

To whom it may concern,

My name is Charles Alec Winton and I am the respondent to Supreme Court No. 96387-8 – Charles Alec Winton v. Rita Cagliostro Court of Appeals No. 76377-6-1.

I ask that the Supreme Court to dismiss Ms. Cagliostro's, "LETTER ON INDIGENCY DIVERSITY COMPLEX CASE", based on fallacies brought forth in Ms. Cagliostro's arguments. I have electronically submitted a few records I had time to recover of the procedural history of the Oregon order along with a couple other documents that contradict Ms. Cagliostro's arguments.

Much of what I have reviewed looks to be a continuous attempt to manipulate the courts to side with what Ms. Cagliostro believes to be true. Claims of Fruad, Perjury, Kidnapping, Abuse and many other serious accusations that should not be taken lightly and to this day I am still having to worry about what Ms. Cagliostro is submitting to Oregon, Nevada, and Washington Courts.

I got legal representation as I am not familiar with law practice and made sure that everything I did to protect my daughter was done through the proper channels. My arguments and evidence were sound and from the best of my knowledge the courts did a tremendous job in recognizing what was at stake and granted me sole custody to retrieve my daughter.

The extreme measures I had to overcome to track down and locate my daughter, then domesticate a foreign order in the state of Nevada, were all done lawfully and solely by myself. I paid out of my pocket all fee's necessary to file everything needed in Nevada to lawfully recover my daughter.

Please know that Ms. Cagliostro's case is filled with holes and irregularities. To this day I am still paying off lawyer debt and am ok with that as I told myself I would go bankrupt to get my daughter in a safe place. Our daughter Anna Winton is doing amazing. 3.5+ GPA ; participates in all sports throughout the year, tons of friends ad is a leader to ALL. Ms. Cagliostro ultimately wants to get Anna back, send me to jail for kidnapping, split our family apart and sue anyone who gets in her way including lawyers, judges, and police officers.

I am confident that once you look closer into the details of this case you will see that the best decision is dismissal.

Charles Alec Winton

(971)235-4499

Please Type or Print All Information Clearly

Child's Name Angel "Anna" Star Winton Ethnicity white Date of Birth/Age 5-20-2004

CUSTODIAL PARENT INFORMATION

Custodial parent: Charles Alec Winton Phone: (971) 235-4499
DOB: 04-05-1983 SS#: [REDACTED]
Driver's license # 9584418 State: OR
Address: 18520 White tail Ave
City: Sandy State: OR Zip: 97055
Emergency contact: Erica Winton Phone: (541) 231-2661

Relationship between parents: please describe (ex: no contact order, cordial etc.)
No Contact. Occasional brief conversations regarding Anna. Will supply Order if requested.

Contacts involved with custodial parent:
(ex: Counselor, Attorney, Guardian)
Name/Title: Erica Winton - Step Mom
Phone: (541) 231-2661
Name/Title: Kathryn Park - Grandma
Phone: (971) 404-9399
Name/Title: Krystina Osborne
Phone: (503) 349-5294

Conditions of Visitation

To be filled out by Custodial Parent or Caregiver ONLY

1. Visitation Site

Innovative Services NW
9414 NE Fourth Plain Road
Vancouver, WA 98662

Other: _____

(only in certain circumstances)

2. Visitation Schedule

Visitation Days
Time of Visit
Length of Visit

1st Choice*	2nd Choice*
Weekends twice a month	
12:00 and after	
1-3 hrs	

*visitation times are subject to availability; preferred times may not be available.

3. Persons authorized to visit with children/relationship:

Rita Castiastro

4. Concerns, conditions that apply to visitation:

Please list medications being used by children or visiting parent, describe behaviors of concern, restrictions on contact, criminal history that the Community Support Specialist should be aware of:

No medications; No bad mouthing other parents or family; Contact is OK; We don't want her to know which school she is attending, or where we live. Anna doesn't wish to hear about her uncle Art.

5. Specific goals for visitation:

Behaviors you wish to have observed, documented, allowed or not allowed.

Positive conversations, NO aggressive behavior towards anyone. Main goal is to have Anna & Rita be able to see one another in a safe & controlled environment.

6. Other:

Rita has anger issues and it's important you are aware of that. Rita also has her own point view which most of the time is logical.

7. Referral source (Please include copy of court order if applicable):

SUPERVISED VISITATION AGREEMENT

Innovative Services NW, in agreement with the State of Washington Division of Children and Family Services (DCFS), provides a Supervised Visitation Program (SVP) for children and parents, as designated by DCFS Social Workers. We also provide this service privately to families in our community who need a third-party un-biased observation of their visitation. This ensures quality time between parent and child as well as the child's safety.

The purpose of the program is to provide a safe, positive environment for supervised visitation families. Program policies for visitation listed herein will be reviewed and signed by parents prior to participation in the Supervised Visitation Program.

1. The Community Support Specialist (CSS) will provide supervision, and intervention as deemed necessary during visitation of children and parents participating in the Supervised Visitation Program.
2. A visitation packet must be completed by each party to set the "conditions for visitation." In cases when conditions cannot be agreed upon, the custodial parent's guidelines will be used as a default until the courts rule otherwise. All changes must be put into writing.
3. The CSS will operate within the "conditions for visitation" listed in the visitation packet completed by custodial and non-custodial parties to the visitation. A CSS may not modify these conditions without approval, except in an emergency, at which time the CSS will respond according to the best interest of the child. Only the person(s) designated in the visitation packet may be involved in visitation. If the parties designate an additional visitor after the initial visitation referral packet is completed, the CSS will indicate by notation on the client record after written approval by the custodial parent.
4. Upon agreement of the conditions of visitation paperwork, visitations will be scheduled.
5. After each supervised visit, Innovative Services NW will provide the parties with a narrative of the visit within 15 days.
6. Information being discussed during visitation will be held in complete confidence by the CSS and Innovative Services NW, and not released without written consent. By law, the CSS is required to report suspected or witnessed child abuse, suicidal or homicidal threats and/or threatened harm.
7. To ensure a smooth transition, visiting parent(s) are requested to arrive 15 minutes before a scheduled visit.
8. **If either party does not arrive by 15 minutes past the scheduled visit time, the visit will be cancelled and a \$35 cancellation fee will be charged to the party responsible for the cancellation.**
9. Visitation will be terminated if a parent cancels 3 confirmed visits without 24-hour notice and/or no shows to 3 confirmed visits. Visitation may be restarted if both parties are willing to commit to the guidelines and if all bills have been paid for cancellations and previous visitations.
10. Breaks during visits are limited to restroom use to reduce disruption during visitation. If a child or parent is showing extreme distress, the CSS may suggest a break to allow parties to calm down before attempting to proceed with the visitation. If distress continues visitation will be canceled.
11. Parents are encouraged to remain in the visitation room during scheduled visitation to maximize the scheduled time with the child.
12. Parents will not be allowed to participate in visitation under the influence of drugs or alcohol.

13. Audio or video taping of visitations may only be made with written approval by the courts.
14. Gift giving, food and music will be permitted with written approval in the visitation agreement (see attached policies).
15. In a cooperative effort, parent and child are required to return the room to its' original order at the end of the visit.
16. Innovative Services NW does not take responsibility for toys or other items that are damaged or lost during visitation.
17. Visitation is designed to promote parent/child interaction in a positive environment. The CSS will intervene if child safety is at risk or if a parent requests assistance. **Hitting or striking a child results in immediate cancellation of visitation.**
18. The first priority for visitation is the comfort and well being of the child. Behavior or conversation that makes the child uncomfortable will not be permitted. Yelling, threatening, ridiculing, badgering, or harassment directed toward the child will not be allowed.

The CSS will provide a warning if the parent behaves in an inappropriate way, or is in violation of the visitation restrictions, and will provide alternative methods of interacting with the child. If the parent is unable to discontinue the inappropriate behavior, visitation will be terminated.

The parent may not discuss personal conflicts or issues concerning the other parties, court cases, and supervised visitations with or in front of the child.

Appropriate topics for discussion may include school, work, health, recreational activities, hobbies, or interests.

FOOD POLICY

1. Food brought to visitation must not require any preparation such as heating, chilling or mixing.
2. Parents are requested to **return the visitation room to its original condition** after sharing food with a child.
3. **Foods and sweets in general should be given in moderation and in accordance with the guidelines established by the parties.**
4. **Suggestions for food items are:** sandwiches, fruit, baby carrots, celery, raisins, crackers, cheese, fruit roll ups, box juices, dry cereal such as Cheerios, granola bars, graham crackers, dried fruits such as banana chips, apple slices, apricots and pretzels.
5. **Birthday celebrations are welcome if parent notifies Innovative Services NW in advance, and planning arrangements are approved by both parties.**

WEAPONS POLICY

Weapons will not be permitted into the visitation. Weapons include guns, knives, swords or any other item based on Innovative Services NW staff discretion.

MUSIC POLICY

Music can be a positive addition to visitation within the following guidelines:

1. Music must be created for children, be age appropriate, and acceptable for the youngest child present at the visitation.
2. Music must be a positive addition to and not distract from the quality of the visit between parent and child, for example a counting or alphabet song.
3. Parents are requested to cooperate with the CSS for review and approval of music before it will be included in visitation.
4. Music must be played for all to hear, without use of a Walkman/Ipod or earphones.

SICK POLICY

In keeping with Innovative Services NW's commitment to the health and safety of children in our care, the following guidelines will be followed regarding the Supervised Visitation Program.

1. Child(ren) or visiting parent must be fever free for 24 hours prior to visitation.
2. Child(ren) or visiting parent with dark yellow or green mucous 'runny noses' may not attend visitation.
3. Child(ren) or visiting parent with obvious skin rashes, chicken pox, conjunctivitis (pink eye), or lice may not attend visitation.
4. Child(ren) or visiting parent who are sick and/or contagious, may not attend visitation.
5. CSS are responsible to make determinations regarding symptoms and may decide to terminate a visit.
6. If visitation is canceled due to illness, the regularly scheduled visits will resume when child or adult is well. No makeup visits will be provided unless the cancellation is due to CSS health and Innovative Services NW is unable to provide a back-up CSS worker for the visit.
7. All parties are requested to honor the above guidelines and to notify the CSS as soon as possible, if the child or parent cannot attend a visitation due to illness.

Risk Management:

Innovative Services NW will not transport children or adults as part of this contractual agreement. Responsibility of transportation of children and participating adults is solely the responsibility of participating family members. Innovative Services NW will not tolerate hostile, offensive or inappropriate behavior on the part of any visitation participant, and after one warning, may cancel the visit. Innovative Services NW does not accept responsibility for the actions of any participating party before, during or after the visitation. Conflict or disagreement between parents or family members is not allowed on visitation grounds or within the site. Parent and participant signatures at the bottom of this agreement signify understanding and agreement of the conditions of service provision by Innovative Services NW and as such, hold Innovative Services NW harmless for the actions or behavior of any participating party.

It is the goal of Innovative Services NW to maintain objectivity during visitation services. Comments that are derogatory towards any visitation participant are not appropriate (ex: criticism, judgment, etc.).

Participation and Financial Agreement:

Administrative/ Scheduling Fee: **\$50.00**

Visitation cost per-hour: **\$35.00**

No Show/Cancellation with less than 24 hours notice Fee: **\$35.00**

Additional Report Fee: **\$10.00**

Letters: **\$50.00**

Financially Responsible Party:

Name: _____ Relationship to Child(ren): _____

Name: _____ Relationship to Child(ren): _____

We understand that at times modifications and/or changes will need to be made to these policies to better suit the needs of specific families, however these exceptions are made at the discretion of Innovative Services NW. If you feel that changes need to be made please contact Innovative Services NW. Any changes must be pre-approved, written and signed.

I have read and understand the Supervised Visitation Program Agreement, and will comply with the conditions listed. I sign in the understanding that if I miss or cancel a visitation with less than 24 hours notice, a \$35 fee will be charged to me.

Printed Name: _____
(Visiting Party)

Signature: _____ Date: _____

Printed Name: Charles Alec Winton
(Custodial Parent/Caregiver)

Signature: *Charles A. Winton* Date: 11/5/15

Innovative Services NW Staff Signature: _____ Date: _____

CLERK OF THE COURT

1 ORDR
2 (Your name) Charles Winton
3 (Address) 1129 NE Centurion Dr.
4 Gresham Or. 97030
5 (Telephone) (971) 235-4499
6 In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

8
9 Charles Winton)
10 Plaintiff,)
11 vs.)
12 Rita Cagliostro)
13 Defendant.)

CASE NO.: D-13-487266-F
DEPT. NO.: Q

ORDER FOR RETURN OF CHILD(REN)

15 This Court, having received the application of (check one) Plaintiff / Defendant,
16 seeking the return of (names of child(ren)) Angel Anna Starr Winton
17 _____, and having reviewed the pleadings and papers on file
18 herein, including (check one) Plaintiff / Defendant's Ex Parte Motion for Return of Child(ren),
19 and this Court having jurisdiction, and good cause appearing, makes the following findings and
20 orders:

21 The Court **HEREBY FINDS** that custody / visitation for the following child(ren) is at
22 issue: (name of first child) Angel Anna Starr Winton, age 9; (name of
23 second child or "N/A") N/A, age N/A; (name of third
24 child or "N/A") N/A, age N/A;

25 The Court **FURTHER FINDS** that the most recent custody/ visitation order was filed
26 with this Court on (date) Oct. 24th 2013. That order provides that (state the terms of

1 the custody / visitation order that are being violated) Abscinded with
2 child out of State; Violation of Custody Agreement

3 The Court **FURTHER FINDS** that (check one) Plaintiff / Defendant has violated the
4 current custody/ visitation order in that (state how the other side is not following the order.)
5 Abscinded with child out of State.

6
7 The Court **FURTHER FINDS** that (check one) Plaintiff / Defendant's actions in
8 violating said order are not in the best interest of the child(ren).

9 The Court **FURTHER FINDS** that it is in the child(ren)'s best interest that (check one)
10 he / she / they be returned to (check one) Plaintiff / Defendant and that (check one)
11 Plaintiff / Defendant be awarded sole physical custody of the child(ren) pending further order
12 of this Court.

13 Therefore, **IT IS HEREBY ORDERED** that (check one) Plaintiff / Defendant shall
14 immediately turn over physical custody of the minor child(ren) together with the child(ren)'s
15 belongings, clothing and personal effects to the care, custody and control of (check one) Plaintiff /
16 Defendant.

17 **IT IS FURTHER ORDERED** that any and all law enforcement personnel, of Nevada or any
18 other jurisdiction, including METRO, be authorized and directed to assist (check one) Plaintiff /
19 Defendant in obtaining physical custody of the minor child(ren) and their belongings, clothing and
20 personal effects, and in the return of the children to Nevada.

21 **IT IS FURTHER ORDERED** that (check one) Plaintiff / Defendant is awarded sole
22 physical custody of the minor child(ren) pending further order of this Court.

23 **(THE JUDGE WILL CHECK THE BOXES THAT APPLY)**

24 **IT IS FURTHER ORDERED** that Plaintiff / Defendant shall notify this Court as
25 soon as practicable after he / she has obtained physical custody of the child(ren).

Alison D. Linn
CLERK OF THE COURT

1 FFJ
2 (Your name) Charles Alec Winton
3 (Address) 1129 NE Centurion Dr.
4 Gresham, Or. 97030
5 (Telephone) (971) 235-4499
6 In Proper Person

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 Charles Winton)
10 Plaintiff,)
11 vs.)
12 Rita Cagliostro)
13 Defendant.)

CASE NO.: D-13-487266-F

DEPT NO.: Q

Date of Hearing: N/A
Time of Hearing: N/A

14
15 **FILING OF FOREIGN JUDGMENT**

16 COMES NOW (circle one) Plaintiff Defendant, (your name) Charles Winton
17 _____, in Proper Person, hereby files (circle one) his her Foreign
18 Judgment pursuant to NRS 125A, specifically NRS 125A.190 and NRS 125A.200, and registers a
19 certified copy of the Judgment, attached hereto as "Exhibit 1" as follows:

20 (Title of document) Ex Parte Motion For Emergency ^{Temporary} custody from the (name of
21 court) Order Circuit court of (county and state of
22 court) Multnomah County, Oregon, signed by the Honorable
(judge's name) Susan Sretky and filed on (date) Oct. 24th

23 DATED this (day) 24 day of (month) October, (year) 2013.

24 Respectfully Submitted:

25 (Your signature) *Charles A. Winton*
26 (Your name) Charles A. Winton
27 (Address) 1129 NE Centurion Dr
Gresham, Or. 97030
28 (Telephone) (971) 235-4499
(check one) Plaintiff/ Defendant in Proper Person

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

(Your name) Charles Winton, under penalties of perjury, being first duly sworn, deposes and says:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing Filing of Foreign Judgment and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

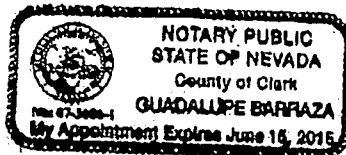
DATED this 28th day of (month) October, (year) 2013.

By:

(Your signature) [Signature]
(Your name) Charles A. Winton

Signed and sworn to (or affirmed) before me on the (date) October 28, 2013 by (name of person signing document) Charles A. Winton

[Signature]
Signature of notarial officer



ACKNOWLEDGMENT

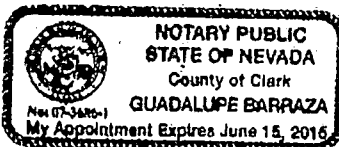
STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

On this 28 day of (month) October, (year) 2013, before me, the undersigned Notary Public in and for the said County and State, personally appeared (your name) _____

Charles A. Winton + +, known to me to be the person described in and who executed the foregoing Filing of Foreign Judgment and who acknowledged to me that (circle one) he she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.


[Signature]
Signature of notarial officer





CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL.

DATED: 10/24/13


CLERK OF THE COURT

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In the Matter of:

CHARLES A WINTON,

Petitioner,

and

RITA V CAGLIOSTRO,

Respondent.

No. 090362138

EX PARTE MOTION FOR
EMERGENCY TEMPORARY
CUSTODY

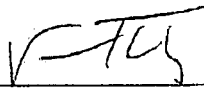
ORS 107.097(3) – “IMMEDIATE
DANGER”

Petitioner, Charles Winton, by and through his attorney Forrest R. Collins,
requests the Court issue an “Immediate Danger” Emergency Temporary Custody Order
pursuant to ORS 107.097(3)(a) during the time it takes for the above-captioned case to be
settled or to come to final hearing before this court.

Petitioner understands the court will only grant this request upon a finding that his
child is in “immediate danger.” The details supporting Petitioner’s contention are located
in the declaration submitted concurrently with this motion.

The name and birth date of the minor child to be protected by this order is: Angel
Anna Starr Winton, age 9.

DATED this 24 day of October, 2013.



Forrest Collins, OSB #06299
Attorney for Petitioner

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In the Matter of:)	
CHARLES A WINTON,	)	No. 090362138
Petitioner,	)	DECLARATION IN SUPPORT OF
and	)	EX PARTE MOTION FOR
RITA V CAGLIOSTRO,	)	EMERGENCY TEMPORARY
Respondent.	)	CUSTODY

I, Charles Alec Winton, state the following is true to the best of my knowledge and belief:

1. *Background.* I am the Petitioner in the above-captioned case. Respondent and I have a nine year-old daughter named Angel ("Anna"). I recently filed a modification motion in the above-captioned case, and ever since then Respondent has become increasingly hostile and erratic. Respondent's behavior has always been somewhat erratic but I have recently become extremely concerned that she is currently engaging in drug use and/or distribution, which I believe is putting our daughter in immediate danger.

2. **My greatest concern is that Respondent absconded with Anna to California last Friday after being ejected from her place of residence on September 13, 2013 pursuant to a court order in Multnomah County Circuit Court case no. 120809935 (an "ejectment" matter per ORS 105.005).** I do not know exactly where she has taken Anna or what she may be

1 exposing Anna to, but as things stand she is currently homeless as far as I know. I spoke with
2 Respondent last night and she indicated that she would not be returning Anna to Oregon. I have
3 no idea where Anna is, who she is with or whether she is safe. Based on Respondent's highly
4 erratic decision making I am very concerned about my daughter's safety and well being.

5 3. Upon finding out that Respondent had been ejected I was able to speak with the
6 conservator of the property, Sandra Luckow, to see if Respondent had left a forwarding address.
7 Although she was not able to provide this to me, she did mention that she had left many personal
8 items behind when she was ejected from the property. I asked if she would let me see these, and
9 the conservator consented to this request. I found drug paraphernalia including equipment for
10 growing and smoking marijuana. To the best of my knowledge, Respondent is not a licensed
11 cannabis dispensary. With the permission of conservator, I took pictures of her abandoned
12 possessions including the drug paraphernalia.

13 4. Since then I have filed a police report asking for help in both locating Anna and
14 returning her to Oregon, Multnomah incident/report # 13-710044.

15 5. *Temporary Custody.* I am asking the Court to grant me temporary emergency
16 custody of our child because Respondent has absconded with our child and has made it clear she
17 will not return with her; because she continues to act erratically and inappropriately around her;
18 and because she may be exposing them to drugs and criminal behavior. Additionally,
19 Respondent seems incapable of maintaining a stable household and is currently homeless. For
20 these reasons, I ask the Court to establish temporary emergency custody, as to do so is in the
21 children's best interests.

22 6. *Temporary Parenting Time Plan.* I am asking the Court to establish a temporary
23 parenting plan in which Respondent is awarded only very limited, supervised parenting time
24 until such a time as she has proven herself capable of maintaining a stable home. I ask the Court
25 to establish such a temporary parenting plan because to do so is in the children's best interests.
26

1 7. *Attorney Fees.* If Respondent chooses to contest the *Motion for Emergency*
2 *Temporary Custody*, then I should be awarded my reasonable attorney fees and costs incurred in
3 the course of the proceedings.

4 8. I acknowledge that I previously filed this motion and it was denied. I am refiling
5 this motion because I believe with the passage of time Anna is even further danger in the care of
6 her mother.

7 *****

8 I hereby declare that the above statement is true to the best of my knowledge and
9 belief, and that I understand it is made for use as evidence in court and is subject to penalty
10 for perjury.

11 DATED this 24 day of October, 2013.

12 
13 Charles Alec Winton

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In the Matter of:)	No. 090362138
CHARLES A WINTON,)	
Petitioner,	)	EX PARTE EMERGENCY
and	)	TEMPORARY CUSTODY ORDER
RITA V CAGLIOSTRO,	)	RE: TEMPORARY CUSTODY
Respondent.	)	AND PARENTING TIME

Based upon the motion and declaration of Petitioner, the request for an Ex Parte Order for Temporary Custody and Parenting Time is hereby:

Granted.

Denied.

Emergency custody during the pendency of this case until further order of the court is granted to:

Petitioner.

Respondent.

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Parenting time for the Petitioner ~~X~~ Respondent shall be as follows:

in the Portland metropolitan area -
supervised by someone chosen by Respondent
every other week-end. Visits to occur
in a location agreed upon by the
parties & the supervisor.

Dated this 27 day of Oct, 2013.


CIRCUIT COURT JUDGE

Submitted by: Forrest R. Collins, OSB #06299
Attorney for Petitioner

Notice: You may request a hearing on this order as long as it remains in effect by filing with the court a request for a hearing. In the request you must tell the court and the other party that you object to the order on the ground that the child was not in immediate danger at the time the order was issued. In the request you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

In the Matter of the Marriage of:)	
CHARLES A WINTON,	)	No. 090362138
	)	PETITIONER'S HEARING
Petitioner,	)	MEMORANDUM
)	
and)	
)	
RITA V CAGLIOSTRO,)	
)	
Respondent.)	

THIS MATTER is set for hearing on December 11, 2013 before the Hon. Susan M. Svetkey. Petitioner herein, Charles A. Winton, (hereinafter "Father"), is represented by Forrest Collins. Respondent herein, Rita V. Cagliostro, (hereinafter "Mother"), is self-represented.

PROCEDURAL HISTORY

The original *General Judgment of Custody and Parenting Time* in this matter was signed by the Hon. Keith Meisenheimer on March 31, 2010. Child support was and continues to be bifurcated from custody and parenting time issues, and was initially handled in CSP case no. 005GC3580C41 and the related "financial responsibility" Clackamas County Circuit Court case no. DR04100567. Father is asking the court to address all issues, including child support, at the instant hearing.

The present matter comes before the Court on Petitioner's *Motion For Order To Show Cause Regarding Modification Of Judgment Re: Parenting Time And Child Support; and Appeal*

1 *from Administrative Order*, which was filed on July 31, 2013. Petitioner filed his *Uniform*
2 *Support Declaration* the same day (it does not appear Respondent ever filed a *Uniform Support*
3 *Declaration*). Respondent was duly served with all necessary paperwork on August 4, 2013,
4 although a data entry error in OJIN incorrectly lists the date of service as September 1, 2013. On
5 August 5, 2013 the *Order for Fee Deferral* for Respondent was entered in the Court register.
6 Further case notes in OJIN on August 5, 2013 indicate that Respondent's response was returned
7 to her for lack of a filing fee, but this is inconsistent with the order allowing Respondent's fees to
8 be deferred. This is the only OJIN entry regarding filing of Respondent's *Response*, so it is
9 unclear when or if it was ever formally entered in the register of the Court.

10 Hearing on this matter was not initially set by the calendaring clerks, but rather was set
11 by the Hon. Merri Souther Wyatt when she granted Respondent's motion to "set over" hearing
12 on August 7, 2013. Although Respondent filed "set over" paperwork, this was the first trial
13 setting and set hearing for September 4, 2013. Petitioner subsequently filed a motion to set over
14 hearing which was granted by the Hon. Amy Holmes Hehn, resetting hearing to October 24,
15 2013. On September 18, 2013 Petitioner's *Motion for Order to Show Cause re: Temporary*
16 *Status Quo Order* was signed by the Hon. Amy Holmes Hehn, and the status quo hearing was
17 scheduled for October 24, 2013 (the same day as the modification hearing). Petitioner also filed
18 the same day (September 18th) an *Ex Parte Motion for Emergency Temporary Custody* pursuant
19 to ORS 107.097(3), but the motion was denied by Judge Hehn at that time.

20 At trial assignment on October 18 the Court made a determination that there would be
21 insufficient time for a full modification hearing and reset the hearing to December 5 while
22 leaving the status quo portion of the hearing on the docket for October 24. Respondent filed a
23 motion to appear telephonically which filing date does not appear in OJIN; the order denying her
24 motion was signed by Judge Svetkey on October 23, 2013. Respondent subsequently failed to
25 appear at the status quo hearing.

26

1 At the status quo hearing Petitioner made several additional filings, including his second
2 *Ex Parte Motion for Emergency Temporary Custody* and his *Motion for Order to Show Cause*
3 *re: Enforcement of Parenting Time*; both related orders were signed by Judge Svetkey at that
4 time. Petitioner immediately travelled to Nevada to initiate procedures to effectuate the
5 emergency custody order in a foreign state. Hearing was set in Nevada on the matter of
6 registering the Oregon emergency custody order, which appears to be a procedural requirement
7 in that state. It is not clear what the hearing would have addressed because Respondent again
8 failed to appear. Accordingly, physical custody of their daughter was restored to Petitioner
9 pursuant to the terms of the emergency order, and he returned with her to the State of Oregon.

10 Following the October 24 hearing Judge Svetkey retained the case, which required the
11 reset of hearing from December 5 to the present December 11, 2013 date. Pursuant to ORS
12 107.434(2)(g) Judge Svetkey also ordered the scheduling of a hearing for modification of
13 custody, which effectively amended the modification from parenting time to parenting time and
14 custody.

15 On September 18, 2013, Father appeared before the Hon. Kenneth Stewart in
16 simultaneous but separate court action for a hearing on de novo child support review in the
17 Clackamas County action. Mother failed to appear at this hearing and following a brief prima
18 facie hearing Judge Stewart ruled to reduce Father's child support. The *Supplemental Judgment*
19 *re: Child Support* was signed by Judge Stewart on November 27, 2013 and reduces Father's
20 child support to \$440 of which \$124 is cash medical. This result was based on the then-existing
21 circumstances at the time of the administrative order, on or around March 28, 2013.

22 BACKGROUND

23 Almost immediately after their *General Judgment of Custody and Parenting Time* was
24 signed, the parties saw fit to informally increase Father' parenting time from what was ordered
25 therein. As several years went by Father's parenting time continued to gradually increase from
26

1 what was ordered in the general judgment, but the parties did not take any formal court or
2 administrative action to recognize this. Eventually Father ended up having parenting time with
3 his daughter every weekend. During breaks (e.g., summer break) Father would have parenting
4 time from Thursday through Sunday. During the school year Father would have parenting time
5 from Friday through Sunday.

6 In late 2012 Mother made an administrative request for a 35 month review of child
7 support to the Department of Justice. Due to a scheduling error on his part, Father failed to call
8 in for the telephonic hearing before the Administrative Law Judge. In his absence and contrary
9 to the facts, Mother alleged to the ALJ that Father's parenting time had actually decreased such
10 that he would not receive a parenting time credit in the guideline child support calculation. An
11 administrative order was entered which significantly increased Father's child support obligation.
12 At this point – based on Mother's actions – became clear to Father that it behooved him to
13 formally modify his parenting time with the Court. Father filed for a *de novo* child support
14 hearing which was held September 18, 2013 (described in further detail below).

15 After Father filed his modification, Mother became increasingly hostile and erratic in her
16 dealings with Petitioner. It came to Father's attention as well that Mother was named as
17 defendant in an "ejectment" matter pursuant to ORS 105.005 in Multnomah case no. 120809935.
18 This matter was decided against Mother/Defendant pursuant to the *General Judgment* which was
19 signed by the Hon. Stephen Bushong on August 21, 2013; she was subsequently ejected from the
20 real property in question by Multnomah County sheriffs. **On September 13, 2013, Mother**
21 **absconded from the State of Oregon with the parties' daughter. Mother indicated to**
22 **Father over the phone that she had no intent to return to Oregon.**

23 On or around October 24, 2013 Father obtained a *Temporary Emergency Custody Order*
24 which he used to recover his daughter in Nevada. In the six weeks since Father has had physical
25 custody of his daughter, Father has made repeated efforts to get in touch with Mother so that she
26

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Thank you

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