

FILED
MIAMI COUNTY
JUVENILE COURT

2009 MAR -8 P 3:25

IN THE COURT OF COMMON PLEAS OF MIAMI COUNTY, OHIO
JUVENILE DIVISION

JUDGE W. DIXON, JR.
JUDGE

IN RE: MADISON BROWN
DOB: 09-25-09

CASE NO. 21030146

APRIL BROWN

JUDGE W. McGREGOR DIXON, JR.
MAGISTRATE GRETCHEN K. BEERS

MOVANT,

v.

AMANDA ELLIOT (MOTHER)

MOTION FOR EX PARTE CUSTODY

and

JOSHUA BROWN (FATHER)

RESPONDENTS

Now comes Movant, April Brown, by and through counsel, and respectfully requests that this Court grant her emergency ex parte custody of the minor child, Madison Brown, born September 25, 2009. Further, the Movant, April Brown requests that this matter be scheduled for an Emergency Hearing as expeditiously as possible. A Memorandum in Support follows.

LOPEZ, SEVERT & PRATT CO., L.P.A.

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Respectfully submitted,

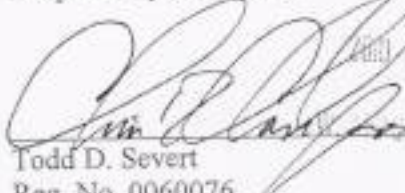
W. McQUEEN DIXON, JR.
JUDGE



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Attorney for Movant, April Brown

LOPEZ, SEVERT & PRATT CO., L.P.A.

Respectfully submitted,



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Attorney for Movant, April Brown

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THOMAS DIXON, JR.
JUDGE

MEMORANDUM IN SUPPORT

Consistent with the Affidavit of April Brown, the minor child is currently in the custody and care of the Movant. The Respondents have approximately 15 cats and 3 dogs and the minor child and her things are constantly covered in pet hair. The Respondents are also both mentally challenged and have alcohol issues. The Respondent's live a very nomadic lifestyle and are currently living with Respondent, Amanda Elliot's family with five people living in a two-bedroom residence (along with the numerous animals). Due to the circumstances of the parties,

the Movant believes that it would be in the minor child's best interest for the movant to be granted Ex Parte Custody of the said child.

WHEREFORE, the Movant, April Brown, respectfully request that this Court grant her emergency custody of the minor child, Madison Brown, born September 25, 2009. Further, the Movant request that this matter be scheduled for an Emergency Hearing as expeditiously as possible.

LOPEZ, SEVERT & PRATT CO., L.P.A.

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MIAMI COUNTY
JUVENILE COURT

2010 MAR -8 P 3:26

W. MCGREGOR DIXON, JR.
JUDGE

IN THE COURT OF COMMON PLEAS OF MIAMI COUNTY, OHIO
JUVENILE DIVISION

IN RE: MADISON BROWN
DOB: 09-25-09

APRIL BROWN

MOVANT,

CASE NO. 21030146

JUDGE W. MCGREGOR DIXON, JR.
MAGISTRATE GRETCHEN K. BEERS

v.

AMANDA ELLIOT (MOTHER)

and

JOSHUA BROWN (FATHER)

RESPONDENTS

AFFIDAVIT OF APRIL BROWN

STATE OF OHIO,
COUNTY OF MIAMI, SS:

I, April Brown, being first duly cautioned and sworn, depose and say as follows:

1. I am the Movant in the above-captioned matter;
2. I am the paternal great-aunt of the minor child, Madison Brown, born September 25, 2009;
3. The minor child is currently in my care and custody and has been for most of her life;

LOPEZ, SEVERT & PRATT CO., L.P.A.

4. The Mother, Amanda Elliot and the Father, Joshua Brown are currently residing in an attic of a residence. The residence has five people, fifteen cats and three dogs living with only two bedrooms;

5. The Respondents' residence does not have a separate bedroom for the minor child and the minor child sleeps in a bassinet that is much too small for her;

6. The minor child is always covered in net hair as is her clothing and pacifier;

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JUVENILE COURT

2010 MAR -8 P 3:26

W. DIXON, JR.
JUDGE

6. The minor child is always covered in protection...
7. The Respondents' are very nomadic moving from place to place and staying with whoever will take them in;
8. The Respondents' are both mentally challenged and also have alcohol issues;
9. Neither Respondent is employed;
10. I believe that it is in the best interest for me to have interim temporary custody and legal custody of the minor child, Madison Brown, born September 25, 2009.

FURTHER AFFIANT SAYETH NAUGHT.

April Brown
April Brown

Sworn to and subscribed in my presence by the said April Brown, this 8th day of March, 2010.

Wrista Smith
Notary Public
WRISTA SMITH, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 3, 2011



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MAR 23 2010

IN THE COURT OF COMMON PLEAS OF MIAMI COUNTY, OHIO
JUVENILE DIVISION

IN RE: MADISON BROWN
DOB: 09-25-09

APRIL BROWN

MOVANT,

v.

AMANDA ELLIOT (MOTHER)

and

JOSHUA BROWN (FATHER)

RESPONDENTS

CASE NO. 21030146

JUDGE W. MCGREGOR DIXON, JR.
MAGISTRATE GRETCHEN K. BEERS

MAGISTRATE'S ORDER -
NOTICE OF EMERGENCY HEARING

The Movant, April Brown, having filed a Motion for Ex Parte Custody, and for good cause shown, **IT IS HEREBY ORDERED** that the Motion filed herewith has been scheduled for an emergency hearing on the 9th day of March, 2010 at 1:00 a.m. before Magistrate Gretchen K. Beers. The parties, with or without counsel shall appear. Failure to appear may result in dismissal of the Motion or an uncontested hearing on the Motion.

IT IS SO ORDERED.


MAGISTRATE GRETCHEN K. BEERS

LOPEZ, SEVERT & PRATT CO., L.P.A.

PREPARED:



Todd D. Severt

Reg. No. 0060076

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LOPEZ, SEVERT & PRATT CO., L.P.A.

21030146

I Amanda Elliot request a Hearing
on the matter of Madison Brown
and Joshua Brown

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MIAMI COUNTY
JUVENILE COURT
2009 MAR 10 P 1:51
H. JOSEPH GUN DIXON, JR.
JUDGE

**IN THE COMMON PLEAS COURT OF MIAMI COUNTY, OHIO
JUVENILE DIVISION**

**IN RE: MADISON BROWN
DOB: 09-25-09**

APRIL BROWN,

MOVANT.

*
*
*

CASE NO. 21030146

**JUDGE W. McGREGOR DIXON, JR.
MAGISTRATE GRETCHEN K. BEERS**

v.

*

AMANDA ELLIOTT (MOTHER),

*

**MOTION TO DISMISS
EX-PARTE ORDER**

and

*

JOSHUA BROWN (ALLEGED FATHER),

*

RESPONDENTS.

*

* * * * *

Now comes the Respondent, Amanda Elliott, ("Mother"), by and through counsel, who hereby moves this Court to dismiss the ex-parte order on or about March 9, 2010, granting temporary custody of the Mother's minor child, Madison Brown, DOB September 25, 2009, ("Minor Child") to Movant, April Brown.

The reason for this request is that the affidavit attached to the Movant's Motion for Ex-Parte Custody consisted almost entirely of untrue statements, for example:

- 1) Movant indicated that Joshua Brown was the Minor Child's father. He is not.
- 2) Movant indicated that she is the Minor Child's paternal great-aunt. She is not.

- 3) Movant indicated that the Minor Child has been in Movant's care and custody for most of her life. This is untrue as the Minor Child has primarily been in the care and custody of the Mother.

- 4) Movant indicated that the Mother lives in an attic with five people, fifteen cats and three dogs. This is untrue as the Mother lives with her father, who only has one dog, and has her own bedroom

- 5) Movant indicated that the Minor Child does not have her own bedroom and sleeps in a bassinet that is too small for her. This is only partially true as the Minor Child, who is only five months old, does sleep in the Mother's room but not in a bassinet but a crib, which is plenty big enough for the Minor Child.
- 6) Movant indicated that the Minor Child does not have her own bedroom and sleeps in a bassinet that is too small for her. This is only partially true as the Minor Child, who is only five months old, does sleep in the Mother's room but not in a bassinet but a crib, which is plenty big enough for the Minor Child.
- 7) Movant indicated that the Mother is nomadic. This is untrue as the Mother lives with her father, and has her own bedroom.
- 8) Movant indicated that the Mother is mentally challenged and has alcohol issues. This is untrue as the Mother graduated from high school and JVS and has taken college courses. In addition, the Mother does not drink alcohol.
- 9) Movant indicated that the Mother is unemployed. This is only partially true and the Mother has been employed for the last two months at a program called Safe Haven, working 11:30 a.m. to 5 p.m., which is a program that is designed to help people become employed.

WHEREFORE, the Mother moves the court for an order dismissing its prior ex-parte order granting temporary visitation to the Movant. The Mother plans to present evidence and testimony at the hearing already scheduled for April 2, 2010, to support her responses to the Movant's allegations in her affidavit. The Mother requests that this Motion be addressed as part of the hearing already scheduled for April 2, 2010, at 9:40 a.m. or as soon as possible.

Respectfully submitted,

**CHRISTIAN LEGAL SERVICES
OF SHELBY COUNTY, INC.**

219 E. Court Street
Sidney, OH 45365-0499
(937) 710-4544 (ph)
(937) 710-4721 (fax)
christianlegalshelby@woh.rr.com

By: 

Kimberly S. Kislig, Executive Director
Atty. Reg. No. 0076767

Certificate of Service


1st The undersigned hereby certifies that a copy of the foregoing has been sent via facsimile this
day of April, 2010 to:

Miami County Juvenile Court
201 West Main Street
Troy, OH 45373

Fax: 937-440-3531

LOPEZ, SEVERT & PRATT CO., LPA
Attn: Todd D. Severt
18 E. Water Street
Troy, OH 45373

Fax: 937-339-6446


Kimberly S. Kislig

KSK:tah

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IN THE COMMON PLEAS COURT
OF MIAMI COUNTY, OHIO
JUVENILE DIVISION

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JUVENILE COURT

2010 APR -2 A 11: 56

CASE NO. 21030146

JUDGE W. McGREGOR DIXON, JR.
JUDGE

IN THE MATTER OF:
MADISON BROWN
DOB 9/25/09

MAGISTRATE GRETCHEN K. BEERS

MAGISTRATE'S ORDER

This matter came before the Court on April 2, 2010 for hearing on the continuing effects of the ex parte interim order of custody filed March 9, 2010. Present at the hearing were April Brown, interim custodian, represented by Attorney Todd Severt and Amanda Elliott, mother of the child, represented by Attorney Kimberly Kislig.

Based upon the testimony admitted, the Court finds that there was reason to issue the ex parte order of custody and that it is in the best interest of Madison Brown that she remains in the custody of April Brown until further court order. The Court further finds that Joshua Brown is not the father of the child and that he is dismissed as a party to this case. The Court further finds that Amanda Elliott has named Kevin Dotson as the father of the child.


IT IS HEREBY ORDERED that April Brown is the interim custodian of Madison Brown, born September 25, 2009.

IT IS FURTHER ORDERED that Amanda Elliott shall be entitled to visitation with Madison on Sundays 9:00 a.m. to 6:00 p.m. and on Tuesdays and Thursdays 12:00 noon to 5:00 p.m. The visits shall begin on Sunday, April 4, 2010. Amanda Elliott shall provide the transportation for visitation as well as Madison's basic needs during the visit. Ms. Brown shall return Ms. Elliott's car seat to her for Madison.

IT IS FURTHER ORDERED that Joshua Brown is not the father of Madison and that no parent child relationship exists between them. Joshua Brown is dismissed from this case.

IT IS FURTHER ORDERED that Kevin Dotson, 430 E. Russell, Sidney, Ohio 45356 is joined as a necessary party to this case. A copy of all pleadings as well as a summons and notice of hearing for the May 21, 2010 pretrial shall be issued to him by certified mail.

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MIAMI COUNTY
JUVENILE COURT


Gretchen K. Beers, Chief Magistrate

2010 APR -2 A 11: 56

Journalized

4/2/10
(Date)

WDE

(Initials)

W. McCREGOR DIXON, JR.
JUDGE

CC: Todd Severt and Jay Lopez, Attorneys for April Brown
Kimberly Kislig, Attorney for Amanda Elliott
Joshua Brown
Kevin Dotson, by certified mail

