

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE FAMILY COURT

APRIL ABBOTT,
PLAINTIFF.

Transcript of Record
2015-DR-23-0184

VS

EXHIBIT
5

MARK GUION,
DEFENDANT.

August 18, 2015
Greenville, South Carolina

BEFORE:

HONORABLE TARITA DUNBAR, Judge.

APPEARANCES:

BRIAN JOHNSON
ATTORNEY FOR THE PLAINTIFF

ELIZABETH MEDLIN
ATTORNEY FOR THE DEFENDANT

CHIP HOWARD
GUARDIAN AD LITEM

TRACY MCBRIDE
COURT REPORTER

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22 There were no exhibits.	
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1 MR. JOHNSON: And I'll be happy to continue the contempt if everybody's okay
2 with that.

3 THE COURT: Okay, y'all still want to file for contempt.

4 MR. JOHNSON: Well, Your Honor, I think we might--contempt--it's my
5 understanding they filed a contempt, too. It's something we might can handle--it may be
6 best to handle all at once or otherwise--or either combine them. We'll talk about it after
7 this.

8 THE COURT: Okay.

9 MR. JOHNSON: But the contempt I would ask that that be continued.

10 THE COURT: Okay, I appreciate it because I didn't have but 15 minutes.

11 MR. JOHNSON: Yeah, Judge I'm not gonna ask you to do that.

12 THE COURT: Yeah, all right, and so I was kind of--Mr. Howard, you want me to
13 read this first or do you want to speak first?

14 MR. HOWARD: You can, Your Honor, and I'll stand by my report. I do need to
15 add something to that verbally that I left out---

16 THE COURT: Okay.

17 MR. HOWARD: ---and I can do that at a later time after you get done reading it.
18 That's fine.

19 THE COURT: Okay, I'll be real quick then.

20 (At this time the, Court, reads the documents.)

21 THE COURT: You want to announce the case, Mr. Johnson?

22 MR. JOHNSON: I will, Your Honor.

23 THE COURT: Thank you, go ahead.

24 MR. JOHNSON: Your Honor, this is case 2015-DR-23-0184 April Abbot versus
25 Mark James Guion. I'm here, Brian Johnson, on behalf of the Plaintiff. Ms. Medlin's

1 here on behalf of the Defendant. She's actually replacing Rodney Brown. I think this is
2 her first appearance on this case. And also present is Chip Howard the guardian ad litem.
3 In a companion case also present is Kimberly Dunham, she represents another child--
4 another mother of one of Mr. Guion's children.

5 THE COURT: Oh.

6 MR. JOHNSON: So she's here in interest to that.

7 THE COURT: Good to see you, Ms. Dunham.

8 All right, thank y'all.

9 MS. MEDLIN: And, Your Honor, I'm not sure if you would like these at this
10 point or not but I do have some affidavits related to the guardian's motion as well.

11 THE COURT: Okay, would anyone like to make any arguments?

12 MR. HOWARD: I'll be glad to go first, Your Honor, as it is my motion.

13 THE COURT: Yes.

14 MR. HOWARD: One thing that I wanted to verbally add to my report that I left
15 out--I had a green sticky note on my file--Pa, the minor child, contacted me on July
16 27. He had reported to me that on July 25, there was an exchange. He wasn't going to
17 get into the car. He reported Mr. Guion was talking about Ms. Abbott in a bad way. And
18 these are his words. He reported Mr. Guion picked him up by the throat and threw P:
19 in the car. Now, I don't have any pictures, any bruising to verify that but that was
20 reported. I felt that needed to be added to my--I'm sorry I---

21 THE COURT: Oh, that's okay.

22 MR. HOWARD: ---forgot to put that in there originally. As far as my motion is
23 concerned, we requested that this be heard prior to school because obviously as you can
24 see there is an issue if this child lived in Myrtle Beach---

25 THE COURT: Right.

1 MR. HOWARD: ---or lived in Simpsonville either way.

2 THE COURT: Right.

3 MR. HOWARD: And I wanted it heard so that he could start the year in one
4 place or the other. And as far as education is concerned I put into my report that the child
5 is going to go to Bryson or Forest Brook Middle School. Forest Brook is clearly a better
6 school per the Department of Education. I went by those reports. And I think this,
7 Court's, relied on those reports many a time. As far as the home is concerned Mr. Guion
8 has moved out of his house that he's had since 2006 and allowed some renters to be in
9 there right now. The plan originally, as I understood it, was for him to move into a
10 location beside Ms. Glenn that would be--let's say hers is 503. His is going to be 503B,
11 essentially, in my opinion, circumventing the restrictions around paramour because they
12 are literally right beside each other at that point and time. Now he's going to fix that
13 because in December they're going to get married, is my understanding. So that
14 restriction would then go away. At this point and time he's living with his parents. And
15 the minor child is living with him as well as this time. And as far as the passport, I think
16 that's an important issue for you to decide today simply to say that whoever the primary
17 parent you decide is going to be should maintain that passport and the other parent should
18 go ahead and sign the form to make that happen; because I don't think it's going to
19 happen with these parties without a court order to do so. Visitation with the other
20 brothers, there's two half-brothers as you see in this report---

21 THE COURT: Right.

22 MR. HOWARD: ---he needs to see his brothers. Whatever you decide, as far as
23 custody is concerned, the weekend that P: is with either party needs to coincide when
24 his brothers are with Mr. Guion so that they can see each other because he loves his
25 brothers.

1 As far as communication, the parties really have a lack of communication in my
2 opinion. It's very hard for them to communicate without it being in writing, which it's
3 unfortunate that's the way it is, the way we are now a days with text. That being said, I
4 would love for the, Court's, order--for them to be able to talk to the minor child at least
5 once per day for a reasonable amount of time and to allow uninterrupted contact with that
6 child. I also think he needs some counseling at this point. He's been going through a lot
7 in these past 6 or 8 months since this has started. So I think it's imperative that he has
8 that as well.

9 THE COURT: Let me ask you, why do you think this action was brought about?
10 I'm just concerned because it seems that that child is at a delicate age, 13, 14 now; and
11 sometimes at that age kids start to have problems with the parent that they're with. I'm
12 just worried whether that is the reason this action was brought. Could that be--do you
13 have any problems with that?

14 MR. HOWARD: Well Mr. Guion's reported to me that basically he's been a
15 good kid for the majority of his life and has all of a sudden has issues with rules since he
16 has become a teenager at this point and time. As far as this action being filed, my
17 understanding is of course there was not a set placement schedule at the time these parties
18 got divorced in 2004, 2003; the child has reported to Ms. Abbott that he wanted to come
19 live with her. Of course, that's not in and of itself a change of circumstances but this
20 child is a mature child. He understands what's going on completely. And he really
21 knows a little too much to be quite honest with you. And I'm not sure which party that
22 comes from but he knows a little too much of what's going on. That being said, he's at
23 an age where there's a pendulum that's gonna swing one way or the other. He's going to
24 start high school next year, either Hill Crest or I would assume Socastee or Myrtle Beach
25 or wherever he goes down there. That being said, his grades, in my opinion, right now

1 are miserable. He needs to improve those. I don't know of any other way to improve
2 those besides somebody helping with homework, putting him in a school that pays more
3 attention to education. I don't know what to do with him because obviously he's had bad
4 grades probably about two or three years now I would say. He's reported to me, and I put
5 this in my report, Ms. Abbott has helped him with education. Mr. Guion has begun to
6 help. He's started checking off things on the list but I think the more intense value on
7 education he relies on Ms. Abbott, according to the minor child, on what he does do.

8 THE COURT: I'm just concerned with is he going to continue to be disobedient;
9 because he's at that age. I mean is she gonna--is he gonna listen to her or is it true what
10 he's saying that he just doesn't want to live by the rules.

11 MR. HOWARD: I think a lot of the retaliation, from what I get and from what
12 P1 tells me, is that a lot of this has to do with Mr. Guion spending time with his
13 girlfriend. Ms. Glenn is a fine woman. We have no problem with Ms. Glenn
14 whatsoever. There's no issues there at all. However, the children have spent a
15 abundance of time at that location, all three children, to the hours of 10, 11, 12 o'clock at
16 night. And that's been a concern for all of the parties since this case started basically.
17 And this case ended the companion case as well. So I am concerned with that. I don't
18 have that issue, that I know of, in Myrtle Beach. Again, I visited three homes in this
19 case, Myrtle Beach and two in Greenville. I don't see an issue with safety. I don't see an
20 issue of environmental harm in any way whatsoever. And I don't get the feeling that he
21 would disobey Ms. Abbott. Now Mr. Guion of course, has reported that she's the more
22 lenient parent. And since this time he's been the primary parent. She's been the visiting
23 parent for lack of a better word. So I'm not sure how he's gonna react; but I don't get the
24 feeling from P1 that there's going to be disobedience.

25 THE COURT: Okay.

1 MR. HOWARD: I think he's mad right now at Mr. Guion because of the issues
2 that have existed with spending time with the girlfriend. I don't know if it's just attention
3 lacking---

4 THE COURT: Yeah.

5 MR. HOWARD: --or what it might be but that could very well have something
6 to do with it.

7 THE COURT: Yeah, thank you, Mr. Howard. You've been helpful.

8 MR. HOWARD: You're welcome.

9 THE COURT: All right, Mr. Johnson?

10 MR. JOHNSON: Thank you, Your Honor, may it please the Court? As far as
11 the case is concerned of course we're asking you to consider giving my client primary
12 custody of the child, not only for what's transpired before we filed the action but also for
13 what transpired after we filed the action. I think what's happening here primarily is the
14 parties are kind of showing their true colors. I think that primarily goes with Mr. Guion
15 and his conduct towards the child and towards my client as well. Your Honor, there's
16 been allegations of abuse as he just supplemented his report--verbally supplemented.
17 There's also allegations, with regards to Mr. Guion, on his other two minor children that
18 actually, Judge Conits, took custody away from him and gave it to Ms. Dunham's client.
19 There were allegations there as well where he actually left a bruise on the minor child.
20 And so I think he's very angry. He's angry with Ms. Abbott, with P , which is Ms.
21 Abbott's and Mr. Guion's child, and the other two children as well. Your Honor, also at
22 this point, they don't necessarily have a home to live in. I believe their desire is to go to
23 the grandmother's house. I believe whatever stability they had he even took away more
24 of it by starting to rent out his home. And like the guardian said, circumventing the rules
25 that were put in place as far as paramours are concerned, by trying to have P and the

1 other children over at the adjacent home, adjacent to the girlfriend, which allows him to
2 spend more time with the girlfriend. Your Honor, he took the child to the therapist
3 without telling my client or telling the guardian ad litem. And I think it's interesting, and
4 I included in my notes, that the therapist thought that there was intense anger between
5 P and Mr. Guion. And she actually recommended, at least on a trial basis, the child
6 go with Ms. Abbot for a little while and maybe that would help. Your Honor, also--and I
7 think there's a lot being said about Mr. Guion saying that he's had the child this whole
8 time. However, I would point out on page 8 of the guardian's report that the child
9 actually told Mr. Howard that he had primarily lived with my client until she had to
10 relocate to Myrtle Beach.

11 And before she relocated she thought it was best, obviously for him to stay up
12 here because that's where he was placed; but now since everything is happening with the
13 girlfriend et. cetera, we're asking that the child come with Ms. Abbott so she can spend
14 time on his homework with him, so that communication can be better. His actual--like
15 for example, Judge, his actual dentist is down in Myrtle Beach. She's been taking him
16 for years. She tried to take him recently and he just would not let her do it at all. So it's
17 just so uncompromising, so uncooperative on behalf of Mr. Guion to the point where he's
18 actually--I don't think he's worried about the best interest of the child. I think he's
19 primarily concerned with getting even with Ms. Abbott or getting even with Melissa
20 Marsh or getting even with the children, Judge. Also, what the guardian said as far as his
21 report is concerned, that the school down there is very good, it's actually--they were
22 actually divorced down there. So it's not a strange place to them. It's actually kind of
23 where they--close to where they lived initially. So it's not him going to a strange place.
24 There's some other familiar faces and people down there that they would be there. So
25 it's not a total out of the left field type place. And he also has a couple of sisters down

1 there that I understand--I understand that he has nothing to do with, but he does know
2 who they are and he does have a relationship with them. And finally, Judge, and I know
3 Mr. Howard don't want me to do this, but I think the reason why this action was brought
4 is because he actually thinks that P --it's in his best interest to be with the mother.
5 And I think if you put him on the spot he would tell you that. I hate to do that. I'm just
6 trying to advocate for my client, Judge. And I think it's in the best interest of this child
7 to be with the mom. And if you were to do that we would ask that Mr. Guion have
8 visitation. And the way he does it with his other two children is they have--essentially
9 have a, Judge Brown, type situation. And I think it would be great if he had consistent
10 visitation that P and his other two brothers could all be together at the same time,
11 Judge. And we ask for the mercy of the Court, Judge.

12 THE COURT: Thank you.

13 Yes, ma'am, Ms. Medlin.

14 MS. MEDLIN: Thank you, Your Honor, well of course there's a lot of
15 information that's been thrown at the, Court, this morning. And of course, I certainly
16 appreciate your time to be able to address a lot of the allegations and I'll try to hit the
17 high points because we have provided affidavits. In regards to what we believe is at
18 issue, I feel I must respond to counsel's statement that basically Mr. Guion is only doing
19 this out of spite for the mother. I must remind the, Court, he did not bring this action. He
20 is a Defendant in this action. The only thing he's trying to do in the case is protect the
21 children and ask the, Court, to serve their best interest. Your Honor, in regards to some
22 of the issues that have been raised as far as the guardian's position, I would argue with
23 counsel that I don't necessarily think that Mr. Howard is in a position to be able to say
24 exactly what's happening. That's the, Court's, decision. It is his role to do exactly as he
25 has done, which is to gather information and bring it to the Court since we don't have

1 minor children come in. At the end of the day our law is clear. A child's preference is
2 not a fact finder for the, Court. A child's preference can be included in the, Court's,
3 analysis; but in this situation, I think it's clear that we have a 13-year-old boy who's not
4 extremely mature. He's somewhat immature on what's happening, what's going on
5 around him; and as has been stated by several people even this morning, a child who I
6 feel is conflicted because we've got this case now pending and he's having to be involved
7 in the situation. And I think his grades, and even just his expression to the guardian,
8 shows us he's not the type of child this, Court, should allow to make the decision. His
9 father, who has been the primary parent the past 13 years, is the primary parent. He's
10 responsible for his stability and making sure he's disciplined and making sure he attends
11 school; and he does as well as he can in school. And I think that's what Mr. Guion has
12 tried to do; whereas I think they were—typically has happened, the mom had been the fun
13 parent, parent who lives in Myrtle Beach, the parent who's not very strict on the child and
14 somewhat lenient.

15 So I think that we really have to look at the situation of P and whether or not,
16 as a 13-year-old boy, does he know what's best for him. And I don't think that he does.
17 Given statements he's made, a lot of what he's saying that has kind of progressed over
18 the life of this case, are the type of things—it almost seems like he thinks he should say
19 dad was hostile to him and he thinks he should be saying he doesn't like dad's girlfriend,
20 the same type of things he's hearing from other areas potentially so he can try to convince
21 the, Court, and the guardian that he should not live with dad. For example, the allegation
22 that was apparently stated by him where at an exchange dad picked him up by the throat.
23 My client tells me that absolutely did not happen. His mother, who's present here today,
24 was also present at that exchange and could also tell the, Court, that simply did not
25 happen. Again, all of this is kind of wrapped around the fact that you will see from the

1 guardian's report that my client, from day one, has been very concerned about possible
2 alienation by the mother of her relationship with the child. And so we are concerned that
3 there is some coaching going on with the child when he's visiting with the mother;
4 because we have to remember that my client has been the sole caretaker for this child
5 with the exception of some visitation by the mother. The mother initially left, moved to
6 Florida some time ago, didn't even say goodbye to the child, called my client after she
7 had already left and said, oh, we're gone to Florida. And then that's basically how we
8 came to have the situation that was in place with him living with my client when this case
9 was filed. Even before the case was filed mom did not have regular visitation with

10 P This is all something that's just started at the same time of course that his ex-wife
11 Ms. Marsh also filed her case.

12 THE COURT: When did she move to Florida?

13 MS. MEDLIN: My client believes it was around May of 2014.

14 THE COURT: And prior to that the child was--they were separated and the child
15 was living with your client?

16 MS. MEDLIN: Right.

17 MR. JOHNSON: Your Honor, my client says she moved in May 2014 to Florida
18 and moved to Myrtle Beach two months later, and before then she was living in
19 Greenville. And I guess we disagree and I guess the child disagrees with them too, but
20 she says she actually had the child primarily before she left.

21 THE COURT: Because I was reading the guardian ad litem's report and I think
22 he said that she said in her complaint that he had--the child was with the father.

23 MR. JOHNSON: The child was with the father when she left. She left the child
24 with the father.

25 THE COURT: I mean had the primary care of the child.

1 Didn't you say that Mr. Howard in your report?

2 MR. HOWARD: At the time she filed the complaint she was not here any longer.
3 He had the child at that time. And I think in the complaint she states, in the first couple
4 of paragraphs, that the child primarily resides with the Defendant at that point when she
5 filed the complaint.

6 THE COURT: I see.

7 MR. HOWARD: That was my understanding of what that meant.

8 THE COURT: Okay, well let me--and don't sit down. I want to ask your--I want
9 you to specifically tell your client to ask--to tell me why did she file this action?

10 MR. JOHNSON: Would you like her to speak, Judge?

11 THE COURT: Yes, I want to hear why she filed this action.

12 MS. ABBOTT: When we moved away we moved away because my husband got
13 transferred to Florida in May of 2014. During that time P was still in school so we
14 left him in Greenville to finish up the school year with his father; and everybody was on
15 the same page with that. There was obviously enough notice given of the move--
16 potential move. So when my husband's father became ill while we were in Florida so we
17 were forced to come back. I'm a nurse. So we decided to move to Myrtle Beach so I
18 could help in his father's care as well because he's a very critical diabetic. So we left
19 Florida two months later and moved back to Myrtle Beach.

20 THE COURT: Why did you go to Florida?

21 MS. ABBOTT: He got transferred. My husband's job transferred him to Florida
22 initially. So the hopes were for P to finish out the school year. P came and
23 spent a month down in Florida with us in hopes to kind of orientate him there and
24 hopefully to work out with Mark that possibly P come and move to Florida, because
25 we were thinking of that as being a long term move; but when my husband's father

1 became ill we moved to Myrtle Beach so I could help care for him. With all of that
2 upheaval that kind of put P staying in Greenville here with his father. So he actually
3 ended up starting the school year here again in Greenville. So in September, when I
4 came to visit P here, he stated--we were sitting there in a hotel room and he said you
5 know mom I know that--and my mother was there with me. Again, we were staying in a
6 hotel to see him and he just said, you know, I really just want to come to Myrtle Beach.
7 He said I know Myrtle Beach. I don't like it here. I don't want to be here anymore. And
8 I want to come to Myrtle Beach. At that point and time, in my original affidavit, he
9 started telling me just very upsetting things that were happening with Mark and his new
10 relationship and just, you know, allegations that came from P, and they were
11 disturbing to me. It was never--honestly it was never--I don't know if I would have done
12 this if P had not literally come to me and told me, you know, this is what's
13 happening, mom. I want to come and, you know, just live with you.

14 THE COURT: Well how long have you been dating your girlfriend?

15 MR. GUION: Since 2013.

16 THE COURT: Okay.

17 That's good. Thank you, ma'am.

18 I'm just concerned that could it be possible, and I'll ask the guardian to chime in,
19 that this child might have been upset that the mother had moved and maybe this is part of
20 it, that he was upset that she moved and that--I'm just a little concerned, ma'am, that the
21 only reason you came back is because of your husband's father, that he was sick and not
22 come back because of your child.

23 MS. ABBOTT: It was not---

24 THE COURT: And maybe that child was just upset, those feelings--I don't know.
25 I'm not a psychologist or a psychiatrist---

1 MS. ABBOTT: I understand.

2 THE COURT: ---and the child could have been missing you and maybe that
3 upheaval caused some imbalance because the child had sort of an arrangement how y'all
4 were doing things and he was fine at that point. And then when you moved this is when
5 the problems came, and at his age—I don't know, I'm just saying.

6 MR. JOHNSON: May I add one thing? And I think this is where the therapist
7 comes into play---

8 THE COURT: Okay.

9 MR. JOHNSON: --because he actually took the child to the therapist like I told
10 you. He didn't tell my client about that. I think he was kind of trying to circumvent
11 things; but in any case, Judge, he took the child to the therapist. The child actually told
12 the therapist where his anger came from. His anger came from the lack of his father
13 spending time, the lack of--the drinking, the anger. And this therapist actually mentioned
14 that the child and the father have a lot of anger towards each other. And---

15 THE COURT: What's the anger that they have? What is that?

16 MR. JOHNSON: The anger towards each other?

17 THE COURT: Yeah.

18 MR. JOHNSON: I think it primarily comes from the fact that the father tends to
19 choose to spend more time with Ms. Glenn than him. It used to be--I think it used to be
20 different. I think at this point and time he said that the father gets off work, goes to the
21 gym, goes hangs out with Ms. Glenn, leaves him by himself or leaves him with one of
22 Ms. Glenn's oldest sons or leaves him to babysit the younger children. I don't think he
23 has the time, Judge. I think he chooses to spend his time differently and that's where the
24 anger comes from with the child. I would say that---

25 THE COURT: You don't think any of the anger--I'm not trying to defend any of

1 the parties---

2 MR. JOHNSON: Sure.

3 THE COURT: ---but you don't think any of the anger came too with his mom
4 leaving?

5 MR. JOHNSON: No, and the reason why I say that, Judge, is you know as the
6 guardian said he's--he might not be doing as well in school but he is a mature young man,
7 mature enough that at least he believes that he should have a say so as far as, you know,
8 just one of the small child custody factors. I'm not saying end all be all but I'm just
9 saying he's mature enough to kind of understand what the dynamics are. And again the
10 child said that she was the primary caregiver before she left. And I understand that they
11 say that he's had him his whole life but he actually said something different. And I think
12 the way that they tend to disagree on just crucial facts will mean that they will continue to
13 have issues. They will come to have anger. And I would ask you to consider--you know
14 of course this would be a temporary order and things could change--but I would ask,
15 given a chance, I believe Ms. Abbott can see to it that his grades do get better. As it
16 stands now he's not going to go to college or anything. The father should have been
17 checking up on his grades. He only caught it on the second half of last year because there
18 was actually--she showed me where he was failing and he just barely made it by the skin
19 of his chin. So, Your Honor, I think that's what it is. And I respectfully---

20 MS. MEDLIN: Your Honor, may I respond to some of those particular issues?

21 THE COURT: Yes.

22 MS. MEDLIN: I certainly do agree, and that's something that I think is actually
23 referred to in my client's affidavit, that a lot of what's going on with P: I believe is
24 related to his abandonment that he feels when his mom left. And obviously--and of
25 course I'm no psychiatrist either, but psychologically there is a need for--you know, to fix

1 that. So whereas for an adult, they may be able to decipher between the stability and
2 discipline and everything that would have in your current home, they're not able to
3 decipher between that need for being with the other parent just to psychologically fix
4 what they think is broken. So again, we have those concerns; but even as far as the issue
5 with my client and his girlfriend, they've been in a very long-term relationship. This is
6 not something that's new. And prior to this case being filed by Ms. Abbott P1 had a
7 very good relationship with Ms. Glenn as well her children. She has a very nice home
8 out in the country. They do lots of things. So he's always enjoyed it. It's very
9 convenient that all of a sudden now there's a problem after mom files this case. We of
10 course are very concerned with the fact that P1 has eluded to the fact that he doesn't
11 want to go to school and that mom is going to allow him to attend online school or be
12 home schooled.

13 So even as far as the guardian's report, while I appreciate the fact he compared
14 the schools, it sounds like there's a very good chance that he would not even be
15 attending a public school or school setting there because again mom is saying these
16 things to try to tell him what he wants to hear; but when we go to the therapist, that is a
17 very important note, the information that has been presented by counsel, of course I
18 would object to as far as admissibility of that because there's no sworn affidavit, that
19 person is not here to testify and as far as we know, you know, who created these notes or
20 these emails; but if we do use that as a factor in this analysis then we must also look at
21 the fact that apparently P1 has also accused his ex-step mom Ms. Marsh, who's also
22 provided an affidavit in this case, of physical abuse. So there is a very big concern there
23 of what exactly is going on. If we're going to say well whatever P1 says is the truth
24 and it must be the fact of the matter, then we have to look at the fact that this child has
25 apparently just recently reported physical abuse by a lady who he lived with who now has

1 custody of my client's two other children. And I see in Ms. Marsh's affidavit that she's
2 alleging that my client has been physically abusive. So, you know, again, it's just one of
3 those situations where I think that, you know, obviously we need to do what is best for
4 Pr . . . And I think that keeping the stability for a 13-year-old boy, who is at a very
5 critical age, with his father who's been the primary parent is what we need to do.
6 Obviously, there's too much involved in this case to make a decision that would cause
7 this child, who's now in school today for his first day of Greenville County Schools, and
8 jerk him up and go to live with a parent who really hasn't been around for the last couple
9 of years. And obviously, we're asking that the, Court, maintain the existing order leaving
10 my client with custody, and then let's leave all of this to be hashed out at a final hearing
11 on the merits so that whatever decision is made is one that has been presented after
12 however much time for trial might be needed so that we can have a clearer picture. Even
13 as far as his grades, his grades—although again he's not an AB student, his grades have
14 certainly gone up, even per the guardian's report, since last year. We even have questions
15 regarding whether or not Ms. Abbott was actually helping the child with homework
16 because again, she's been the weekend parent and she really has just recently got
17 involved, which has been more during the summer than during the actual school year.
18 So—

19 THE COURT: Yes, I don't mean to cut you off Ms. Medlin, but what really is in
20 this child's best interest is that this child needs both of the parents.

21 And I understand you moved back from Florida to Myrtle Beach because of your
22 father-in-law but is there any way you can move back to Greenville County; because your
23 child—the child needs both its parents. And I'm not just pointing—trying to single you
24 out; but I do think that when you all decided to divorce you did it because of yourselves
25 and not the child. You couldn't live together obviously, I don't know; but you're gonna

1 have to put y'all's feelings aside for the child right now. And that means you can't have
2 your way, either one of y'all. And I plead with y'all to see that. Is there any way
3 possible you can move back to Greenville County for your child?

4 MS. ABBOTT: I--

5 THE COURT: I mean the child needs both parents. I don't think--if I let him go
6 with you I don't know that it would be in his best interest to be so long away from his
7 dad. I mean his dad might have some issues--and I don't know, I'm not a psychiatrist.
8 I'm just reading what--and I haven't read everything. And I want to read everything
9 before I--and I'm not trying to defend him, but it could be he's angry because he's
10 worried about losing the child. I don't know. I might be speaking and I don't know what
11 I'm talking about because I haven't read everything, but just first impressions that might
12 be the case, I don't know. So what I'm asking you is, is there any way you can move
13 back to Greenville County?

14 MS. ABBOTT: I mean that's a big--obviously big decision for my--

15 THE COURT: Yeah.

16 MS. ABBOTT: --family and for--

17 THE COURT: Well you're family still with him--

18 MS. ABBOTT: Yeah.

19 THE COURT: ---because y'all are going to have to co-parent for that child---

20 MS. ABBOTT: Yeah.

21 THE COURT: ---and y'all need to get along. And I think that will help, and try
22 to work together for the child's sake. That seems to be a lot of the problem.

23 Do you think that, too, Mr. Howard?

24 MR. HOWARD: I think that's the issue but I would point out that the parties got
25 divorced in Myrtle Beach. It all started there and P lived there to begin with. And

1 I'll tell you, a lot of the time I have issues in cases because young children can't talk---

2 THE COURT: Yeah.

3 MR. HOWARD: ---I might have a baby. I might have a four-year-old that I can't
4 take credit for anything that he says; but in this case I have a child who can voice his
5 opinion, who can tell me what goes on, on both sides, whether he's telling me the truth
6 every time or not I've not had an issue with that. I think he is. I know Ms. Medlin talked
7 about coaching, I've never gotten that feeling from P7. In fact, I've asked him on
8 numerous occasions has anybody told you to tell me this? Have you got this information
9 from anybody else? I have explored that option because I know that these parents are
10 intensely involved in his life; but I don't think that he's being coached.

11 THE COURT: I don't think he's being coached.

12 MR. HOWARD: No, Ms. Medlin also raised the issue of online school; there was
13 a discussion last spring that if P7 came to live with Ms. Abbott, that during the time--
14 from that time--let's say March or April, from that time to the end of school he would
15 transition to online school and then start school in the fall at a school. So that's not an
16 issue. And you had asked, just a minute ago, if this issue really came from P7 being
17 mad at his mother for moving away, that's the first that's ever been brought up by
18 anybody whatsoever. And he's never indicated that whatsoever to me, nor has the parties
19 brought it up in any way whatsoever as well. So I don't get that feeling.

20 THE COURT: You don't get that his emotional---

21 MR. HOWARD: No, ma'am, not at all, not one bit.

22 MS. MEDLIN: Your Honor, if I may speak to the whole where this started out
23 issue, my client has informed me that yes, they were divorced in Myrtle Beach but the
24 difference is that, that both parties, Mr. Guion and Ms. Abbott, agreed that Myrtle Beach
25 is not the type of place that they would want to raise their child. So they--even though

1 they were divorced everybody moved to Greenville. So that's why a lot of this is focused
2 around the stability that he has here, because after they all moved here then mom up and
3 left and went to Florida and then Myrtle Beach of course instead of coming back to
4 Greenville. So it's my understanding of course and you'll see in our affidavit, that mom
5 has some instability with jobs and places she's lived and everything as well as some
6 issues with alcohol and drugs in the past. So again, there's a reason that she agreed for
7 P: to live with his father here in Greenville. And really, nothing has changed so
8 substantially that should warrant a change from that existing order. Of course--my
9 opinion of course would be especially not at a temporary hearing.

10 MR. JOHNSON: Judge, I just feel like I have to respond---

11 THE COURT: Yeah, go ahead.

12 MR. JOHNSON: ---and I'll stop, Judge.

13 THE COURT: No, that's fine.

14 MR. JOHNSON: But anyway, of course that's him saying that's the reason why
15 everything happened. Of course he left Myrtle Beach--he talks about family and
16 everything, he left children in Myrtle Beach. He has children in Myrtle Beach that he
17 actually left. He also, in talking about my client and talking about alcohol in the past,
18 she--Judge she got a DUI. She went to trial and got found not guilty. And also since
19 we're going there, he's been charged with domestic violence before. So if we're talking
20 about his violent nature with the children and things of that nature, I think it's in him.
21 And that's the argument, Judge, that I would make to you. Judge, and there's some
22 things like, you know, the child had been writing his mom letters and things, and that's
23 not something I'd like to pass up because that's inappropriate; but we've shown it to the
24 guardian. And this isn't something where she just came out of nowhere, out of left field.
25 The child has been struggling. This child has been dealing with, you know--basically I

1 think that was a new relationship where they're drinking all the time of the night and it's
2 hard. If you're up at 12:00 or 1:00 at night, getting home late, it's hard to go to school
3 the next day. So I think the priorities have been mixed up. And I ask you to consider that
4 at this time.

5 THE COURT: All right, I'm not gonna make my decision--I'm gonna make it
6 today but I need to go over these affidavits again and I'm gonna give y'all--because I
7 know it's imperative that this answer be given--this decision be given today. And I'll
8 give it to you before 5:00 by email, all of the parties; because I need to go over this stuff
9 and deliberate a little more. This is a very serious matter. And I am concerned about the
10 child. I'm just worried because I think I do have to consider the child's best interest, but
11 I do worry about the parents as well. I think healthy parents make a healthy child. And I
12 want to implore y'all, whatever decision I make, that y'all can work together for the sake
13 of the child. I just implore, y'all, okay?

14 Yes, sir?

15 MR. GUION: Ma'am, prior to their move my relationship with his mom was
16 open. There was a lot of phone calls. There was a lot of just easy going, you know, can
17 P: come over. That all took place until this move. That stuff did happen. I mean we
18 had that open, easy, talk to each other relationship. I mean, we could pick up the phone
19 and do that stuff. This is all new. This has been really hard.

20 THE COURT: I know; and I know you love your child and I know both of y'all
21 do. And I commend y'all. I know you're trying to do the best that you can, I know you
22 are.

23 Yes, ma'am?

24 MS. DUNHAM: Your Honor, if I can say something. In reviewing the record if
25 you could also look at my case, which is Marsh versus Guion--and this case number

1 might not be the actual case number--custody--my client and Ms. Guion had joint custody
2 on a rotating schedule, 2, 2, 3 schedule. At a temporary hearing, Judge Conits--I believe
3 it was, Judge Conits--transferred custody to my client. I think it's imperative that you
4 review those notes because I know the, Court's, looking at whether these parties can co-
5 parent---

6 THE COURT: Yeah.

7 MS. DUNHAM: ---1145-2015, whether you can co-parent; these parties can co-
8 parent. And I think there's a whole lot of information in there about the inability--you
9 can't co-parent with this gentleman. I mean it's just not---

10 MS. MEDLIN: Your Honor, I'm gonna have to--Ms. Dunham is not an attorney
11 of record in this case. So I think to get too much into that case is really just too much.

12 The only thing of course that I will state as far as what she's already stated about that
13 order, that was a completely different situation because both parents live in Greenville
14 County. So we're not talking about a complete change in residence and such a long
15 distance, but obviously the parties have had a shared custody schedule and that's
16 something that can be very difficult if it doesn't work out; but again, as far as this
17 particular case, it's a completely different set of circumstances and we're not talking
18 about just two parties that live in the same county and changing the custody arrangement;
19 but even then my client certainly did not lose any custodial rights and there was no
20 findings against him or anything of that nature; but just based on those circumstances
21 there was a change in the schedule.

22 MS. DUNHAM: Your Honor, let me finish before I was so--interrupted; but
23 anyway, what I'm here primarily for, Your Honor, is we want to sync these visitations,
24 regardless to the placement of P , sync these visitations on the weekends. And we
25 have tried to do that. If you'll look at the affidavit that my client submitted we proposed

1 a schedule to sync those weekends, the guardian said this is a good idea. Let's do this.
2 Dad said, nope, not gonna do it. He was to return our children at 6:00 Sunday and
3 instead just brought them back at 8:30. We offered, we said, look, you can bring them
4 back early, didn't do it, spent the night that weekend with the girlfriend with the kids.
5 They don't even have a home here right now. Read the affidavits. Read my stuff from
6 before and then make a decision.

7 MS. MEDLIN: And, Your Honor, if I may say, as far as that issue is concerned,
8 in regard to the other case again we've now got, if the Court's, going to rely on it, an
9 affidavit--or a statement from a therapist who claims that Ms. Dunham's client physical
10 abused the child that is at issue in this case. So obviously that's another concern.

11 THE COURT: Thank y'all; like I said, I'm gonna go over this today and I'll have
12 a decision before 5:00 because I know that's important. And--yes?

13 MR. JOHNSON: No, I was just gonna--about the co-parenting, there's also some
14 text messages. We filed a contempt because she got no summer visits and she tried to
15 contact him early June and he said because she didn't contact him by May 15, that she
16 got nothing.

17 THE COURT: Well, let me ask Mr. Howard before we go. I do think Mr.
18 Howard hit it on the nail when he says this child needs therapy and also these parents
19 need to co-parent. That's what I want to focus on. I know it's tough. And I pray that
20 y'all will do that, work together because I'm telling you, the years are gonna go by. This
21 child is gonna be grown. And he does need both parents. And y'all need to try to get
22 along as best you can. I know it's tough, but this too shall pass. And you both are gonna
23 be involved in your child's life. And you want him to be emotionally healthy because
24 before you know it he's gonna be graduating from high school and you won't have these
25 issues. He's already what---

1 MR. JOHNSON: 14 in!

2 THE COURT: --he's gonna be 14. And it's gonna go by, believe it or not,
3 quickly. And I implore y'all, if y'all can y'all need to try to talk--

4 MR. JOHNSON: And the only thing--

5 THE COURT: --y'all really do.

6 MR. JOHNSON: Sorry, Judge.

7 THE COURT: Regardless of whatever decision I make because it's gonna go by
8 so quickly. And he is going to be with either one of y'all--if you don't work it out now
9 when he's grown he's gonna decide who he wants to be with and not visit one. And
10 that's how it's gonna be; but I'll let Mr. Howard have the last word--

11 MR. JOHNSON: Okay, Judge.

12 THE COURT: ---if he wants to say anything.

13 MR. HOWARD: I don't, Your Honor. My report speaks for itself.

14 THE COURT: All right, I'm gonna read over these and I'll have a decision
15 before 5:00.

16 MR. JOHNSON: Thank you, Your Honor.

17 MS. MEDLIN: Thank you, Your Honor.

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1 I, Tracy McBride, Court Reporter for the 13th Judicial Circuit hereby certify that
2 the previous 25 pages are true, accurate and complete to the best of my abilities,
3 including all exhibits if any, that took place in Greenville County, South Carolina.

4 I further certify that I am not related to any of the parties in the case nor am I
5 interested in the outcome of the case.

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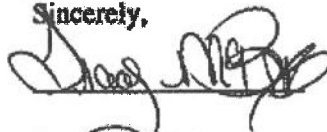
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Sincerely,



Tracy McBride.