT: Mr. Cavanaugh, you may
22 call your next witness.

23 MR. CAVANAUGH: At this time I will
24 Chantal Best.

25 THE COURT: Miss Best, if you'll

1 thing started, my daughter keeps getting passed,
2 and she should not have been passed from third
3 grade. She doesn't know her basic fundamentals.
4 She doesn't know how to subtract, add, division.
5 She doesn't know how to make a sentence. She
6 doesn't know any of that. So, her defense
7 mechanism in these schools is to cause a fit,
8 throw a ruckus and get put in the principal's
9 office so then she doesn't have to deal with it.

10 It wasn't until three-fourths into
11 the year, North Kansas City School District told
12 me that the Paola School District called them and
13 told them that my daughter no longer needed her
14 IEP; they were to drop it. So that's what North
15 Kansas City did. I called Paola High School.
16 They told me, "No, ma'am, no way did we say that."

17 So at that time it was the end of
18 the school year. She got suspended again. Her
19 and I talked about going back to Paola. This is a
20 small school. It's a good school. Kansas schools
21 are good. I know people. I know people here. I
22 grew up here. So, I put her back down here, with
23 the understanding that I was going to be right
24 here. I drove down here every other day, if not
25 every day, and I told Miss Stockard that.

1 Q. Did you ever find out who caused, you
2 know, the IEP to be dropped by North Kansas City?

3 A. I'm in the process of dealing with that,
4 sir. I have a lawyer who is handling all of that.

5 Q. So at the end of the school year, 2017,
6 you talked to your friend, Mr. Davis, about
7 Synthia staying with him for awhile?

8 A. Yes, sir.

9 Q. And you had known Mr. Davis for a very
10 long time; fair statement?

11 A. Over 20 years.

12 Q. Over 20 years. In fact, he was present
13 when your daughter Synthia was born?

14 A. Yes, sir.

15 Q. So he's been a valued and long-term
16 friend of yours?

17 A. Yes, sir.

18 Q. Okay.

19 A. Not just her, all my kids.

20 Q. So during the summer of 2017, Synthia
21 moved into Mr. Davis' house?

22 A. She was back and forth.

23 Q. From your house to Mr. Davis house?

24 A. From my house to Bob's, yes, sir. When
25 she would get in trouble down here, I would bring

1 her back up there, or she would come back up when
2 I was needing help when I was moving. She was
3 back and forth.

4 Q. And she had friends here that she was
5 hanging out with, Emily and other friends?

6 A. She had been down here for three years.
7 She had made a life. She had created a life with
8 friends here.

9 Q. So, you know, many charges have been
10 leveled against Mr. Davis about his, you know,
11 smoking marijuana one time with Synthia and
12 previously in the past having alcohol in his house
13 for minors and so forth.

14 Now, were you aware of or concerned
15 about, you know, that he would involve your
16 daughter with alcohol or drugs or anything like
17 that?

18 A. No. I was well aware of the smoking of
19 the marijuana. That was a couple of years ago.
20 That was a long time ago.

21 As far as the other accusations, as
22 I told Mrs. Stockard, I do not in any way, shape
23 or form believe any of that because I know these
24 young ladies. I've heard them in the bedroom at
25 night whispering, making other accusations to

1 other people. So, I know darn good and well who
2 those people are, who those girls are. There's
3 something not right there.

4 I've known Bob for over 20 years.
5 He's been my baby's father when she's had none.
6 As you can see, her dad has had nothing to do with
7 her ever in life. He has helped me. He's helped
8 my other three kids. He has been my rock. He has
9 been her rock.

10 Q. Now, you started Synthia in the Paola
11 school?

12 A. Yes, sir.

13 Q. And so -- Paola High School?

14 A. Yes, sir.

15 Q. Okay. And you had contact with people
16 at Paola High School such as Mr. Hines?

17 A. Yes, sir.

18 Q. And so how long was Synthia at -- in the
19 Paola High School?

20 A. Not even a week.

21 Q. Not even a week. So when did -- when
22 did people at the Paola High School, Mr. Hines,
23 contact you about Synthia's enrollment at Paola
24 High School and whether she should remain there or
25 whether some other school would be appropriate?

1 A. I don't remember the exact date, sir,
2 but, like I said, it was shortly right after
3 school started.

4 Q. Okay.

5 A. You know, I was still, okay, is this the
6 right decision. I was looking at boot camps, to
7 send her to a boot camp. It's like \$10,000. I
8 mean, I had so many things, you know, if this
9 doesn't work, let's try this, let's try this. I
10 made a point to be right here -- with her down
11 here. So, we went to the Garnett school and she
12 was actually flourishing. She was getting those
13 basic fundamentals that she was needing.

14 Q. And so tell me about the conversation
15 that Miss Stockard was telling us about where in
16 September -- or around September 21st of 2017,
17 where she's telling you that, you know, Synthia
18 can't remain in Mr. Davis' home because it's
19 not -- it's not a safe or appropriate environment
20 for her?

21 A. That's not the word she used.

22 Q. Tell me what --

23 A. She called to tell me she had a
24 conversation with my daughter. She was quite
25 impressed with the difference that she had seen in

1 just the year. And then she asked me if I had
2 known about these accusations with Bob and if I
3 believed it, and I said, "No, I absolutely do
4 not." She said, "Well, do you think Bob is the
5 appropriate place for your daughter to be?" I
6 said, "No, she's a 14-year-old kid. She needs to
7 be with her mother, of course." That's why I made
8 it a point to be down there. I have another case
9 going on in Missouri where I have a divorce and
10 child custody that's going quite well. I have a
11 job in North Kansas City, Missouri. So, I was
12 trying to find a location in the middle of both
13 her and my son in Belton for all of us to be --

14 Q. Together?

15 A. Correct.

16 Q. And so --

17 A. She was flourishing at Garnett. I did
18 not want to take her out of a school that she was
19 finally getting those basic fundamentals at.

20 Q. Who took her out of Garnett?

21 A. KVC.

22 Q. Did they tell you why?

23 A. Yeah, the child in need of care.

24 Q. When the child in need of care case was
25 filed?

1 A. Yeah. She called me on September 21st,
2 I believe. By September 27th, my daughter was
3 gone. And we did not speak about a child in need
4 of care case. I did not know any of this stuff.
5 I knew nothing about this, KVC, DHS, how all of
6 this went down until this happened to me and my
7 daughter. I asked for help. I asked for tools,
8 better tools to help my daughter. What I got was
9 my daughter taken away from me.

10 As far as her going to any shrink,
11 or counselor, or anything, I was denied Medicaid
12 because I make too much money. I could not get
13 insurance. I couldn't afford it. Now, we have
14 all of it.

15 But, again, I spent so long messing
16 up my life. It took me some years to get it back,
17 and I have built it back. But it wasn't going to
18 happen overnight. But that doesn't mean we didn't
19 go to AA, doesn't mean I didn't take her to
20 Al-Anon meetings. It doesn't mean we didn't go
21 through puppy therapy and use that as well. I was
22 doing other things.

23 Q. Let me ask you this. Now, when
24 Miss Stockard had that conversation with you
25 around September 21st of 2017, she claims that you

1 made no mention that you were going to take
2 Synthia out of Mr. Davis' home, but, in fact, you
3 were thinking about an alternative home with you.

4 A. I told her that. I told her I was
5 looking at this boot camp. I told her all of
6 this, all of it. I asked for your help.

7 Q. Okay. Now, you've been to Mr. Davis'
8 home?

9 A. Yes.

10 Q. And during the period of when Synthia
11 moved here, end of May, 2017, and forward, you
12 were comfortable with the living conditions in Mr.
13 Davis' home?

14 A. Yes.

15 Q. You thought it was a safe environment?

16 A. Yes.

17 Q. And Synthia was fed and well nourished?

18 A. Yes.

19 Q. And you were not aware of anything
20 inappropriate going on in Mr. Davis' home through
21 that time --

22 A. No.

23 Q. -- end of May, 2017, to end of September
24 2017?

25 A. No. No. Before I brought her back

1 down, Bob and I had long discussions. Synthia's
2 best friend, one of the girls that is part of this
3 little group, she -- she was really good friends
4 with Synthia. So when I decided to let her come
5 back down here, Bob and I had long conversations
6 of how this was going to be different. We were
7 going to band together. She wasn't going to be
8 able to play both of us, you know. We were
9 following suit by that. We were doing quite well.

10 Q. Since the CINC petition was filed in
11 this court, do you think Synthia has gotten better
12 or gotten worse?

13 A. Worse.

14 Q. Since Paola, she's been bounced through
15 several schools?

16 A. Yes, sir, and back into a public school.

17 MS. SWEENEY-REEDER: Your Honor,
18 I'm going to object to relevance.

19 THE COURT: Sustained.

20 MS. SWEENEY-REEDER: We've
21 discussed this several times.

22 THE COURT: Sustained.

23 Q. (By Mr. Cavanaugh) What do you think is
24 the best thing for Synthia right now to happen?

25 MR. FISHER: Judge, I guess, I will

1 object to that question, Your Honor. Again,
2 that's irrelevant and immaterial.

3 THE COURT: Sustained for the
4 purpose of this proceeding. It's not irrelevant
5 and immaterial going forward, depending on the
6 Court's finding -- well, actually, it's not either
7 way.

8 MR. CAVANAUGH: I have no further
9 questions at this time.

10 THE COURT: Miss Hartley.

11 MS. HARTLEY: Thank you.

12 CROSS-EXAMINATION

13 BY MS. HARTLEY:

14 Q. Miss Best, do you have any child support
15 or custody orders with Mr. Trager for Synthia?

16 A. I don't get any child support, no,
17 ma'am. I got \$126 for six months for two kids.

18 Q. So my question was, are there child
19 support or custody orders?

20 A. I believe so with that, but they were
21 years ago.

22 Q. So you have not been receiving any child
23 support for Synthia from Sun Trager?

24 A. No, ma'am.

25 Q. Has he had any visitation with her?

1 A. No, ma'am.

2 Q. Have you had any contact with him?

3 A. No, ma'am.

4 Q. When was the last time you did have
5 contact with Mr. Trager?

6 A. Ten years, probably.

7 Q. And the nature of that contact, was it
8 related to Synthia?

9 A. Yes.

10 Q. And have you had any -- have you made
11 any attempts to contact him regarding her
12 situation in the last year or two?

13 A. I've tried.

14 Q. How have you done so?

15 A. Through his son, Synthia's brother Gage.

16 Q. Is that also your son?

17 A. Uh-huh. Their dad has been having some
18 health issues. He's had a stroke and he's been in
19 and out of the hospital.

20 Q. How are you receiving that information?

21 A. Through Gage.

22 Q. How old is Gage?

23 A. He's fixing to be 18.

24 Q. Do you have any documentation from
25 Mr. Trager regarding your legal authority over

1 Synthia?

2 A. Documentation as of what? I have the
3 paperwork from when we went to do the custody, the
4 parenting plan, and that's what I have. But like
5 I said, it's years ago.

6 Q. So your court order of your divorce
7 decree, your separation agreement, has child
8 support and custody orders?

9 A. Uh-huh.

10 Q. Do you have any other documentation,
11 powers of attorney or anything?

12 A. Huh-uh.

13 Q. What kind of documentation did you
14 provide to Mr. Davis?

15 A. It was a guardianship paperwork I found
16 on LegalZoom or something like that.

17 Q. A guardianship paperwork?

18 A. Uh-huh.

19 Q. Was that notarized?

20 A. Yes, ma'am.

21 Q. And did you notify Mr. Trager?

22 A. No, ma'am.

23 Q. Do you have a copy of that document with
24 you?

25 A. No, ma'am.

1 Q. Have you presented that to Miss Stockard
2 or the Paola High School?

3 A. The -- that was years ago. That wasn't
4 from this year. That was previous years, two
5 years ago.

6 Q. I believe you were in the courtroom when
7 the Paola High School indicated there was a
8 document indicating that Synthia was staying with
9 Bob?

10 A. Right, that was just the enrollment
11 forms that I filled out. That was it.

12 Q. Okay. But is there a current legal
13 authority --

14 A. No. No.

15 Q. -- for Mr. Davis to have?

16 A. No.

17 MS. HARTLEY: Nothing further, Your
18 Honor.

19 THE COURT: Miss Sweeney-Reeder.

20 CROSS-EXAMINATION

21 BY MS. SWEENEY-REEDER:

22 Q. So you and Mr. Trager also have a son
23 named Gage; is that correct?

24 A. Yes.

25 Q. Where does Gage live?

1 A. Gage is in the juvenile correctional
2 facility in Topeka, Kansas.

3 Q. And I think you mentioned that you
4 have -- there's a custody case in Missouri and
5 that's why you were trying to stay somewhere in
6 between the two; is that correct?

7 A. Yes.

8 Q. That was for a son in Belton; is that
9 correct?

10 A. Uh-huh.

11 Q. So does that son not live with you?

12 A. He lives with his dad right now. I get
13 him during the week and every other week.

14 Q. And you indicated that you were looking
15 at sending Synthia to a boot camp; is that
16 correct?

17 A. Yeah, before -- when she got in trouble
18 at Paola, just seven days into school, I was,
19 okay, so maybe this is not going to work either.
20 So, I kept looking into other things to do with
21 her. There's a big facility up in Independence.
22 The name is not coming to me. But it's for kids,
23 you know, who have problems -- behavior problems.
24 Then there's a boot camp in the middle of Missouri
25 that kids are really flourishing at as well.

1 Q. You started looking at those right when
2 she started school and was having trouble?

3 A. No, ma'am. I actually looked at those
4 when she got in trouble in Ottawa. I started
5 looking at those and talking to my parents about
6 it, yes, ma'am.

7 Q. So when did she get in trouble in
8 Ottawa?

9 A. I want to say June or July, something
10 like that. Shortly thereafter, I brought her
11 home, and that's when she told me about the other
12 drug use in the summer. She was at home for a
13 good month, if not little bit more. She was in a
14 lot of trouble and she went through a punishment.

15 Q. What other drug use did she tell you
16 about?

17 A. Like Miss Stockard said, the
18 methamphetamine. So when I found out about that,
19 that was not good for her. She was punished
20 severely for, like I said, over a month. That was
21 another conversation that Miss Stockard and I had.

22 Q. What was her punishment?

23 A. For over a month, she got everything
24 taken away from her, literally everything. If she
25 wanted to do drugs, she was going to see where

1 drugs got her.

2 Q. And what treatment program did you put
3 her in?

4 A. I put her in my house. We went to
5 Al-Anon.

6 (Court reporter interrupts, Ms.
7 Reeder and witness talking at the same time.)

8 THE COURT: Let Miss Sweeney-Reeder
9 finish her question.

10 Q. So you did not put her in a treatment
11 program?

12 A. No, ma'am.

13 Q. And if she went to one of these
14 programs, she wouldn't be living with you;
15 correct?

16 A. Excuse me?

17 Q. If she went to like a boot camp or the
18 program in Missouri, you were talking about a
19 couple of different programs, she would not be
20 residing with you then; correct?

21 A. The one in Missouri, you go back and
22 forth. I believe one of them you get to go home;
23 and the other one you stay there for awhile. The
24 boot camp, no, you stay there.

25 Q. Okay. But she would not be living with

1 you full-time with any of those programs?

2 A. Well, the boot camp, no. The one in
3 Independence, it would be back and forth.

4 Q. Back and forth how much?

5 A. I don't know, ma'am.

6 Q. You did testify that you were aware that
7 Synthia had smoked marijuana with Mr. Davis;
8 correct?

9 A. A long time ago.

10 Q. Okay. But yet you still let her stay
11 with him?

12 A. Yes, ma'am.

13 Q. Did you not see that as an issue, your
14 daughter smoking marijuana with her caregiver?

15 A. I listened to the story from every
16 person that was there, and I understood that he
17 was sorry, and that he made a wrong decision and
18 he would never do it again, and he has not and
19 will not.

20 Q. Just so I'm clear in your testimony,
21 your testimony is you don't believe any of the
22 other allegations against Bob?

23 A. No, ma'am, I do not.

24 MS. SWEENEY-REEDER: I have no
25 further questions, Your Honor.

1 THE COURT: Mr. Fisher.

2 MR. FISHER: I don't believe I have
3 any, Your Honor, at this time.

4 THE COURT: Redirect.

5 REDIRECT EXAMINATION

6 BY MR. CAVANAUGH:

7 Q. When you were looking at boot camps and
8 so forth, you were looking at any and every
9 alternative that might be beneficial to Synthia;
10 is that a fair statement?

11 A. Yes, sir. I was even looking at that
12 locked up where they send the kids in the jail and
13 you get to walk around. I even looked into that
14 as well.

15 Q. Now, I believe at the beginning of your
16 testimony, you were telling us that from an early
17 age, Synthia was really displaying -- she was
18 acting out in school because she really had -- it
19 looked to you like she had learning deficits, that
20 she couldn't grasped the work at even the most
21 basic levels and that produced frustration in her?

22 A. Yes, sir. Since she was in
23 kindergarten, she was throwing desks in
24 kindergarten, and they had to put her in a little
25 white room. I took her to Children's Mercy. I

1 had her evaluated, all the tests, you know,
2 autism, Asperger's. They had her on all of these
3 different medications. My baby would just drool
4 and just stare at the TV. So, I took her off of
5 it, thinking that wasn't the right thing, you
6 know. But it all stems from her school and her
7 fundamentals. A teacher called her stupid when
8 she was in first grade, I believe, or second
9 grade, and that's stuck with her. So that's her
10 defense mechanism when she's in these classes is
11 to be an ass, excuse me, but to be a jerk, you
12 know, cause a fit and then go to the principal's
13 office. Then she gets to go home. She doesn't
14 have to deal with it.

15 Q. Is it accurate to say that your plan at
16 this time is you want Synthia to live with you and
17 receive appropriate treatment for her condition?

18 A. Yes, sir. I never said I didn't want my
19 daughter at my house or I couldn't handle her. I
20 want her there, most definitely. I'm working at
21 home now, so I can have her in front of me all of
22 the time, or put her in a facility, something
23 other than what she's in right now. Because what
24 she's in right now is not helping.

25 Q. Is it fair to say, though, that Synthia

1 responds best, to the extent that she responds
2 positively, she responds best when she is with
3 you --

4 A. With her family.

5 Q. -- rather than someone else?

6 A. Yes, sir.

7 MR. CAVANAUGH: Thank you. No
8 further questions.

9 THE COURT: Miss Hartley.

10 MS. HARTLEY: Nothing, Your Honor.

11 THE COURT: Miss Sweeney-Reeder.

12 MS. SWEENEY-REEDER: Nothing
13 further, Your Honor.

14 THE COURT: Mr. Fisher.

15 MR. FISHER: Nothing, Your Honor.

16 THE COURT: All right. Miss Best,
17 you may step down. Mr. Cavanaugh.

18 MR. CAVANAUGH: Nothing further.

19 THE COURT: Does mother rest? Is
20 mother resting?

21 MR. CAVANAUGH: Another resting?

22 THE COURT: Is the mother resting?

23 MR. CAVANAUGH: We are resting, I'm
24 sorry.

25 THE COURT: Miss Hartley.

1 MS. HARTLEY: I have no evidence,
2 Your Honor.

3 THE COURT: Mr. Fisher, does the
4 guardian ad litem wish to present evidence?

5 MR. FISHER: No, Your Honor.

6 MR. CAVANAUGH: I would like to
7 make a brief statement to the Court.

8 THE COURT: Everybody is going to
9 get to. Give me just a minute. Closing argument,
10 Miss Sweeney-Reeder.

11 MS. SWEENEY-REEDER: Yes, Your
12 Honor. Based on the evidence today, the State
13 does believe that it has proven by clear and
14 convincing evidence, the standard for child in
15 need of care cases, that this child, Synthia
16 Trager, is without adequate parental control, care
17 or subsistence and it's not due to any lack of
18 financial means of the child's parents or other
19 custodian.

20 This child has been repeatedly
21 subject to DCF investigations, many surrounding
22 and involving Carrol Bob Davis. Mr. Davis is not
23 an appropriate place to stay. Mother knew that
24 when she placed her -- when she placed her back at
25 Mr. Davis' house.

1 After she was placed at Mr. Davis'
2 house, she continued to get in trouble, picked
3 up -- or she had an arrest. Admitted, I think
4 it's uncontroverted, that she had used
5 methamphetamine while -- while Mr. Davis might not
6 have been aware or in care of that, it was while
7 he -- under his watch. The mother did nothing to
8 remove her from the situation, put her back in the
9 home with Mr. Davis where she started school,
10 continued to get in trouble in school, was
11 admitted to another school.

12 Mom indicated she was looking at
13 alternative placements for her starting in about
14 June. But by September when this case was filed,
15 mom had still not removed her or put her in an
16 alternative placement. Mom was warned back in
17 June of 2016 that Mr. Davis was not an appropriate
18 place for the child to be. Despite having been
19 told of allegations regarding sexual abuse and
20 providing drugs and alcohol to other youths, mom
21 still felt that this was an appropriate place for
22 her child to be at.

23 And Mr. Trager, I think it's
24 uncontroverted, has not been in his child's life.
25 Synthia needed mental health services but had not

1 been receiving any which led to also her -- could
2 have led to her conditions and problems with the
3 school and with drug use, Your Honor. I believe
4 this is a -- we have proven that Synthia is a
5 child in need of care, Your Honor.

6 THE COURT: Mr. Cavanaugh.

7 MR. CAVANAUGH: If it please the
8 Court, I don't think that even -- I don't think
9 clear and convincing evidence has won the day. I
10 don't even think that they've proved their case by
11 a preponderance of the evidence.

12 What Stockard said is that one time
13 Synthia smoked marijuana in Mr. Davis' home.
14 Mother has testified that she talked to Mr. Davis
15 a long time ago about -- and recently about an
16 incident involving marijuana and her daughter and
17 Mr. Davis. It happened a long time ago and mother
18 had a serious talk with him that, you know, this
19 can never happen again; and that because it was a
20 an isolated incident, she thought that the matter
21 was closed with Mr. Davis. They've known each
22 other for a very long time, 18, 19 years. He was
23 present at this child's birth. So, he told her,
24 and promised her, he made a mistake, he used bad
25 judgment and so he shouldn't have done that, and

1 mother gave him another chance, which would be, I
2 think, reasonable under the circumstances.

3 THE COURT: Mr. Cavanaugh, on that
4 same note, though, how do you explain that charges
5 were filed against Mr. Davis in May of 2017, and
6 Synthia is a listed witness to those actions which
7 involved minors, and she still sent Synthia to
8 live with him? It was filed in May and Synthia
9 came here in June. Synthia is a listed witness in
10 that Complaint. How do you explain that?

11 If we've got this previous incident
12 of concerns about Mr. Davis making bad decisions,
13 how do you explain -- how am I supposed to weigh
14 that against what happened in 2017? Because he
15 later pled guilty. So, clearly, it wasn't an
16 isolated case of bad judgment.

17 MR. CAVANAUGH: Well, I think I
18 understood Miss Best to say that she didn't --
19 didn't understand or know about those charges at
20 the time that she made the decision to send him
21 (sic) there. Maybe you heard her differently
22 but ...

23 THE COURT: What she told
24 Miss Sweeney-Reeder was, she knew about the
25 marijuana, but she does not believe any other

1 allegation that's been made against Mr. Davis.
2 That was her testimony.

3 MR. CAVANAUGH: She did testify
4 that a long time ago that, you know, he and
5 Synthia had smoked marijuana, and she had a
6 serious talk with him that that could never happen
7 again with his (sic) daughter and --

8 THE COURT: With her daughter.

9 MR. CAVANAUGH: Her daughter. So,
10 I think she believed, and using reasonable
11 judgment, she thought that, you know, Synthia was
12 safe in his household. So, you know, I think -- I
13 think she was reasonable in making that decision.

14 I want to say to the Court a case
15 involving what I think is a similar set of
16 circumstances, *In Re: A.E.S.* 302 P.3d 46 (Kan.
17 Court App 2013.)

18 MS. SWEENEY-REEDER: Sorry, can you
19 say those numbers again, please.

20 MR. CAVANAUGH: Okay. 302 P.3d 46,
21 in parenthesis, (Kan. Court App 2013) and --

22 THE COURT: Do you have the Court
23 of Appeals cite for that or just the Pacific
24 Third?

25 MR. CAVANAUGH: This is all

1 that's -- well, here is the -- they're citing it
2 two places but same thing. It's an unpublished
3 case. It's *In re: A.E.S.* 302 P.3d 46 (Kan. Court
4 App. 2013) review denied, October 28, 2013.

5 THE COURT: So it's unpublished.
6 There's not an Appellate Court cite. Go ahead.

7 MR. CAVANAUGH: Drawing on this
8 rationale, the Court held that the trial court
9 should not have found a 14-year-old to be in need
10 of care where, although her father with whom she
11 was living had an altercation that landed him in
12 jail for a couple of nights, there was not clear
13 and convincing evidence that she was not without
14 adult supervision and the father's behavior had
15 not happened before or again.

16 So, I think as far as Synthia was
17 concerned, you know, this was an isolated incident
18 involving her. It was minor. That is all
19 Miss Stockard was complaining and alleging about
20 was this one incident of smoking marijuana. So,
21 mother, on the other hand, is -- she's trying to
22 figure out how to manage this very troubled child
23 with psychological, emotional deficits, or
24 learning disabilities, or whatever the reason is,
25 and so here is a family lifelong friend. She's

1 trying to get this child into school in Kansas at
2 a good school, and I think people agree that the
3 school district is good here, and she is
4 comfortable in this community. She's lived in
5 this community before. And mother relied on her
6 relationship with Mr. Davis and his promise never
7 to, you know, involve Synthia in anything like
8 that again. So, I think she was reasonable in
9 doing that.

10 And so there is -- there is no
11 other -- there's no other allegation that's been
12 made that, you know, harm has been caused to this
13 child other than an incident over the summer where
14 she apparently smoked marijuana with Mr. Davis.

15 THE COURT: She's alleged to have
16 been the victim of a felony. She was alleged to
17 have been the victim of a felony offense
18 perpetrated upon her by Mr. Davis.

19 The marijuana thing, my
20 understanding from both Miss Best and
21 Miss Stockard, was that was prior to their 2016
22 conversation. That happened before -- Miss Best's
23 testimony was that happened before she came back
24 in the summer of 2017, but that was all way before
25 that.

1 She and Mr. Davis -- and I'm not
2 going to get her words exactly right -- basically,
3 they had a sit-down about this and weren't going
4 to let Synthia play them against each other
5 anymore. So, they were going to be on the same
6 page about what the expectations were.

7 MR. CAVANAUGH: Based upon that
8 sit-down and serious discussion with Mr. Davis,
9 mother thought that her daughter was safe in that
10 household.

11 THE COURT: But I'm saying to you,
12 you're telling me there was no more harm, and I'm
13 asking you how that can be when she was alleged to
14 have been a victim in a felony to which he later
15 pled guilty to an amended misdemeanor charge.

16 MS. BEST: Can I say something?

17 THE COURT: No, you may not. You
18 have an attorney, let him do his job.

19 That's what I'm struggling with is
20 the concept there was no harm to her. This isn't
21 a question of what mom did or didn't intend.
22 Because mother's frustration is palatable in this
23 courtroom. I mean, clearly, she is so frustrated,
24 not just with the system, but with what has
25 happened to her daughter both in the education

1 system, the mental health system, and, frankly,
2 she's not had any support from a second parent.
3 So, mom's frustration isn't the issue here.

4 My ultimate question is -- the
5 thing I have to decide is, what was going on on
6 the day this was filed. What had led up to that
7 point in the short and long-term. But you're
8 telling me there was no harm to her, and I'm just
9 having a hard time even beginning to assess that
10 as accurate.

11 MR. CAVANAUGH: The harm, I think,
12 was not significant and it was isolated, and it
13 was a one-time incident. It was not like there
14 was a drug house she was living in. And is that
15 enough to say that, you know, she has a need to be
16 brought into court here as a child in need of
17 care, and that, you know, that is a better
18 alternative for her than going back to live with
19 her mother and having her mother seek, you know,
20 psychological and appropriate help for her
21 daughter that --

22 THE COURT: That's a question for
23 disposition, not trial. Where she should go, if I
24 find her to be in need of care, is a completely
25 different question than whether she is in need of

1 care. I think it's clear that mom's position is
2 she's way worse off now than when she was removed.
3 The question is, is she in need of care.

4 Do you have anything to add on the
5 petition itself?

6 MR. CAVANAUGH: I don't think
7 what's alleged and what's been testified to by
8 Miss Stockard is enough to find that there is a
9 sufficient neglect here by mother to warrant a
10 finding of a child in need of care; that it was
11 Mr. Davis did not follow-through on his pledge to
12 mother, you know, if there was an incident this
13 past summer where the child smoked marijuana in
14 his house on one occasion. And so --

15 THE COURT: I want to say again,
16 that's not the allegation. The marijuana with Mr.
17 Davis occurred, according to your client and
18 Miss Stockard, before this summer, when she was
19 residing with him before she was in school in
20 North Kansas City. That's what your client
21 testified to. She's nodding at me. That's what
22 Miss Stockard testified to. That is not the
23 issue -- they've both testified that happened
24 before this summer.

25 This summer, Mr. Davis -- or last

1 summer in 2017, Mr. Davis was charged with these
2 six felony counts and later pled guilty to
3 endangering a child, an A misdemeanor, and that
4 all happened in front of me. So, I have more than
5 a passing familiarity with the case file before I
6 took judicial notice of it. All right.

7 Anything further to add? I just
8 want to be clear that when I make my decision
9 today, I understand that the one incident of them
10 smoking marijuana together was before she went to
11 North Kansas City schools. I just want everybody
12 to understand that. That's my understanding of
13 the evidence.

14 MR. CAVANAUGH: And Miss Stockard
15 in late September, 2017, September 21st, is making
16 mother aware that Synthia cannot remain in Mr.
17 Davis' home, and it seems to me that I heard that,
18 you know, mother, you know, agreed with that and
19 didn't know yet what she was going to do, but she
20 was going to do, you know, something to help her
21 daughter, you know, and not in Mr. Davis' home.
22 It was less than a week or so -- or a week later
23 when the CINC case was filed, and so mother didn't
24 have adequate time to do anything. Based upon
25 that interview, Miss Stockard believed that filing

1 a CINC petition was the appropriate thing to do.

2 What in the Court's mind is the
3 issue here that turns on whether she's going to be
4 found to be a child in need of care?

5 THE COURT: Are you asking me a
6 question?

7 MR. CAVANAUGH: Yes.

8 THE COURT: I'll be ruling in a
9 minute.

10 MR. CAVANAUGH: Okay.

11 THE COURT: Anything further?

12 MR. CAVANAUGH: Nothing further.

13 THE COURT: Miss Hartley.

14 MS. HARTLEY: Your Honor, again,
15 I'll inform the Court I've had no contact with
16 Mr. Trager.

17 However, a couple of things that
18 I've noticed through the testimony today. It does
19 appear that Mr. Trager is not aware of any of the
20 situation regarding Synthia's mental health and
21 lack care thereof. He was not aware of any
22 incident in which she may have been a victim of a
23 felony offense in May of 2017, and he had no
24 opportunity to remove her based on those
25 allegations because he didn't know of such.

1 Again, I'd just object to anything
2 contrary to his interests. It does not appear
3 that he has been made aware of the allegations in
4 the petition by any person.

5 THE COURT: Well, he was served.

6 MS. HARTLEY: Yes. I don't believe
7 he was interviewed, and I don't believe he was
8 informed by any of the school staff or family of
9 Miss Trager.

10 THE COURT: I might suggest that
11 had he been a little more engaged when Synthia not
12 only first started having problems but ongoing
13 issues, perhaps some of these mental health issues
14 might have been addressed if dad had health
15 insurance or had provided mom with some financial
16 assistance so she could have gotten her some
17 mental health treatment, but we'll leave that for
18 later.

19 Mr. Fisher, you get to go last.

20 MR. FISHER: Thank you, Your Honor.

21 Judge, first of all, I understand.
22 I can empathize with mom. I understand her
23 frustrations. I mean, there's been a history
24 here. I can understand her frustrations in terms
25 of the mental health issues, the educational

1 issues. I commend mom for being involved with her
2 daughter on the educational issues. She did come
3 down. She did allow her daughter to be placed at
4 the co-op there in Garnett and felt that that was
5 appropriate for her.

6 But as guardian ad litem, Your
7 Honor, I have to look at the overall picture here,
8 not only just the educational aspects of what mom
9 did but the overall aspect of it. And, Judge, I
10 think this is a case where there's no allegations
11 that the child has been physically, mentally or
12 emotionally abused or neglected.

13 This is a case, Judge, where the
14 State's alleged that the child at the time the
15 petition was filed was without adequate parental
16 care, control or subsistence and it is not due
17 solely to the lack of financial means of the
18 child's parents or other custodian.

19 THE COURT: That's d1?

20 MR. FISHER: Yes, Your Honor.

21 I believe the State has met their
22 burden here today, Judge. This is a case where --
23 I know counsel has cited a Kansas case, but it
24 appears that's a case, Judge, where a parent was
25 involved, where the child was with a parent.

1 Here, what we have here, Your
2 Honor, is that in 2016, I believe Miss Best was
3 told by Miss Stockard that it was not appropriate
4 for Synthia to be in Mr. Davis' residence and that
5 should not happen, that should not occur. She did
6 take the appropriate action at that time and took
7 her back home.

8 Later, we have her placed back in
9 Mr. Davis' residence. And it was the first I
10 heard that, the Court had taken judicial notice of
11 the file, that Synthia is a witness in a petition.

12 THE COURT: I will tell you those
13 allegations took place in May of 2016. So, they
14 were before. The allegations were May of 2016. I
15 don't know how that fits in with the marijuana
16 thing. But anyway, go ahead.

17 MR. FISHER: Again, so that was
18 told. So, Miss Stockard advises her in September.
19 And based upon the comments that Miss Best had
20 made to Miss Stockard that she could not deal with
21 Synthia's behaviors, not have Synthia in her home
22 at that time, Miss Stockard indicated, well, she
23 could not be with Mr. Davis.

24 Evidently, Judge, I mean, there may
25 be some question about, well, was Miss Best going

1 to take action, you know, right then and there, or
2 did she take action seven days, or she was going
3 to take action. Nevertheless, Synthia was taken
4 into custody, and she was still -- what I believe,
5 she was still -- the evidence didn't say
6 otherwise, but she was still with Mr. Davis who,
7 evidently, had no type of legal authority to act
8 on her behalf. It came out with Miss Hartley
9 asking the questions that all she had -- all there
10 was was an enrollment form for the Paola School
11 District, had no type of power attorney, or
12 anything of that nature.

13 I think, Judge, at this point in
14 time, I think the State -- what I've heard of the
15 evidence, I would concur the State has met their
16 burden here, Your Honor, and ask the Court to make
17 a finding that at the time the petition was filed
18 that Synthia was a child in need of care pursuant
19 to d1.

20 THE COURT: All right. There were
21 a couple of things that I just want to say before
22 we get very far down the path here, some of which
23 I, hopefully, have already said clearly.

24 Mr. Davis is not on trial today.
25 The issue with him is really that at the time the

1 petition was filed, she was residing in his house
2 and what were the conditions there. So that's
3 really what the issue was for him. His matters
4 were resolved, in my mind, when he entered his
5 guilty plea to child endangerment. And, Counsel,
6 I did go back and look. That was not a no contest
7 plea. That was a guilty plea. So, I want to be
8 clear about what's really going on here with
9 respect to Mr. Davis.

10 There are a couple of things that
11 really stood out to me today in the testimony,
12 aside from the mother's frustration, which, like
13 Mr. Fisher, I understand. The first is, we're
14 making all of this hay out of her drug use, did
15 she use drugs with him and didn't she and when and
16 all of these things. Those things are all a
17 problem. Miss Stockard talked about this a little
18 bit. I think we can all -- she specifically asked
19 Synthia, "are you self-medicating," or she
20 probably didn't use those words with Synthia, but
21 that was basically the question.

22 This is a child who has been in the
23 past on an SED Waiver. There is no reason to
24 believe that should or did change, certainly not
25 based on the evidence that I heard, that includes

1 the testimony of the Paola High School principal,
2 that includes the testimony of Miss Stockard, and
3 that includes the description of Synthia's
4 behaviors by her mother. This is a child who
5 needs help. She wasn't getting it on the day this
6 petition was filed. All of that other evidence is
7 relevant to me and important to me and informs my
8 decision today, but she was not getting the help
9 she needed. And the situation, when I consider
10 the evidence, was such that it had to happen then.
11 Because mom might have had a plan, but I never
12 heard when it was going to take place. She
13 couldn't stay there. I mean, there's just not
14 another way to say that.

15 This is a child who is not only
16 mentally ill but is experiencing symptoms that she
17 has described to Jennifer Stockard on
18 September 21st. She was not getting help from the
19 person that mom entrusted her to, which was Mr.
20 Davis, and mom who was at that time unable to help
21 her.

22 So, I am finding that on the date
23 of the filing, Synthia was a child in need of care
24 pursuant to d1 as alleged in the petition, and we
25 are going to go forward from here.

1 I'm going to schedule disposition
2 for the 5th of February.

3 Mr. Cavanaugh, in my head, your
4 client's work schedule allows her to be here
5 better in the afternoon; is that right or wrong?

6 MR. CAVANAUGH: It doesn't matter.

7 THE COURT: Morning is probably
8 better that day. 9:30 on the 5th of February.

9 MR. CAVANAUGH: Well, how long do
10 you anticipate that court will take on that day?

11 THE COURT: Fifteen minutes. We're
12 just going to go over the proposed case plan.
13 I'll take any objections or corrections, and then,
14 hopefully, I'll get something approved and we'll
15 go from there.

16 MR. CAVANAUGH: February 5th at
17 what time?

18 THE COURT: February 5th at 9:30.

19 MR. CAVANAUGH: Yes, that will work
20 for me.

21 THE COURT: In the meantime,
22 here's -- Mr. Fisher, I'm not -- as you know, I
23 have not seen any reports. I think this is kind
24 of what you were referencing in your closing
25 argument, maybe without even meaning to, I'm

1 probably not going to have very much patience with
2 a child whose needs aren't being met in her
3 current placement.

4 MR. FISHER: Yes, Your Honor.

5 THE COURT: So that is going to be
6 something I'm going to be watching very carefully
7 in Synthia's place. That's in the for what it's
8 worth category for everyone. I'm not -- this
9 isn't going to be just a check the box thing on
10 needs being met. Because it's clear, both from
11 Miss Stockard's testimony and from Miss Best's
12 testimony, that this is a young lady who is
13 struggling. If the Secretary isn't in a position
14 to address those struggles, maybe that's something
15 I need to be considering going forward.

16 9:30, February the 5th. The court
17 report and the proposed case plan is due to the
18 Court and counsel seven days in advance. That is
19 an order. We are done on Synthia's matter for
20 today.

21 (The proceedings were adjourned.)
22
23
24
25

C E R T I F I C A T E

1
2
3 I, Paula McRorey, a Certified Shorthand
4 Reporter, and the regularly appointed, qualified
5 and acting official reporter of Sixth Judicial
6 District of the State of Kansas, do hereby certify
7 that as such official reporter, I was present at
8 and reported in shorthand the above and foregoing
9 proceedings before the Honorable Amy L. Harth of
10 said Court.

11 I further certify that at the request of Mr.
12 Kevin Cavanaugh, a transcript of my shorthand
13 notes was typed, and that the foregoing transcript
14 is a true copy of all of the proceedings.

15 SIGNED, OFFICIALLY SEALED, AND FILED
16 ELECTRONICALLY WITH THE CLERK OF THE DISTRICT
17 COURT OF MIAMI COUNTY, KANSAS, this 15th day of
18 March, 2018.

19
20
21
22 /s/ Paula McRorey

23 Paula McRorey, CSR, RPR, RMR
24
25