

STATE OF INDIANA

)

IN THE

) SS:

COUNTY OF

)

CAUSE NO.:

[REDACTED]

)

[REDACTED],)

Petitioner,

)

and

)

[REDACTED],)

Respondent.

)

)

VERIFIED MOTION FOR EMERGENCY HEARING ON TEMPORARY CUSTODY AND IMMEDIATE POSSESSION OF MARITAL RESIDENCE

Comes now Petitioner, [REDACTED] (herein, "Father"), in person and by Counsel, Bryan L. Ciyou, and files his Verified Motion for Emergency Hearing on Temporary Custody and Immediate Possession of Marital Residence, and in support thereof, show the Court, as follows:

1. That [REDACTED] (herein, "Mother") was driving while intoxicated and blew a BAC of .22, while pregnant, and drove off the highway and crashed into a pole on [REDACTED], leaving the vehicle inoperable. Mother was arrested and taken to jail on [REDACTED]. Father is highly concerned that Mother will drive while intoxicated again and crash while transporting the Minor Child of the Parties.
2. That Father is filing his Verified Petition for Dissolution of Marriage, contemporaneous herewith, and is the Father of [REDACTED] (herein, "Minor Child"), age [REDACTED]
3. That Father currently has the Minor Child in his care and he is temporarily maintaining custody of the Minor Child, pending a hearing on same, for her safety and in her best interest.

4. That Father is a fit and proper person to have temporary physical custody of the Minor Child.
5. That Mother is currently approximately four (4) months pregnant with the Parties' unborn child.
6. That Mother recently was arrested on [REDACTED] for a DUI by the [REDACTED] Police Department around 4:00 A.M. *See attached Exhibit "1"*.
7. That Father received a call from Mother from jail on [REDACTED]. Prior to receiving said call, Father believed Mother was still at work.
8. That Father received notice from the Parties' car insurance on or about [REDACTED] that Mother was involved in a car crash stemming from her alleged DUI on [REDACTED].
9. That Father was aware of Mother's prior alcohol abuse and mental health history but believed that Mother had her issues currently under control. Father had not witnessed Mother using alcohol during her current pregnancy and he is very concerned after learning of Mother's very recent DUI. Father now is aware that Mother does not have her alcohol and mental health issues under control and Father fears for the safety of his unborn child as well as the Minor Child.
10. That Mother was bonded out of jail on [REDACTED] and returned to the marital home. Mother was very angry upon her return and she began fighting and yelling at Father. Father is unaware if Mother was still intoxicated at this time. The police were called and instructed Father to leave the marital residence, leaving Mother alone with the Minor Child. Father is unaware if the police were notified of Mother's very recent DUI during their visit on [REDACTED] and Father did not have all the details of Mother's arrest at that time to supply to the police.

11. That Father left the marital residence on [REDACTED] and he is currently living nearby at his biological mother's residence.
12. That due to Mother's current unstable mental state and alcohol abuse, Father believes that the Minor Child is in danger while in the care of Mother. An emergency exists, due to the above reasons, and Father believes that if the Minor Child were permitted to remain in the custody of Mother, it would cause immediate and irreparable harm to the Minor Child. Father believes that Mother's recent lack of judgment by choosing to drink alcohol while pregnant, choosing to drive while intoxicated and pregnant, and then crashing her vehicle shows that Mother may be suffering from concerning mental health issues that need to be immediately addressed and handled by a medical professional. The Minor Child deserves a stable and safe home environment for her physical and emotional wellbeing and development, which Father can provide while Mother works on her current mental health issues. Father is very concerned that Mother has been caring for the Minor Child while intoxicated and Father does not believe that Mother is currently fit to care for their [REDACTED] year old daughter.
13. That, if given temporary custody of the Minor Child, Father would be able to provide a safe and nourishing home environment for the Minor Child. Father has cared for the Minor Child since her birth and has always had an active parental role in her care and development. Father's biological sister, [REDACTED], is currently unemployed and able to watch the Minor Child while Father works. The Minor Child is not currently breastfeeding.
14. That Father respectfully requests to have temporary sole custody of the Minor Child, subject to Mother's supervised parenting time. The Minor Child is [REDACTED] year old and

has several belongings and necessary care items in the marital home. Father believes that it is in the Minor Child's best interest to continue to reside in the marital home and Father respectfully requests immediate and sole possession of the marital home. **Mother has family she can live with in the area, if Father is awarded temporary custody and immediate and sole possession of the marital home.**

15. That, for the safety of the Minor Child, Father respectfully requests that Mother's parenting time be supervised, possibly by Father, or a relative of the Parties, as agreed upon by the Parties. Father believes that Mother's current unstable mental state and possible alcohol abuse issue places the Minor Child's safety and wellbeing in danger.
16. That Father firmly believes that it is in the Minor Child's best interests, given the circumstances herein, to have an emergency hearing, establish sole custody to Father on a temporary emergency basis, pending a final hearing in this matter. Father respectfully requests an emergency hearing to be set on these issues for two (2) hours, at the Court's earliest convenience.

WHEREFORE, the Petitioner/Father, [REDACTED], by Counsel, prays for an emergency hearing, at the Court's earliest convenience, on the issues of emergency temporary custody and the immediate possession of the marital home, and for all further and proper relief in the premises.

VERIFICATION

I, Jordan Davis, swear and affirm under penalty of perjury the foregoing is true.



Respectfully submitted,

CIYOU & DIXON, P.C.

/s/ Bryan L. Ciyou
Bryan L. Ciyou
CIYOU & DIXON, P.C.
50 East 91st Street
Suite 200
Indianapolis, Indiana 46240
Telephone: (317) 972-8000
bciyou@ciyoudixonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on [REDACTED], I electronically filed the foregoing document(s) with the Clerk of the Court using the Indiana E- Filing System (IEFS) and sent notification of such filing to the following parties or attorneys who are registered for electronic filing and service in **the above matter**, and by personal service delivered by Petitioner, if electronic service is not available.

[REDACTED]
[REDACTED]
[REDACTED]

/s/ Bryan L. Ciyou
Bryan L. Ciyou