

STATE OF INDIANA

)

) SS.

COUNTY OF

) CAUSE NO:

Petitioners.

AND

Respondents.

**VERIFIED PETITION TO ESTABLISH DE FACTO CUSTODIAN STATUS AND FOR PHYSICAL AND LEGAL CUSTODY OF MINOR CHILD BY DE FACTO CUSTODIANS**

Comes now Petitioners, in person and by Counsel, Bryan Ciyou, and hereby file their Verified Petition to Establish De Facto Custodian Status and For Physical and Legal Custody of Minor Child by De Facto Custodians, pursuant to Ind. Code 31-17-2-3, and in support thereof, would show the Court as follows:

1. That there is one (1) Minor Child in this action, namely presently years of age.
2. That Respondent, (hereinafter "Biological Mother"), is the natural and biological mother of the Minor Child.
3. That Respondent, (hereinafter "Assumed Father"), is the assumed Father of the Minor Child, as Assumed Father admits the Minor Child is not his, but signed the paternity affidavit at the time the Minor Child was born.
4. That the Minor Child's biological father is unknown.
5. That Petitioners, (collectively, are a cohabitating couple, and have taken on the role of caregivers to the Minor Child.

6. That [REDACTED] and Biological Mother met in approximately [REDACTED] through Biological Mother's then husband.
7. That [REDACTED] then gave Biological Mother a part-time job working for [REDACTED] at her home in [REDACTED]
8. That Biological Mother continued working for [REDACTED] for the years following, throughout her pregnancy with the Minor Child, and following the Minor Child's birth.
9. That Biological Mother would routinely bring the Minor Child to [REDACTED] [REDACTED] [REDACTED] home while Biological Mother was working.
10. That in approximately August of [REDACTED] [REDACTED] Biological Mother began having [REDACTED] [REDACTED] [REDACTED] babysit for the Minor Child over the weekends.
11. That, in [REDACTED] [REDACTED] Biological Mother gave Minor Child to [REDACTED] [REDACTED] [REDACTED] because Biological Mother's heat went out in her apartment and had no where else to go.
12. That Biological Mother asked [REDACTED] [REDACTED] [REDACTED] if the Minor Child could stay with them temporarily, at which point, the Minor Child was only approximately [REDACTED] [REDACTED] year's old.
13. That [REDACTED] [REDACTED] [REDACTED] accepted the Minor Child into their home with loving arms.
14. That the Minor Child lived with [REDACTED] [REDACTED] [REDACTED] from approximately [REDACTED] [REDACTED] [REDACTED] until [REDACTED] [REDACTED]
15. That the Minor Child was placed back with Biological Mother for a short period of time in [REDACTED] [REDACTED] [REDACTED] but the Minor Child was then placed back in the care of [REDACTED] [REDACTED] [REDACTED] at the beginning of [REDACTED] [REDACTED] [REDACTED]

16. That the Minor Child lived with [REDACTED] [REDACTED] [REDACTED] from [REDACTED] [REDACTED] [REDACTED] through the end of [REDACTED] [REDACTED]
17. That the Biological Mother did not begin to assume care of the Minor Child until [REDACTED] [REDACTED]
18. That the Minor Child lived with [REDACTED] [REDACTED] [REDACTED] for approximately [REDACTED] [REDACTED] [REDACTED] of the Minor Child's [REDACTED] [REDACTED] [REDACTED] years of life.
19. That [REDACTED] and [REDACTED] were the sole care takers, financially and emotionally, of the Minor Child during this [REDACTED] [REDACTED] year period and bonded with the Minor Child and the Minor Child with them.
20. That [REDACTED] and [REDACTED] provided all financial support for the Minor Child, buying clothes, food, diapers, as well as any other item a child may need during his or her early years.
21. That [REDACTED] [REDACTED] [REDACTED] completely repurposed their home for the Minor Child, turning [REDACTED] office into a bedroom for the Minor Child.
22. That [REDACTED] and [REDACTED] provided the Minor Child with stability and a loving home during this [REDACTED] [REDACTED] year time period.
23. That [REDACTED] [REDACTED] [REDACTED] were the primary caregivers for, and financial support of the Minor Child from [REDACTED] [REDACTED] [REDACTED] until [REDACTED] [REDACTED] [REDACTED]
24. That, pursuant to Indiana Code 31-9-2-35.5(1), "De facto custodian" . . . means a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least: (1) six (6) months if the child is less than three (3) years of age."

25. That [REDACTED] [REDACTED] [REDACTED] are the De Facto Custodians of the Minor Child pursuant to Indiana Law.
26. That [REDACTED] [REDACTED] [REDACTED] status as De Facto Custodians is further evidenced in the Report of Guardian Ad Litem ("GAL Report"), filed on or about [REDACTED] [REDACTED] [REDACTED] under cause number [REDACTED] [REDACTED] [REDACTED].
27. That, pursuant to the GAL Report, "[REDACTED] [REDACTED] [REDACTED] cared for [Minor Child] and financially provided for her for approximately [REDACTED] months, and thus, are de facto custodians." (see attached, "Exhibit A").
28. That Biological Mother took the Minor Child back in [REDACTED] [REDACTED] taking the Minor Child away from all the stability, love, and support she has ever known.
29. That [REDACTED] [REDACTED] [REDACTED] are worried about the safety of the Minor Child while in Biological Mother's care.
30. That [REDACTED] [REDACTED] [REDACTED] have reported bruising on the Minor Child, as well as behavioral issues while in Biological Mother's care.
31. That [REDACTED] [REDACTED] [REDACTED] do not believe Biological Mother is able to financially support the Minor Child, as [REDACTED] [REDACTED] [REDACTED] routinely pay Biological Mother's rent at her current apartment, including as recent as [REDACTED] [REDACTED] [REDACTED] as well as Biological Mother's phone bill.

---

<sup>1</sup> This was filed in a guardianship case because [REDACTED] [REDACTED] [REDACTED] believed Biological Mother would be unable to provide any care for the Minor Child upon the birth of her next child and again return to their care. However, as determined by the Guardian Ad Litem that is not exactly the cure and this is the proper legal course for [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] recognize that Minor Child was placed in the care of Biological Mother originally in [REDACTED] [REDACTED] but this placement was a very short period of time, and the Minor Child was ultimately placed back in the care of [REDACTED] [REDACTED] [REDACTED] at the beginning of [REDACTED] [REDACTED]

32. That Biological Mother has been evicted at least twice in recent years, and without [REDACTED] [REDACTED] support, would most likely be evicted again, leaving the Minor Child without a home.
33. That Biological Mother currently lives in her studio apartment with the Minor Child, Mother's boyfriend, and Mother's newly born.
34. That the Minor Child does not have a bedroom at Biological Mother's apartment.
35. [REDACTED] [REDACTED] [REDACTED] have fears about Biological Mother's boyfriend and his abusive nature, as Biological Mother now denies boyfriend is abusive, Biological Mother has conveyed on several occasions her concern about boyfriend, and has even sent [REDACTED] several videos of him becoming extremely angry and threatening.
36. That [REDACTED] [REDACTED] only have the best interests of the Minor Child in mind in filing this Petition.
37. That [REDACTED] [REDACTED] would respectfully request this Court recognize their status as De Facto Custodians, and to set a hearing to determine custody of the Minor Child, pursuant to Indiana Code 31-17-2-3.

**WHEREFORE,** [REDACTED] [REDACTED] [REDACTED] in person and by Counsel, respectfully request this Court recognize their status as De Facto Custodians of the Minor Child, to set a hearing to determine custody of the Minor Child, and for all other relief just and proper in the premises.

Respectfully submitted,

**CIYOU & DIXON, P.C.**

/s/ Bryan L. Ciyou  
Bryan L. Ciyou

**CIYOU & DIXON, P.C.**  
50 E. 91<sup>st</sup> Street, Suite 200  
Indianapolis, Indiana 46240  
(317) 972-8000 Office  
(317) 955-7100 Fax  
[bciyou@ciyoudixonlaw.com](mailto:bciyou@ciyoudixonlaw.com)

**VERIFICATION**

I, [REDACTED] swear and affirm under penalty of perjury the foregoing is true.

[REDACTED]

**VERIFICATION**

I, [REDACTED] [REDACTED] swear and affirm under penalty of perjury the foregoing is true.







STATE OF INDIANA )  
 ) ss:  
COUNTY OF )

CAUSE NO.:

)  
)  
)

**REPORT OF GUARDIAN AD LITEM**

Guardian Ad Litem ("GAL") for in the above-captioned matter, submits the following report and recommendations to the Court as follows:

**I. SUMMARY OF INVESTIGATION**

The GAL was appointed pursuant to this Court's Order dated . The GAL filed her Acceptance of Appointment on . A hearing is scheduled on the Petitioners Verified Petition for Appointment of Permanent Guardians of Person and Estate of Minor- on .

The GAL initiated her investigation after filing her acceptance with the Court. The GAL's investigation included the following: 1) an in-person meeting with on ; 2) an in-person meeting with on ; 3) an in-person meeting with and on ; 4) a home visit and follow-up interview with and on and ; 5) an in-person interview with on ; 6) a home visit and follow-up interview with and on ; 7) an in-person meeting with and on ; 8) a telephone interview with on ; 9) a telephone interview with on ; 10) an in person meeting with on ; 11) a telephone interview with on ; 12) an in person interview with and on ; and 13) the review of numerous documents, text messages, photographs, videos and tape-recorded conversations provided by and as well as the DCS Report. The GAL also attempted to interview via telephone by leaving a voicemail message on however, that call was never returned.

**II. SUMMARY OF BACKGROUND FACTS AND INTERVIEWS**

(" is biological mother. She is years of age and resides at with age her son, age weeks, and age who is s boyfriend and father. plans to remain a full-time homemaker to her children, while (" is the family's financial supporter. had been working as a truck driver and was out of town frequently, but recently obtained full-time employment with since approximately which keeps him in town and at home every day. and her family currently reside in a studio apartment at where they have lived for the past year. She has applied and is currently on the waiting list for a larger, permanent home with the .



father is [REDACTED] (“[REDACTED] acknowledges that [REDACTED] was already pregnant with [REDACTED] when they met and began dating; however, he agreed to commit to be [REDACTED]’s father by executing a Paternity Affidavit at the hospital, is [REDACTED] named father on her birth certificate and continues to hold himself out as [REDACTED] father. No paternity action has been opened and there are no orders relative to custody, parenting time or support for [REDACTED] had little contact with [REDACTED] when his relationship with [REDACTED] ended, but he has recently reconnected with [REDACTED] and is exercising parenting time with her on alternate weekends and paying child support, as he can, at the rate of approximately \$ [REDACTED] per week.

[REDACTED] (“[REDACTED] and [REDACTED] (“[REDACTED] are the Petitioners and are not related to [REDACTED] and [REDACTED] have been in a romantic relationship and residing together for approximately [REDACTED] years, with no plans to marry. [REDACTED] is currently [REDACTED] years old, never married and is unable to have children of her own. She owns the home that she shares with [REDACTED] which is located at [REDACTED] [REDACTED] [REDACTED] is currently [REDACTED] years old and is still legally married to his wife, [REDACTED] filed for divorce approximately [REDACTED] years ago, but subsequently dismissed the divorce pleading and has decided not to pursue a dissolution in an effort to honor his wife’s family’s catholic beliefs against divorce and also because of a concern for certain mental health issues suffered by his wife. [REDACTED] visits his wife and their [REDACTED] year old daughter, [REDACTED] at least once a week.

[REDACTED] and [REDACTED] met in [REDACTED] through [REDACTED] ex-husband, [REDACTED] (“[REDACTED] [REDACTED] and [REDACTED] both work buying and selling items on eBay, businesses that each operate out of their respective homes. [REDACTED] and [REDACTED] are still friends, as their mutual eBay sales often cause them to work alongside one another. [REDACTED] began working for [REDACTED] part-time in [REDACTED] home in [REDACTED] [REDACTED] continued to work for [REDACTED] throughout her pregnancy with [REDACTED] and following her birth, would occasionally bring [REDACTED] into [REDACTED] and [REDACTED] home while she was working. [REDACTED] and [REDACTED] then babysat for [REDACTED] over a weekend in [REDACTED] [REDACTED] and from time to time through the end of [REDACTED] On or around [REDACTED] the furnace broke at [REDACTED] apartment, and without heat; she asked [REDACTED] and [REDACTED] if [REDACTED] could stay with them temporarily.

[REDACTED] resided primarily with [REDACTED] and [REDACTED] from [REDACTED] [REDACTED] until [REDACTED] [REDACTED] During that time, [REDACTED] would call or come to visit [REDACTED] or would take her to her apartment for visits. [REDACTED] and [REDACTED] report that [REDACTED] rarely contacted them to see [REDACTED] and that they never withheld or refused [REDACTED] time with her child. [REDACTED] reports that she was frequently denied the opportunity to see or visit with [REDACTED] because [REDACTED] was purportedly “sleeping” at all hours of the day or she was told that [REDACTED] and [REDACTED] were not willing to bring [REDACTED] back home to [REDACTED] because of their “safety concerns.” Although [REDACTED] and [REDACTED] reported that they never withheld [REDACTED] from [REDACTED] they provided me with a 20 minute recorded telephone conversation wherein [REDACTED] and [REDACTED] are refusing to allow [REDACTED] to have [REDACTED] citing safety concerns, their refusal to return [REDACTED] if she will have any contact with [REDACTED] and reciting their belief that “Indiana law requires them to withhold [REDACTED] because they believe there is a safety concern and they would not return her until [REDACTED] can prove that [REDACTED] will be safe with her.

After [REDACTED] repeated requests and threats to get the police involved to return [REDACTED] to her were unsuccessful, [REDACTED] finally contacted the [REDACTED] [REDACTED] [REDACTED] in [REDACTED] [REDACTED] for assistance in removing [REDACTED] from [REDACTED] and [REDACTED] home and back into her care. [REDACTED] and [REDACTED] were still unwilling to give up [REDACTED] and contacted DCS to report their safety concerns and allegations of abuse and neglect in [REDACTED] home in an effort to retain [REDACTED] Based on [REDACTED]

and [redacted] allegations, the [redacted] [redacted] [redacted] drove over to [redacted] home and investigated the same and upon determining that it was safe and appropriate, required that [redacted] and [redacted] return [redacted] to [redacted] home and in the care of [redacted] agreed to a Safety Plan wherein [redacted] could return to [redacted] and [redacted] home during the DCS investigation. Following the [redacted] incident, [redacted] had [redacted] for approximately 10 days before asking if [redacted] and [redacted] could take her again. [redacted] and [redacted] calendar reflects that [redacted] had [redacted] on [redacted] dates in [redacted] and all of [redacted] with the exception of a visit with [redacted] on [redacted] [redacted] stayed with [redacted] and [redacted] for the month [redacted] approximately half of [redacted] and [redacted] days in [redacted]. When [redacted] did not want to return [redacted] to [redacted] and [redacted] they filed for guardianship and [redacted] has been in [redacted] care ever since.

On [redacted] [redacted] [redacted] and [redacted] filed their Verified Petition for Appointment of Permanent Guardians of Person and Estate of Minor- [redacted] [redacted] and Request for Expedited Hearing. [redacted] mother, [redacted] does not agree to the appointment of a guardian for [redacted] and does not believe a guardianship is necessary, as she believes she has and can suitably care and provide for [redacted] needs. [redacted] father, [redacted] does not agree to the appointment of a guardian for [redacted] and does not believe a guardianship is necessary, and believes that [redacted] as [redacted] primary caregiver, is appropriate and able to provide care and supervision to her.

In the GAL's initial meeting with [redacted] and [redacted] they reported that they are seeking guardianship because they are concerned that [redacted] is unable or unwilling to be a parent to [redacted] as evidenced by her willingness to "pawn" [redacted] off on them or others. [redacted] and [redacted] contend that [redacted] will pretend to be a family but as soon as she tires of [redacted] will pawn her off between various individuals and believe that they would provide a more stable and consistent household for [redacted] [redacted] and [redacted] also contend that [redacted] and/or [redacted] physically and mentally abuse [redacted] as evidenced by various bruises they've observed on [redacted] behavior in hitting her toy horse with a hairbrush, and videos of [redacted] yelling at [redacted] to put on her shoes and calling her "spoiled." [redacted] and [redacted] also believe that [redacted] "looks miserable" whenever she leaves with [redacted] and [redacted] contend that [redacted] forces [redacted] to sleep in a pack n' play and that [redacted] has no aspirations for [redacted] cannot provide her with the opportunities that they can, and that they are willing to enroll and engage [redacted] in learning opportunities that [redacted] will not. [redacted] and [redacted] have paid [redacted] apartment rent on numerous occasions and continue to provide her with a cell phone and pay her monthly cell phone plan and as a result, do not believe that [redacted] has the financial means to support [redacted]

[redacted] and [redacted] are also concerned with [redacted] presence in [redacted] home. [redacted] has never met [redacted] and [redacted] has only met him once during an encounter at the parking lot of [redacted] apartment complex. They allege that [redacted] physically abuses [redacted] and that she is afraid of him, that [redacted] has verbally threatened [redacted] and [redacted] and that numerous people have protective orders against [redacted] because of his behavior. [redacted] and [redacted] also contend that [redacted] is a drug dealer and that [redacted] has been taken on "drug runs" while in [redacted] care. During a home visit with [redacted] and [redacted] indicated that he would be willing to "allow parenting time or a return to [redacted] once she "gets her life together". However, as long as [redacted] is a part of [redacted] life, neither [redacted] nor [redacted] believe that any contact between [redacted] and [redacted] is appropriate. [redacted] and [redacted] are similarly concerned about [redacted] having any relationship with her father, [redacted] [redacted] and [redacted] refuse to acknowledge [redacted] as [redacted] father because he is not her biological father, and they believe that with a history of [redacted] abusing [redacted] that he should not be permitted any contact with

██████████ and ██████████ also contend that ██████████ decision to permit ██████████ father in her life is another example of her inability to make good parenting decisions and her pattern of "pawning" ██████████ off on various individuals, including various "inappropriate" boyfriends in her life.

██████████ and ██████████ have nicknamed ██████████ "██████████" and only refer to her as such. Their home has been completely repurposed for a small child, ██████████ office has been turned into a child's bedroom with a crib, and there are toys and drawings by "██████████" in every room of the home. ██████████ is very upset with their use of the nickname, "██████████", and prefer that she be called by her proper name, ██████████. All other persons interviewed know ██████████ by her full legal name.

The GAL had the opportunity to speak with ██████████ twice: at the GAL's office during an interview with ██████████ and in ██████████ home with ██████████ and ██████████ present. On both occasions, ██████████ was dressed appropriately, was clean, happy, friendly and her hair was well-groomed. While only ██████████ years old, ██████████ is intelligent, was able to articulate her needs and wants, and happily played with a doll, and coloring during two extended sessions with her. It was obvious on both occasions in which the GAL saw ██████████ with ██████████ that she loves her mother and feels very comfortable and safe around her. During the initial interview, ██████████ repeatedly wanted to show ██████████ what she was drawing, asked her to fix a broken crayon box, and told her mother that she was "hungry" for a "cheese taco." When asked who ██████████ was, ██████████ responded "Daddy. I love ██████████." ██████████ was very protective of her newborn baby brother and seemed very happy, very content, safe and well cared for.

In the initial interview with ██████████ on ██████████ ██████████ she was initially very abrasive and defensive to the GAL, accusing the GAL as being hired by ██████████ and ██████████ to take ██████████ away from her. As the interview progressed, ██████████ anger subsided and she opened up regarding information regarding her care of ██████████ and her involvement with ██████████ and ██████████. ██████████ originally asked ██████████ to babysit and then turned to her for help when the heat in her apartment went out. However, ██████████ never intended for ██████████ care of ██████████ to be permanent. ██████████ contends that she repeatedly tried to get ██████████ back into her care, but was repeatedly told that it wasn't a good time or "it wasn't safe" for ██████████ and ██████████ to return ██████████ to her. ██████████ complains that ██████████ and ██████████ coddle ██████████ too much by carrying her from place to place, not encouraging her to be potty trained, putting her shoes on for her, and doing every thing for her, such that ██████████ wasn't learning to do things for herself while in their care. ██████████ contends that by "spoiling" ██████████ ██████████ and ██████████ were teaching her to whine when she doesn't immediately get her way, instead of politely or patiently asking for what she wants. ██████████ doesn't understand why ██████████ and ██████████ are trying to take her child away from her and describe their interest in her child and her life as "creepy," noting that she has observed ██████████ sitting in his car in the parking lot of her apartment building watching them. ██████████ found this "creepy" stalking behavior disturbing enough that she attempted to obtain a protective order against ██████████ and ██████████ to prevent them from coming after her child again or trying to kidnap her away. ██████████ is resentful of the fact that ██████████ and ██████████ are trying to find another way to take her child away from her when DCS didn't find any problems in her household and was unwilling to remove ██████████ from her care.

The GAL visited ██████████ home on ██████████ ██████████ and observed the home to be appropriate and clean, with no safety concerns with respect to ██████████. ██████████ provided paperwork confirming her status on the waiting list with the ██████████ ██████████ for a larger permanent home, she provided confirmation of ██████████ next well-child physician examination, and confirmation of a rescheduled dental exam for ██████████ which was originally scheduled on the same date that ██████████

went into the hospital in labor with her son. [REDACTED] demonstrated how she cares for [REDACTED] hair, as well as photographs showing the difficulty that [REDACTED] and [REDACTED] had handling her hair. [REDACTED] has everything involving [REDACTED] well organized and is able to provide her medical records, clothing, favorite toy, favorite blanket and favorite food easily. She denies being afraid of [REDACTED] being harmed by [REDACTED] or [REDACTED] doing anything to harm [REDACTED]. [REDACTED] also denies physically harming [REDACTED] although, she admits that she will occasionally discipline her by placing her in time out or "swatting" her on the behind if she gets into something she shouldn't or saying something she shouldn't.

During the GAL's second home visit at [REDACTED] home on [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] were all present. [REDACTED] and [REDACTED] were very welcoming and once again, the home was clean, organized and comfortable. [REDACTED] was well-groomed with her hair meticulously done in multiple colorful ponytail holders. She was well-dressed, clean and very happy. As the GAL spoke with [REDACTED] [REDACTED] asked [REDACTED] to help her with the potty, played with her mom and kissed her baby brother. [REDACTED] does not appear unhappy or unsafe, or scared of either [REDACTED] or [REDACTED]. It is obvious that [REDACTED] loves both [REDACTED] and [REDACTED] and was having a lot of fun for the entire duration of the GAL's visit. The GAL observed her dancing around, playing with her stuffed animals and she happily showed the GAL where she sleeps and the stuffed toy fish with which she sleeps.

During the GAL's interview with [REDACTED] he was laid back, friendly, and polite and showed paperwork confirming his new employment. [REDACTED] has been dating [REDACTED] for approximately [REDACTED] years and living together for the last year in their current studio apartment. With his new job at [REDACTED] [REDACTED] hopes that after a few paychecks, he will be able to have his family in a larger home soon. [REDACTED] expressed a lot of love and pride for both [REDACTED] and [REDACTED]. [REDACTED] bragged that [REDACTED] chooses him to read a story with, loves going for car rides with him, walking around the apartment complex and teaching her how to do new things. During the interview, [REDACTED] asked [REDACTED] if she wanted to go for a ride with him and she instantly yelled "yes" and happily ran over to start putting on her shoes. [REDACTED] demonstrated absolutely no reluctance or unwillingness to spend time with [REDACTED] and instead, was joyful, happy and content at home with both [REDACTED] and [REDACTED]. She danced around and told me on multiple occasions that she "loves baby [REDACTED] Mommy, Daddy and [REDACTED]".

[REDACTED] studio apartment is small but suits her family's needs and is very well organized, clean and appropriate with an appropriate pack n' play (portable crib) set up for [REDACTED] to sleep with her favorite blanket and stuffed fish. The home environment is safe and appropriate for [REDACTED] with no housing concerns noted. The apartment complex is also safe with one public entrance into the complex and a check-in window where guests must identify themselves and who they are visiting.

At the conclusion of the GAL's second home visit on [REDACTED] [REDACTED] the GAL spoke with apartment manager [REDACTED] [REDACTED] who provided a copy of the policies and guidelines for tenants. There are multiple cameras outside of each tenant's room and in each hallway and doorway, with security screens for [REDACTED] and her employees to observe all that occurs within the complex. [REDACTED] apartment is also close enough to the front desk that [REDACTED] would be able to hear anything disruptive or any domestic issues that may arise. [REDACTED] also indicated that if she ever sees a parent leave an apartment without his or her child, she will let herself in and remove the child until the parent comes back. [REDACTED] does not tolerate much in her complex and has the discretion to enter anyone's apartment at anytime, and she does so frequently to ensure that there is nothing inappropriate in any apartment. [REDACTED] knows [REDACTED] well, was very supportive of [REDACTED] and had nothing but positive things to say about [REDACTED] [REDACTED] and [REDACTED]. [REDACTED] has observed [REDACTED]

and [REDACTED] on numerous occasions and has no concerns regarding [REDACTED] ability to care for [REDACTED] and has never found anything concerning or inappropriate in her random room checks of [REDACTED] apartment.

The GAL interviewed [REDACTED] father, [REDACTED] [REDACTED] and his girlfriend [REDACTED] [REDACTED] on [REDACTED] [REDACTED]. When [REDACTED] met [REDACTED] she was already pregnant with [REDACTED]. However, by entering into a committed relationship with [REDACTED] he voluntarily agreed and wanted to execute the Paternity Affidavit at [REDACTED] birth and agreed to be [REDACTED] father and continues to hold himself out as [REDACTED] father. When his relationship with [REDACTED] ended, [REDACTED] acknowledges that he also stopped seeing [REDACTED] for a period of time because of difficulties with [REDACTED] and [REDACTED]. However, [REDACTED] and [REDACTED] have now made amends and he believes that they are in a much better position to co-parent [REDACTED] and have been communicating well and working together to care for [REDACTED]. [REDACTED] has been exercising parenting time with [REDACTED] the last few weeks on alternate weekends and spent an extended weekend with her the week of [REDACTED] [REDACTED]. In spite of their history, [REDACTED] was very complimentary to [REDACTED] as a mother and noted that "she always does for her kids." [REDACTED] has no concerns with [REDACTED] primarily caring for his daughter, believes she provides proper care and supervision and does not agree that a guardianship is necessary. Indeed, if [REDACTED] needed to be removed from [REDACTED] for any reason, [REDACTED] believes that he should be next in line to care for her.

[REDACTED] resides with his girlfriend, [REDACTED] [REDACTED] who also spoke favorably about [REDACTED] and her relationship with [REDACTED]. During [REDACTED] parenting time with [REDACTED] [REDACTED] called to talk to [REDACTED] almost every day. During each phone call, [REDACTED] was always happy to talk to [REDACTED] and openly talked to her about everything she was doing and the fun she was having with her Daddy. When [REDACTED] and [REDACTED] prepare [REDACTED] to return to [REDACTED] [REDACTED] has been very happy to be going back home with [REDACTED]. According to [REDACTED] [REDACTED] "lights up" the minute she sees [REDACTED] and cannot wait to hug her and see her again. Neither [REDACTED] nor [REDACTED] have any concerns with [REDACTED] caring for [REDACTED] nor do they have any concerns about [REDACTED]. When [REDACTED] and [REDACTED] have cared for [REDACTED] [REDACTED] speaks about [REDACTED] and [REDACTED] and repeatedly indicated that she loves each of them. They have not seen or believe that [REDACTED] has any safety concerns with [REDACTED] or [REDACTED] given how happy and eager [REDACTED] is to see both of them.

In a telephone interview with [REDACTED] cousin, [REDACTED] [REDACTED] on [REDACTED] [REDACTED] she confirmed that [REDACTED] has a normal and appropriate relationship with [REDACTED]. [REDACTED] has grown up with [REDACTED] and has had the opportunity to see [REDACTED] with [REDACTED] on multiple occasions and has never had any concerns regarding [REDACTED] as a parent to [REDACTED]. [REDACTED] has at all times observed [REDACTED] as very happy and believes [REDACTED] to provide appropriate care to [REDACTED] making sure that [REDACTED] is clean, bathed, and appropriately groomed and clothed.

The GAL interviewed [REDACTED] ex-husband [REDACTED] [REDACTED] by telephone on [REDACTED] [REDACTED]. [REDACTED] and [REDACTED] were married for approximately three years, and have known each other since they were [REDACTED] years old. [REDACTED] and [REDACTED] relationship ended badly, with [REDACTED] still holding onto a lot of anger and mistrust of [REDACTED]. [REDACTED] notes that [REDACTED] was cheating on him, which affair ended their relationship. They divorced in [REDACTED] but [REDACTED] continued to live in the same home as [REDACTED] and he is still angry that [REDACTED] began seeing other men following their divorce. Since then, [REDACTED] contends that [REDACTED] has been in "no less than 35 different relationships" and has lived in "20-25 different addresses" since their divorce in [REDACTED]. The GAL researched [REDACTED] civil case history and found 3 evictions since [REDACTED] but no other evidence to support [REDACTED] statements.

\_\_\_\_\_ has primary custody of \_\_\_\_\_ his \_\_\_\_\_ year old daughter with \_\_\_\_\_ is very vocal and dramatic in his dislike of \_\_\_\_\_ and begrudgingly permits \_\_\_\_\_ to call \_\_\_\_\_ several times per week, attend school activities, and exercise parenting time with \_\_\_\_\_ and "allows" it because \_\_\_\_\_ wants to see her mother and because of \_\_\_\_\_ relationship with her sister \_\_\_\_\_ has had primary care of \_\_\_\_\_ since the heat went out in \_\_\_\_\_ home in \_\_\_\_\_ notes that \_\_\_\_\_ has similarly "pawned" \_\_\_\_\_ off onto \_\_\_\_\_ during the same timeframe. \_\_\_\_\_ contends that \_\_\_\_\_ wants nothing to do with \_\_\_\_\_. He puts significant restrictions on the times that \_\_\_\_\_ may call or see \_\_\_\_\_ and in spite of that, indicates that \_\_\_\_\_ calls 3-4 days each week to speak with \_\_\_\_\_ and gave multiple examples of \_\_\_\_\_ spending time with \_\_\_\_\_ and asking to attend school events with \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ believes that \_\_\_\_\_ has abused both \_\_\_\_\_ and \_\_\_\_\_ because he has seen bruising on both of them. \_\_\_\_\_ has also overheard \_\_\_\_\_ yell at \_\_\_\_\_ when she is doing something \_\_\_\_\_ doesn't want her to do or \_\_\_\_\_ doesn't want to leave an event. \_\_\_\_\_ warned that \_\_\_\_\_ is probably "putting on the \_\_\_\_\_ show" in front of the GAL and that as soon as this case is over, believes that she will be focused on herself only. \_\_\_\_\_ contends that \_\_\_\_\_ will likely "abandon" \_\_\_\_\_ like she did \_\_\_\_\_ contends that \_\_\_\_\_ "abandoned" \_\_\_\_\_ when she was only two weeks old by leaving her with a babysitter for a weekend when \_\_\_\_\_ wanted a break. \_\_\_\_\_ believes that \_\_\_\_\_ is miserable with \_\_\_\_\_ and that \_\_\_\_\_ "would be better off anywhere than with \_\_\_\_\_

The GAL interviewed \_\_\_\_\_ Aunt and Uncle, \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ and \_\_\_\_\_ have spent time with \_\_\_\_\_ and \_\_\_\_\_ and have observed their relationship to be really good and loving, with \_\_\_\_\_ providing good care for her daughter. \_\_\_\_\_ and \_\_\_\_\_ have always observed \_\_\_\_\_ to provide good care and proper supervision of \_\_\_\_\_ with \_\_\_\_\_ always well-behaved, dressed appropriately and bathed. \_\_\_\_\_ and \_\_\_\_\_ cared for \_\_\_\_\_ while \_\_\_\_\_ was in the hospital to deliver baby \_\_\_\_\_ missed her mom while they were apart and couldn't wait to return to \_\_\_\_\_ and to meet her baby brother. When \_\_\_\_\_ dropped \_\_\_\_\_ off, on her way to the hospital, she provided \_\_\_\_\_ and \_\_\_\_\_ with plenty of diapers, clothes, and instructions on \_\_\_\_\_ doctor in the event of any problems or an emergency, along with instructions on \_\_\_\_\_ favorite foods and times she usually eats and sleeps. \_\_\_\_\_ and \_\_\_\_\_ were foster parents for \_\_\_\_\_ years and believe they are qualified to recognize abuse and have never observed this with \_\_\_\_\_ nor do they have any concerns with \_\_\_\_\_ caring for \_\_\_\_\_ and \_\_\_\_\_ live in \_\_\_\_\_ but believe they are close enough to \_\_\_\_\_ and willing to provide whatever support \_\_\_\_\_ may ever need when it comes to \_\_\_\_\_

The GAL has also reviewed a copy of the DCS Report arising from its investigation in \_\_\_\_\_ and interviewed the DCS case manager, \_\_\_\_\_ on \_\_\_\_\_ In his interview and as summarized in his Report, Mr. \_\_\_\_\_ did not observe anything to substantiate abuse or neglect in \_\_\_\_\_ home or in his evaluation of \_\_\_\_\_. Mr. \_\_\_\_\_ recalled \_\_\_\_\_ behavior as being "all over the map" in terms of being angry and upset and yelling to very friendly and calm. And while Mr. \_\_\_\_\_ does not believe that \_\_\_\_\_ is the best parent given her emotional outbursts and what he believes is emotional instability, he cannot say and does not believe that is enough to warrant a finding of abuse or neglect or to warrant the removal of \_\_\_\_\_ from \_\_\_\_\_ home or care.

The GAL also observed \_\_\_\_\_ defensive demeanor and outbursts, as she was loud and yelling at the GAL and GAL staff for conducting an investigation into her ability to parent. She initially refused to disclose certain information as irrelevant and none of the GAL's concern. The GAL is

unaware of any psychological testing or mental health diagnoses for [REDACTED] which might explain her mood swings. However, the GAL is also willing to give [REDACTED] the benefit of the doubt that such behaviors were primarily present at the beginning stage of the investigation process when she believed that her child was being taken away from her and that the GAL was simply going to defer to whatever [REDACTED] and [REDACTED] wanted merely because they had more money. After this initial rocky start and the occasional outburst when a question was posed that seemed too intrusive into areas of her life she believed were unrelated to the pending guardianship, [REDACTED] was polite, friendly and cooperative with all information requested by the GAL.

### III. RECOMMENDATIONS

#### A. NECESSITY OF A GUARDIANSHIP

All at times during the GAL's investigation, the GAL has observed [REDACTED] providing appropriate care and supervision of [REDACTED]. [REDACTED] has demonstrated that she is capable of properly instructing [REDACTED] how to tie her shoes, eat, get dressed, and has successfully helped her become potty trained. [REDACTED] provides care for her in terms of regular doctor's appointments, dental exams, and ensures that she is clean and bathed and that her hair is properly clean, tended to, and styled. [REDACTED] mood varied greatly with the GAL. For the most part, [REDACTED] was friendly and polite but she could also turn and yell and become angry if a question was posed that she believed was irrelevant. Despite [REDACTED] initial anger and occasional outburst with the GAL, her interactions with [REDACTED] were always appropriate.

[REDACTED] has admittedly relied upon [REDACTED] and [REDACTED] for rent money and payment for a cell phone and cell coverage in the past, but [REDACTED] has secured full-time employment with [REDACTED] and is earning a liveable wage to support his family of [REDACTED], [REDACTED], and [REDACTED] and [REDACTED] have made the decision that [REDACTED] should stay at home to raise [REDACTED] and [REDACTED]. [REDACTED] has also applied and is utilizing resources within the community for affordable and permanent housing through the [REDACTED]. [REDACTED] has a significant bond with [REDACTED] and [REDACTED]. They have a good relationship and are providing an appropriate home where [REDACTED] appears safe and happy.

[REDACTED] father, [REDACTED], is also actively exercising parenting time with [REDACTED] and has returned as a presence in her life. [REDACTED] and [REDACTED] have reconnected and have a good relationship. [REDACTED] and [REDACTED] are communicating well and making co-parenting decisions for the best interests of [REDACTED]. [REDACTED] supports [REDACTED] relationship with her father. [REDACTED] is employed and is also voluntarily contributing weekly child support for the benefit of [REDACTED] to [REDACTED]. [REDACTED] is supportive of [REDACTED] ability to care and provide for [REDACTED].

Based on the foregoing, the GAL believes that a guardianship is not necessary to provide for [REDACTED]'s care and supervision as she is adequately receiving the same from [REDACTED]. The GAL recommends that the petition for guardianship be denied as unnecessary for the care and supervision of [REDACTED].

#### B. BEST INTERESTS

While [REDACTED] voluntarily gave care of [REDACTED] to [REDACTED] and [REDACTED] from [REDACTED] - [REDACTED], [REDACTED] she remained involved in [REDACTED] life with continued contact, calls, and visits. [REDACTED] and [REDACTED] cared for [REDACTED] and financially provided for her for approximately [REDACTED] months and thus, are de



facto custodians. While [REDACTED] and [REDACTED] have also bonded with [REDACTED] love her, and have the means to provide her with more financial support and opportunities, the GAL believes that it is in [REDACTED]'s best interests to remain with [REDACTED]

In [REDACTED] home, [REDACTED] is significantly attached to her baby brother and her mother and appears very happy, secure, safe and loved there. [REDACTED] loves [REDACTED] and has also bonded with [REDACTED] and is excited to be a big sister to her half sibling, [REDACTED]. She has a safe and appropriate place to sleep and is comfortable and adjusted in [REDACTED]'s home. While the studio apartment is small and [REDACTED] will soon outgrow the pack n' play in which she currently sleeps, [REDACTED] recognizes the need for more space and is actively working to secure a permanent home with room for her growing family. [REDACTED] has denied striking [REDACTED] in the face but has acknowledged "swatting" [REDACTED] in the form of a spanking. The GAL has advised [REDACTED] that corporal punishment of any kind is inappropriate and should never be done by [REDACTED]. More appropriate forms of punishment or redirection with [REDACTED] are time outs, which [REDACTED] uses and the GAL would encourage her to use exclusively in the future.

With [REDACTED] [REDACTED] is also permitted to have a relationship with her father who she also loves and enjoys spending time with, as well as the ability to spend time with her sister [REDACTED]. [REDACTED] also involves her extended family, all of whom love [REDACTED] and enjoy including her in family gatherings. The GAL recommends that the guardianship be denied, as it is in [REDACTED]'s best interests to remain with [REDACTED]

Respectfully submitted,

[REDACTED]

[REDACTED]

**CERTIFICATE OF SERVICE**

The undersigned certifies that on [REDACTED] the foregoing document was electronically filed using the Indiana E-Filing System (IEFS). The undersigned further certifies that a true copy of the foregoing document was served upon the following person(s) via IEFS.

Bryan L. Ciyou  
[bciyou@ciyoudixonlaw.com](mailto:bciyou@ciyoudixonlaw.com)

Matthew K. Phillips  
[mphillips@ciyoudixonlaw.com](mailto:mphillips@ciyoudixonlaw.com)

The undersigned further certifies that a true copy of the foregoing document was served upon the following person(s) via regular mail.

[REDACTED]

[REDACTED]