

2003

Michael Ray Bosen v. Pamela Rae Bosen : Guardian Brief

Utah Court of Appeals

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Michael R. Bosen; pro se; Michelle Blomquist; guardian ad litem.

Jay L. Kessler; attorney for appellant.

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IN THE UTAH COURT OF APPEALS

MICHAEL RAY BOSEN,	:	
Appellee,	:	Case No. 20030513-CA
v.	:	
PAMELA RAE BOSEN,	:	
Appellant.	:	

GUARDIAN ad LITEM's BRIEF

APPEAL FROM A COMBINED PROTECTIVE ORDER/
CIVIL STALKING ORDER/TEMPORARY DOMESTIC RELATIONS ORDER, OF
THE THIRD DISTRICT COURT
HONORABLE STEPHEN L. HENRIOD, PRESIDING.

Martha Pierce, #4900
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ORAL ARGUMENT AND PUBLISHED OPINION NOT REQUESTED

FILED
Utah Court of Appeals

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PARTIES

The Children:

The Parties have six minor children who are the subjects in part of the civil stalking order, the protective order and the temporary domestic relations order. Their best interests are represented by the Office of the Guardian ad Litem.

The Parents:

Pamela Bosen, “the Mother.” She is the Mother of the Children and the Appellant in this case.

Michael Ray Bosen, “the Father.” He is the Father of the Children and the Appellee in this case.

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Appellant.	:	
	:	

GUARDIAN ad LITEM's BRIEF

JURISDICTION

The Utah Court of Appeals has jurisdiction to hear this case pursuant to Utah Code Ann. § 78-2a-3(2)(c).

ISSUES FOR REVIEW

1. Whether the juvenile court relied on sufficient evidence to support its order. To raise a sufficiency-of-evidence claim, the Appellant must first ensure the record on appeal is complete. Where that is not done, this Court will assume the regularity of the proceedings below. State v. Litherland, 2000 UT 76, ¶ 17, 12 P.3d 92. Next, the Appellant must marshal all evidence supporting the challenged finding and demonstrate how the marshaled evidence is legally insufficient. This Court will decline to set aside a finding or judgment so long as it is apparent the trier of fact had a reasonable basis to make its determination by the requisite standard of proof. Armed Forces Ins. Exch. V. Harrison, 2003 UT 14, ¶ 26, 70 P.3d 35.

2. Whether the Mother can raise an issue on appeal that she has not preserved at the trial level. Absent plain error, this Court declines to consider claims for the first time on appeal. Hart v. Salt Lake Co. Comm'n, 945 P.2d 125, 130 (Utah App. 1997).

STATUTES, RULES, CONSTITUTIONAL PROVISIONS

Utah Code Ann. § 77-31-101(6)(a).

Utah Code Ann. § 76-5-106.5(2)(a)(ii).

STATEMENT OF CASE

Nature of Case: The Mother appeals a district court order resulting from a combined civil stalking hearing / divorce hearing.

Course of Proceedings: This case has a long procedural history involving the parties seeking protective orders pursuant to a pending divorce and the Father seeking a civil stalking injunction against the Mother. For a time, issues of custody, support and visitation were certified to the juvenile court, but are now back at the district court level. On February 10, 2003, Judge Stephen L. Henriod heard the Father's petition for the civil stalking order, along with matters relating to temporary orders on the pending divorce action.

Disposition at Trial Court: After hearing from the Mother and Father, both of whom appeared pro se, and from the Guardian ad Litem, the court entered the civil stalking order and modified an ongoing protective order. R.137-39; Tr.27-36. The Mother now appeals the court's order. R.145.

STATEMENT OF FACTS

Because the Mother challenges the sufficiency of evidence supporting the court's order, this brief draws the facts from the record on appeal resolving any conflicts in favor of the trier of fact. Tucker v. Tucker, 910 P.2d 1209, 1216 (Utah 1996).

The Parents are enmeshed in a divorce and have sought restrictive orders against each other. A quick review of the divorce docket and the civil stalking docket suggests that it is in the Parties best interests, and more importantly, the Children's best interests, for the Parties to minimize any contact with each other.

In August 2001, the district court granted an ex parte protective order in favor of the Mother awarding her temporary custody of the Parties' six Children and temporary possession of the family residence. The court also appointed the Office of the Guardian ad Litem to represent the best interests of the Children. R.38. The Father then counterclaimed requesting custody, a protective order and a decree of divorce.

In October 2001, the district court modified the Mother's protective order such that the Father had temporary custody of the Children and temporary possession of the family residence and the Mother had supervised visitation. R.78.¹ The minutes from November 15, 2001 reflect that the Mother was ordered to stay away from the Father, the family residence and the neighborhood ward. See Appendix C, Supp. Rec.

For a while, issues of support, visitation and custody were certified to the juvenile court and a neglect petition was filed in that court. However, by December 2003, the juvenile court had terminated jurisdiction and the district court was again hearing the matter. R.77-89; Tr.9.

In January 2003, the Father petitioned for a civil stalking order against the Mother. R.1-5. He was given a temporary ex parte order and the matter was set for a hearing. R.20-25.

On February 10, 2003 the matter was heard. The minutes from the hearing reflect the judge was considering the civil stalking matter, 030901029, as well as the domestic

¹Nearly every page of the transcript of the February 20, 2003 hearing reflects that the Mother has never accepted the fact that she no longer has custody of the Children and possession of the residence. R.163.

relations matter, 01490484. See Appendix A. The Guardian ad Litem did not receive notice of the hearing, but rushed over as a result of the Mother's telephone call. Tr.18.

The Mother, who appeared pro se, gave the court a confusing and misleading account of the procedures in an attempt to convince the court that she had custody of the Children and possession of the family residence when in fact she did not. The court reviewed the docket and telephoned the juvenile court clerk to confirm the Parties' present status: the Father had temporary custody of the Children, temporary possession of the residence and both parties were enjoined from most contact with each other. In particular, the Mother was enjoined from attending the residential ward. Tr.12, 15, 17, 20.

Because the Mother was already talking, the court first listened to her defense to the stalking claim and then to the Father's pro se case. The court also heard argument from the Guardian ad Litem. Tr.18-21.²

The Father recounted how the Mother had been attending the residential ward, how she had been buttonholing members in an attempt to embroil them in her dispute, how she had the Father arrested in front of the Children, how she ran the paternal

²The Guardian served as attorney for the Children's best interests and not as a witness. In re A.D., 2000 UT App 216, ¶¶ 7-9, 6 P.3d 1137.

grandmother off the road, and how she telephoned the bishop three times a day to have the Father excommunicated. Tr.22-23.

The Guardian ad Litem argued that the Mother's behavior hurt the Children. "I believe that the contact is very negatively affecting the children and I believe that orders that would keep these parties apart that are very clear and concise would be of great benefit to the children. . . . I would simply request that any orders that this Court enter today reflect the current orders of supervised visitation and look at the protection of the children." Tr.28.

The court then made oral and written findings, which in part reiterated orders from the ongoing divorce action: "My order is, to the extent that I understand these three separate cases, intends to reflect the latest court orders with respect to the combination of claims. Tr.29.³ Regarding the domestic matter, the court reiterated that the Father has temporary custody and temporary possession of the residence and the Mother has supervised visitation. He ruled that the protective orders and the stalking order would result in the Mother being enjoined from being around the Father, the residence or the residential ward, and the Father be enjoined from being around the Mother. Tr.29-30.

³A March 13, 2003 minute entry suggests that while a judge may hear issues relating to a domestic case and a stalking case at the same time, law enforcement had requested the district court to issue separate orders under separate case numbers to facilitate enforcement. R.61-62.

The court then entered a civil stalking injunction against the Mother. Tr.29-36. The Mother appeals the civil stalking/protective order.

SUMMARY OF ARGUMENT

The district court relied on sufficient evidence to support its civil stalking order. It was clear from the Father's testimony, which was bolstered by the Mother's behavior during the hearing, that the Mother was bent on being a nuisance to him and the minor Children and causing the Children emotional distress as they went about their daily activities and their worship. The Mother failed to preserve her other claims. This Court should affirm the order.

ARGUMENT

1. THE EVIDENCE SUFFICED TO SUPPORT THE ORDER.

Relying on tort law, the Mother claims the district court relied on insufficient evidence to support its order on the divorce/stalking matter.⁴ However, the matters before this Court and the trial court were temporary orders pursuant to a divorce petition, along with a civil stalking petition. Tr.29. Thus, tort law does not apply and divorce case law and statute does.

⁴The Judge was entered an order pursuant to the pending motions for protective order and the stalking injunction. Tr.29. "Between the protective order and the stalking injunction, what it basically comes down to is: You can't be around Mr. Bosen. Mr. Bosen, you can't be around Ms. Bosen."

A district court may enter a civil stalking injunction where the evidence preponderates that “a person intentionally or knowingly engaged in a course of conduct directed at a specific person that would cause a reasonable person . . . to suffer emotional distress to himself or a member of his immediate family.” Utah Code Ann. §§ 77-3a-101(6)(a) & 76-5-106.5(2)(a)(ii).

In this case, the district court considered the stalking matter in the context of the divorce matter.⁵ To review a sufficiency-of-evidence claim, this Court must review all evidence supporting the challenged finding and conclude that there is no reasonable basis for a trier of fact to make the determination under the requisite burden of proof, in this case preponderance of evidence. Armed Forces Ins. Exch. v. Harrison, 2003 UT 14, ¶ 26, 70 P.3d 35. Where, as in this case, the appellant fails to submit the entire record to the appellate court, this Court will presume the regularity of the proceedings below. State v. Litherland, 2000 UT 76, ¶ 17, 12 P.3d 92.

Here, not only did the judge deem the Mother’s behavior threatening to a reasonable person, the transcript reveals the judge agreed with the bailiff that the Mother

⁵A motion to consolidate the two cases under the same number was denied, not on the merits, but as a judicial policy created at the request of law enforcement who enforce the injunctions based on their civil numbers. Even so, it is entirely appropriate to consider the injunction in its context, in this case, an ongoing divorce matter. In fact, a civil stalking petitioner is required to disclose “if there is a prior court order concerning the same conduct.” Utah Code Ann. § 77-3a-101(4)(d).

was in fact threatening him. This last exchange took place when the Mother tried for the umpteenth time to convince the judge that she had legal custody when in fact she did not:

Ms. Bosen: . . . I have custody of the children, I do not have visitation. He is not allowed visitation until he gets a visitation order.

The Court: You're wrong. He has custody, he has temporary possession of the home and that Juvenile Court order remains in place until a future order changes it.

. . . .

Ms. Bosen: I will be speaking to Judge Fratto,⁶ he will be calling you. It is a valid order.

Unidentified Speaker: Don't threaten the Judge.

The Court: Yeah.

Tr.36.

Moreover, the judge was aware that as of November 2001, the Mother had been ordered to stay away from the residence, as well as the church building. The court was aware that the Mother's protective order had been in place for over two years, and despite professing fear of the Father, she insisted on showing up at the church and trying to engage ward members in her fight. Tr.16, 21.

⁶Had Judge Fratto contacted the judge in this instance, he may have read from his own minute entry of December 18, 2002 in which he states that the Mother can't be trusted to correctly relate what the court had ordered. R.75. This sentiment is echoed by Commissioner Casey who wrote "The conduct of the parties throughout this action makes it difficult for the Commissioner to determine with any level of comfort whether either party's statements can be taken at face value." R.80.

The court heard from the Father how the Mother would attempt to stage multiple arrests in the presence of the Children, how the Mother tried to run the paternal grandmother off the road, and how the Mother followed him for three days. Tr.21-23.

The court also heard argument from the Guardian ad Litem that the Mother's actions were detrimental to the Children. Tr.18, 19, 28.

Certainly, this evidence constitutes a reasonable basis for the judge to conclude that the Mother's intentional actions caused the Father, the paternal grandmother and the Children emotional distress. Because the court relied on sufficient evidence, this Court should affirm the civil stalking injunction.

2. THE STANDING ISSUES WERE WAIVED.

The Mother claims the district court erred in allowing the Guardian ad Litem to represent the minor Children and in allowing the Father to seek an order on behalf of the minor Children. Mother's Brief at 15-17.

To preserve a substantive issue for appeal, a party must first raise the issue before the trial court giving the trial court the first opportunity to rule on it. Where this is not

done, the claim is deemed waived. Hart v. Salt Lake Co. Comm'n, 945 P.2d 125, 130 (Utah App. 1997).

The Mother admits she called the Guardian ad Litem to attend the hearing. Tr.18. That, plus the fact that she did not meaningfully object to the Guardian's standing, means she waived the claim for purposes of appeal. Id. (issue must be "sufficiently raised to a level of consciousness"). This Court should therefore decline to consider the Mother's claim.

Moreover, the civil stalking statute provides that a person can seek an order where the stalking behavior is directed toward the petitioner's immediate family. Utah Code Ann. § 76-5-106.5(3)(a)(2). Thus the Father had standing to raise a stalking claim where the Mother's actions harmed the Children. The Mother has no claim. This Court should therefore affirm the order.

ORAL ARGUMENT; PUBLICATION OF OPINION

The Guardian ad Litem does not request oral argument or a published opinion because the Mother raises no meritorious issues.

CONCLUSION

For the reasons stated above, the Guardian moves this court to affirm the district court's protective order and civil stalking injunction.

DATED this 26th day of January 2004.


MARTHA PIERCE
Guardian ad Litem

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January 2004, I caused to be mailed, postage prepaid, two true and exact copies of the Guardian ad Litem's Brief to:

Michael R. Bosen
9594 S. Tarbet Circle
South Jordan, UT 84095

Jay L. Kessler
Attorney for Mother
9117 West 2700 South #A
Magna, UT 84044


MARTHA PIERCE
Guardian ad Litem

ADDENDA

- A. Minutes Stalking Injunction. Entered February 10, 2003. R. 47-48.
- B. Oral Findings, Entered February 10, 2003. R.163, Tr. 29-36.
- C. Minutes Law & Motion, Entered November 15, 2001. Supp. R.

EXHIBIT A

MINUTES STALKING INJUNCTION

Entered February 10, 2003.

R.47-48.

3RD DISTRICT COURT - SALT LAKE COURT
SALT LAKE COUNTY, STATE OF UTAH

MICHAEL R BOSEN,	:	MINUTES
Petitioner,	:	STALKING INJUNCTION
	:	
	:	
vs.	:	Case No: 030901029 SK
	:	
PAMELA R BOSEN,	:	Judge: STEPHEN L. HENRIOD
Respondent.	:	Date: February 10, 2003

Clerk: carolh

PRESENT

Petitioner(s): MICHAEL R BOSEN
Attorney for the minor: MICHELLE BLOMQUIST
Respondent(s): PAMELA R BOSEN
Video
Tape Count: 1:38

HEARING

After argument, the court rules that he will not dismiss the stalking injunction, but will reduce its scope. Paragraphs 1 & 2 of the injunction will remain in effect and paragraphs 3 & 4 will remain partially in effect as ordered below.

This order recognizes and sustains the provisions of the previously entered Protective Order (Case # 014904484), which remains in effect. The parties are enjoined from contact or communication with each other, specifically:

The petitioner is enjoined from contacting the respondent, going to where she lives, or going any other place where he may have advance notice she will be.

The respondent is enjoined from going to petitioner's residence, contacting the petitioner or his mother, going to his ward house (the Glenmore 5th ward), or contacting the bishop of his ward.

The respondent may not go to petitioner's work or have contact with employees of Thiokol.

The parties are enjoined from talking about their disputes with their children or any other third parties except for attorneys

Case No: 030901029
Date: Feb 10, 2003

(including the Guardian ad Litem) and judges or commissioners assigned to their cases.

This ruling incorporates the provisions of the order entered in Sandy Juvenile Court 1/28/03. The petitioner is awarded temporary custody of the children and temporary possession of the marital home.

The respondent will have 2 hours of visitation with the children once a week, which must be supervised by a reputable third party. The respondent may not have contact with the minor children except during supervised visitation.

This ruling supercedes court orders previously entered in other cases in District or Juvenile court. Ms. Blomquist to prepare a written order based upon this minute entry for signature.

APPENDIX B

ORAL FINDINGS

Entered February 10, 2003.

R.163. Tr.29-36.

1 MS. BLOMQUIST: Thank you.

2 THE COURT: And if it's not too much to add to your
3 work load, Ms. Blomquist, I'm going to ask you to prepare it.

4 And so everybody knows, there is a motion to
5 consolidate cases and also to certify contempt that's
6 scheduled before Commissioner Casey on February 21st, already
7 scheduled.

8 My order is, to the extent that I understand these
9 three separate cases, intends to reflect the latest court
10 orders with respect to the combination of claims.

11 First, Mr. Bosen has temporary possession of the
12 family residence. He has temporary custody of the children of
13 the marriage and Ms. Bosen has supervised visitation.

14 Both--and I'm not going to dismiss the civil
15 stalking injunction, but I am going to reduce the scope. And
16 between the protective order and the stalking injunction, what
17 it basically comes down to is: You can't be around Mr. Bosen.
18 Mr. Bosen, you can't be around Ms. Bosen. You can't go around
19 each other's homes, you can't go around each other's work.
20 Ms. Bosen can't go around his mother or the Glenmore Fifth
21 Ward. You find another place, on a temporary basis, to go to
22 church. You go to that church, you're going to jail.

23 MS. BOSEN: So--

24 THE COURT: Her protective order remains in effect
25 insofar as Mr. Bosen is restrained from being around her or

1 the place she lives or any place you should happen to have
2 advance notice that she might be.

3 All of those things are equally applicable to you in
4 your own protective order. You probably never read it
5 carefully.

6 As far as the civil stalking injunction is
7 concerned, Paragraph 1 which says: Respondent's enjoined from
8 stalking petitioner, remains in effect.

9 Paragraph 2 which restrains the respondent from the
10 Targert Circle address, Thiokol, Bacchus, Wilby Elementary,
11 Lake Ridge Elementary, Elk Ridge Middle School, Bingham High
12 School and the Glenmore Fifth Ward remains in effect.

13 THE COURT: With respect to any--

14 MS. BOSEN: Contradicts the protective order.

15 THE COURT: Subsequent court orders don't conflict,
16 they supersede. It's different. These are superseding your
17 original order.

18 She can contact the kids in the fashion that's been
19 prescribed in the existing court order which prescribes for
20 supervised visitation. She can't contact anybody else in the
21 Bosen family or anybody else at Thiokol. She's to leave the
22 bishop or bishopric or other people in the Glenmore Fifth Ward
23 alone, on a temporary basis. She can contact anybody else in
24 the church she wants to.

25 And I'm not enjoining her from filing police

1 reports, but it's going to come back and cause you problems,
2 Ms. Bosen, if they aren't completely accurate and verifiable.

3 That's my order. Ms. Blomquist, did I talk too
4 fast?

5 MS. BLOMQUIST: I'd request I just get a copy of the
6 tape so I make sure.

7 THE COURT: Okay. That's fine.

8 MS. BLOMQUIST: Did you want modification of both
9 protective orders or simply this to be addressed in his civil
10 injunction?

11 THE COURT: This is addressed in his civil
12 injunction, but it's also recognizing that her protective
13 order has been modified by prior court orders that changed the
14 award of the home and the children on a temporary basis.

15 MS. BLOMQUIST: Thank you, your Honor.

16 THE COURT: Okay.

17 Mr. Bosen, any questions?

18 MR. BOSEN: Just one. I have one further request
19 and that is that the Relief Society President, that I be able
20 to (inaudible) her also, please.

21 MS. BOSEN: She's my best friend. She is my only
22 resource.

23 MR. BOSEN: Your Honor, right now, it's where the
24 family is getting food.

25 MS. BOSEN: It is not. It goes through the bishop

1 and she's not allowed to have contact with--

2 THE COURT: Well, she can talk to her best friend,
3 but--and I think you both should be enjoined from talking
4 about this case from anybody other than your lawyers or people
5 who are in court, including Ms. Blomquist.

6 MS. BOSEN: Thank you.

7 THE COURT: Any counselors you're ordered to see or
8 judges or commissioners.

9 MS. BLOMQUIST: Thank you.

10 THE COURT: You can talk to your best friend.

11 Any questions, Ms. Bosen?

12 MS. BOSEN: I did. Give me just one second.

13 Oh, as far as the visitation, on that order from
14 Judge Lewis that you have signed, it shows that--

15 THE COURT: That--that order no longer has any
16 effect as far as visitation's concerned. The order that has
17 effect is the order from Judge Fratto and Judge--or
18 Commissioner Casey.

19 MS. BOSEN: That's right. And that's what I'm
20 telling you, that--that order said that I did not have that
21 visitation that she claimed as the only one, an hour
22 supervised by D.C.F.S.

23 THE COURT: You have--well, that's what you'd have--

24 MS. BOSEN: It shows I have--

25 THE COURT: You have supervised--

1 MS. BOSEN: --unsupervised visitation.
2 THE COURT: --visitation.
3 MS. BOSEN: Unsupervised.
4 THE COURT: No. My order is that you have
5 supervised visitation.
6 MS. BOSEN: And that I can make--make the
7 arrangements with Mr. Bosen so when I call him and he
8 threatens me, how are we going handle the--I'm confused. How
9 do I--
10 THE COURT: You don't call him. You are restrained
11 from--
12 MS. BOSEN: How do I arrange it?
13 THE COURT: Your own protective order restrains you
14 from calling--
15 MS. BOSEN: How do I--
16 THE COURT: --him.
17 MS. BOSEN: --actually--
18 THE COURT: Use a third person.
19 MS. BOSEN: --how do I arrange visitation then?
20 THE COURT: You have to find a third person.
21 MS. BOSEN: We have found third parties, your Honor,
22 even Michelle Blomquist was ordered at one point in time to do
23 it. She refused to follow through.
24 MS. BLOMQUIST: I was (inaudible) unsupervised
25 visitation--

1 MS. BOSEN: My family did it for awhile.

2 MS. BLOMQUIST: Your Honor, I'm a bit concerned
3 because she--

4 MS. BOSEN: And--and they--they were being
5 threatened by him and requested not--not to have it done.
6 Every third--

7 THE COURT: Ms. Blomquist--

8 MS. BOSEN: --has been harassed by him and won't do
9 it.

10 MS. BLOMQUIST: I have one concern, because Juvenile
11 Court has addressed the issues with regard to the children
12 most recently. They have changed the order to say one--the
13 hours of supervised visitation as ordered there. I'm
14 concerned, if we jump back to what the District order said
15 previously--

16 THE COURT: Yeah.

17 MS. BLOMQUIST: --that we're not going to recognize
18 what happened in Juvenile Court; and frankly, I wasn't the
19 guardian ad litem at that time; so I have no information on
20 that.

21 THE COURT: Okay. This order incorporates the
22 Juvenile Court order from January 28th, 03, as to its
23 provisions. And it'll be part of this District Court order.
24 It can just be attached.

25 MS. BLOMQUIST: Thank you, your Honor.

1 THE COURT: Okay.

2 MS. BOSEN: Wait. Wait. I'm confused. I'm
3 confused. So, does that mean you're changing me only to one-
4 hour visits once a week through D.C.F.S. be--

5 THE COURT: Two hours.

6 MS. BOSEN: --because that's--

7 THE COURT: One weekly visit--

8 MS. BOSEN: --that order has been--

9 THE COURT: S-h-h-h-h.

10 UNIDENTIFIED SPEAKER: Listen to the Judge.

11 THE COURT: One weekly visit for a maximum of two
12 hours at each visit. Ms. Bosen is to locate a reputable third
13 party entity to supervise her visitation with said children.
14 Any costs are to be paid by Ms. Bosen.

15 MS. BOSEN: Now, that--

16 THE COURT: Now, you can address all these issues
17 again with Commissioner Casey in two weeks.

18 MS. BOSEN: They've been addressed, that's been
19 dismissed. That was set up because he had illegal physical
20 custody to allow me to have the children until this was
21 brought back to the--

22 THE COURT: I--

23 MS. BOSEN: --Court on January 14th, when I was
24 given custody.

25 Please call Judge Fratto. That order is in place.

1 I have custody of the children, I do not have visitation. He
2 is not allowed visitation until he gets a visitation order.

3 THE COURT: You're wrong. He has custody, he has
4 temporary possession of the home and that Juvenile Court order
5 remains in place until a future court order changes it.

6 MS. BOSEN: It has been court ordered and signed,
7 your Honor.

8 THE COURT: This case is dismissed.

9 MS. BOSEN: I will be speaking to Judge Fratto, he
10 will be calling you. It is a valid order.

11 UNIDENTIFIED SPEAKER: Don't threaten the Judge.

12 THE COURT: Yeah.

13 MS. BOSEN: I'm not--

14 (Whereupon, this hearing was concluded.)
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APPENDIX C

MINUTES, Law & Motion
Entered November 15, 2001.
Supp. Rec.

THIRD DISTRICT COURT SALT LAKE COURT
SALT LAKE COUNTY, STATE OF UTAH

MICHAEL RAY BOSEN,	:	MINUTES
Petitioner,	:	LAW & MOTION
	:	
	:	
vs.	:	Case No: 014906080 DA
	:	
PAMELA RAE BOSEN,	:	
	:	Commissioner: T. PATRICK CASEY
Respondent.	:	Date: November 15, 2001

Clerk: susanp

PRESENT

Petitioner's Attorney: CORY R WALL
Petitioner(s): MICHAEL RAY BOSEN
Attorney for the minor: MICHELLE BLOMQUIST
Attorney for the Respondent: JAMES MEDLIN
Respondent(s): PAMELA RAE BOSEN
Audio
Tape Number: 3 Tape Count: 3785-4305

HEARING

This matter is before the court for a review hearing.

Both parties were present with their respective counsel of record and Michelle Blomquist from the Guardian Ad Litem's office was present representing the minor children.

A stipulation was reached and read into the record and approved by the court;

1. Elizabeth Sherlock will perform a custody evaluation under the supervision of Valerie Hale. Respondent will pay the initial cost of the evaluation reserving the issue of ultimate payment;

2. The Family Preservation with The Division of Child and Family Services will continue;

3. The custody and visitation will remain the same and can be reviewed;

4. Respondent is to stay away from the petitioner's residence and church he will be attending with the children;

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5. Petitioner will look into the parties finances to see if he can assist or find a way to assist the respondent in getting a place to live;

6. Petitioner is to pick up and drop the children off curbside, he is not to approach the house;

Ms. Blomquist is to prepare and submit the appropriate order.