

IN THE CIRCUIT COURT OF BUTLER COUNTY, MISSOURI  
CIVIL DIVISION

**Filed**  
**12/19/2016**  
**09:37 AM**  
**Ripley County**  
**Circuit Court**

**DOCKET MEMORANDUM**

TO: Ted Liszewski, Attorney for Petitioner  
Jasper Edmundson, Attorney for Respondent  
Siegrid Maness, Attorney for Intervenor  
Jennifer William, Guardian Ad Litem

RE: Charles Haynes v. Cynthia Haynes (13RI-CV00554)

DATE: December 15, 2016

On the 7th day of December, 2016, the Petitioner appeared in person with his attorney Ted Liszewski, the Respondent appeared in person with her attorney Jasper Edmundson, Intervenor appeared with her attorney Siegrid Maness, and the minor children appeared with their guardian ad litem Jennifer Williams. Before the Court is Petitioner's Affidavit and Emergency Motion for Child Custody Pendente Lite. The parties presented evidence and the matter was taken under advisement.

The issue before the Court is the temporary custody of the parties' two minor children. The minor children have been residing with Mother since the parties' separation. Under the current Temporary Custody Order, Father is allowed two supervised visits per month every other Sunday from 1 p.m. to 6 p.m. Mother testified that the children should continue to reside with her and for Father's visits to continue to be supervised and of short duration. Father proposed that the children reside with his mother, Bernice Haynes, who has intervened in the case. Bernice Haynes testified that she is willing and able to care for the minor children.

After all other evidence was presented, the Guardian Ad Litem testified that, even though she has concerns about Bernice Haynes' failure to fully supervise Father's visits in the past, her recommendation is that the minor children be placed with Bernice Haynes. The GAL stated that placement of the children with their grandmother is in their best interests at this time.

The Court finds that, on a temporary basis, the minor children's best interests are served by residing with the Intervenor. All three parties will share joint legal custody of the minor children, with Intervenor being the ultimate decision maker for the minor children and will make all decisions concerning the children's schooling. The Court further finds it in the children's best interests that they visit with Mother every weekend from Friday at 6 p.m. to Sunday at noon. Father's visitation will be supervised every Sunday from 1 p.m. to 6 p.m. Intervenor to provide supervision for Father's visits.

So ordered.

Counsel Liszewski to prepare formal Judgment of Temporary Custody.

John H. Shock, Associate Circuit Judge

**Filed**  
**12/22/2016**  
**01:28 PM**  
**Ripley County**  
**Circuit Court**

STATE OF MISSOURI            )  
  ) ss  
COUNTY OF RIPLEY            )

**IN THE CIRCUIT COURT OF RIPLEY COUNTY, MISSOURI**

**IN RE: THE MARRIAGE OF**            )  
**Charles Haynes and**                    )  
**Cynthia Haynes,**                        )  
  )  
**CHARLES HAYNES,**                    )  
**SSN: XXX-XX-**                            )  
  )  
**Petitioner,**                            )  
  )  
**vs.**                                        )  
  )  
**CYNTHIA HAYNES,**                    )  
**SSN: XXX-XX-1203**                    )  
  )  
**Respondent.**                            )

**Case No. 13RI-CV00554**  
**CIVIL DIVISION**

**ORDER REGARDING EMERGENCY**  
**MOTION FOR CHILD CUSTODY PENDENTE LITE**

On this 22<sup>nd</sup> day of December, 2016, the Court rules on Petitioner’s Motion Child Custody Pendente Lite Motion. In consideration of this ruling, the Court held a hearing on December 7, 2016, in Poplar Bluff, Missouri. Petitioner appeared in person with Counsel, Respondent appeared in person with Counsel, the Intervenor appeared in person with counsel, and minor child Mekalia Haynes appeared with her Counsel. After hearing witness testimony, reviewing the testimony and exhibits, the Court hereby **ORDERS** as follows:

1. Petitioner’s Motion is overruled with respect to his request for placing the children in the sole legal and physical custody of Intervenor or Petitioner pending entry of a final order.
2. Petitioner’s Motion is sustained in part with respect to changing the legal custody of the minor unemancipated children. The Court **ORDERS** that on a temporary basis or until further order of the Court that Petitioner, Respondent, and Intervenor will all share in the joint legal custody of minor children. In the event of disagreement, Intervenor will be the ultimate decision maker with respect to the health, safety, and welfare of the minor children.
3. After reviewing the evidence, the best interests of the minor children would be best served by placing the children in the physical custody of Intervenor pending final order

of the Court. It is further **ORDERED** that the transfer of physical custody of the minor children shall occur December 23, 2016 at 5:00 P.M. Intervenor and Respondent shall communicate as to what items are needed for the minor children to effectuate the transfer. Respondent is further directed to provide clothing and other supplies at her residence that aid in the comfort and well-being of the children at the time of transfer.

4. Regarding education, Intervenor will make all decisions regarding the children's schooling. Intervenor has indicated that she intends to place the minor children in the Doniphan Public School District, and the Guardian Ad Litem agrees with this decision.
5. The Court hereby grants Intervenor the power to make all educational decisions regarding the minor unemancipated children. Petitioner and Respondent are hereby directed to execute any and all documents necessary to place the minor children in the Doniphan Public School District. All parties shall have access to school records and Intervenor will keep the other parties informed as to the children's progress.
6. Petitioner is awarded additional visitation and liberal supervised visitation is encouraged. At a minimum, visitation shall be from 1:00 P.M. to 6:00 P.M. every Sunday. Visitation on the newly ordered schedule shall commence on December 30, 2016. At the Intervenor's discretion and after consultation with the minor children, Petitioner may be invited for other events but all visits of any nature with Petitioner shall be supervised. There are no exceptions.
7. Respondent is awarded visitation of the minor children and liberal visitation is encouraged. At a minimum, visitation shall commence every Friday at 6:00 P.M. and conclude at noon on Sunday. Visitation will commence the weekend of December 30, 2016. At the Intervenor's discretion and after consultation with the minor children, Respondent may have additional visits with the minor children.
8. Should the parties not be able to agree to a visitation schedule for the Christmas Eve and Christmas Day, the Court directs that Respondent is awarded visitation from 5:00 P.M. Christmas Eve to Noon on Christmas Day. Petitioner shall be awarded visitation from 1:00 P.M. – 6:00 P.M. on Christmas Day.
9. All parties are directed to not discuss any aspect of the pending dissolution or comment on the other party in the presence of the minor children. No financial matters will be discussed, and neither party shall say anything in the presence of the minor children which may diminish their love and affection for any of the parties to this action.

So **ORDERED** this 22<sup>nd</sup> day of December, 2016.



A handwritten signature in cursive script, appearing to read 'John H. Shock'. The signature is written in dark ink on a light background.

---

Honorable John H. Shock  
Associate Circuit Judge.