

DECLARATION OF F.A.

I, F. A., DECLARE AS FOLLOWS:

1. I am the Petitioner herein and the following facts and information are within my personal knowledge such that I could, if called upon to do so, testify competently thereto.

2. This declaration is offered in opposition to both the Request for Order and the Request for Domestic violence Restraining orders. The information contained in both of Respondent's supporting declarations is virtually identical and the two documents were filed within 3 days of one another.

3. First, I do not understand why Respondent and her attorney chose to file two separate requests. All of the requests could have been included within the DV filing. I believe this is redundant and the only explanation I perceive is that they are trying to intentionally increase the cost of this litigation and to cause unnecessary added stress and potential health problems¹ for me in the hopes that I would simply cave in to the requests. I have no intention of doing so. I have grave concerns for the safety of our daughter in the care of Respondent.

4. Respondent paints a picture of me in her declarations which does not reflect reality. Respondent completely and utterly fails to address her own issues which include serious mental health disorders resulting in hospitalization with the San Luis Obispo County Mental Health Department (as recently as the end of November, 2012 following a suicide attempt – see detailed discussion below), the fact that her other child, D_____, has serious behavioral issues including violent tendencies, the sexual touching of our daughter by Respondent's nephew (and Respondent's choice to continue letting that boy

¹ I suffer from severe diabetes and stress is a direct factor in my day to day health, much more than other individuals who are in good health.

1 [N_____] have regular close contact with our daughter, forcing or daughter to ride
2 in the backseat with the boy who molested her riding home from school), and the fact that
3 Respondent's father suffers from PTSD resulting in violent mood swings and horrible
4 verbal abuse of our daughter. At one point Respondent's father, *****, told our daughter
5 she was never allowed in his home again, a horrifying thing for a young child to hear
6 from her grandpa.

7 Respondent is familiar with the court system and how protective the court is over
8 victims of domestic violence. She has engaged in this kind of courtroom manipulation
9 with the father of her other child. She has made or engineered a plan for someone to
10 make numerous false reports to Child Welfare Services and various police agencies both
11 against myself and the father of her other child. There are 8 reports to CWS initiated or
12 prompted by Respondent. Seven of those were against D_____'s father and only one
13 was substantiated, for emotional abuse.

14 These present filings are simply the latest fiction created by Respondent solely to
15 gain an advantage in these proceedings.

16 Respondent cites claimed abuse against her son D_____ by me – in 2010 – an
17 issue which this court heard in 2010. I deny that I hit Respondent on December 1, 2012.
18 I also wish to point out that D_____ has behavioral issues, including threatening to
19 kill classmates at school and beginning as early as 2008. I believe that Respondent
20 coerced or influenced D_____ to make false statements to various law enforcement and
21 CWS workers.

22 Unfortunately, because of the short notice of the hearing my attorney has not been
23 able to gather the necessary documents to prove that Respondent has a history and pattern
24 of this type of courtroom maneuver. Some of the documents require subpoenas, others
25 may require petitions for the release of Child Welfare Services records. All of those

1 procedures take more time than was available before the hearing. It will therefore be
2 necessary to continue these matters to a date in the future which will allow my attorney
3 and I to gather the necessary evidence to present the court with a full and accurate picture
4 of Respondent's history. Furthermore, mediation is not scheduled until the beginning of
5 February, and unless the court can arrange an earlier mediation (which I am requesting),
6 this, too, is an impediment to having a full hearing on the issues before the court.

7 Pending that continued hearing I will be requesting as much visitation as possible
8 with our daughter as an interim order. If the court is concerned with our daughter's
9 safety and wishes to maintain the supervised visitation order, I request that my mother or
10 aunt be permitted to supervise the visits at my and my mother's home.

11 4. I have been a part of our daughter's daily life since her birth. In November,
12 2012 Respondent had a mental breakdown and decided to kill herself by walking on the
13 railroad tracks in Paso Robles until a train ran her over. Luckily, my family and I began a
14 search of the area and found her before that happened. As a result of her mental state she
15 was hospitalized at the San Luis Obispo County Mental Health Inpatient Lockdown
16 Facility for a period of several days. Petitioner failed to mention this critical information
17 in her declaration, instead referring to the incident as a temporary hospital stay. In
18 reading her declaration one would think she had a minor injury or illness. In reality, she
19 tried to commit suicide in one of the most horrific ways I can imagine.

20 Respondent is correct that beginning with her suicide attempt I took custody of our
21 daughter. It goes without saying that I was concerned about Respondent's mental health
22 and what might happen if our daughter were with her and Respondent had another life
23 threatening mental breakdown. I do not think my actions were in any way unreasonable
24 given the circumstances. It was only after I expressed that concern that Respondent
25 decided to file a Domestic Violence request with the court. Her filing is retaliatory and

1 not based in any fact. She is fully aware that the filing of a DVTRO would result in
2 immediate custody orders and would place her in a superior position in this litigation.

3 This is not the first time Respondent has suffered this kind of mental breakdown. In
4 the past, after D_____ was born she had a breakdown and was hospitalized in a mental
5 facility.

6 5. Lastly, while I understand that the court must concern itself with any violence
7 against a sibling of a child in a custody dispute (and I do deny that I ever committed an
8 act of domestic violence against D_____), there is not a single allegation that I have ever
9 harmed our daughter in any way. In fact when our daughter was questioned about abuse
10 at my hands she replied to the CWS worker that she was not afraid of me at all.

11 Respondent is asking the court to *assume* that I pose a threat to our daughter, I do not. I
12 love our daughter with all my heart and I have done everything I can to provide her with
13 a safe and loving home.

14 The foregoing is an overview which can, and will, be supported by documentary
15 evidence once that information is compiled. Ideally, I believe this is a case where a
16 psychological evaluation would be the most accurate way for the court to resolve the
17 custody dispute. Respondent's mental health disorders are directly affecting our
18 daughter. Unfortunately, I do not believe that either party has the means to pay for half
19 of a psych eval. I suggest that minor's counsel be appointed to investigate Respondent's
20 mental health issues and the allegations of domestic violence. At least minor's counsel
21 will be able to access that information, which might be otherwise inaccessible.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this declaration is signed this ____ day of January,
24 2013 at Paso Robles, California.

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F.A.