

STATE OF NEW YORK
FAMILY COURT: COUNTY OF NIAGARA

PETER DIARBAKERLY,

Petitioner,

v.

KATIE L. RIFORD,

Respondent.

RESPONDENT'S AFFIDAVIT IN
OPPOSITION TO PETITIONER'S
MOTION FOR DEFAULT

File No. 75138

Docket No. V-03057-18; V-03058-18;

V-00103-18; V-03388-17

V-03802-17

FILED
2019 FEB 15 AM 11:12
NIAGARA COUNTY
FAMILY COURT
JONHON, NEW YORK

Katie L. Riford, duly sworn, deposes and says that:

1. I am the Respondent herein named, and as such I am fully familiar with all facts and circumstances herein.
2. I submit this Affidavit in Opposition of the attached Notice of Default.
3. **I HAVE BEEN FORCED INTO HIDING, AS I SEE NO OTHER WAY TO PROTECT MY TWO MINOR CHILDREN FROM THE COURT'S CLEAR BIAS AGAINST ME.** Upon information and belief, the Petitioner, Peter Diarbakerly has continuously manipulated the court as a way to exert his abusive control over me and my two minor children. Upon information and belief, the strategies used by this court, opposing counsel, and the attorney for children on behalf of Peter Diarbakerly are as follows:
 - a) Upon information and belief, the court hired a psychologist, Dr. Diane Tyrrell to perform psychological assessments and **refuses to testify in court.** Judge Erin DeLabio could have subpoenaed Dr. Tyrrell to testify, but did **NOT** do so. This particular psychologist not only asked me victim-shaming questions and made victim-shaming remarks when discussing the history of domestic violence, but she made numerous attempts to coerce me into confessing parent alienation on my part, which I continually denied throughout my assessment (Exhibit A);

- b) Upon information and belief, Dr. Diane Tyrrell made custody evaluations for my two minor children based on only one brief assessment of Peter Diarbakerly and myself and having NEVER met with either of my children.
- c) Upon information and belief, the court did not require Peter Diarbakerly's mother and father, who he currently resides with, to take their court-ordered psychological assessments or hold either one in contempt for intentionally dodging their scheduled psychological assessments (Exhibit A);
- d) Upon information and belief, opposing counsel and the attorney for children selected and hired a 'neutral party' to supervise visitations between Peter Diarbakerly and my two minor children WITHOUT my knowledge and consent. The agreement specifying who would be hired and how he/she would be paid was made in a closed door meeting, off the record with my previous attorney, Dana Herrington, opposing counsel, Randy Margulis and Judge Erin DeLabio (Exhibit B).
- e) Upon information and belief, the 'neutral supervisor' was referred to as court-ordered and court-appointed throughout this case by all attorneys involved. Judge DeLabio stated at a much later date that the 'neutral supervisor' was not court-ordered and not court-appointed. Yet, Judge DeLabio stated in court testimony "I wanted a social worker to provide an independent report to me" (Exhibit C);
- f) Upon information and belief, this court did NOT take any of the domestic violence evidence submitted by my attorney on my behalf into consideration when making key decisions regarding me and my children. Furthermore, numerous statements made by Judge DeLabio on court record, show a complete lack of sensitivity and understanding when dealing with various aspects domestic violence and its effects on the entire family. One example among many, include telling me to hand over my two minor children directly to my abuser at a hotel and stating "Hopefully there are cameras" (Exhibit D);
- g) Upon information and belief, I was told by several police officers when I filed police reports against Peter Diarbakerly and his family that they were stunned that I was not able to secure an order of protection through family court based on my credible and substantial evidence. One police officer specifically stated, "Family court hands out orders of protection like candy; they even offer them to pets!" The police officer went on to say, "People with little to no evidence are given orders of protection in family court, so I'm baffled at why you have not been able to secure one based on the heavy history of domestic violence demonstrated by Peter Diarbakerly, reports of child neglect/abuse caused to Olivia and Mason during visitations with Peter Diarbakerly

and his family and recent evidence of harassment and stalking by Peter Diarbakerly toward you and Olivia Riford-Diarbakerly”.

- h) Upon information and belief, Jason Cafarella, the attorney for my two minor children (AFC) has served the best interests of Peter Diarbakerly, instead of representing the best interests of his own clients, Olivia Riford-Diarbakerly and Mason Riford.
- i) Upon information and belief, Jason Cafarella has spent a total of ten minutes with my oldest child, Olivia Riford-Diarbakerly over the course of one full year. Upon information and belief, Jason Cafarella should have maintained ongoing communication with my children to determine their needs and ensure adequate representation of his clients and FAILED to do so.
- j) Upon information and belief, Jason Cafarella went to Olivia’s school and refused Olivia’s school counselor’s offer to stay during his very brief verbal exchange with my daughter. Upon information and belief, Olivia told Mr. Cafarella that “Peter and his family are hurting me and my younger brother during visits” and Mr. Cafarella’s response to her was “That’s not good”. Upon information and belief, Olivia proceeded to tell Mr. Cafarella, “I don’t want to go on visits with Peter and his family anymore” and Mr. Cafarella’s response was “I’ll try best to make sure that happens”. My daughter, Olivia would have no reason to lie to me about that verbal exchange between her and Mr. Cafarella.
- k) Upon information and belief, Jason Cafarella intentionally misled my daughter Olivia by **substituting judgment on her behalf WITHOUT properly informing her** he was planning to do so immediately after the above-referenced meeting.
- l) Upon information and belief, Jason Cafarella substituted judgement for my daughter, Olivia using a misconstrued interpretation of ‘imminent harm’. Upon information and belief, Mr. Cafarella also did not supply evidence to support his rationale for substituting judgment of a very articulate and intelligent eight-year girl. Upon information and belief, the Court accepted Mr. Cafarella’s position without question.
- m) Upon information and belief, **Jason Cafarella NEVER reached out to Olivia’s mental health counselors throughout the entire course of this case.** The blatant disregard by this court and Jason Cafarella for Olivia’s mental and emotional fragility is a HUGE red flag and MUST be addressed in order to protect my children from further harm (Exhibit E).

- n) Upon information and belief, AFCs and social workers currently do NOT have any oversight in the family court system. I believe that the complete lack of monitoring within the court system has led to very concerning and unethical conduct by certain AFCs and social workers and this MUST change in order to prevent 'Liars for Hire'.

4. **I CHOSE TO REPRESENT MYSELF FOR THE REMAINDER OF THIS COURT CASE FOR THE FOLLOWING REASONS:**

- a) Upon information and belief, my previous two attorneys, Dana Herrington and Anthony Cervi starting out zealously representing me and then both attorneys committed a breach of duty to provide skillful and competent representation (negligence) after meeting with the court, opposing counsel and the attorney for children;
- b) I consulted with several attorneys to possibly retain, who were shocked by the materials I submitted to them for review. The overwhelming consensus of these various attorneys was that my case was too complicated for them to get involved. Every attorney admitted to seeing the same gross negligence by this court in protecting me and my children, as I had already strongly suspected throughout my case;
- c) Anthony Cervi made several statements in recorded conversations with me throughout this case such as, "The judge has her mind already made up"; "For some reason, the judge's confidential law clerk has it out for you"; "The only thing we can do is preserve court record for your appeal"; "You'll definitely reach a favorable decision in an appellate court".
5. I submitted a formal complaint to the State Commission on Judicial Conduct regarding my case. A letter acknowledging receipt of my complaint and supporting materials has been provided (Exhibit F).
6. **I ask that Judge Erin DeLabio recuse herself from this case immediately to protect my constitutional right to a fair and impartial trial.** Upon information and belief, Judge Erin DeLabio was made aware of my complaint to the State Commission on Judicial Conduct by my previous attorney, Anthony Cervi via an improperly filed Order to Show Cause/Motion to Withdraw as Attorney (lacking his signature) at the hearing on January 18, 2019. There are two issues with the Judge Erin DeLabio's handling of this information:

- a) Upon information and belief, Judge Erin DeLabio knew before reading the contents of my previous attorney's motion to withdraw because it was brought to her attention by her confidential law clerk, opposing counsel, and the attorney for children that Anthony Cervi, Esq. did not properly file the motion because it lacked his signature. Judge DeLabio willingly chose to read through the motion with attached exhibits, despite the fact that the motion would be thrown out on the grounds of improper filing. It must be stated I did not give my consent for this motion or the contents therein.
- b) Upon information and belief, Judge Erin DeLabio should have recused herself from continuing to preside over this case the moment she gained knowledge of my complaint to the State Commission on Judicial Conduct because this information has a strong potential and likelihood to impair this court's ability to rule fairly and impartially for the remainder of this case.
7. Upon information and belief, the court granted Peter Diarbakerly and his family a 'Temporary Order of Visitation' giving them immediate access to my two minor children on January 18, 2019, right on the heels of my petitions for an order of protection, which were left unaddressed by the court and still remain undetermined. This order not only undermines my legitimate fears and valid concerns for my children's safety and my own, but illustrates this court's blatant disregard in providing protection to me and my two minor children. **Upon information and belief, the court drafted this order of its own accord as an apparent act of retaliation upon learning of my complaint requesting a judicial review** (Exhibit G).
8. **Upon information and belief, the Petitioner, Peter Diarbakerly knowingly hired a supervisor with a previously established personal connection to him and his family prior to this custody/visitation hearing.** Jeanne Kratt's niece, Zoe Kratt attended a co-ed summer camp while I was a camp counselor at the Gow School. I had to report an incident of indecent exposure by Zoe Kratt to the director of the Gow School Summer Program. The Kratt family and Diarbakerly family are affiliated through the Gow School. I ask the court to subpoena cell phone records of Jeanne Kratt, Peter Diarbakerly and Regina Diarbakerly to examine the true nature and extent of their previously established personal connection.

9. **I ask the court to allow Anne Roseberry's mental health evaluations of Olivia Riford-Diarbakerly to supersede the supervisory notes of Jeanne Kratt, a person who claims to be an independently practicing social worker, but is NOT licensed in NYS to assess parental competency and interpersonal familial relationships.** Jeanne Kratt's lack of licensure was verified by the NYS Office of the Professions. Upon information and belief, the court, opposing counsel, and the attorney for children have utilized Jeanne Kratt's supervisory notes as their sole basis in determining Peter Diarbakerly's competency to properly parent and interact with Olivia Riford-Diarbakerly and Mason Riford (Exhibit H).
10. Upon information and belief, various court documents in this case have **referred to Jeanne Kratt's job title as LCSW and/or licensed clinical social worker.** Additionally, upon information and belief, Randy Margulis and Jason Cafarella called CPS during an active investigation of the neglect and abuse inflicted on Olivia Riford-Diarbakerly and Mason Riford by Peter Diarbakerly and his family and informed the caseworker, Kelly Custode that there was no way neglect and abuse occurred during visitations because a licensed social worker was present at all visitations (Exhibit I).
11. **I have attached Jeanne Kratt's supervisory notes to show the court her clear bias against me and her inability to guide her work by the code of ethics set forth by the National Association of Social Workers. Apparently, Judge Erin DeLabio has had access to them, as she had previously described these notes as "wonderful" on court record; although neither attorney formally submitted these supervisory notes into evidence for the court's review. The supervisory notes have only been exchanged between attorneys up until this point** (Exhibit J).
12. I ask the court to re-examine the medical notes of Anne Roseberry on Olivia Riford-Diarbakerly's post-traumatic stress disorder and anxiety disorder diagnoses, which were previously submitted by Anthony Cervi, Esq. to the court. Olivia's counselor, Anne Roseberry is a licensed, clinical social worker with trauma based training and employed by Children's Psychiatric Center Buffalo, NY.
13. Upon information and belief, the court ignored the presence of Anne Roseberry, a highly skilled specialist, and denied her the opportunity to testify regarding her professional assessment and evaluation of Olivia Riford-Diarbakerly's current mental and emotional state. The refusal of the court to hear Anne Roseberry's testimony, who was present at court on January 18, 2019 for the sole purpose to provide her testimony with regard to Olivia Riford-Diarbakerly, came right on the heels of my petition for an order of protection, which was left unaddressed by the court and still remains undetermined. (Exhibit K).

14. Upon information and belief, I was improperly served the Petitioner's Order to Show Cause using a 'nailed and mailed' method, which I did not receive. The signed Order to Show Cause was mailed to me with postmarked date of February 5, 2019 and delivered on the same day of the scheduled court date, February 8, 2019. Furthermore, the mailer did NOT contain a return address on it, which it should have, in case it had to be returned to the sender for reasons, such as insufficient postage, etc. (Exhibit L).
15. I also have provided receipt of delivery from my informed delivery daily digest from the United States Postal Service which details all individual pieces of mail to me and other members of my household (Exhibit M).
16. Upon information and belief, the signed order by Judge DeLabio attached to the Petitioner's Order to Show Cause and the warning on the front of the Petitioner's Order to Show Cause prior to the hearing on February 8, 2019 were deliberate scare tactics utilized by the court and opposing counsel to intimidate and instill fear in me, knowing that I would be reluctant to comply with the order to bring my two minor children to court fearing that I would be thrown in jail and that my children would be further subjected to harm by Peter Diarbakerly and his family as evidenced by their past behavior/conduct during visitations (Exhibit N).
17. I ask this court to find that the Petitioner, Peter Diarbakerly has willfully and intentionally violated the court's direction to refrain from incessantly harassing Olivia Riford-Diarbakerly during scheduled telephone conversations with the intent to instill fear in not only her, but myself and my close family members (Exhibit O).
18. I ask this court to grant my current petitions for an order of protection for Olivia Riford-Diarbakerly, Mason Riford and myself based on credible physical evidence via recorded scheduled phone conversations illustrating abusive behavior (Exhibit P).
19. Peter Diarbakerly has continued to harass Olivia Riford-Diabakerly by incessantly asking about her whereabouts, directing her to give specific details about locations, times, dates, etc. Furthermore, Peter Diarbakerly called the school directly, demanding information about Olivia's attendance. The school principal notified me and stated that they did not and will not release any information directly to Peter Diarbakerly and that any inquiries could only be addressed via the attorney for children, Jason Cafarella.
20. I ask the court to reconsider its position that there must be a basis of imminent danger present at the exact time an order of protection is requested. It was stated in previous

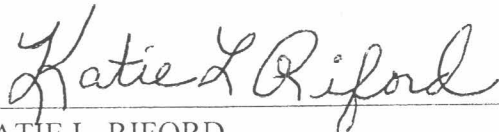
hearings that the court is well aware of the particulars in this case, which includes overwhelming evidence of domestic violence committed by Peter Diarbakerly throughout our relationship. The most recent incidents of harassment and stalking by Peter Diarbakerly are clear and exact reasons for the need of an immediate order of protection for me and my two minor children.

21. There have been several credible reports submitted by licensed medical professionals showing neglect and abuse of Olivia Riford-Diarbakerly and Mason Riford caused by Peter Diarbakerly and his family during scheduled visitations. I plead to the court to take these reports seriously along with the demonstrated history of domestic violence and the potential for further harm and injury to my two minor children (Exhibit Q).
22. I ask the court to note that I have filed police reports for each and every documented occurrence of neglect and abuse by Peter Diarbakerly and his family in a sincere effort to not only protect my children, but to hold each and every person responsible for inflicting physical, emotional and psychological neglect and abuse to my two minor and defenseless children by holding them criminally liable. These police reports are currently under investigation with pending criminal charges (Exhibit Q).
23. I DESPERATELY request that this court act in the best interests of my children and refrain from making any FINAL judgments in this case, which will only further put my two minor children in harm's way and jeopardize their overall physical, emotional and psychological well-being.

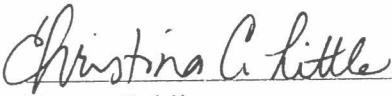
VERIFICATION

STATE OF NEW YORK
COUNTY OF NIAGARA

KATIE L. RIFORD, being duly sworn deposes and says that she is the Respondent in this action; that she read the foregoing Affidavit and knows the contents thereof; that the same is true to the knowledge of Deponent, except to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.


KATIE L. RIFORD

Subscribed and sworn to before
me this 14th day of February 2019.


Notary Public



NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH &
SUBSTANCE ABUSE SERVICES
LOCAL GOVERNMENT UNIT and ADMINISTRATIVE OFFICES
5467 UPPER MOUNTAIN ROAD, SUITE 200
LOCKPORT, NEW YORK 14094-1854

Laura J. Kelemen, LCSW-R
Director
(716) 439-7410
(716) 439-7418 Fax

June 7, 2018

Hon. Judge Erin P. DeLabio
Lockport Family Court
175 Hawley Street
Lockport, NY 14094

Re: Diarbakerly vs. Riford
File #: 75138

Dear Judge DeLabio:

I am sending you this letter to inform you that I received a phone call from Dr. Diane Tyrrell's office stating that they made a reminder phone call this morning to Mark and Regina Diarbakerly of their appointment with Dr. Tyrrell tomorrow, 6/8/18 to be interviewed to gain better insight into Peter's functioning and learning disability, however, Peter told Dr. Tyrrell's office that his mother is out of the country so would not be here to attend appointment.

Please advise if you wish us to officially cancel the appointment with Dr. Tyrrell. If you have any questions, please do not hesitate to call me at 439-7410.

Sincerely,

Tracey Zappacosta
Tracey Zappacosta
Clerical I

/s/

At a term of the Family Court of the State of New York, held in and for the County of Niagara, at Niagara County Courthouse, 175 Hawley Street, Lockport, NY 14094, on March 9, 2018

PRESENT: Hon. Erin P. DeLabio

In the Matter of a Custody/Visitation Proceeding

Peter Mark Diarbakerly,

- against -

Petitioner,

File #: 75138

Docket #: V-03388-17

V-03802-17

V-00103-18

V-00592-18

Katie Lynn Riford,

Respondent.

**ORDER DIRECTING MEDICAL
EXAMINATION
(OUTPATIENT)**

Petitions under Article 6 of the Family Court Act, having been filed in this Court on November 15, 2017 and January 11, 2018 in the above-entitled proceeding, and the matters having duly come on to be heard before this Court; and

IT APPEARING that this Court has jurisdiction over the petition and that Peter Mark Diarbakerly is a person within the jurisdiction of this Court and/or is a parent or other person legally responsible for the care of a child who is within the jurisdiction of this Court; and

IT FURTHER APPEARING that an examination of Mark and Regina Diarbakerly, parents of Petitioner, Peter Mark Diarbakerly, the purpose of this Act; it is therefore

ORDERED that Mark and Regina Diarbakerly report for discussion with and evaluation by Dr. Diane Tyrrell, a psychologist appointed, or designated for this purpose by gaining insight into Petitioner-Fathers mental health and educational issue, by the Niagara County Family Court, at 5500 Main Street, Williamsville, NY 14221, on June 8, 2018 at 12:00 pm, or at such other times and places as may be directed; and it is further

ORDERED that Dr. Tyrrell shall, upon completion of such examination, submit a report thereof to this Court by 06/08/2018; and it is further

ORDERED that the costs of said examination shall be borne by the County of Niagara.

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: May 15, 2018

ENTER


Hon. Erin P. DeLabio

Check applicable box:

☒ Order mailed on [specify date(s) and to whom mailed]: 5/15/18 P.R. Atty's (mailed)

☐ Order received in court on [specify date(s) and to whom given]: Dr. Tyrrell 17 Mental Hlth

CC:

Dana L. Herrington, Esq.
Randy Stuart Margulis, Esq.
Jason J. Cafarella, Esq., Attorney for Child
Peter Mark Diarbakerly, Respondent
Katie Lynn Riford, Petitioner
Niagara County Mental Health

STATE OF NEW YORK
FAMILY COURT : COUNTY OF NIAGARA

**In the Matter of a Proceeding under
Article 6 of the Family Court Act**

PETER DIARBAKERLY,

Petitioner,

v.

**PETITIONER'S RESPONSE TO
RESPONDENT'S DEMAND FOR
EXPERT INFORMATION**

KATIE L. RIFORD,

Respondent.

Docket No. V-00103-18

V-03388-17

File No. 75138

Petitioner, **PETER DIARBAKERLY**, by and through his Attorneys, **THE LAW OFFICES OF RANDY S. MARGULIS AND ASSOCIATES, MADISON L. OZZELLA, ESQ.**, of counsel, in response to Respondent's Demand for Expert Information responds as follows:

1. Clinical Psychologist Diane S. Tyrell, Ph.D.
2. The facts and opinions upon which Dr. Tyrell is expected to testify to are contained within a report available for review by all counsel at the courthouse.
3. The facts and opinions upon which Dr. Tyrell is expected to testify to are contained within a report available for review by all counsel at the courthouse.
4. All information to which Dr. Tyrell is expected to testify to is contained within a report available for review by all counsel at the courthouse.
5. The report of Dr. Tyrell is available for review by all counsel at the courthouse.

DATED: August 23, 2018



MADISON L. OZZELLA, ESQ.

Law Offices of Randy S. Margulis and Associates

Attorneys For The Petitioner

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(716) 810-9600 Ext. 313

ANTHONY J. CERVI, ESQ.

Attorney For The Respondent

822 Convention Tower

43 Court Street

Buffalo, New York 14202

JASON J. CAFARELLA, ESQ.

Attorney For The Children

754 Park Place

Niagara Falls, New York 14031

1 be able to do some reporting to the Court. That was agreed
2 to -- upon, by the parties and the lawyers. I did an order
3 then memorializing what the parties had consented and agreed
4 to. Of course, as being the Court, I would like to have an
5 independent social worker. That was a selection by
6 Mr. Margulis. It was a selection by his client, and they both
7 agreed to -- well, he agreed to pay for her to be there to
8 observe.

9 The characterization in your papers that this
10 was a Court-ordered -- I did not Court order it. I
11 Court-ordered it in the sense that I memorialized an agreement
12 between the parties.

13 MR. CERVI: Understood.

14 THE COURT: That was an understanding between
15 the parties and the lawyers.

16 MR. CERVI: Okay.

17 THE COURT: It was supposed to act as an
18 independent report, to me, to help move this case along. I
19 did not select her. Okay? Therefore, you're here to live
20 with that.

21 MR. CERVI: No question.

22 THE COURT: What you need to do -- I see it as,
23 in testimony, or whenever Ms. Kratt is here testifying --
24 which I assume she would be -- that would be your opportunity
25 to, at least, cross-examine her and show if she had a bias or

1 not.

2 I don't feel as though whatever text messaging
3 that went on between her and Mr. Diarbakerly has any -- I
4 don't feel they are important enough to be here in this Court.
5 What she felt about Ms. -- what she thinks about Ms. Riford or
6 whatever, I don't find that to be important enough, as opposed
7 to her as a social worker here reporting to me what she's
8 supervised and observed as a father interacting with his
9 children. Okay?

10 MR. CERVI: Fair enough, Judge. Thank you.

11 THE COURT: All right. With respect to the cell
12 phone records, I'm not going to quash the full subpoena, but I
13 will limit that to only conversations between -- and I think
14 what you need to do is identify the exact cell phone numbers
15 that you want to see the records from. I think Verizon can
16 minimize it to that, only; I'm hoping.

17 I don't know if you want to put on the
18 record -- someone has to get me an -- on the record, stating
19 what it is that I'm limiting here, so you can get it to
20 Verizon. I'm sure you will want to do that, Mr. Margulis.

21 MR. MARGULIS: Sure.

22 THE COURT: So I don't know, do we want to put
23 on the record, what are the specific cell phone numbers we're
24 speaking of that Verizon releases information to, only?

25 MR. CERVI: I have it in my subpoena, Judge.

**LAW OFFICES OF
RANDY S. MARGULIS & ASSOCIATES**

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*We do not accept service of process via
facsimile transmission or electronic mail*

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KATE CAPOZZI

August 17, 2018

VIA FAX: (716) 439-7170 & U.S.P.S.

Hon. Erin P. Delabio, J.F.C.
175 Hawley Street
Lockport, New York 14094

**Re: Diarbakerly v. Riford
File No: 75138**

Dear Judge Delabio:

Please allow me to address a couple of time sensitive issues relating to the above captioned matter. First and foremost, I received copy of a request from Ms. Riford's new attorney, Mr. Cervi, to convert the first trial date to that of a pre-trial conference. Due to Ms. Riford's substitution of counsel, this late in the game, I must object to the request. For a number of reasons, my client is most anxious to move this case forward as timely and expeditiously as possible. I will await a response from the Court to Mr. Cervi's August 15, 2018 correspondence.

Perhaps of greater concern, it has come to my attention in speaking with Mr. Cafarella, the children's attorney, that Mr. Cervi has initiated what I would consider to be inappropriate communication with Jeanne Kratt, the Court appointed supervisor of my client's access. It is my understanding that Mr. Cervi criticized Ms. Kratt, and threatened that he was going to seek her removal, as well as the removal of Mr. Cafarella, the attorney for the children. It is my further understanding that Mr. Cervi attempted to schedule a meeting in his office for Ms. Kratt, himself, and his client, Ms. Riford. I was never contact nor invited to attend, nor was Mr. Cafarella, on behalf of the children. I find this highly inappropriate, as Ms. Kratt is

August 17, 2018
To: Hon. Erin P. Delabio, J.F.C.
Re: Diarbakerly v. Riford
Page 2 of 2

the Court appointed neutral supervisor, who to some extent represents an extension of the Court, and whose role is specifically and without question designed to be neutral, for purposes of observing and supervising my client's access with the children. If Mr. Cervi wishes to speak with her, he will have every opportunity to do so on cross-examination at trial.

I would respectfully request of the Court, a directive, prohibiting either party or counsel from having any communication with Ms. Kratt, other than for purposes of facilitating access, or scheduling her attendance in Court. In fact, my distinct recollection, as well that of Mr. Cafarella, is that when we last appeared before Your Honor, and agreed to utilize the services of Ms. Kratt in the first place, that we discussed only having Mr. Cafarella be the contact person to communicate with Ms. Kratt in the first.

As Your Honor is already aware, there has been continuing problems in facilitating my client's access with the children, and these problems are only getting worse. It is imperative, under the circumstances, that Ms. Kratt be permitted to preform her services, without influence or interference from the parties or their counsel.

Thank you for your continued courtesies and attention herein.

Very truly yours,

Dictated but not read

RANDY S. MARGULIS

Cc: Anthony Cervi, Esq. via email: ajcervi@gmail.com
Jason Cafarella, Esq. via email: mail@jasonjcafarella.com
Jeanne Kratt, Esq. via email: jkrattmsw@gmail.com
Peter Diarbakerly via email:

1 As much as they completely disagree with how
2 life is, and they just don't care for each other, they have
3 been in a, close to over nine-year relationship, that has been
4 distant for a very long period of time. They don't live near
5 each other. They only have to exchange -- see each other or
6 deal with each other every other weekend for the exchange of
7 the children, and I feel that would be such an unnecessary
8 delay, and right now, would interfere with visitation. And
9 right now I feel as though visitation has been going at a good
10 pace and smoothly enough that I just don't want to get into a
11 monitored program at this point in time.

12 I think the parties need to work this out. They
13 need to have just one of their parents available, and that's
14 it. And to be done in the Staybridge parking lot in front of
15 the main doors, so if any altercation is, again, happening,
16 hopefully there's video and/or cameras there, if really that
17 needed to be brought up as an issue, but the parties have to
18 start being able to exchange these children without incident.

19 MR. MARGULIS: Can I ask you for one brief
20 directive, Your Honor?

21 THE COURT: What directive would that be?

22 MR. MARGULIS: As you know, the Court ordered
23 that there may come occasions during which the parties meet up
24 during the access, so the -- the baby can be breastfed.

25 THE COURT: Right. Stop right there. With the

1 interrupt.

2 MR. CAFARELLA: Do you want me to go first or
3 Mr. Cervi?

4 THE COURT: Mr. Cervi, let me hear from
5 Mr. Cafarella about the actual -- what does he -- he think
6 about unsupervised access.

7 MR. CAFARELLA: Judge, I guess I can't disagree
8 with your overall rationale to not make any modifications on
9 the eve of trial; however, I was prepared today to advocate
10 for unsupervised access. The reason being, Judge, when
11 this -- when this access started, the allegations, which
12 were -- some of them were true -- is that dad did not have a
13 very good relationship with his children. There was long
14 distance. He lived in Boston. Mom and my clients live here.
15 There were questions regarding his parenting abilities and
16 also his stability. Since that time, this Court ordered a
17 mental health evaluation, the Dr. Tyrrell evaluations, and --

18 MR. CERVI: Judge, I'm sorry, I hate to
19 interrupt, but with Mr. Cafarella making that statement, I
20 guess there's two things; one, obviously, I want to be heard.

21 THE COURT: Yeah.

22 MR. CERVI: But secondly, I would ask that
23 Mr. Cafarella place on the record if he is following his
24 client's wishes, or -- I believe he's substituting judgment at
25 this time. I would like -- I believe he needs to state

1 adequate basis for doing so.

2 THE COURT: Okay. Go ahead, Mr. Cafarella.

3 MR. CAFARELLA: Thank you, Judge. So as I was
4 saying, with regards to the stability, Dr. Tyrrell had issued
5 a report for Mr. Diarbakerly. That report didn't have any
6 serious concerns with regards to his stability. In the very
7 beginning, mom's mother was the supervisor. That did not work
8 out well, and then we were left with Jeanne Kratt, who is a
9 third-party independent supervisor, and, at least my
10 intention, and I thought the intention of everybody involved,
11 that she would be an independent voice with regards to
12 how -- how this access was transpiring, to see whether or not
13 dad did have the skills necessary to care for his children,
14 whether he was appropriate.

15 THE COURT: Um-hmm.

16 MR. CAFARELLA: And since the entry of this
17 order, the access has occurred. Jeanne Kratt has supervised
18 all of the access, Judge. And not only in her letter, which I
19 believe now is part of the Court's file, but in my
20 conversations with her -- and I spoke with her just this
21 morning -- unequivocally, she says dad is appropriate and he
22 has not done anything inappropriate, and she has no
23 reservations with regards to dad exercising unsupervised
24 access.

25 In speaking with Jeanne Kratt, I also wanted to



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SENIOR ATTORNEYS

STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

February 6, 2019

Ms. Katie Riford
3038 Michael Drive
North Tonawanda, New York 14120

Re: File No. 2019/R-0007

Dear Ms. Riford:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint and supporting documentation by hand on Thursday, January 10, 2019, and Monday, February 4, 2019.

Your complaint will be presented to the Commission, which will decide whether to inquire into it. We will contact you via postal mail after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction, and its limitations.

Very truly yours,

Kathryn Trapani
Senior Administrative Assistant

Enclosure

At a term of the Family Court of the State of New York, held in and for the County of Niagara, at Niagara County Courthouse, 175 Hawley Street, Lockport, NY 14094, on January 18, 2019

PRESENT: Hon. Erin P. DeLabio

In the Matter of a Custody/Visitation Proceeding

Peter Mark Diarbakerly,

- against -

Katie Lynn Riford,

Petitioner,

Respondent.

File #: 75138
Docket #: V-00103-18
 V-00592-18
 V-03057-18
 V-03058-18
 V-03388-17
 V-03802-17

**TEMPORARY ORDER OF
VISITATION**

Peter Mark Diarbakerly having filed a petition on October 11, 2018, pursuant to Article 6 of the Family Court Act, requesting an order awarding custody of the following minor child(ren):

<u>Name</u>	<u>Date of Birth</u>
Mason M Riford	9/12/2017
Olivia Nicole Riford-Diarbakerly	3/23/2010

And the matter having duly come on to be heard before this Court;

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court's child protective records, and having notified the attorneys for the parties and for the child and the following self-represented party Katie Lynn Riford of the results of these searches and the Court having considered and relied upon the following results of these searches in making this decision; results reviewed.

NOW, it is hereby

ORDERED that Father is granted access with the children OLIVIA NICOLE RIFORD-DIARBAKERLY (B:03/23/2010) and MASON M. RIFORD (B:09/12/2017) on Sunday, January 20, 2019, from 10:00 am until 4:00 pm; and it is further

ORDERED that pick up and drop off shall be at the Amherst Police Department; and it is further

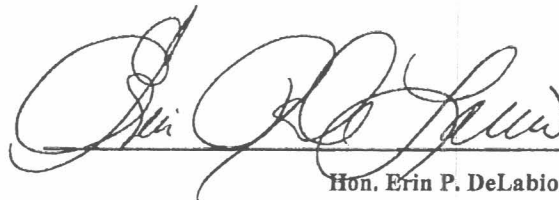
ORDERED that Father shall also have his regularly scheduled access.

This order shall remain in effect until further order of the Court.

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: January 18, 2019

ENTER



Hon. Erin P. DeLabio

Check applicable box:

- ☒ Order mailed on [specify date(s) and to whom mailed]: 1/18/19 - ATTY's (emailed)

☒ Order received in court on [specify date(s) and to whom given]: 1/18/19 P & R

CC: Randy Stuart Margulis, Esq.
 Jason J Cafarella, Esq., Attorney for Child
 Katie Lynn Riford, Respondent
 Peter Mark Diarbakerly, Petitioner

1 Q Would you please state for the Court what your
2 occupation is?

3 A I'm a social worker.

4 Q And what is your specific title?

5 A When I work in the Courts I do supervised visits, home
6 studies, and mediations for custody/visitation. In the past
7 I've done housing mediations, anything over in City Court, but
8 mainly I'm in Family Court.

9 Q And can you describe for the Court, please, what your
10 educational experience consists of?

11 A I have my Master's Degree in Social Work. I have many
12 hours of training in domestic violence, parent coordination,
13 divorce mediation, custody/visitation mediation, neighborhood
14 disputes, conflict resolution.

15 Q And by the way, where did you obtain your MSW?

16 A At the University of Buffalo.

17 Q And would you please describe your -- the extent of
18 your work experience -- related work experience?

19 A Yes. I've been in the Courts for 20 years doing
20 mediations, parent coordination, supervised visits, and home
21 studies for various Judges and attorneys, mainly in Erie
22 County Family Court, but I have also been in Niagara County
23 Court.

24 Q Specifically with respect to your experience in the
25 area of supervised visitations, can you tell us,

1 Q How many cases have you been involved with over
2 the past 10 years with relation to supervised visitation
3 cases?

4 A I would say, approximately, 150.

5 Q And with respect to your training, other than your
6 education and your master's degree from UB, have you attended
7 any educational type settings with respect to your occupation,
8 specifically with respect, I guess, to the supervised
9 visitation work that you do?

10 A I would have to say the conflict resolution
11 is -- conflict resolution and parent coordination, not
12 specifically for supervised visits. I'm not aware of anything
13 that teaches specific to supervised visits.

14 Q Can you tell me, exactly, how are you employed? Are
15 you a state employee? Are you self-employed?

16 A Just self-employed.

17 Q During your involvement in this case have you been
18 paid or have you charged a fee?

19 A I have been paid based on charges that I have given to
20 the father.

21 Q And what is the charge or the fee you charge for
22 services in this case?

23 A \$75 an hour.

24 Q And would that include payment for your time in Court
25 today?

1 A That's additional.

2 Q Can you tell me how it came about that you became
3 involved in this case?

4 A I believe I received a phone call from Mr. Cafarella
5 for a supervised visit, to see if I would be interested and if
6 I had room in my schedule.

7 Q After you agreed to participate in this matter, can
8 you tell me what -- what were the first steps, or the early
9 steps that you took in the process?

10 A The first thing I do when I'm assigned a case is to
11 contact both parties, see if they have any initial questions,
12 tell them what the procedure is for my supervised visit, see
13 if there's a Court order defining the guidelines, and meeting
14 with the residential parent and the child or children.

15 Q You mentioned guidelines. Are there any specific
16 guidelines that you're required to adhere to with respect to
17 your involvement in this case that you're aware of?

18 A No, not that I'm aware of.

19 Q So when you started out -- oh, by the way, were you
20 familiar with either of these parties before you became
21 involved?

22 A No.

23 Q You didn't know either one of them?

24 A No.

25 Q Are you a mandatory reporter?

1 A Yes, I am.

2 Q Can you tell me, what does that mean to you? As a
3 mandatory reporter, what, if anything, are you required to do,
4 and under what circumstances?

5 A If I see harm being done to the child or -- or I see a
6 bruise or a cut on a child, I would have to report it.

7 Q And specifically -- now, you said there are no formal
8 guidelines that dictate any protocol with regard to
9 supervising visitation?

10 A Right. If there were, they're set up by the Court
11 ahead of time in any case that I've done, or I reach out to
12 the Attorney for the Children to see if there's any
13 guidelines, because sometimes I -- I don't get paperwork for
14 cases.

15 Q So with respect to this case, can you just tell me,
16 what do you understand your role and your function to be in
17 this particular case?

18 A To supervise dad with the children, and to make sure
19 that they are safe and taken care of. And on this particular
20 case, to make sure that Mason was returned for breastfeeding,
21 and then given back to dad for additional access once he was
22 breastfed and he has taken a nap -- he had taken a nap.

23 Q Approximately -- or if you know, specifically, how
24 many periods of visitation between these two parties did you
25 supervise?

A I believe I had eight weekends, so 16 visits.

Q During those 16 occasions did you find the need to contact CPS for any reason?

A No, not at all.

Q So when you first were contacted by Mr. Cafarella and you agreed to participate in this case, did there come a time when you met the parties, initially?

A Not before the visit. I had -- I had a visit scheduled with mom and the children the Friday before the visit, but Court ran over on Friday, so I could not meet her and the children, so I met them Saturday morning at 43 Court Street, before the first visit.

Q So are you suggesting that you -- so at the first visit that you supervised, it took place on a Saturday?

A Yes.

Q And your testimony is, prior to that occasion, you had not met either of the parties, or you had not met Ms. Riford?

A I didn't meet either party. I spoke with them on the phone, but I did not meet them in person.

Q So did you meet them both in person for the first time on that Saturday morning?

A I did, yes.

Q And you said you were supposed to meet them the day before. That got cancelled because Court ran over?

A Yes, because I had a mediation in Court on Friday, and

1 I -- I just never know when I'm going to get out of Court, so
2 I just didn't have time to meet with mom and the children on
3 that Friday.

4 Q Since that time have there been any occasions where
5 you have met with one of the parties without the other party
6 present --

7 A No.

8 Q -- for any purposes?

9 A No.

10 Q So at the first meeting -- strike that.

11 At the first visitation period, prior to
12 the commencement of the actual visitation, was there any
13 discussion that you had with either of the parties?

14 A I always ask the parties if they have any questions
15 about my role. I certainly want the -- in this case, I wanted
16 mom to be comfortable with me, because she's handing her
17 children off to a perfect stranger, and I understand that, so
18 I wanted to meet with Olivia and Mason and mom to see if she
19 had any questions, just explain my role, that I'm supposed to
20 keep the children safe, and if at any time she wanted to text
21 me, she could. I would text her to say that the kids were
22 fine. I don't do that throughout my entire visits with the
23 children. Normally, it's just that first visit I always tell
24 the parents -- the parent who is giving me their children, if
25 you want to know how the kids are, if I don't reach out to

1 adequate basis for doing so.

2 THE COURT: Okay. Go ahead, Mr. Cafarella.

3 MR. CAFARELLA: Thank you, Judge. So as I was
4 saying, with regards to the stability, Dr. Tyrrell had issued
5 a report for Mr. Diarbakerly. That report didn't have any
6 serious concerns with regards to his stability. In the very
7 beginning, mom's mother was the supervisor. That did not work
8 out well, and then we were left with Jeanne Kratt, who is a
9 third-party independent supervisor, and, at least my
10 intention, and I thought the intention of everybody involved,
11 that she would be an independent voice with regards to
12 how -- how this access was transpiring, to see whether or not
13 dad did have the skills necessary to care for his children,
14 whether he was appropriate.

15 THE COURT: Um-hmm.

16 MR. CAFARELLA: And since the entry of this
17 order, the access has occurred. Jeanne Kratt has supervised
18 all of the access, Judge. And not only in her letter, which I
19 believe now is part of the Court's file, but in my
20 conversations with her -- and I spoke with her just this
21 morning -- unequivocally, she says dad is appropriate and he
22 has not done anything inappropriate, and she has no
23 reservations with regards to dad exercising unsupervised
24 access.

25 In speaking with Jeanne Kratt, I also wanted to

Social Work Licensing in NYS Background Information

- Social Work is a licensed profession in NYS
 - Two licenses
 - Licensed Master Social Workers (LMSW)
 - Licensed Clinical Social Worker (LCSW)
 - The scope of practice for the LMSW and LCSW are defined in the law.
 - NYS Education Law Article 154
 - Includes Title Protection and Scope of Practice Protections

Information and forms are available online from the NYS Education Department's Office of Professions.

<http://www.op.nysed.gov/prof/sw/lmswforms.htm>



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

STATE OF NEW YORK
FAMILY COURT : COUNTY OF NIAGARA

**In the Matter of a Proceeding under
Article 6 of the Family Court Act**

PETER DIARBAKERLY,

Petitioner,

v.

KATIE L. RIFORD,

Respondent.

**PETITIONER'S RESPONSE TO
RESPONDENT'S DEMAND FOR
NAMES AND ADDRESSES OF
WITNESSES**

Docket No. V-00103-18

V-03388-17

File No. 75138

Petitioner, **PETER DIARBAKERLY**, by and through his Attorneys, **THE LAW OFFICES OF RANDY S. MARGULIS AND ASSOCIATES, MADISON L. OZZELLA, ESQ.**, of counsel, in response to Respondent's Demand for Names and Addresses of Witnesses responds as follows:

1. Petitioner, Peter Diarbakerly, residing at 266 Lincoln Rd., Lincoln, MA 01773
2. Respondent, Katie L. Riford, whose address is known to the Respondent
3. Jeanne M. Kratt, LCSW, whose current or last known business address is 1700 Hertel Avenue, Buffalo, New York 14216
4. Diane S. Tyrell, Ph. D., whose current or last known business address is 139 Professional Parkway, Lockport, New York 14094.
5. Regina Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
6. Nicole Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
7. Mark Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
8. Danielle Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
9. Tiffany Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
10. Sam Diarbakerly, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.
11. Bill Ward, who can be contacted at 266 Lincoln Rd., Lincoln, MA 01773.

Petitioner reserves the right to amend this response to add additional witnesses as the information may become available.

Jeanne M. Kratt, MSW
43 Court Street
Mezzanine Level
Buffalo, New York 14202
jkrattmsw@gmail.com

Phone 716.359.6141

Fax 716.358.1015

August 29, 2018

File: 75138
Dockets: V-03802-17
V-00592-18
V-00103-18
V-03388-17

Petitioner: Peter Mark Diarbakerly
Attorney: Randy Margules, Esq.

Respondent: Katie Lynn Riford
Attorney: Anthony Cèrvi, Esq.

Children: Olivia Nicole Riford Diarbakerly, DOB: 3/23/2010
Mason Riford, DOB: 9/12/2017
Attorney: Jason Cafarella, Esq.

Peter Mark Diarbakerly Supervised Visit Report

Judge DeLabio,

As noted in the last report to the court dated July 23, 2018, Mr. Diarbakerly had four supervised visitations with his two children. During the visits on Saturday, June 30, Sunday, July 1, Saturday, July 14, and Sunday, July 15, Mr. Diarbakerly's was accompanied by his Mother, Regina.

Since the last court date, there have been four additional visits. The visits have taken place on Saturday, July 28, Sunday, July 29, Sunday, August 19, and Monday August 20. Mr. Diarbakerly and his mother have been at these four visits, and his sister was present at the supervised visits on July 28 and July 29.

All visits have been scheduled for six hours each day. However, Mr. Diarbakerly has had no visit that was six hours in real time. Ms. Riford is consistently late for drop off and time is also lost in taking Mason to his Mother for breast feeding and extended nap time.

Ms. Riford and her Mother systematically interfere with access during the access. Recently, I imposed a new policy with all my clients and asked that all third parties remain inside the vehicle at all drop offs and pick up. Ms. Riford was argumentative and combative when asked to adhere to the newly implemented rule stating that she needed her Mother present for safety reasons. During two of the most recent supervised access days, Ms. Riford also had her brother in her vehicle. He did remain inside the vehicle. Sometimes Ms. Riford's Mother stayed in the vehicle, sometimes she did not.

Ms. Riford and her mother talk to this supervisor inappropriately in front of the children and have said derogatory and disparaging remarks about Mr., Diarbakerly and his parenting inability. Mr. Diarbakerly has always been appropriate during his visits and takes care of his children.

At every exchange when Mason is given back for breast feeding and nap time, Olivia seeks out her Grandmother in the vehicle. They whisper to each other, so it is unknown what is said. Also at this time, Ms. Riford speaks to Olivia and questions her if she is safe, if she is ok and if she would like to continue the visit for the day.

In terms of safety, the children have proper seat restraints while traveling in the vehicle, he always uses sunscreen, and he drives in a safe manner.

Several times during the visits Olivia has fun. She displays her happiness in the form of smiles, laughter, and interaction during the visits with her Father, Paternal Grandmother, and during two visits, her Aunt Nicole.

There have been a few of occasions when Olivia has gotten her outfit dirty by slipping into the creek or accidentally spilling food on her outfit. Olivia gets very upset, almost to the point of crying and states how mad her Mother is going to be at her and frantically attempts to remove the evidence on her clothing. Each time this has happened, Mr. Diarbakerly and his Mother assist in spot cleaning by placing water on the area and tell her it is ok, it will come out in the washer.

On Friday, August 10 at 2:47pm when I confirmed the weeks visit with each parent. Ms. Riford text back at 4:18pm stating, " That due to the serious concerns I have regarding the emotional and physical well-being of the children during these visitations, the children will not be present at this weekends visitation. Thank you." I asked Ms. Riford if she had expressed her concerns to Mr. Cafarella. She did not respond. The visits did not take place on this weekend.

Ms. Riford is consistently late for the initial drop off of the visit. On August 19, Ms. Riford text me stating she would be late because she had to pull over to change Mason. When she did arrive, she stayed that she had to change him again. I asked if he ate something that did not agree with him. Ms. Riford did not answer the question. However, she did offer to try to breast feed him so he could be at the visit longer at the onset. I told her that if she could do that that would be great. She stated, "It will just

take two minutes." Ms. Riford took Mason into the drivers seat, closed the door as I spoke to Olivia outside the vehicle. In less than fifteen seconds, Ms. Riford returned with Mason and stated, "He wasn't interested". On this day (August 19), Mason was returned to Ms. Riford approximately one hour (sixty-two minutes) after the visit began. Ms. Riford returned Mason to Cazenovia Park where the visit was at approximately 4:35pm with less than a half hour left in the supervised visit. Mr. Diarbakerly saw Mason just over ninety minutes on this day.

Generally, according to Ms. Riford, Mason is breast fed one hour prior do drop off. She stated that Mason may or may not be hungry suggesting that Mr. Diarbakerly needed to pay attention to feeding cues. At all visits, both Olivia and Mr. Diarbakerly have fed Mason tiny bits of food and sips of water. Mason is returned to Ms. Riford when he cries and cannot be consoled. The amount of time between initial drop off and breast feeding pick up time has always varied based on Mason's feeding cues. No matter what amount of time passed from the point Mason is dropped off and the moment is picked up, Ms. Riford makes negative comments and disparaging remarks in front of Olivia and myself about Mr. Diarbakerly's parenting ability.

Mason has cried at the visits. Before calling Ms. Riford, Mr. Diarbakerly rocks the child, feeds him, hydrates him, and changes his diaper. At all visits except one, Mr. Diarbakerly has changed Masons diaper. The reason why Mason's diaper was not changed that one time was because Masons diaper was dry. During the Sunday visit that Mason's diaper was not changed was the day Ms. Riford called the Amherst police to Panera's at the end of the visit.

Mr. Diarbakerly has been appropriate at all the supervised visits. He has never been left unsupervised as I am always observing. There has never been a time where he has been inappropriate with the children and there has never been a time where the visit has been ended early due to anything inappropriate.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Jeanne M. Kratt, MSW

Jeanne M. Kratt, MSW
43 Court Street
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Buffalo, New York 14202
jkrattmsw@gmail.com

Phone 716.359.6141

Fax 716.358.1015

July 23, 2018

File: 75138
Dockets: V-03802-17
V-00592-18
V-00103-18
V-03388-17

Petitioner: Peter Mark Diarbakerly
Attorney: Randy Margules, Esq.

Respondent: Katie Lynn Riford
Attorney: Dana Harrington, Esq.

Children: Olivia Nicole Riford Diarbakerly, DOB: 3/23/2010
Mason Riford, DOB: 9/12/2017
Attorney: Jason Cafarella, Esq.

Peter Mark Diarbakerly Supervised Visit Report

Since the last court appearance, there have been four supervised visitations with Mr. Diarbakerly and his two children. For all visits so far, Mr. Diarbakerly's Mother, has accompanied him. Visits occurred on Saturday, June 30, Sunday, July 1, Saturday, July 14, and Sunday, July 15.

I met Ms. Riford, her two children and Ms. Riford's Mother at my office building located at 43 Court Street. The purpose of the meeting was to introduce myself to Ms. Riford and her children. I answered questions, explained my role and purpose and went over a safety plan with Olivia. Olivia acknowledged that she understood and stated she had no questions. At this meeting, doctors notes from the childrens's pediatrician were provided by Ms. Riford. Both notes were directed towards heat, and Olivia's Asthma.

Mr. Diarbakerly's visits are carefully planned out. He takes into consideration the weather, the children's health, and Masons feeding schedule. The traveling companion that Mr. Diarbakerly brings with him is a last minute decision based on family members schedules and commitments.

were great both days, but I am certain an email from Katie's Lawyer has already reached you.

Supervised visit notes to date: For 6/30/18 and 7/1/18

Things Katie will complain about are:

1) Mason's feeding schedule - she initially said every two hours then said it could be extended if he was not fussy.

Saturday it was about 2 hours 30 minutes and Sunday it was 2:45 minutes. Either way I made sure Mason was back to her and he was not crying either time. In fact, he was sleeping peacefully both times. Mason was fed tiny pieces of food chicken, avocado and fruit as per Katie.

2) Mason's bib or lack of wearing it - Katie said "for some reason Peter does not like keeping Mason's Bib on him and yesterday he was returned to me with a rash on his chest."

Needless to say, I made sure the bib stayed on on Sunday. The reason it came off was because it was an extra layer and Peter was trying to keep him as cool as possible.

3). Olivia supposedly told Katie that Mason cried much of the visit which was totally untrue if that is what was said.

I told Katie on Saturday that if her son was inconsolable after 15 minutes, I would call her to return. Mason fussed on Saturday and Sunday before his first feeding from Katie. As soon as Peter changed his diaper, Mason stopped crying and both times he was returned to Katie asleep.

4) Olivia also stated that she was pushed by Peter's mother. There was no pushing. While in the USS Littlerock ship at Canalside on a narrow walkway, Peter's mother guided Olivia out of the way of oncoming, fellow tourists so she did not get run over. Apparently, Olivia told her mother I was off taking pictures and was not around. Also not true.

If I have my phone out it is to take notes on my observations and goings on at the visit. We toured the ships when Mason was with his mother.

5) on Sunday Katie had a list of complaints. I asked her if she questioned the child after the visit. She and her mother said, "no, the child spoke freely" to them. That is another thing, Grandma is present and always running her mouth. I would request that she remain inside the vehicle.

6) I told Katie that I would take Olivia to the bathroom. She questioned me on that also. I told her I escort child, but do not go into the stall with her. Katie said that Peter's mother talked to her about an American Girl Doll. That conversation did not take place in the bathroom. During our walk, Peter's Mother asked Olivia if she played with her American Girl Doll. She did not try to "bribe her with getting her another AGD" as was reported to me on Sunday.

7) Sunday weather. Yes it was hot both days and there was a breeze both days. We were in the shade, A/C, and hit the misting tents at the zoo at least 6 times.

8) Katie provided diapers both days, sunscreen only Sunday and nebulizer for Olivia's Asthma both days. When she gave me the Asthma medication she said, "I am sure Peter does it know how to use this anyway." When I asked if Olivia did, she said, "No, I always give it to her."

Katie should give us both directions for use for the next visit.

9) Katie and her Mother accused me of not being with Peter and Mason as they stalked us outside of the Zoo entrance. We were all within talking distance of each other. Peter was going to change Mason. I was with Peter's mother and Olivia to hit the misting tent.

10) At the Drop off on Sunday, Katie got Mason out of his stroller and complained how sweaty he was. Her mother pointed out how Olivia's forehead was glistening from sweat just like mine and theirs was. It was at this point she said, "This is not going to work. I am calling my attorney."

11) Katie then said that it was too hot outside for a visit. I asked her what she wanted and she said to be in air conditioning. Several areas at the zoo have AC.

12) At the end of zoo time, Peter summoned an Uber ride for us. The car had AC and we headed to Bob and John's on Hertel Ave. for lunch. Olivia ate and played cards and laughed a lot.

13) Katie announces she was at Bob and John's I went to go get Mason at 2:00. Katie and her mother she said the visit was over. I said it was a six hour visit, not 5. Olivia and I went back in without Mason. Mason was not with us because Katie said, "He is sleeping. I cannot wake him up, "Do you want me to wake him up?" We played more cards. With 18 minutes to go, Katie said she would wake up Mason so we could take him for Peter to say goodbye.

14) Katie and her Mother asked Olivia in front of me what was wrong. Olivia said, "nothing." But both women kept asking her what was wrong. Eventually, on Sunday she cried and said, "I want to go home." Katie's Mother said, "You can speak. Don't be afraid to speak." They Just pressured Olivia to tears. Another reason for Katie's mom to not be present.

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For the next visit, specific times and locations will be used on Saturday, 7/14, I need to do a split shift with these parties because my court ordered visit goes from 1:00-3:00 on Saturday ONLY.

I found Katie semi-pleasant the first day and very unpleasant today, Sunday.

Peter's Mother was a delightful woman and Peter was very easy to work with. He had both days planned out to perfection. His mother did not take over in any way or interfere and was also pleasant.

We could not do anything right for Katie. She made several comments as made faces. Her mother was also very negative and both were derogatory toward me. "You obviously don't know what the conditions of the heat index are." "You must not be familiar with how Asthma is affected by the heat."

For next visit, I am requesting mom's assistant to remain in the car as she was disruptive to the visit and made derogatory comments about Peter in front of the children.

Supervised Visit July 14 & July 15

Olivia

I arrived at 11:37

Mom at 11:50

By 12:10, Olivia did not feel good

1:09 from the back seat, "daddy, when are you going to give me my \$500.00 back?"

Took mason outside to get to Kim. Mom asked Mason, "what is wrong? You look upset, Mason"

Grandma ran over Olivia's foot with baby stroller. Grandma said she was sorry.

Olivia hurt her hand on wood by seal lion exhibit

She washed it in the bathroom - there was no mark whatsoever on Olivia's left thumb area

Bounce magic on Maple until 4:45 then to Wegmans on Maple for sushi

Olivia never used the bathroom at the visit until 15 minutes until Visit was over

Olivia kept asking what time it was and where we are

At Zoo Olivia got something on her shirt and she was upset because her mom would be mad. Today she could not get her shoes wet and it rained...so

Baby are chicken, French fry, and a sample from Wegmans

Note that is Katie took Olivia to pediatrician, she would know she is over weight.

7/15/18

Katie referred to Peter as being my boss at he pick up.

I told Katie that Peter is familiar with Asthma because he also has it. Katie said that children 's Asthma is different from Adult Asthma.

SV started an hour late. See texts including AFC. MGM brought me the children. MGM pointed out that this is the first baby she has seen with a tan, claiming the tan was from the zoo during the last visit. Katie said she applied sun screen as did dad. IF Mason has a tan from the zoo, then why doesn't Olivia? Olivia was at the zoo much longer than Mason. Mason's stroller has a collapsible cover which was used during he visit.

Olivia was asked if she enjoyed her ice cream. She said it melted because they went to a few stores after the visit. Mom said she had someplace to be "by 6:00". Katie threw out the ice cream that peter bought for Olivia and the flavors she picked out.

Olivia said Mason cannot have Maple syrup due to the sugar.

Sunday Morning

Mom confronted me behind her van with both doors opened on the drivers side. I told her I would gladly speak to her with doors closed. Prior to that, whatever I said to her she repeated to her mother who was inside the van in front of the children. Katie was very confrontational and stated that she needed to know where Peter had the children.

Breakfast Alton's blueberry pancakes and fresh fruit

Katie refer to this text as snarky. "To get the children from you, allow them to have fun and quality time with their Father and Grandmother, keep them safe, feed them and return Mason for nap and breastfeeding. See you momentarily."

It was a text from me responding to her asking what the Sunday plan was. It was at this time when the visit began an hour late due to Katie's attitude and her demanding to know where the visits were. I did text the AFC to clarify again if Peter was obligated to tell Katie's exactly where he was and what he was doing. NO was the answer. I received the message from the AFC, cut and pasted it to Katie via text. It is certain for that one hour, Katie and her Mother were talking in front of Olivia.

Inhaler of Olivia's at 184 yesterday and 184 today

Peter provides snacks, hand wipes, cuts up food when necessary

Olivia stayed at the 7/15 visit that she does not know how to tie shoes. She did know, but forgot.

Breath Mints - Peter asked if he could have one and she said no, "go get your own"

Supervised Visit - Saturday, July, 28, and Sunday, July 29.

Olivia and Mason.

Mom 10 minutes late. Katie did not say one word to this supervisor. Not even hello or state when was the last feeding time for Mason.

Immediately Olivia said she did not feel well.

Mason ate puffs, Olivia ate cantaloupe at Canalside.

Inhaler count today - 172

We returned Mason at 2:10pm to Mom. I asked if Mason could be returned at 4:15pm. Katie told me that she would return him after he ate and after his nap like she always does as it states in the court order. Not sure it says that in the court order.

**It should be noted that at the last visit Mason was not returned.*

Katie did say in front of Olivia that the court order does not say grandma has to stay in the car.

Mom late for pick up

Sunday:

Mom late for drop off. Parked in rear of building and did not say one word to me.

We were at Glen Park in Williamsville and then moved to eat at My Little Pig in Williamsville on Transit Road. We then went to the YMCA at ECC college mom stated that she sauce but then could not find us and the roads were close to the YMCA. I sent her picture. She text me that Mason hasn't been fed and four hours. When she arrived I told her he ate some toast and fruit. She said that that's not breastmilk and he's never gone for hours without being fed. Olivia told her mother that she lost her Band-Aid when in fact she pulled it off herself. She also told her mother she wasn't drinking any water. She had two glasses of water at the restaurant. After she and I were walking I have to leave it if I could ask her question and she said sure I said why did you tell your mother you haven't been drinking and she said I did tell her. She lied her mother changed her shoes into sandals. We then went to the playground at Maple Road next to Millard suburban Hospital. Mom indicated That there were dried boogers all over her son indicating that he had been crying for several hours

Olivia struggles to get her self into certain parts of the playground. She does not know how to swing on the swing and needs to be pushed as opposed to pumping her legs.. Grandma did get out of the car even though I asked her not to. Mom contemplated are not allowing Olivia to go and continue to visit until 230. She had a conversation with her mother and then asked Olivia if she would be OK until 230. She said that she would be OK until 230.

I asked mom if she could breast-feed the baby and give him right back to us and she said no he needs to take a nap. In a conversation that I had with Olivia she said her mom breast-feed the baby sometimes and put them to bed and other times she puts them in the stroller and they go places.

Lebanese Festival- games and bounce house

Katie sent text asking about the last time Mason's diaper was changed

Olivia was writing her name on a dry erase that she won at the Festival. She wrote Olivia Riford. When Aunti Nicole asked her about her middle name and other last name she refused and when asked she said she did not know how to spell it. When asked to write Mason's name she did. She also wrote Mom but refused to write "Dad" when asked.

She played tick tax toe with Aunti Nicole, but not Dad.

Olivia upset again about mustard she got on her shirt. Said her mom was going to be really mad at her.

Police met me at Panera's- the drop off sight. Officer stated that Mom reported that Dad was driving dangerously with the children in the car. We only had one child. Police spoke to me first. As I left, I saw the officer speaking to Mom, Grandma and Olivia at the front door of Panera's. Mason was nowhere with them which would indicate that mom had no intention of returning him to the visit.

8/19 Sunday.

Mom was 20 minutes late due to diaper change. When she arrived, she changed him again (second time) in front of me. She cleaned off loose feces with several wipes.

At drop off Mom also said she could

Try To feed Mason. I told her if she was comfortable with doing it, sure. She took Mason and said, " this will only take a couple of minutes". She exited the drivers seat and said he was not interested. She placed him in the stroller and we met Dad and his mother in Milton's.

Peter asked if Olivia had a good week

She said yes. He asked about her week and she said she did fun stuff and good stuff 2x she would not go into detail.

Peter asked Olivia what time he ate and she replied, " a couple of minutes"

Peter asked Olivia if she was glad to see him and Oma and she replied,

Mason was crying in car, Olivia repeated "it is ok, I am here. Don't cry,

We went to Panera's- Olivia ate a sandwich like it was her last meal stated she just ate. She ate bread even though at the last visit she eat bread.

At 11:17am, Olivia asked when she was going to see her mom.

Mom picked up Mason at 1:37pm. Olivia talked to Grandma in the back seat. Mom commented that Mason was sweaty. I asked her if she wanted to give me a time or send me a text. She said she would text me.

When passing tony walker plaza, Katie was parked there, she and her brother were slouching in the front before pulling out after we got on the 90east. We got off on the 33 and off at Harlem. Seemed to lose them.

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Olivia misbehaves when she is with Dad alone with out Mason. She does not listen. she woofed down a sandwich and bread with water at Panera's. At the car before the gardens she at watermelon.

Scavenger hunt at botanical Gardens's

Olivia says move! No please added on

Never calls Peter Dad

Or his mother, Omah

They ask Olivia not to touch something and she does not listen

She does not say please or thank you and needs to be reminded each time

At 3:54pm Olivia was walking very fast, not listening to dad and Omah. She went down on her right knee in the squat blocks and slipped on the marble with her Sandler's she had on. There was no water. Just a quick turn that lead to her fall - pictures were taken.

4:27 Olivia had more watermelon

Olivia threw a pen at Omah sitting in the very back after Dad asked Olivia to please pass it back

Olivia cannot get up on swing alone nor can she pump the swing with her legs. She has very little ability or knowledge to be physical.

At 4:45, Katie text me to say Mason was still sleeping but she would bring him if Peter wanted. At 4:51, I sent her address and very specific instructions for her to bring him to Cazenovia Park. she arrived at Cazenovia park unannounced at 5:19pm

Sunscreen applied today. Kids spray bottle

Olivia also ate two 3.5inch sticks of whole celery

Olivia stated that she did not have fun today. Not at all she further said.

Olivia was singing county music in the car. When dad caught her, she denied it and then said she was singing to Mason.

MONDAY SV

Mom arrived late at 8:33am

I told Katie about Olivia hitting her knee when she fell. Olivia told her.

I asked Olivia if she had any fun yesterday when I was alone with her - no

Dad drives 61 on Rt. 400. Speed limit is 65

In EA, dad parking in front of Vidlers. We walked to Charles on main.

Olivia did not listen. She ate with her fingers, stuck her butter knife in her mouth to lick off, did. It cut large ham slices not would let dad or Omah cut her ham. She did eat all her eggs and toast. She did leave a tiny piece of ham but did eat 90% of it.

Peter did diaper change. Arrived at Tlms at 1481 union at 11:19am. Katie came from Southgate plaza area. The drive past driveway of Tim's and apologized for being late but she did not want to turn in because Peter was in the driveway and she does not want to see him or be anywhere near him.

Katie got Mason out of stroller next to passengers side where grandma was and said, "yep, he has a crusty nose!" When I asked her what she said, she repeated it and told me that that means Mason has been crying. Mason always cries when he is with his dad. There is no way of determining if the time Katie tells me she feeds Mason is correct. Typically she states she feeds him an hour prior to the visit. The way Mason cries, it could be longer than that.

If Katie (and Olivia) feeds Mason real food - WHY CANT PETER GIVE HIM FORMULA?

I asked Katie if she would like to give me a time that she will drop him back off or if she just wants to text me. She said that given the fact that he needs to calm down from being upset, needs to be fed and has to take his three hour nap, his return is unlikely but she would text me to let me know.

She did a u-turn in the middle of a 4 way intersection on two occasions. Once in Cheektowaga and once in West Seneca. The intersection in Cheektowaga was at Union Road and Walden Avenue. The West Seneca intersection was at Union Road at Main Street.

Phone call on speaker phone to grandpa because it is his birthday today. Olivia would Not speak a word to him, although he tried. She did speak a few words to Aunt Nicole

Peter drove to the Creek at Gow School in South Wales. Olivia slipped on stones. Not hurt just wet and tiny bit of mud on her back right side.

Olivia drank out of water fountain to hydrate.

Bathroom once

Bathroom. Twice - this time Peter went in a different door and surprised Olivia. She love it!

Ice cream, strawberries and water said she was full.

Olivia also played music whenever we were in the car this weekend

At the end of the visit Peter took off the red rubber band on the water bottle that Katie gave Olivia this morning and replace the water bottle with a new bottle of water.

Katie arrived at the pick up at 2:30 with her brother in the front seat and her mother in the backseat.

I did tell Katie that Olivia is flipped in the creek and she got wet and a little dirty on the back of her shirt. Olivia was very upset because her mom was going to be very mad at her.

Hi Jason,

I am sending this to you and you only. If you care to share with Dana and Randy that is fine,

Peter's visits were great both days, but I am certain an email from Katie's Lawyer has already reached you. Things Katie will complain about are:

1) Mason's feeding schedule - she initially said every two hours then said it could be extended if he was not fussy.

Saturday it was about 2 hours 30 minutes and Sunday it was 2:45 minutes. Either way I made sure Mason was back to her and he was not crying either time. In fact, he was sleeping peacefully both times. Mason was fed tiny pieces of food chicken, avocado and fruit as per Katie.

2) Mason's bib or lack of wearing it - Katie said "for some reason Peter does not like keeping Mason's Bib on him and yesterday he was returned to me with a rash on his chest."

Needless to say, I made sure the bib stayed on on Sunday. The reason it came off was because it was an extra layer and Peter was trying to keep him as cool as possible.

3). Olivia supposedly told Katie that Mason cried much of the visit which was totally untrue if that is what was said.

I told Katie on Saturday that if her son was inconsolable after 15 minutes, I would call her to return. Mason fussed on Saturday and Sunday before his first feeding from Katie. As soon as Peter changed his diaper, Mason stopped crying and both times he was returned to Katie asleep.

4) Olivia also stated that she was pushed by Peter's mother. There was no pushing. While in the USS Littlerock ship at Canalside on a narrow walkway, Peter's mother guided Olivia out of the way of oncoming, fellow tourists so she did not get run over. Apparently, Olivia told her mother I was off taking pictures and was not around. Also not true.

If I have my phone out it is to take notes on my observations and goings on at the visit. We toured the ships when Mason was with his mother.

5) on Sunday Katie had a list of complaints. I asked her if she questioned the child after the visit. She and her mother said, "no, the child spoke freely" to them. That is another thing, Grandma is present and always running her mouth. I would request that she remain inside the vehicle.

6) I told Katie that I would take Olivia to the bathroom. She questioned me on that also. I told her I escort child, but do not go into the stall with her. Katie said that Peter's mother talked to her about an American Girl Doll. That conversation did not take place in the bathroom. During our walk, Peter's Mother asked Olivia if she played with her American Girl Doll. She did not try to "bribe her with getting her another AGD" as was reported to me on Sunday.

7) Sunday weather. Yes it was hot both days and there was a breeze both days. We were in the shade, A/C, and hit the misting tents at the zoo at least 6 times.

8) Katie provided diapers both days, sunscreen only Sunday and nebulizer for Olivia's Asthma both days. When she gave me the Astham medication she said, "I am sure Peter does it know how to use this anyway." When I asked if Olivia did, she said, "No, I always give it to her."

Katie should give us both directions for use for the next visit.

9) Katie and her Mother accused me of not being with Peter and Mason as they stalked us outside of the Zoo entrance. We were all within talking distance of each other.

Peter was going to change Mason. I was with Peter's mother and Olivia to hit the misting tent.

10) At the Drop off on Sunday, Katie got Mason out of his stroller and complained how sweaty he was. Her mother pointed out how Olivia's forehead was glistening from sweat just like mine and theirs was. It was at this point she said, "This is not going to work. I am calling my attorney."

11) Katie then said that it was too hot outside for a visit. I asked her what she wanted and she said to be in air conditioning. Several areas at the zoo have AC.

12) at the end of zoo time, Peter summoned an Uber ride for us. The car had AC and we headed to Bob and John's on Hertel Ave. for lunch. Olivia ate and played cards and laughed a lot.

13) Katie announces she was at Bob and John's I went to go get Mason at 2:00. Katie and her mother she said the visit was over. I said it was a six hour visit, not 5. Olivia and I went back in without Mason. Mason was not with us because Katie said, "He is sleeping. I cannot wake Jim up. Do you want me to wake him up?" (I wasn't falling into that loaded question) We played more cards. With 18 minutes to go, Katie said she would wake up Mason so we could Take him in for Peter to say goodbye.

14) Katie and her Mother asked Olivia in front of me what was wrong. Olivia said, "nothing." But both women kept asking her what was wrong. Eventually, on Sunday she cried and said, "I want to go home." Katie's Mother said, "You can speak. Don't be afraid to speak." They Just pressured Olivia to tears. Another reason for Katie's mom to not be present.

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For next visit, I am requesting mom's assistant to remain in the car and directions of Olivia's Asthma medicine.

I think that is all for now.

Happy Monday!

Peace,

Jeanne

Olivia

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Mom at 11:50

By 12:10, Olivia did not feel good

1:09 from the back seat, "daddy, when are you going to give me my\$500.00 back?"

Took mason outside to get to Kim. Mom asked Mason," what is wrong? You look upset,Mason"

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At Zoo Olivia got something on her shirt and she was upset because her mom would be mad.

Today she could not get her shoes wet and it rained...so

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7/15

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Olivia stayed at the 7/15 visit that she does not know how to tie shoes. She did know, but forgot.

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From: Jeanne Kratt jeannekratt@icloud.com
Subject: SV2
Date: October 18, 2018 at 2:20 PM
To: randy@margulislawfirm.com



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Immediately Olivia said she did not feel well

Mason ate puffs, Olivia ate cantaloupe at Canalside
Inhaler count today 172

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Drank out of water fountain.

Bathroom once

Bathroom. Twice - this time Peter went in a different door and surprised Olivia. She love it!

Ice cream, strawberries and water said she was full.

Olivia also played music whenever we were in the car this weekend

At the end of the visit Peter took off the red rubber band on the water bottle that Katie gave Olivia this morning and replace the water bottle with a new bottle of water.

Katie arrived at the pick up at 2:30 with her brother in the front seat and her mother in the backseat. I did tell Katie that Olivia is flipped in the creek and she got wet and a little dirty on the back of her shirt.

Sent from my iPad

From: Jeanné Kratt jeannekratt@icloud.com
Subject: SV1
Date: October 18, 2018 at 2:20 PM
To: randy@margulislawfirm.com



Katie 12 minutes late Saturday 9/22/18
Told Olivia to take care of her brother
Mason ate at 11:00
Dad got Olivia a thermal water bottle
Olivia was asked if Mason had a birthday cake and
She didn't not know
She did not know anything about school, classes,

2:20pm pick up of Mason
Katie talked inappropriately in front of children to me. She asked how long he had been crying and I said he just started. He did cry a bit today, but it was the best day he has had this far. Katie said, "are you going to lie in front of my children like you always do?" I denied lying and Katie said to her mother, she doesn't lie and this is the best day Mason has had".

Olivia stated that she sleeps in her moms bed along with Mason

Olivia says he keeps her up crying every night but she falls asleep after Mason stops crying

Texts sent to Katie after she left from picking up mason backside she was too busy making disparaging remarks at pick up about my supervising the visits and lying in front of the children. Katie was also not happy that Peter and his Mother were visible

Olivia more interactive today, school may be a factor because she is with other children.

Arm of Glasses broke as Olivia touched them. She did not wear them while at Get Air. The metal on them was green to indicate water. Maybe over time the glue gave way during the visit. It was an accident. At drop off, I told Katie what happened to the glasses and told her that Peter Glued them. Minutes after Olivia was dropped off, Katie text and said the glasses were broken.

Olivia worried about keeping her sneakers clean.
She wiped them off at the pumpkin farm. She said her Mom would get mad if her sneakers got dirty.

Sunday 9/23/18

I requested that Katie bring Mason to Miltons at 11:30so Peter can have the afternoon because Katie does not return him. She denied my request. This was our conversation:
7:58am Katie, please have Olivia at Miltons For an 8:30am pick up. We will then return for Mason at 11:30am to get Him for the remainder of the access time, instead of picking him up at 8:30am. All pick up and drop offs shall be at Miltons. Thanks

Katie to me at 8:01am Giving Mason at 11:30 will greatly interfere with his afternoon nap and as I'm sure you have observed, he will not sleep when he is with Peter and his mother. He will be dropped off with Olivia at 8:30, as historically done at each visitation.

Me to Katie at 8:14 Peter assured me that Mason will be able to take a nap. We would like Madison back in the afternoon For a birthday party

At 8:32am Katie to me: his nap before he is dropped off in the afternoon. He will not nap otherwise, as I have previously explained.

Katie late for drop off. I recorded our conversation. She said that Mason will not sleep for Peter despite what I say.

In the car, Olivia said they left the pumpkins outside, the squirrels ate them and threw them away.

Olivia asked for her shoe to be tied because she cannot

Olivia does. It know her teachers name.

When asked if she wants or needs anything, she said no and always says no

Olivia was hitting her Dad (video) she was all trying to knock over waters at breakfast

Water was Consumed today

When asked how much albuteral Olivia needs, she said 4 pumps. Yesterday she wasted on puff because she was not paying attention. Only one was administered

For 2:30 drop of of Mason, Katie was late. 12:34

Windows and door open on van. Brother laughter hysterically

Olivia was wiping grass on her face to make her skin soft. It left scratch looking marks. (Picture)

Lunch at Panera on Walden Olivia had a half of m
Mason's dlapier was changed at Panera's - Katie said he changed it at Miltons at 2:26. Not true.

Upon return to Miltons at 2:30pm on Sunday Katie confronted me about Olivia telling her that Regina Pushes and stomps on her. She also said that has occurred for the Saturday and todays visit. Why did she not say something

Olivia did not have glasses all day.

Once Olivia saw her mother she started acting out and was blowing the car horn and tried to close Regina's foot in the car door.

Audio was taken at he end of the visit to show Katie speaks to supervisor at the end of the visit.

Sent from my iPad

1 have a seat. The question I have is, is Mr. Diarbakerly's
2 parents back in town?

3 MR. MARGULIS: Yeah, they're here today, as a
4 matter of fact. They're both here today. And that's
5 another thing. So I'm not going to address what we heard
6 pro se from Ms. Riford other than to suggest that I don't
7 agree with everything she said. Be that as it may, my
8 client reached out to her within the past couple days -- I
9 think there's an order, by the way, that says that they're
10 supposed to communicate by text, and they're supposed to
11 respond to each other within two hours. My client texted
12 Ms. Riford to confirm that he was coming in this weekend and
13 to confirm that he was going to be seeing the kids this
14 weekend. She never got back to him, at least as of last
15 night, when I received the forwarded texts.

16 THE COURT: All right. Here's --

17 MR. MARGULIS: So he's here this weekend, he's
18 expecting to see the children this weekend --

19 MS. RIFORD: This weekend is not his weekend.

20 MR. MARGULIS: -- as ordered.

21 MS. RIFORD: It is my weekend, and I have plans
22 that I have obligations for, and I cannot make those
23 changes. If Peter would have communicated with me saying,
24 "Hey, can we switch?" But he did not.

25 THE COURT: Okay. Let me just -- I'm still trying

1 to figure it out. So there is no barrier to him having his
2 regular weekend access, because is his mother available to
3 come with him? Because what I'm --

4 MR. MARGULIS: When?

5 THE COURT: Whatever his weekends are. I know you
6 want me to drop the --

7 MR. MARGULIS: His parents have lives, Judge --

8 THE COURT: I understand.

9 MR. MARGULIS: -- and I don't mean to be
10 disrespectful. I can't answer that question, and I don't
11 know his mother's calendar.

12 THE COURT: Okay. But before today, it was his
13 expectation that his access was to be with his mother,
14 correct?

15 MR. MARGULIS: Or father, I think, but --

16 THE COURT: Mother, father, or sisters, I believe.

17 MR. MARGULIS: But for today, yes.

18 THE COURT: Yes.

19 MR. MARGULIS: I'm not sure I understand your
20 questions, but --

21 THE COURT: Well, I guess what I'm trying to do is,
22 because of the --

23 MR. MARGULIS: Before --

24 THE COURT: -- firing of Mr. Cervi right in the
25 middle of the courtroom and Ms. Riford not having any

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counsel here today, I want to try not to change anything. So that if he not changing anything, that if he can still have his access, I know it's imposing on his parents. However, we're back here February 8th, and it's not almost a month away, it's only about two and a half weeks away.

MR. MARGULIS: But --

MS. RIFORD: When you say, "parents," also, I want to put on the record to clarify that it's just his mother. His father has not been in the picture for two entire years.

THE COURT: I don't think that that was an order by me, though, was that?

MS. RIFORD: Wait. I'm just saying you're referring to "parents," but it's only -- it's a "parent" thing.

THE COURT: Well, it was --

MR. MARGULIS: I thought the order says, "mother."

THE COURT: The order says his mother or father and his sisters.

MS. RIFORD: But the father was ordered by you only contingent if you -- if Jeanne Kratt met him and observed his conduct during a supervised visit.

MR. MARGULIS: I'm not aware of that.

MS. RIFORD: I am aware, and I can actually pull it up in a transcript if you'd like me to, but that was discussed.

1 THE COURT: I don't remember that.

2 MR. MARGULIS: Your Honor, I can't answer your
3 question, because I don't know my client's parents' personal
4 schedules. They have lives. They --

5 THE COURT: I understand.

6 MR. MARGULIS: They travel. They have other
7 children. I don't know if other grandchildren or not, but
8 they have other activities going on in their lives, and they
9 live in Boston, Massachusetts.

10 THE COURT: I understand that.

11 MR. MARGULIS: So --

12 MS. RIFORD: If it would make it easier, we could
13 have it in a supervised center --

14 THE COURT: Hold on. In a what?

15 MS. RIFORD: -- and there may be someone there.
16 You know, I'm willing to drop them -- my children off at the
17 supervised center so that their father can --

18 THE COURT: What supervised center?

19 MS. RIFORD: I don't know. A therapeutic center of
20 some sort that would be -- that would benefit my daughter's
21 mental health and be beneficial to Peter and his schedule,
22 it seems. It's a win-win.

23 THE COURT: Ms. Riford, that has not been an order
24 in this court since early summer.

25 MS. RIFORD: Right. I'm just trying to, you know,

come up with a solution that is beneficial to my children as well as to their father.

THE COURT: To me, today the solution is not to touch anything and change it. So he still gets his access. He gets his access with his mother or his sisters when they come into town. I'm not going to change letting them go to Massachusetts just yet, and I would prefer not to upset anything with -- look it. This is -- Mr. Margulis, you understand how the firing of an attorney in the middle of the courtroom on the record is -- just puts the Court at a position of not wanting to do anything until we get back here.

MR. MARGULIS: Well, respectfully, she fired her attorney.

THE COURT: I understand that.

MR. MARGULIS: So now she's reaping the benefit of prolonging this matter, prolonging what may possibly have been a favorable outcome to my client's request to remove these restrictions, because she fired her lawyer.

THE COURT: I understand that.

MR. MARGULIS: So in a way, she's been rewarded for her own --

THE COURT: She's not being rewarded. I'm just not going to do anything today. I -- that's my decision. No more conversation. Let's just get back here. It's either

1 February 8th or even a week before that, however you want to
2 do this.

3 MR. MARGULIS: I thought we agreed we're already
4 coming back February 8th for a conference, but I'd like to
5 address my client's desire to -- he came in here with both
6 of his parents, flew on an airplane from Boston. He texted
7 his -- the respondent, and she never even bothered to
8 respond.

9 THE COURT: Okay. Hold on.

10 MS. RIFORD: He texted on the day which she told me
11 not to --

12 THE COURT: All right. I don't care about the
13 texting. Here's the reality of the situation, Ms. Riford.
14 Him and his parents are in there. He hasn't seen the
15 children since November. You've had carte blanche time with
16 the children since November. They're in here now. Did they
17 fly or did they drive?

18 MR. MARGULIS: They flew.

19 THE COURT: When are they flying out?

20 MR. MARGULIS: I'd have to --

21 MS. RIFORD: He had -- Peter had plenty of
22 opportunity to --

23 THE COURT: All right.

24 MS. RIFORD: -- reach out to me to say, "Hey, can
25 we switch?"

1 THE COURT: That's fine.

2 MS. RIFORD: "Can we do this?" I have obligations
3 which I put out the money.

4 THE COURT: What are your obligations? We'll work
5 around your obligations.

6 MS. RIFORD: I have already told my children what
7 they are doing this weekend, and I have plans, and I can
8 show you on my phone that I have plans. I -- this is
9 something that --

10 THE COURT: What are the obligations? We'll work
11 around them, I said.

12 MS. RIFORD: I don't want to work around them
13 because --

14 THE COURT: We're going to work around them, Ms.
15 Riford. He needs to see his children.

16 MS. RIFORD: Then he can come back next weekend
17 when it's his scheduled weekend of the every other weekend.

18 THE COURT: Or --

19 MR. MARGULIS: There were --

20 THE COURT: Or we could be realistic about this.
21 Let him see the kids this weekend, and then he doesn't have
22 to come back next weekend, and then --

23 MS. RIFORD: So you're telling me that a person can
24 just forego his scheduled weekends while his family is on a
25 Europe excursion, not fill me --

1 THE COURT: We already talked about that.

2 MS. RIFORD: Not fill me in on it.

3 THE COURT: No, you were filled in.

4 MS. RIFORD: And say, "Hey --" that's a part of
5 being a good co-parent --

6 THE COURT OFFICER: Ma'am.

7 MS. RIFORD: -- is to sit there and tell me --

8 THE COURT: Ms. Riford --

9 MS. RIFORD: -- let's -- can we do a couple
10 switches here?

11 THE COURT: -- that conversation was had in
12 November. We already knew that he wasn't going to be able
13 to do his access in December because his parents were gone.
14 That was a conversation. I knew about that. So how do I
15 know about that?

16 MS. RIFORD: Because it's was a behind-closed-door
17 meeting that I was not present about. That -- present for.
18 That's why you know.

19 THE COURT: Well, your lawyer let you know.

20 MS. RIFORD: No, he did not let me know. That's
21 why I fired him. That's one of the reasons.

22 THE COURT: Okay. But I don't understand why that
23 -- one of the reasons that you fired him is because he
24 understood that there was no access that --

25 MS. RIFORD: No, because he was partaking in behind

1 closed meetings (sic) that were -- decisions were made
2 without me present. That's why. That's one of the many
3 reasons.

4 THE COURT: No decisions were made because of the
5 temporary order that was put in place --

6 MS. RIFORD: Well, I wouldn't know, because I --

7 THE COURT: -- a long time ago and hasn't changed.

8 MS. RIFORD: There were things -- there were things
9 that were made. You changed it from Peter's mother to his
10 sisters. I wasn't here for that discussion.

11 THE COURT: All right. Give me some time that he
12 can see the kids over the weekend while they're here,
13 please.

14 MS. RIFORD: I don't know right offhand. I could
15 get back and communicate with Peter with that.

16 MR. MARGULIS: She said she had it on her phone.

17 MS. RIFORD: Of the specific event, not the timings
18 of things. That is something that I can talk to the person
19 that I'm --

20 THE COURT: Let's settle this over the -- right now
21 in the courtroom on the record so that we can work out some
22 kind of plan. He can see the kids before he leaves.

23 MS. RIFORD: So even though my daughter was
24 diagnosed with post-traumatic stress disorder and two
25 different types of anxiety disorders, you're going to have

30 046 and further worsen that condition?

THE COURT: Ms. Riford, since --

MS. RIFORD: I'm just asking a question. I just want to clarify so I can understand this in my head.

THE COURT: Ms. Riford, can you please explain -- give me some time that the father can see the children over the weekend.

THE COURT OFFICER: Ma'am.

MS. RIFORD: I need to -- okay. I -- can I please talk with my sister? Because she's part of --

MS. LITTLE: She doesn't have an attorney here.

THE COURT: I know that.

MS. LITTLE: And you're making this decision --

THE COURT: Ms. Little, you are not a part of this action. Please do not speak out.

MS. RIFORD: Then I will speak up and I will say my attorney is not here --

THE COURT: She is the petitioner here.

MS. RIFORD: -- and I do not want to partake in any kind of further discussion without my attorney here. Peter has a scheduled visitation next weekend, which he can have the children for --

THE COURT: Ms. Riford --

MS. RIFORD: -- for six hours.

THE COURT: -- I'm going to put an order in place

1 that he sees the children before he leaves this weekend.
2 Please.

3 MS. RIFORD: And then I will go get a criminal
4 order of protection to protect my children and I, since you
5 have failed to do so thus far.

6 THE COURT: I can appreciate that you're frustrated
7 and you don't agree with my decisions here, but I am going
8 to --

9 MS. RIFORD: Because you're allowing somebody to --

10 THE COURT: Ms. Riford, could you please give me
11 some time?

12 MS. RIFORD: -- not communicate with me and just
13 get what he wants, and it's not going to happen.

14 THE COURT: Ms. Riford, I'm going to ask you for
15 some time over the weekend so he can see the children while
16 he's here.

17 MS. RIFORD: Okay. So how about Sunday from 10:00
18 to 4:00?

19 THE COURT: That's doable.

20 MS. RIFORD: Saturday I am fully booked.

21 THE COURT: What is the --

22 MS. RIFORD: And another thing I want to say, too.

23 THE COURT OFFICER: Hold on. Let her finish.

24 MS. RIFORD: No. About Mason's condition. He was
25 actually just seen for gastroenteritis, so how is that going

1 to work with Mason? I have the summary from -- he was just
2 diagnosed. He had a very severe --

3 THE COURT: What are the specific instructions with
4 respect to that?

5 MS. RIFORD: He had a very severe reaction to the
6 Amoxicillin he was given, and he has severe diarrhea, so --
7 and he's not eating solid foods as of right now. I was told
8 to breastfeed him. He's actually lost weight. He's only in
9 the 14th percentile for weight right now. So I just want to
10 make sure that his needs are -- you know.

11 MR. MARGULIS: But yet she has a full calendar this
12 weekend of activities.

13 MS. RIFORD: That doesn't have to do with Mason.

14 THE COURT: 10:00 to 4:00. What are -- what has
15 been the transportation in the past?

16 MR. MARGULIS: Well --

17 MS. RIFORD: Well, see, he wanted me to drop them
18 off at a hotel, but I don't think that's very appropriate,
19 given the domestic violence history, so I'm not really sure
20 how you want to go about that one going forward.

21 MR. MARGULIS: Well, the police station didn't work
22 out so well either, Judge.

23 MS. RIFORD: Yeah, because there was private
24 investigators that were hired to stalk, harass, and chase my
25 family and I.

1 MR. MARGULIS: First of all, I'm asking for more
2 than just Sunday. Today's Friday. It's 3:30.

3 THE COURT: I'm going to do Sunday, 10:00 to 4:00.

4 MR. MARGULIS: Wherever you direct the exchange,
5 Judge. The last time they met at a hotel because my client
6 wasn't staying in a hotel. I don't know how to please this
7 woman, so --

8 MS. RIFORD: Well, I just went based on what was
9 recommended to me --

10 THE COURT: Enough. Enough.

11 MS. RIFORD: -- from the justice center.

12 THE COURT OFFICER: Ma'am.

13 THE COURT: Sunday 10:00 to 4:00.

14 MR. CAFARELLA: Judge, the police station is
15 probably the most -- a police station is probably best.

16 THE COURT: I know. What police station, though?
17 Give me a police station that I -- I don't know where --

18 MS. RIFORD: The Amherst Police Station.

19 THE COURT: Amherst Police Station --

20 MS. RIFORD: Yeah.

21 THE COURT: -- 10:00 to 4:00, Sunday.

22 MR. MARGULIS: How about today, Judge?

23 MS. RIFORD: Actually, Olivia stayed home sick
24 today. She had a stomachache, and we believe that she's
25 coming down with gastroenteritis, as well.

1 MR. MARGULIS: From the Amoxicillin that Mason
2 took?

3 MS. RIFORD: No, that's separate.

4 THE COURT: Can we do some access today?

5 MS. RIFORD: My daughter did not go to school
6 because she is not feeling well.

7 THE COURT: I'm going to want proof of that the
8 next time you come to court.

9 MS. RIFORD: Sure. I can.

10 THE COURT: Proof from the school --

11 MS. RIFORD: Yes. I'm actually planning on --

12 THE COURT: -- certifying that she did not go to
13 school today.

14 MS. RIFORD: Yeah, I can actually show you the
15 missed absence note on my phone right now, if you'd like to.

16 THE COURT: No. I don't want to see it.

17 MS. RIFORD: Okay.

18 THE COURT: I don't want you using your phone in
19 the courtroom, please.

20 MS. RIFORD: Okay, sure.

21 THE COURT: All right. So we're going to do access
22 Sunday, 10:00 to 4:00, Amherst Police Station.

23 MR. CAFARELLA: Judge, for the record, does the
24 regular access schedule go back into place starting next
25 week?

Katie L. Riford
3038 Michael Drive
North Tonawanda, NY 14120

Personal and Confidential

BUFFALO NY 142
TUE 05 FEB 2019 PM



Fwd: Informed Delivery Daily Digest

Katie Riford <katie.riford@gmail.com>

Wed 2/13/2019 1:24 PM

To: Christina Riford-Little <ccriford@hotmail.com>

----- Forwarded message -----

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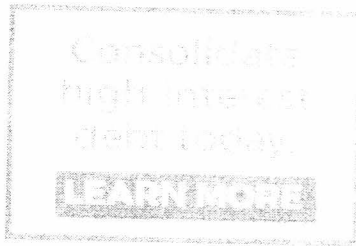
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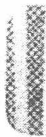
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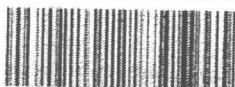
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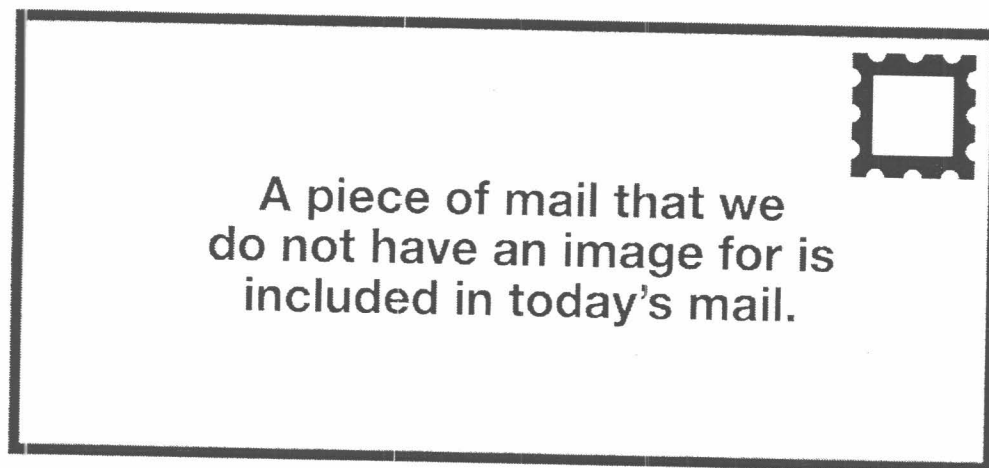
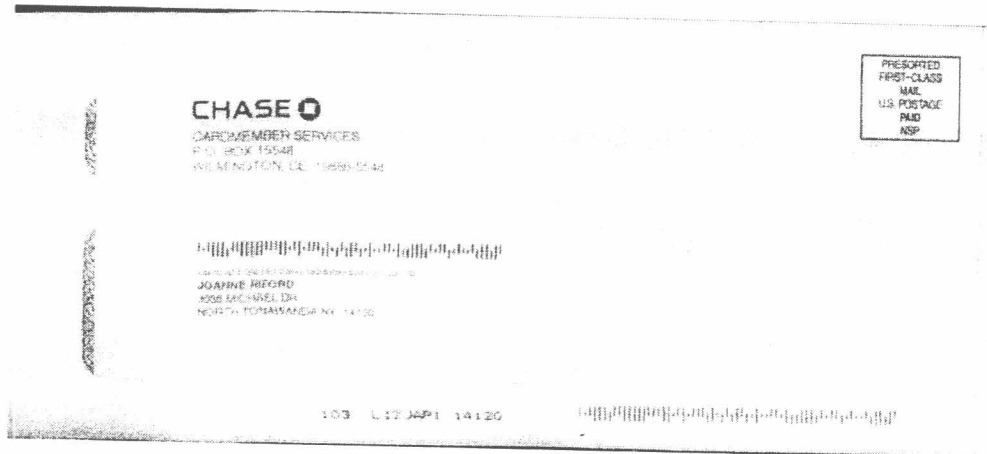
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Friday, Feb 08

on
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at 175 Hawley
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At a Special Term of the Court held
the 1st day of February
courthouse located
Street,

Present: Hon. Erin P. DeLabio, FCI

STATE OF NEW YORK
FAMILY COURT : COUNTY OF NIAGARA

PETER DIABBAKERLY,

Petitioner,

v.

KATIE L. RIFORD,

Respondent.

ORDER TO SHOW CAUSE

Docket No. V-03057-18... 5

File No. 75138 V-03058-18... 5

V-03388-17... 7

V-03802-17... 5

MOT #

WARNING:

THE PURPOSE OF THE HEARING REQUESTED IN THIS MOTION
IS TO PUNISH THE RESPONDENT FOR CONTEMPT OF COURT,
WHICH MAY INCLUDE SANCTIONS OF A FINE OR IMPRISONMENT OR
BOTH.

YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF
COURT.

Upon all prior pleadings and proceedings had herein, and upon the ORDER of the
Niagara County Family Court, Hon. ERIN P. DELABIO presiding, dated January 18, 2019, and
upon the attached Affidavit of Petitioner, PETER DIARBAKERLY, let the Respondent KATIE
L. RIFORD, appear and show cause before a Special Term of this court, and answer why an

Order should not be entered and granted, finding the Respondent in willful violation of the prior Orders of this court, and holding the Respondent in Contempt of Court for her willful violation of said Orders; and why the Respondent should not be punished for such willful violations of said Orders, with such punishment to include incarceration of the Respondent, an immediate award of temporary custody granted to the Petitioner, fines, judgment against the Respondent in an appropriate sum to reimburse the Petitioner for costs unnecessarily incurred for travel for custodial access which was denied by the Respondent, and such other relief as the court may deem appropriate under all of the circumstances herein; and after due deliberation;

NOW, THEREFORE, it is hereby

ORDERED that the Respondent **KATIE L. RIFORD**, shall appear and show cause before this court on the **8th day of February, 2019, at 1:30 pm**, to answer why the relief sought herein shall not be granted; and it is further

ORDERED, that personal service of a copy of this Order, together with all attachments hereto, upon the Respondent on or before February ^{4th} 2019 shall be deemed good and proper service hereof, and if the Respondent is not personally served after three diligent attempts, then service upon Respondent by ~~electronic means, specifically, email addressed to k.riford@gmail.com~~ ^{"Nail & Mail" substituted service as required by CPLR} shall be deemed good and proper service hereof; and it is further

ORDERED, that a copy of any Answering papers herein shall be served upon this court and counsel for the Petitioner and the Attorney for the Children no later than two days prior to the return date hereof; and it is further

ORDERED that any law enforcement agency in the State of New York is hereby authorized and directed upon receipt of a copy of this Order to assist the Father in implementing this Order including, but not limited to the removal of the children from the mother.

ORDERED, that the Petitioner **PETER DIARBAKERLY** is hereby granted access with the minor children **OLIVIA** and **MASON**, on Friday February 8, 2019, from 4:00 pm until 8:00 pm, and the Respondent **KATIE L. RIFORD** shall produce the children at the Courthouse identified herein, located at 175 Hawley Street, Lockport, New York, for Petitioner to receive the children on Friday February 8, 2019, at ^{4:00}~~4:00~~ pm; and it is further

ORDERED, that the Petitioner **PETER DIARBAKERLY** is hereby granted access with the minor children **OLIVIA** and **MASON**, on Saturday February 9, 2019, and Sunday February 10, 2019, from 10:00 am until 8:00 pm each day, and it is further

ORDERED that any and all exchanges, other than the February 8, 2019 4:30 exchange, shall occur at the Amherst Police Department, located at 500 John James Audobon Parkway, Amherst, New York 14228; and it is further

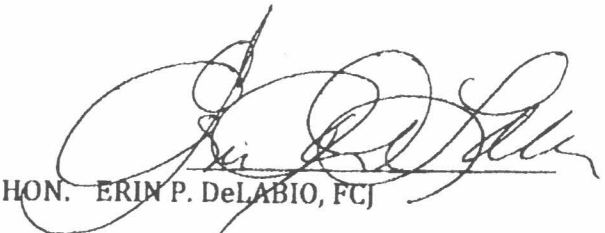
ORDERED, that the Petitioner's access on February 8, 9, and 10, 2019, as set forth herein, shall be unsupervised, as there shall be no requirement that any members of the Petitioner's family need be present during same.

DATED:

ENTERED
Niagara County Family Court

FEB 1 2019

By CB


HON. ERIN P. DeLABIO, FCJ

1 MS. RIFORD: Can I say something regarding that, as
2 well?

3 THE COURT: Wait a second. You have an attorney
4 here.

5 MS. RIFORD: He's not up to date with this, so this
6 is why I have to speak on my behalf. I just wanted to say,
7 it seems like there's an issue as to if it did or did not
8 happen. I can play the audio right here in front of
9 everybody and let everybody decide if did or did not happen.

10 THE COURT: No, I understand that, Ms. Riford,
11 but --

12 MS. RIFORD: It's not an alleged thing or so-called
13 if it did or did not happen. I have audio. I can play it
14 for everybody in this room.

15 THE COURT: Let me explain to you why I'm using
16 those words in the courtroom. Because it is a petition that
17 you filed ex parte, which means you were here on your own.
18 Mr. Diarbakerly or his attorney were not present for that
19 petition. I have to use the correct legal language, which
20 is, they are allegations. I know you feel as though they
21 are true allegations, but because it is not a petition that
22 is finalized, proven, and that I have also found that a
23 family offense has been committed, I have to speak in that
24 manner. That is procedurally correct. As the Court has to
25 address things in the courtroom, that is the correct

1 procedural language I need to use.

2 MS. RIFORD: Okay.

3 THE COURT: Just so you're clear, okay?

4 MS. RIFORD: Sure.

5 THE COURT: Whether they're true or not, I haven't
6 gotten to that part yet.

7 MS. RIFORD: Okay.

8 THE COURT: However, I am taking the cautious
9 opportunity to just at least share with everybody if that
10 were to be true, I have a problem with it, and that it
11 should cease and desist, and that conversations with these
12 children -- this is by all parties: Family members, third
13 parties, friends, family, whoever. Nobody should be talking
14 to these children about who they're with, where they're
15 going, what they're doing, and what is going on in these
16 proceedings. That is a general cautionary thing that the
17 Court always tells parents and family members, okay? So
18 that's why I'm saying it's on my radar now, and if it's
19 happening, it needs to stop, okay?

20 MS. RIFORD: Okay.

21 THE COURT: So "allegations" means that that
22 petition hasn't been finalized yet.

23 MS. RIFORD: Okay.

24 THE COURT: It doesn't mean that it's not true or
25 you haven't had the opportunity to try to prove your case,

1 okay?

2 MS. RIFORD: Okay, sure.

3 THE COURT: So with respect to that, let's just put
4 that aside. Now, let's get to these motions. We are here
5 to continue this hearing. I have multiple motions before
6 me. The first motion was a motion by Mr. Cervi with respect
7 to the law guardian, Mr. Cafarella's, being on the case.
8 However, Mr. Cervi, based on the fact that I received, now,
9 a motion from you yesterday asking to be withdrawn from this
10 case, I'm assuming you would want to go forward on that
11 motion first.

12 MR. CERVI: I would, your Honor. Yes, please.

13 THE COURT: Okay.

14 MR. CERVI: Your Honor, if it please the Court, I
15 brought this motion to withdraw as counsel. Judge, I don't
16 want to get into too much of what's going on at this point,
17 your Honor. I wouldn't want to say anything that could
18 potentially prejudice my client's case or anything -- any
19 standing with the Court. So with that, your Honor, unless I
20 need to say more, there's been an absolute breakdown in the
21 relationship, your Honor, which renders it impossible for me
22 to continue as attorney for my client, and I don't feel I
23 could possibly represent her at this point. If the Court
24 wishes me to elaborate, I certainly will, but I -- if I may,
25 Judge, I'd like to keep it at that.

1 of law, there is case law that permits the Court to dismiss
2 that motion or deny the motion for procedural deficiencies.

3 THE COURT: Okay.

4 MR. MARGULIS: I cited them in my papers in, I want
5 to say, the Rosen case. Yep, Rosen v Rosen. The
6 implication of the rule is clear. The Court should not
7 grant relief in the absence of certification of papers,
8 so --

9 THE COURT: I don't disagree with you, Mr.
10 Margulis.

11 MR. MARGULIS: I'm sorry?

12 THE COURT: I don't disagree with you. I'm going
13 to -- I'm not going to reserve on the motion, because I
14 don't think the motion's completed. I think, because Ms.
15 Riford fired her lawyer in the midst of proceedings, I am
16 going to adjourn this until the February 8th date, as well.
17 You can pick up on that motion. I agree with you. The
18 motion is completely insufficient based on the fact of the
19 way it was filed, but I think I need Ms. Riford to have the
20 ability to have her lawyer here to also weigh in on that, as
21 well. So everything's going to be adjourned to February
22 8th.

23 MR. MARGULIS: I just want to add, Ms. Riford made
24 a comment a few minutes ago that she's going to go get a
25 criminal order of protection.

1 THE COURT: I know.

2 MR. MARGULIS: I would ask the Court to take
3 judicial notice of that. The application -- I'm assuming
4 the application that was brought here yesterday, which you
5 said was denied, I'm assuming that implies that request --

6 THE COURT: Well, it wasn't denied, I just did not
7 issue an order of protection.

8 MR. MARGULIS: That's what I was about to say.

9 THE COURT: Okay.

10 MR. MARGULIS: I'm assuming that what you meant
11 was, there may have been an application for temporary relief
12 which was denied.

13 THE COURT: Correct.

14 MR. MARGULIS: The standard, obviously, the burden
15 is the preponderance of the evidence standard. A criminal
16 court has a beyond a reasonable doubt standard.

17 THE COURT: Correct.

18 MR. MARGULIS: So I would just like the Court to
19 have some head's up. If it turns up that she goes to some
20 criminal court and gets a criminal order of protection on
21 the same allegations that this court denied a temporary
22 order on with a -- with a lower standard, I don't know.
23 Unfortunately, it's a weekend, so your Honor wouldn't be
24 around to address this with. I can only imagine what's --
25 it's a good thing I'm in town this weekend, I suppose, but

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

THE COURT: Okay.

MR. MARGULIS: Could we leave with an order, though, granting him access Sunday?

THE COURT: Yes. I'll do a temporary order. I'll do it right now.

MR. CAFARELLA: Judge, we'd like the parties to wait in the hallway.

THE COURT: Let me just do -- hold on. Because we're going to do notices that the February 8th date is changed for a pretrial. So I want everybody to get served with that. And then I'm going to -- I'm going to keep the other hearing dates on just by possible chance that the attorney's going to pick up right where we left off.

MR. MARGULIS: I know I asked a lot of questions, Judge.

THE COURT: It's okay.

MR. MARGULIS: The February 8th date will also be a continuation of the motion?

THE COURT: Correct.

MR. MARGULIS: I can renew my request.

THE COURT: Yes.

MR. MARGULIS: Hypothetically, what if Ms. Riford was back on that date with no lawyer? We're giving her the benefit of the time, here, to get counsel. What if she

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARAPETITIONER¹:Name: Katie L. RifordAddress: 3038 Michael Drive
North Tonawanda, NY 14120 Zip 14120County: Niagara Phone No.: 781-296-9654

Docket No.: _____

File No.: 75138

RESPONDENT:

-against-

Name: Peter DiarbakerlyAddress: 266 Lincoln Road
Lincoln, Massachusetts Zip 01773County: Middlesex Phone No.: 617-721-1377FAMILY OFFENSE
PETITIONFILED
2019 JAN 16 PM 12:52
NIAGARA COUNTY
FAMILY COURT
LORRAINE NEW YORK

TO THE FAMILY COURT:

The undersigned Petitioner respectfully states that:

1. a. ☐ The Respondent and I are related as follows [**check applicable box(es)**]:
☐ we are married; ☐ we were married; ☐ we are parent & child; ☒ we have a child in common
☐ we are related by blood or marriage [**specify how**]:
☐ we are in an intimate relationship (**NOT** casual social or business acquaintances)

[describe]: We have 2 biological children in common, ages 8 + 16 months☒ we were in an intimate relationship (**NOT** casual social or business acquaintances)[describe]: 9 year long distance relationship w/ domestic violence
approx 2008 to 2017.☐ we live together ☐ we lived together in the past ☒ we never lived together

- b. ☐ I am a peace officer and am filing this petition pursuant to F.C.A. § 822(c)

2. The Respondent committed the following family offense(s) against me and/or my children, which constitute:

- ☐ Disorderly conduct ☐ Menacing in the second or third degree ☒ Harassment in the first or second degree ☐ Reckless endangerment ☒ Aggravated harassment in the second degree ☒ Stalking ☒ Strangulation ☒ Assault in the second or third degree ☐ Attempted assault ☐ Criminal mischief ☐ Sexual misconduct ☒ Sexual abuse in the second² or third degree ☒ Forcible touching ☐ Criminal obstruction of breathing or circulation ☐ Identity theft in 1st, 2nd or 3rd degree ☐ Grand larceny in the 1st, 2nd 3rd or 4th degree ☒ Coercion in 2nd degree [PL §135.60 (1), (2) or (3)]

your health, safety or liberty or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply to the court for an address confidentiality order by submitting General Form GF-21. This form is available on-line at www.nycourts.gov. See Family Court Act § 154-b

² Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

[Describe incident, state date, time and place of most recent incident, specify if anyone was injured (how seriously) and if any weapons were used. If there were earlier incidents as well, describe them in additional paragraphs. Use additional sheets where necessary]:

Peter Diarbakerly is ~~incessantly~~ harrassing Olivia by incessantly asking her whereabouts, my whereabouts, and the maternal grandmother (Joanne Riford) whereabouts. I have documented recordings of these telephone conversations as proof. Peter Diarbakerly specifies our (children & I) specific locations during the telephone conversations. I also have a video recording of Peter Diarbakerly inside of his vehicle ~~following~~ at the inclusion of a visitation exchange refusing to leave the parking lot, despite the children already being returned back to me. His vehicle in the video shows how it is positioned face my vehicle for the sole purpose of intimidating me and ~~instill~~ ^{instill} fear. He then proceeded to follow my car out of the parking lot and follow me onto the highway. I have medical documentation that contains credible evidence that the children, Olivia and Mason ^{were} ~~are~~ abused during visitations with Peter Diarbakerly. ~~There is a~~ Peter Diarbakerly hired a private investigators to stalk, harass, and chase me. These investigators drove aggressively and put the children, myself, and two other family members in danger. There is a history of domestic violence by Peter Diarbakerly against me, which I have documented via text messages, emails, ~~photos~~ photographs, etc. These ~~photos~~ have been submitted to Family Court as exhibits to my case. Furthermore, Peter Diarbakerly has a history of mental instability and I have documented proof for the safety of my children & myself.

3. ☐ I have ☒ have not filed a criminal complaint concerning these incident(s) ☐ have been submitted to Family Court as exhibits to my case. If so, please indicate court, county, date, charge(s) and status, if known.

4. [Check applicable box(es)]:

- ☐ a. I have no children and there are no other children living in my home. as well. I am scared
- ☒ b. The following children live with me (include children who are not yours). Safety of my children & myself.

Name	Date of Birth	Relationship to Me / Relationship to Respondent
Joanne Riford-Diarbakerly	03/23/2010	Daughter
Mason M. Riford	09/12/2017	Son

- ☐ c. The following children are mine but do not live with me.

Name	Date of Birth	Lives With	Child's Relationship to Respondent
------	---------------	------------	------------------------------------

☒ d. The Respondent committed family offenses against the above child or children as follows [describe including name(s) of child or children, nature of offense(s) and date(s)]¹

Physical/emotional abuse + neglect, several^{medically} documented offenses from June 2018 to November 2018.

[Check boxes and complete any of the following paragraphs 5-12 that apply to you. Skip any that do not apply to you.] Use additional sheets where necessary

5. The Respondent has acted in a way I consider dangerous or threatening to me, my children, a member of my family or household, or a person with whom I have or had an intimate relationship, in addition to the incident described in question 2, as follows [describe]:

Peter Diarbakerly has physically and sexually abused me. I have documented proof of this. He has expressed suicidal ideation, via emails + text messages. He has threatened to kill me in text messages.

6. The Respondent was found to have violated an Order of Protection issued on behalf of me, my children, a member of my family or household, or a person with whom I have or had an intimate relationship as follows [describe]:

N/A

7. The Respondent owns or has access to guns as follows [describe]:

Unknown

8. a. The Respondent has a gun license or pistol permit for the following gun(s) as follows [describe]:

Unknown

b. The Respondent has a gun license or permit application pending as follows [describe]:

Unknown

c. The Respondent carries a gun on his or her job as follows [describe]:

Unknown

9. ☐ a. The Respondent threatened [check applicable box(es)]:

☒ me ☐ my child or children [specify]:

"I'm going to kill you" - multiple text messages that state this to me by Peter Diarbakerly

☐ a member or members of my household [specify]:

☐ someone with whom I have or had an intimate relationship [specify]:

with a gun or dangerous instrument or object as follows [specify]:

¹ Family offenses include the crimes of assault or attempted assault, aggravated harassment or harassment, disorderly conduct, menacing, reckless endangerment, stalking, sexual abuse, sexual misconduct, forcible touching, strangulation, criminal obstruction of breathing or blood circulation, criminal mischief, grand larceny, identity theft and coercion

☒ b. There is a substantial risk that Respondent would use or threaten to use a firearm or dangerous instrument or object against me, my child(ren) a member of my household or a person with whom I have or had an intimate relationship on the basis of the following facts and for the following reasons **[describe]**: Peter has harmed himself with some sort of saw/drill on purpose and sent me a picture of his bloody hand. He also carries a knife with him and in his vehicle.

10. The following court cases are pending between me and the Respondent **[specify court, county, docket or index number, nature of action and status, if known]**:
 Niagara County Family Court

11. The Respondent has the following criminal convictions **[specify, including date, crime, sentence and court, if known]**:

12. **[Applicable where protection is sought for pet(s)]**:

- a. The following pets live in my house **[specify name(s) and type(s)]**:
- b. The Respondent injured or tried or threatened to injure pets in my household as follows **[describe]**:

13. I have not made any previous application to any court or judge for the relief requested in this petition, **[except [specify the relief, if any, granted and the date of such relief; delete if inapplicable]]**:

WHEREFORE, Petitioner respectfully requests this Court to:

- a. adjudge the Respondent to have committed the family offense(s) alleged;
 b. enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
 c. enter a finding of aggravated circumstances **[delete if inapplicable]**;
 d. enter a temporary order of child support in accordance with Family Court Act §828(4) **[delete if inapplicable]**;
 e. order such other and further relief as to the Court seems just and proper.

Dated: 1/16/2019

Katie L. Riford

Petitioner: typed or printed name

Katie L. Riford

Signature

Attorney, if any: Petitioner: typed or printed name

Signature

Address and telephone number of Attorney, if any

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARA

PETITIONER 1:

Name: Katie L. RifordAddress: 3038 Michael Drive
North Tonawanda, New York Zip: 14120
County: Niagara Phone No.: 781-296-9654Docket No.: 0-229-18File No.: 75138

RESPONDENT:

-against-

Name: Peter Mark DiarbakerlyAddress: 266 Lincoln Road
Lincoln, MA Zip: 01773
County: Middlesex Phone No.: 617-721-1377FAMILY OFFENSE
PETITIONNIAGARA COUNTY
FAMILY COURT
100 COURT, NEW YORK

2019 JA 24 AM 11:21

FILED

TO THE FAMILY COURT:

The undersigned Petitioner respectfully states that:

1. a. ☐ The Respondent and I are related as follows [**check applicable box(es)**]:
☐ we are married; ☐ we were married; ☐ we are parent & child; ☒ we have a child in common
☐ we are related by blood or marriage [**specify how**]:
☐ we are in an intimate relationship (**NOT** casual social or business acquaintances)

[describe]:

☒ we were in an intimate relationship (**NOT** casual social or business acquaintances)
 [describe]:

☐ we live together ☐ we lived together in the past ☒ we never lived together

b. ☐ I am a peace officer and am filing this petition pursuant to F.C.A. § 822(c)

2. The Respondent committed the following family offense(s) against me and/or my children, which constitute:

- ☐ Disorderly conduct ☐ Menacing in the second or third degree ☒ Harassment in the first or second degree ☒ Reckless endangerment ☒ Aggravated harassment in the second degree ☐ Stalking ☐ Strangulation ☐ Assault in the second or third degree ☐ Attempted assault ☐ Criminal mischief ☐ Sexual misconduct ☐ Sexual abuse in the second² or third degree ☐ Forcible touching ☐ Criminal obstruction of breathing or circulation ☐ Identity theft in 1st, 2nd or 3rd degree ☐ Grand Larceny in the 1st, 2nd 3rd or 4th degree ☐ Coercion in 2nd degree [PL §135.60 (1), (2) or (3)]

¹ If your health, safety or liberty or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply to the Court for an address confidentiality order by submitting General Form GF-21. This form is available on-line at www.nycourts.gov. See Family Court Act § 154-b

² Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

[Describe incident, state date, time and place of most recent incident, specify if anyone was injured (how seriously) and if any weapons were used. If there were earlier incidents as well, describe them in additional paragraphs. Use additional sheets where necessary]:

On Monday, January 21, 2019, despite being directed by the Judge to no longer ask Olivia where she is and what she is doing, ^{Peter Diarbakerly} went against and violated that direction by the Judge. Furthermore, On January 20, 2019, Peter Diarbakerly called Olivia and engaged in a conversation with her that was approximately 1 minute in duration. He then proceeded to call 4 additional times 1-3 minutes apart from each other. Judge DeLabio did not provide a decision on my original Petition for an Order of Protection filed on January 16, 2019. I am here again today with new evidence to further support ^{mine and my} children's ~~and my~~ need for an order of Protection.

3. I ☒ have ☐ have not filed a criminal complaint concerning these incident(s)
[If so, please indicate court, county, date, charge(s) and status, if known].

4. [Check applicable box(es)]:

☐ a. I have no children and there are no other children living in my home.

☒ b. The following children live with me (include children who are not yours).

Name	Date of Birth	Relationship to Me / Relationship to Respondent
1) Olivia Riford-Diarbakerly	3/23/10	daughter
2) Mason Riford	9/12/17	son

☐ c. The following children are mine but do not live with me.

Name	Date of Birth	Lives With	Child's Relationship to Respondent
------	---------------	------------	------------------------------------

☒ d. The Respondent committed family offenses against the above child or children as follows [describe including name(s) of child or children, nature of offense(s) and date(s)]¹

Harrassment, disobeying Judge's specific directions

[Check boxes and complete any of the following paragraphs 5-12 that apply to you. Skip any that do not apply to you.] Use additional sheets where necessary

5. The Respondent has acted in a way I consider dangerous or threatening to me, my children, a member of my family or household, or a person with whom I have or had an intimate relationship, in addition to the incident described in question 2, as follows [describe]:

Because my daughter is emotionally fragile with PTSD, Generalized Anxiety/Seperation Anxiety Disorders, she is unable to cope with the abusive behavior demonstrated by Peter Diarbakerly. I fear that he will show up at our location and

6. The Respondent was found to have violated an Order of Protection issued on behalf of me, my harm children, a member of my family or household, or a person with whom I have or had an intimate my children and I.

7. The Respondent owns or has access to guns as follows [describe]:

Unknown

8. a. The Respondent has a gun license or pistol permit for the following gun(s) as follows [describe]:

Unknown

b. The Respondent has a gun license or permit application pending as follows [describe]:

Unknown

c. The Respondent carries a gun on his or her job as follows [describe]:

Unknown

9. ☐ a. The Respondent threatened [check applicable box(es)]:

☐ me ☐ my child or children [specify]:

☐ a member or members of my household [specify]:

☐ someone with whom I have or had an intimate relationship [specify]:

with a gun or dangerous instrument or object as follows [specify]:

¹ Family offenses include the crimes of assault or attempted assault, aggravated harassment or harassment, disorderly conduct, menacing, reckless endangerment, stalking, sexual abuse, sexual misconduct, forcible touching, strangulation, criminal obstruction of breathing or blood circulation, criminal mischief, grand larceny, identity theft and coercion

☒ b. There is a substantial risk that Respondent would use or threaten to use a firearm or dangerous instrument or object against me, my child(ren) a member of my household or a person with whom I have or had an intimate relationship on the basis of the following facts and for the following reasons **[describe]**:

History of Domestic Violence, including all forms of abuse

10. The following court cases are pending between me and the Respondent **[specify court, county, docket or index number, nature of action and status, if known]**:

Niagara County Family Court
Judge Erin Delabio

11. The Respondent has the following criminal convictions **[specify, including date, crime, sentence and court, if known]**:

12. **[Applicable where protection is sought for pet(s)]**:

a. The following pets live in my house **[specify name(s) and type(s)]**:

b. The Respondent injured or tried or threatened to injure pets in my household as follows **[describe]**:

13. I have not made any previous application to any court or judge for the relief requested in this petition, **[except [specify the relief, if any, granted and the date of such relief; delete if inapplicable]]**:

WHEREFORE, Petitioner respectfully requests this Court to:

- a. adjudge the Respondent to have committed the family offense(s) alleged;
- b. enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
- c. enter a finding of aggravated circumstances **[delete if inapplicable]**;
- d. enter a temporary order of child support in accordance with Family Court Act §828(4) **[delete if inapplicable]**;
- e. order such other and further relief as to the Court seems just and proper.

Dated: 1/24/2019

Katie L. Riford
Petitioner: typed or printed name

Katie L. Riford
Signature

Attorney, if any: Petitioner: typed or printed name

Signature

Address and telephone number of Attorney, if any

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Date: 11/03/18

Name: Olivia Riford-Diarbakerly
PMD: Sheilah Roehmholdt

DOB: 03/23/2010 **Sex:** F **Age:** 8 yrs, 7 mos **Acct#:** 56008

Nurse Note: 2154 pt arrives at intake. VS obtained. MK EMT-B
2215 Pt d/c'd to home with mom. mom able to verbalize understanding of plan of care-LS RN

Subjective

CC: Patient presents. (Complaint)

HPI: Pt is a 8 YO F presenting with a bruise on her back. Mom suspects pt's dad is abusing her. Pt states aunt grabbed her causing the bruise. No meds taken today.

ROS:

Const: Denies fever and headache.

Eyes: Denies symptoms other than stated above.

ENMT: Ears: Denies ear symptoms other than stated above. Nose and Sinuses: Denies congestion. Denies nasal discharge.

CV: Denies symptoms other than stated above.

Resp: Denies symptoms other than stated above.

GI: Denies abdominal pain, diarrhea and vomiting.

GU: Denies urinary symptoms other than stated above.

Musculo: Denies symptoms other than stated above.

Skin: Denies rashes.

Neuro: Denies symptoms other than stated above.

Current Meds Prior to Visit: Claritin, Albuterol Sulfate
Allergies: NKDA

PMH:

Health Maintenance:

Immunizations Utd

Medical Problems:

Asthma

Surgical Hx:

Adenoidectomy

Reviewed and updated.

FH:

Noncontributory.

Reviewed and updated.

SH:

Lives With: Mother, Brother, Grandmother, Uncle. **Smoke Free:** Home is smoke-free.

Personal Habits: . (Smoking) **Recent Travel:** There has not been recent travel abroad.
Reviewed and updated.

Objective

Wt kg: 44.5 **Pulse:** 107 **Resp:** 20 **BP:** 120/79 **T:** 36.8C **PO O2SatR:** 98 Room Air

Pediatric Exam:

Const: Appears well. Alert and interactive. No signs of acute distress present. Behavior is appropriate for age. Mucous membranes are moist.

Eyes: EOMI. PERRL.

ENMT: Oropharynx: No erythema or exudate.

Neck: Supple. full ROM.

Resp: Respiration rate is normal. Good aeration. Lungs are clear to auscultation bilaterally.

CV: Rate is regular. Rhythm is regular. Cap refill <2 sec.

GI: Abdomen is soft, nondistended and nontender.

Skin: Skin is warm and dry. Back with a thumb print marking that is a new bruise that was not present per mom prior to visit with Dad. Pt states during exam that she got up to follow paternal grandma when she was taking a phone call and the Aunt grabbed her and forcefully pulled her back to her seat.

Neuro: Normal orientation for age. Mood is appropriate for encounter. Cranial Nerves: No sign of obvious neurological deficit.

Assessment:

1. T74.12xA Child physical abuse, confirmed, initial encounter

Care Plan:

Comments : Abuse suspected. There is a thumbprint bruise on pt's left back that was made through her sweat jacket. Force needed to cause this bruise is considered corporal. This was allegedly cause by the Dad's sister while in his presence. Dad didn't stop the forceful treatment.

Mom in domestic violence case with Dad. Dad is trying to obtain full custody of the children. He has visit every other weekend from Massachusetts.

I will be calling CPS to add to open case. If visitations with Dad continue, they should be supervised.

Tracie M Seaman MD

Seen by: Electronically signed by Seaman, Tracie, MD on 11/03/2018 at 10:29 pm

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Discharge Instructions

Olivia Riford-Diarbakerly
November 3, 2018

Today's Diagnosis : Bruise on the back

Discharge Instructions : Supportive care with cold cloth, ice pack or heat. Activity as tolerated

Medications: Ibuprofen 20 ml every 6 hours as needed for pain

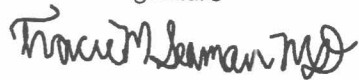
Follow-Up with: Sheilah Roehmholdt we recommend as needed with any concerns. Your doctor may choose to see your child at another time.

Thank you for allowing us to care for your child. It is our goal to work in partnership with your child's primary care physician, with an eye towards maximizing the quality of care your child receives. **If you need to visit us again, we strongly encourage you to seek the advice of your child's physician in advance of your visit. We believe that it is the responsibility of your child's primary care provider to coordinate the health care needs of your child.** For this reason, they are in the best position to determine the optimal location and timeline for the evaluation and treatment of your child.

Your child's physician will receive a copy of the medical record from today's visit, delivered electronically by 8:00 am tomorrow. You are encouraged to follow-up with your child's physician for on-going care. Please note, we do not perform routine well-child visits, complete school physicals, routine immunizations or scheduled follow-ups. These are services that are best provided by your child's primary care provider.

Parent/Guardian Signature

Provider Signature



Electronically signed by agent of provider: Lauren Sheehan on 11/03/2018 at 10:17 pm



JOVIA FAMILY - 600 000 0000

Agency: CHEEKTOWAGA POLICE		A	New York State DOMESTIC INCIDENT REPORT		Incident # 19-903961
Reported Date (MM/DD/YYYY) 01/25/2019	Time (24 hours) 13:07	Occurred Date (MM/DD/YYYY) 10/21/2018	Time (24 hours)	<input type="checkbox"/> Officer Initiated <input type="checkbox"/> Radio Run <input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> ICAD (NYC)	Complaint # 19-903961
Address (Street No., Street Name, Bldg. No., Apt No.) 3223 UNION ROAD (CHILD EXCHANGE LOCATION)				City, State, Zip CHEEKTOWAGA NY 14227	
Name (Last, First, M.I.) (Include Aliases) DIARBAKERLY, PETER		DOB (MM/DD/YYYY) 03/11/1990	Age:	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male <input type="checkbox"/> Self-Identified:	
Address (Street No., Street Name, Bldg. No., Apt No.) 266 LINCOLN RD		Suspect Phone Number: (617) 721-1377		Language:	
City, State, Zip LINCOLN MASSACHUSETTES		<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic <input type="checkbox"/> Unknown <input type="checkbox"/> Other Identifier:	
Do suspect and victim live together? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Suspect/P2 present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was suspect injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes describe:		Possible drug or alcohol use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole <input type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown
Suspect (P2) Relationship to Victim (P1) <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input type="checkbox"/> Formerly Married <input checked="" type="checkbox"/> Former Intimate Partner <input type="checkbox"/> Parent of Victim (P1) <input type="checkbox"/> Child of Victim <input type="checkbox"/> Relative: <input type="checkbox"/> Other:				Do the suspect and victim have a child in common? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Emotional condition of VICTIM? <input type="checkbox"/> Upset <input checked="" type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:					
What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident? MY EX LIVES OUT OF STATE AND I LIVE IN WHEATFIELD BUT I NEED TO REPORT THAT MY CHILDREN HAVE BRUISES ON THEM AND WE DO THE EXCHANGE HERE IN YOUR PARKING LOT					
Did suspect make victim fearful? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: HISTORY OF DOMESTIC VIOLENCE AND KNOWING WHERE SHE IS					
Weapon Used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Gun: <input type="checkbox"/> Yes <input type="checkbox"/> No Other, describe:		Suspect Threats? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Threats to: <input type="checkbox"/> Victim <input type="checkbox"/> Child(ren) <input type="checkbox"/> Pet <input type="checkbox"/> Commit Suicide <input type="checkbox"/> Other Describe: TO KILL HER IN THE P			
Access to Guns? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: CARRIES A KNIFE					
Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:		Strangulation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Loss of Consciousness <input type="checkbox"/> Urination/Defecation <input type="checkbox"/> Red eyes/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallowing			
In Pain? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:		Visible Marks? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			
What did the SUSPECT say (Before and After Arrest):					
710.30 completed? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Briefly describe the circumstances of this incident: THE CMP WANTS TO REPORT THAT SHE HAS FOUND BRUISES ON THE BACK OF THE SECOND CHILD (OLIVIA) WHICH SHE HAS A REPORT FILED IN BUFFALO 18-3080345 AND THE FIRST CHILD HAS HAD 2 SEVERE DIAPER RASHES AND APPEARS TO HAVE BEEN DRUGGED. THE CMP BELIEVES THAT CHILD# 1 IS LEFT IN THE CAR SEAT FOR LONG DURATIONS OF TIME THAT HE IS IN THE FATHERS CARE, THE CMP HAS FOUND MARBLING ON THE CHILDS BUTTOCKS AREA. THE CMP ALSO REPORTS THAT CHILD 2 HAS HAD A WRIST INJURY ON 11/4/2018 WHICH SHE SOUGHT TREATMENT AT THE URGENT CARE BUT NO DEFINITIVE DIAGNOSIS WAS FOUND AT THAT TIME - JUST TOLD HER TO GIVE PAIN MEDS.					
10/21/2018 CHILD 2 APPEARED TO BE DRUGGED AND THE CMP TOOK THE CHILD TO CHOB (NO BLOOD WORK WAS DRAWN)					
11/3/2018 CHILD 1 HAD BRUISES ON HER BACK - REPORT WAS FILED WITH BUFFALO PD 18-3080345					
11/4/2018 CHILD 2 WAS AGAIN BROUGHT TO CHOB BECAUSE SHE BELIEVED THE CHILD HAD AN ALTERED LEVEL OF CONSCIOUSNESS. (NO BLOOD WORK DRAWN)					
11/4/2018 CHILD 1 COMPLAINED OF WRIST PAIN. NO OBVIOUS INJURY					
IN BOTH INSTANCES WITH CHILD2, THE CMP WAS REFERRED TO FOLLOW UP WITH HER PEDIATRICIAN.					
DIR Repository checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Order of Protection Registry checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Order of Protection in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refrain <input type="checkbox"/> Stay Away	
Evidence Present? <input type="checkbox"/> Yes <input type="checkbox"/> No	Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury <input type="checkbox"/> Other:	Other Evidence: <input type="checkbox"/> Damaged Property <input type="checkbox"/> Videos <input type="checkbox"/> Electronic Evidence <input type="checkbox"/> Other:		Destruction of Property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Describe:	
Offense Committed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was suspect arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, explain: NOT ON SCENE	Offense 1 INFORMATION	Law (e.g. PL)	Offense 2	Law (e.g. PL)
VICTIM / COMPLAINANT COPY		NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-942-6906		3221-03/2016 DCJS Copyright © 2016 by NYS DCJS	

Agency: CHEEKTOWAGA POLICE B	Incident # 19-903961	Complaint # 19-903961		
Describe Victim's prior domestic incidents with this suspect (Last, Worst, First): THEY WERE IN AN 8 YEAR ABUSIVE RELATIONSHIP // SEXUAL ABUSE // BRUISING ON HER BODY				
If the Victim answers "yes" to any questions in this box refer to the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906 or Local Domestic Violence Service Provider: ()				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Has Suspect ever: Threatened to kill you or your children? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Strangled or "choked" you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Beaten you while you were pregnant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="width: 50%; vertical-align: top;"> Is suspect capable of killing you or children? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is suspect violently and constantly jealous of you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Has the physical violence increased in frequency or severity over the past 6 months? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table>			Has Suspect ever: Threatened to kill you or your children? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Strangled or "choked" you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Beaten you while you were pregnant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is suspect capable of killing you or children? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is suspect violently and constantly jealous of you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Has the physical violence increased in frequency or severity over the past 6 months? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, the Officer must contact the NYS Child Abuse Hotline Registry # 1-800-635-1522.				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> Was DIR given to the Victim at the scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why: </td> <td style="width: 50%;"> Was Victim Rights Notice given to the Victim? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why: </td> </tr> </table>			Was DIR given to the Victim at the scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:	Was Victim Rights Notice given to the Victim? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:
Was DIR given to the Victim at the scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:	Was Victim Rights Notice given to the Victim? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:			
Signatures: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> Reporting Officer (Print and Sign include Rank and ID#) MAJEWSKI PSD 645 </td> <td style="width: 50%;"> Supervisor (Print and Sign include Rank and ID#) </td> </tr> </table>			Reporting Officer (Print and Sign include Rank and ID#) MAJEWSKI PSD 645	Supervisor (Print and Sign include Rank and ID#)
Reporting Officer (Print and Sign include Rank and ID#) MAJEWSKI PSD 645	Supervisor (Print and Sign include Rank and ID#)			
STATEMENT OF ALLEGATIONS/SUPPORTING DEPOSITION				
* Officers are encouraged to assist the Victim in completing this section of the form.				
Suspect Name (Last, First M.I.) DIARBAKERLY, PETER				
I _____ (Victim/Deponent Name) state that on ____ / ____ / _____, (Date) at 3223 UNION ROAD (CHILD EXCHANGE) (Location of incident) in the County/City/Town/Village _____ of the State of New York, the following did occur:				
SEE ATTACHED				
(Use additional page as needed)				
False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.				
Victim/Deponent Signature _____	Date _____	<div style="border: 1px solid black; padding: 5px;"> Note: Whether or not this form is signed, this DIR Form will be filed with Law Enforcement. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Page _____ Of _____ </div>		
Witness or Officer Signature _____	Date _____			
Interpreter Signature and Interpreter Service Provider Name _____	Date _____			
Interpreter Requested <input type="checkbox"/> Yes <input type="checkbox"/> No Interpreter Used <input type="checkbox"/> Yes <input type="checkbox"/> No				
VICTIM / COMPLAINANT COPY				
NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-942-6906				
3221- 03/2016 DCJS Copyright © 2016 by NYS DCJS				

ORI 0145500

Sprint # (NYC)

Incident #

Precinct (NYC) CTV

Aided # (NYC)

Complaint # 19-903961

**Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION**

Suspect Name (Last, First, M.I.)

DIARBAKERLY, PETER

I, Katie L. Riford (victim/deponent name), state that on 1/25/19, (date) at _____
Yo, _____ (nombre de victima/deponente), declaro que en tal fecha _____ en _____

(location of incident), in the County/City/Town/Village of CHEEKTOWAGA, of the state of New York, the following did occur:
(donde el incidente ocurrio), el condado/ciudad/aldea/pueblo de _____, del estado de Nueva York, lo siguiente ocurrio:

I came to the Cheektowaga Police Department today to document the abuse and neglect that has happened on several occasions to both of my children (Olivia Riford-DiARBakerly and Mason Riford) during visitations with their father, Peter DiARBakerly. I have numerous medical documentations ~~that~~ ^{from} ~~were~~ incidents. The children have been labeled "high risk for neglect" by medical professionals during Emergency Room/urgent care visits. They have suffered from bruises/welts, hair forcefully pulled, wrists forcefully pulled, heat exhaustion/dehydration, severe diaper rashes, and ~~in~~ the baby was drugged on two separate occasions. The baby has also been left in a small infant carrier for hours causing his skin to marble on his buttocks. Both of these children are in serious distress when they go on visitations with their father. Family Court would not issue an Order of Protection despite all of my evidence and despite my daughter being in an extremely fragile emotional/mental state (medically documented).

(Use additional pages as needed)

I am desperate to keep the children safe and away from abuse. False statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law. Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la seccion 210.45 de la ley penal.

Katie L. Riford
Victim/Deponent Signature
Firma de victima/deponente

1/25/2019
Date
Fecha

Note:
Whether or not this form is signed, this DIR form will be filed with law enforcement.

Interpreter

Mason
Witness or Officer

1/25/2019
Date

Nota:
Si esta forma esta firmada, o no, esta DIR forma sera registrada con la policia.

Page

of

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, THE POLICE AND COURTS CAN HELP.

What the Police Can Do:

- *Assist you with finding a safe place, a place away from the violence.
- *Inform you about how the court can help protect you from the violence.
- *Help you and your children get medical care for any injuries you received.
- *Assist you in getting necessary belongings from your home.
- *Provide you with copies of police reports about the violence.
- *File a complaint in criminal court, and tell you where your local criminal and family courts are located.

What the Courts Can Do:

- *If the person who harmed you or threatened you is a relative by blood or marriage, or is someone you've had a child with, or is someone with whom you are or have had an intimate relationship, then you have the right to take your case to family court, criminal court or both.
- *The forms you need are available from the family court and the criminal court.
- *The courts can decide to provide a temporary order of protection for you, your children and any witnesses who may request one.
- *The family court may appoint a lawyer to help you if the court finds that you cannot afford one.
- *The family court may order temporary child support and temporary custody of your children.

New York Law States: If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer's jurisdiction, including but not limited to a domestic violence program, a family member's or a friend's residence, or a similar place of safety. When the officer's jurisdiction is more than a single county, you may ask the officer to take you or make arrangements to take you and your children to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency. You have the right to seek legal counsel of your own choosing and if you proceed in family court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you. You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the family court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The family court may also order the payment of temporary child support and award temporary custody of your children. If the family court is not in session, you may seek immediate assistance from the criminal court in obtaining an order of protection. The forms you need to obtain an order of protection are available from the family court and the local criminal court. The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following 800 numbers. Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime. (NYS Criminal Procedure Law, Section 530.11 (6))

**NEW YORK STATE
24 HOUR DOMESTIC AND SEXUAL
VIOLENCE HOTLINE
1-800-942-6906**
English and Español, Multi-language Accessibility
National Relay Service for Deaf or Hard of Hearing: 711
**NEW YORK CITY (all languages)
1-800-621-Hope (4673) or 311**

COURT INFORMATION
New York City—Criminal Court Information
1-646-386-4500
To obtain court information for other areas of NYS, ask the responding officer for court numbers, consult your phone directory, or call the Domestic and Sexual Violence Hotline (1-800-942-6906)

VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE)

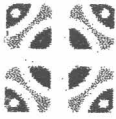
Victims may receive information relating to the status and release dates of persons incarcerated in state prison or local jails in New York State. For more information on this program and how you can register, call

1-888-VINE-4NY (1-888-846-3469) or www.vinelink.com

STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION (SAVIN-NY)

Victim notification program which allows domestic violence victims to register to be notified when an Order of Protection has been served

www.nyalert.gov



Medical Record Request

Med Rec Nbr: 1003406269

Financial Nbr: 75799775

Client Med Rec Nbr: 9932

DOB: 09/12/2017

Sex: Male

Adm: 10/20/2018

Dsch: 10/20/2018

UI Nbr: 1003406269

Patient Name: RIFORD, MASON M

Organization: KH OCH

Patient Location: J-Emergency Rm

Physician: BUSH, LINDA L FNP

ED MD Note

Physical Examination

Vital Signs

Vital Signs.

10/20/2018 15:22

Low

Temperature Temporal Artery

36.3 degC

Pulse Rate, Peripheral 126 bpm High

Systolic Blood Pressure 96 mmHg

Diastolic Blood Pressure 70 mmHg

SpO2 Monitored, EKG 99 %

Respiratory Rate 24 BR/min Low

10/20/2018 15:06

Measurements

10/20/2018 15:22

Height/Length Dosing 76 cm

Weight Dosing 10.2 kg

Height/Length Estimated 76 cm

Weight Estimated 10.2 kg

BSA Estimated 0.46 m2

Body Mass Index Estimated 17.66 kg/m2

SpO2

10/20/2018 15:22 SpO2 Monitored, EKG 99 %

General: Appropriate for age, no acute distress, anxious.

Skin: Warm, dry, Rash: Diaper area, rectal area, raised, red, contact dermatitis, symmetrical erythema perirectal and buttocks.

Head: Normocephalic, atraumatic, anterior fontanelle soft and flat.

Neck: Supple.

Eye: Extraocular movements are intact.

Cardiovascular: Regular rate and rhythm, Normal peripheral perfusion.

Respiratory: Lungs are clear to auscultation, breath sounds are equal, Symmetrical chest wall expansion.

Gastrointestinal: Soft, Nontender, Non distended.

Musculoskeletal: Normal ROM, normal strength, no tenderness, no swelling.

Impression and Plan

Child at risk for neglect

Diaper rash

Plan

Condition: Stable.

Disposition: Discharged: to home.

Patient was given the following educational materials: Child Abuse and Neglect, Diaper Rash.

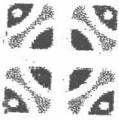
Follow up with: Please call the Family Justice Center for additional help and resources; SHELIAH ROEHMHOLDT CPS will contact you over the next 24 hours.

Counseled: Family, Regarding diagnosis, Regarding diagnostic results, Regarding treatment plan, Regarding prescription, Patient indicated understanding of instructions.

Notes: CPS was notified to sort this case out - they accepted the case

Mother was referred to the Family Justice Center for DV and support

Diaper ointment was ordered for the rash



Medical Record Request

Med Rec Nbr: 1003406269
Financial Nbr: 75799775
Client Med Rec Nbr: 9932
DOB: 09/12/2017
Sex: Male
Adm: 10/20/2018

Dsch: 10/20/2018

UI Nbr: 1003406269
Patient Name: RIFORD, MASON M
Organization: KH OCH
Patient Location: J-Emergency Rm
Physician: BUSH, LINDA L FNP

ED MD Note

DOCUMENT TYPE:
SERVICE DATE/TIME:
RESULT STATUS:
PERFORM INFORMATION:
SIGN INFORMATION:

ED MD Note
10/20/2018 15:39
Auth (Verified)
BUSH, LINDA L FNP (10/20/2018 15:39)
BUSH, LINDA L FNP (10/20/2018 18:34)

General medical

Patient: RIFORD, MASON M MRN: 1003406269 FIN: 75799775
Age: 13 months Sex: Male DOB: 9/12/2017
Associated Diagnoses: Child at risk for neglect; Diaper rash
Author: BUSH, LINDA L FNP

Basic Information

Time seen: Date & time 10/20/2018 15:39:00.

History source: Mother, guardian.

Arrival mode: Private vehicle.

History limitation: None.

Additional information: Chief Complaint from Nursing Triage Note : Chief Complaint Description
10/20/2018 15:07 Chief Complaint Description mom concerned about neglect/abuse while 3 hr visitation with father today.
states bottom is red and raw and diaper was not changed during entire visit. with pervious visits mom has had concerns and brought him
to the peds office , Patient Triage Acuity : Tracking Acuity
10/20/2018 15:06 Tracking Acuity 3 - Yellow .

History of Present Illness

Mason is a 13month old little boy here with mother and another female relative - the mother reports that she is estranged from the children's father in a volatile relationship - she reports intense DV incidents therefore the children have supervised 6 hour visits only with the father every weekend - he resides in Massachusetts and travels here to see the children every sat and sunday...the mother reports continued and repeated concerns over neglectful issues with Mason - feeding concerns and diaper rashes due to soiled diapers and lack of frequent changing - she reports she has sought help from her PMD on several occasions and the child's law guardian and her lawyer - there is a scheduled family court session scheduled soon - the mother denies CPS involvement (?) - there is also an 8 yo daughter who visits with him as well. The mother reports the child cries continuously at these visits as reported to her by the 8yo sibling - the mother is also concerned about the child eating - she is breast feeding and is suppose to be notified when he cries for feeds .

Review of Systems

Constitutional symptoms: No fever,

Skin symptoms: Rash.

Gastrointestinal symptoms: No abdominal pain, no vomiting, no diarrhea, no constipation.

Health Status

Allergies:

Allergic Reactions (Selected)

NKA.

Medications: None.

Immunizations: Up to date.

Past Medical/ Family/ Social History

Medical history: Negative.

Surgical history: Negative.

Family history: Not significant.

Social history: Family/social situation: Lives with parent(s), concerns of abuse.

Social history: Include smart template

Social History

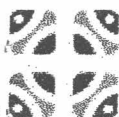
No active social history has been recorded

Psychosocial History

No active psychosocial history has been recorded.

Printed: 01/07/2019 15:38

Page 4 of 5



Medical Record Request

MED REC NBR:

1003406269

Financial Nbr:

75800227

Client Med Rec Nbr:

9932

DOB:

09/12/2017

Sex:

Male

Adm: 10/21/2018

Dsch: 10/21/2018

UT NBR:

1003406269

Patient Name:

RIFORD, MASON M

Organization:

KH OCH

Patient Location:

J-Emergency Rm

Physician:

PENQUE, MICHELLE D. MD

ED MD Note

DOCUMENT TYPE:

ED MD Note

SERVICE DATE/TIME:

10/21/2018 15:03

RESULT STATUS:

Auth (Verified)

PERFORM INFORMATION:

PENQUE, MICHELLE D. MD (10/21/2018 15:04)

SIGN INFORMATION:

PENQUE, MICHELLE D. MD (10/21/2018 15:04)

Teaching-Supervisory Addendum-Brief *ED

Patient: RIFORD, MASON M

MRN: 1003406269

FIN: 75800227

Age: 13 months Sex: Male DOB: 9/12/2017

Associated Diagnoses: None

Author: PENQUE, MICHELLE D. MD

Addendum

Teaching-Supervisory Addendum-Brief

I participated in the following activities of this patient's care: the medical history, the physical exam, medical decision making.

I personally performed: supervision of the patient's care, the medical history, the physical exam, the medical decision making.

The case was discussed with: the resident.

Evaluation and management service: I agree with the evaluation and management decisions made in this patient's care.

Results interpretation: I agree with the study interpretation in this patient's care.

Time Seen: Date & time 10/21/2018 15:03:00.

Notes: child active, alert, NAD

normal vital signs

no evidence of drug intoxication on exam

concern from mom that child was given benadryl to make the child sleep.

explained to mom that benadryl is not checked for on our urine ed tox screen and benadryl is an otc med so not illegal to administer to a child

Discussed seeking further medical care for worsening or new signs and/or symptoms. Follow up with their primary care provider

Dr. Penque.

DOCUMENT TYPE:

ED MD Note

SERVICE DATE/TIME:

10/21/2018 14:24

RESULT STATUS:

Auth (Verified)

PERFORM INFORMATION:

BROWN, ANDREA M DO (10/21/2018 14:24)

SIGN INFORMATION:

PENQUE, MICHELLE D. MD (10/21/2018 17:02); BROWN,
ANDREA M DO (10/21/2018 15:02)

General medical problem *ED

Patient: RIFORD, MASON M

MRN: 1003406269

FIN: 75800227

Age: 13 months Sex: Male DOB: 9/12/2017

Associated Diagnoses: Encounter for medical screening examination

Author: BROWN, ANDREA M DO

Basic Information

Disclaimer: Disclaimer: Dragon voice-recognition may have been used to prepare this typewritten note. Although each note is personally scanned for syntactic or grammatical errors, unintended but conspicuous translational errors can occur. Please call or email me if there are any questions about the contents of this note.

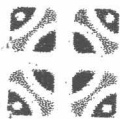
Time seen: Date & time 10/21/2018 14:24:00.

History source: Mother.

Arrival mode: Private vehicle.

Printed: 01/07/2019 15:37

Page 3 of 6



Medical Record Request

Med Rec Nbr:

Financial Nbr:

Client Med Rec Nbr:

DOB:

Sex:

Adm: 10/21/2018

1003400209

75800227

9932

09/12/2017

Male

Dsch: 10/21/2018

OT Nbr:

1003400209

Patient Name:

RIFORD, MASON M

Organization:

KH OCH

Patient Location:

J-Emergency Rm

Physician:

PENQUE, MICHELLE D.MD

ED MD Note

History limitation: None.

Additional information: Chief Complaint from Nursing Triage Note : Chief Complaint Description

10/21/2018 14:15

Chief Complaint Description

mom is

requesting tox screen, child not acting appropriate coming back from dads house. Acting more normal now per mom, pt awake alert in room.

10/20/2018 15:07

Chief Complaint Description

mom concerned

about neglect/abuse while 3 hr visitation with father today. states bottom is red and raw and diaper was not changed during entire visit. with pervious visits mom has had concerns and brought him to the peds office , Patient Triage

Acuity : Tracking Acuity

10/21/2018 14:13

Tracking Acuity

3 - Yellow

10/20/2018 15:06

Tracking Acuity

3 - Yellow .

History of Present Illness:

Patient is a 13-month-old male with no significant past medical history. Patient is here with his mother. Patient was also seen here yesterday with concerns for abuse from the patient's father. The patient's father lives out of town and has weekend supervised visits. There is a court ordered social worker at the visits. The visits last about 6 hours in length. After the visit yesterday she brought the child into the emergency room for evaluation of a rash. At that time, CPS became involved. Patient had another supervised visit with his father today that lasted approximately 4 hours. He was in his normal state of health when he went to the visit. Afterward, his mother noticed that he was sleepier than normal. She states that he did not recognize family members. This lasted for approximately 30 minutes and then he improved. She states that currently he is acting normally. She called the primary doctor who instructed her to come into the emergency room for possible toxicology screen. Patient's mother is concerned that he has been given something during these visits. He has not had any recent fevers or illnesses. Patient's older 8-year-old sibling is also at the visits..

Review of Systems

Constitutional symptoms: No fever, no chills.

Skin symptoms: Rash.

ENMT symptoms: No ear pain, no nasal congestion.

Respiratory symptoms: No cough,

Gastrointestinal symptoms: No vomiting, no diarrhea.

Genitourinary symptoms

Health Status

Allergies:

Allergic Reactions (Selected)

NKA.

Medications: Home Meds w/compliance

Active Medications

acetaminophen: 4.5 mL, oral, q4h, for 3 days, PRN: as needed for fever, Refills:

Still taking, as prescribed, vomited

nystatin-triamcinolone topical: 1 application, topical, TID, for 7 days, 30 g, Refills:

Immunizations: Up to date.

Past Medical/ Family/ Social History

Medical history: Negative.

Maternal History

No significant maternal complications

Perinatal History: No significant perinatal complications, full term.

Surgical history: Negative.

Family history: Family history

No family history items have been selected or recorded..

Social history: Family/social situation: Lives with mother.

Social history: Include smart template

Social History

No active social history has been recorded

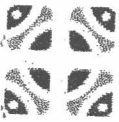
Printed: 01/07/2019 15:37

Page 4 of 6

Patient Name: RIFORD, MASON M

198063814

Master Report Template



Medical Record Request

Med Rec Nbr:

Financial Nbr: 75800227

Client Med Rec Nbr: 9932

DOB: 09/12/2017

Sex: Male

Adm: 10/21/2018

1003400203

OT Nbr:

1003400203

Patient Name: RIFORD, MASON M

Organization: KH OCH

Patient Location: J-Emergency Rm

Physician: PENQUE, MICHELLE D.MD

Dsch: 10/21/2018

ED MD Note

Psychosocial History

No active psychosocial history has been recorded.

Physical Examination

Vital Signs

Vital Signs.

10/21/2018 14:15

Low

Temperature Temporal Artery

36.5 degC

Pulse Rate, Peripheral 121 bpm High

Systolic Blood Pressure 108 mmHg

Diastolic Blood Pressure 73 mmHg

SpO2 Monitored, EKG 100 %

Respiratory Rate 24 BR/min Low

Temperature Temporal Artery

36.3 degC

10/20/2018 15:22

Low

Pulse Rate, Peripheral 126 bpm High

Systolic Blood Pressure 96 mmHg

Diastolic Blood Pressure 70 mmHg

SpO2 Monitored, EKG 99 %

Respiratory Rate 24 BR/min Low

10/20/2018 15:06

Measurements

10/21/2018 14:15

Height/Length Dosing 74 cm

Weight Dosing 11.65 kg

Height/Length Measured 74 cm

Ideal Body Weight Calculated -20.992 kg

BSA Measured 0.49 m2

Body Mass Index Measured 21.27 kg/m2

Weight Measured 11.65 kg

Height/Length Dosing 76 cm

Weight Dosing 10.2 kg

Height/Length Estimated 76 cm

Weight Estimated 10.2 kg

BSA Estimated 0.46 m2

Body Mass Index Estimated 17.66 kg/m2

10/20/2018 15:22

SpO2

10/21/2018 14:15

SpO2 Monitored, EKG 100 %

10/20/2018 15:22

SpO2 Monitored, EKG 99 %

General: Alert, no acute distress.

Skin: Warm, dry, pink, intact.

Head: Normocephalic, atraumatic.

Neck: Supple, trachea midline.

Eye: Pupils are equal, round and reactive to light.

Ears, nose, mouth and throat: Oral mucosa moist.

Cardiovascular: Regular rate and rhythm, No murmur, Normal peripheral perfusion, No edema.

Respiratory: Lungs are clear to auscultation, respirations are non-labored, breath sounds are equal.

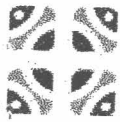
Chest wall: No tenderness, No deformity.

Back: Normal alignment.

Musculoskeletal: No swelling, no deformity.

Gastrointestinal: Soft, Nontender, Non distended.

Neurological: Playful, interactive.



Medical Record Request

Financial Nbr: 75800227
Client Med Rec Nbr: 9932
DOB: 09/12/2017
Sex: Male
Adm: 10/21/2018
Dschr: 10/21/2018

Patient Name: RIFORD, MASON M
Organization: KH OCH
Patient Location: J-Emergency Rm
Physician: PENQUE, MICHELLE D. MD

ED MD Note

Lymphatics: No lymphadenopathy.

Psychiatric: Cooperative, appropriate mood & affect.

Medical Decision Making

Rationale: Supervising Physician: PENQUE, MICHELLE D. MD, Patient is a 13-month-old male with no past medical history presenting with his mother was concerned that the patient is being drugged during supervised visits. On arrival, patient has normal vital signs. He is well appearing and is at baseline per mother. She is concerned that they are giving him Benadryl. It was explained to her that we do not have the ability to test to see if he has been given Benadryl. Given that the patient is at baseline there is no indication to do urine drug testing. Patient will be discharged and will follow-up with his primary doctor. CPS is already aware of this case..

Impression and Plan

Encounter for medical screening examination

Plan

Condition: Stable.

Disposition: Discharged: Time 10/21/2018 14:49:00, to home.

Follow up with: SHELIAH ROEHMHOLDT Within 3 to 5 days.

Counseled: Family, Regarding diagnosis, Regarding diagnostic results, Regarding treatment plan, Patient indicated understanding of instructions.

Date: 10/21/18

Name: Mason Riford

Phone: H 781-296-9654 W

Pediatric & Adolescent Urgent Care WNY

DOB: 09/12/2017 **Sex:** M **Age:** 13 mos, 1 wk **Acct#:** 55767

How did you hear about us?

- ☐ PMD Referral
- ☐ Friends / Family
- ☐ Social Media / Advertising
- ☐ School
- ☐ Other:

Current Meds Prior to Visit:

Allergies:

Nurse Note: 1641 Mother called earlier in the afternoon and asked for toxicology screening. Was advised to go to OCH ER for evaluation. They are equipped to receive testing results quicker to provide appropriate treatment. Mom arrives at PAUC for testing. Explained to mom the above information. Mom states that she doesn't need to know the results immediately but needs them documented. When she picked child up earlier from dad's around 1230, child's eyes were droopy, he didn't recognize family members and acting inappropriate. At present, child appeared alert and in acute distress, drinking from a cup, pink skin color and was sitting at the table. Mom states that dad gave him a sedative and kept him in a car seat. Mom states that she doesn't want to go to OCH ER because they refused to take care of her children previously. They did take care of the child but he did worsened and needed to go back the next day. Mom and grandma left to OCH for evaluation/JSRN



Electronically signed by Julie Smith on 10/21/2018 at 6:04 pm

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Date: 11/04/18

Name: Mason Riford

DOB: 09/12/2017 **Sex:** M **Age:** 13 mos, 3 wks **Acct#:** 55767

PMD: Town And Village Pediatrics

Nurse Note: 1603 Patient arrives to intake with mom. Vitals obtained. KG AEMT
1643 Patient discharged to home. Mother verbalized understanding. NH LPN

Subjective

CC: Patient presents. (Complaint)

HPI: Patient is a 13 month old who presents today after visitation with his father. Mom states that the patient has not been fed, he is breast fed and was not returned at the regular intervals for this. Patient was fed applesauce and Puffs. Patient's sister states that his behavior has not been normal today. Patient has been in his car seat all day.

ROS:

Const: Denies fever and headache.

Eyes: Denies symptoms other than stated above.

ENMT: Ears: Denies ear symptoms other than stated above. Nose and Sinuses: Denies congestion. Denies nasal discharge.

CV: Denies symptoms other than stated above.

Resp: Denies symptoms other than stated above.

GI: Denies abdominal pain, diarrhea and vomiting.

GU: Denies urinary symptoms other than stated above.

Musculo: Denies symptoms other than stated above.

Skin: Denies rashes.

Neuro: Denies symptoms other than stated above.

Current Meds Prior to Visit: No Active Medications

Allergies: NKDA

PMH:

Health Maintenance:

Immunizations Utd

Medical Problems:

None

Surgical Hx:

No Past History of Procedure

Reviewed and updated.

FH:

Reviewed and updated.

SH:

Smoke Free: Home is smoke-free.

Personal Habits: . (Smoking)**Recent Travel:** There has not been recent travel abroad.
Reviewed and updated.

Objective

Wt kg: 11.0 **Pulse:** 115 **Resp:** 26 **BP:** Unable To Obtain **T:** 37.0C Ax **O2SatR:** 99 RA

Pediatric Exam:

Const: Appears well. Alert and interactive. No signs of acute distress present. Behavior is appropriate for age. Mucous membranes are moist.

Eyes: EOMI. PERRL.

ENMT: Bilateral TM's: WNL. Oropharynx: No erythema or exudate.

Neck: Supple, full ROM.

Resp: Respiration rate is normal. Good aeration. Lungs are clear to auscultation bilaterally.

CV: Rate is regular. Rhythm is regular. Cap refill <2 sec.

GI: Abdomen is soft, nondistended and nontender.

Skin: Skin is warm and dry without rashes nor lesions.

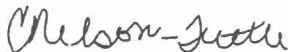
Neuro: Normal orientation for age. Mood is appropriate for encounter. Cranial Nerves: No sign of obvious neurological deficit.

Assessment:

1. Z71.1 Person with feared health complaint in whom no diagnosis is made

Care Plan:

Comments : 13 month old child that mother fears father sedated during his visitation this weekend. Child appeared "droopy eyed" and was slow to recognize familiar family members per her and grandmother's assessment. PE WNL. Child alert and interactive. Discharged to home in stable condition for family to monitor.



Christine Nelson-Tuttle, DNS,
APRN, NP, BC

Seen by: Electronically signed by Nelson-Tuttle, Christine, NP on 11/04/2018 at 4:56 pm

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Discharge Instructions

Mason Riford
November 4, 2018

Today's Diagnosis : Decreased Activity

Discharge Instructions : Activity as tolerated

Medications: 5.5mL of Tylenol every 4 to 6 hours as needed or 5.5mL of Ibuprofen every 6 to 8 hours as needed

If you/your child received medications today please note: it is important to continue to watch for signs of a medication allergy. This would include rash/hives, redness, itching, shortness of breath, wheezing and/or trouble breathing. Seek immediate medical advice if this occurs.

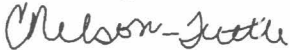
If you/your child have LAB results pending please note: Some lab results are not available for several days. Your doctor will receive a copy of the results when they become available. Pediatric Urgent Care will only contact you if your treatment needs to be changed.

Follow-Up with: Town And Village Pediatrics we recommend as needed with any concerns. Your doctor may choose to see your child at another time.

Thank you for allowing us to care for your child. It is our goal to work in partnership with your child's primary care physician, with an eye towards maximizing the quality of care your child receives. **If you need to visit us again, we strongly encourage you to seek the advice of your child's physician in advance of your visit. We believe that it is the responsibility of your child's primary care provider to coordinate the health care needs of your child.** For this reason, they are in the best position to determine the optimal location and timeline for the evaluation and treatment of your child.

Your child's physician will receive a copy of the medical record from today's visit, delivered electronically by 8:00 am tomorrow. You are encouraged to follow-up with your child's physician for on-going care. Please note, we do not perform routine well-child visits, complete school physicals, routine immunizations or scheduled follow-ups. These are services that are best provided by your child's primary care provider.

Provider Signature



Christine Nelson-Tuttle, DNS
ADDM DMD PC

Electronically signed by agent of provider: Nathan Hiller on 11/04/2018 at 4:37 pm

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Date: 11/04/18

Name: Olivia Riford-Diarbakerly

PMD: Sheilah Roehmholdt

DOB: 03/23/2010 **Sex:** F **Age:** 8 yrs, 7 mos **Acct#:** 56008

Nurse Note: 1603 Patient arrives to intake with mom. Vitals obtained. KG AEMT
1642 Patient discharged to home. Mother verbalized understanding. NH LPN

Subjective

HPI: patient is an 8 year old that presents for a general exam after returning from visiting with her father. Patient was not offered any breakfast or lunch during the visitation. Patient states that her aunt pulled her left wrist. No bruising or marks on the wrist at the time of intake. Moves the wrist with no difficulty.

ROS:

Const: Denies fever and headache.

Eyes: Denies symptoms other than stated above.

ENMT: Ears: Denies ear symptoms other than stated above. Nose and Sinuses: Denies congestion. Denies nasal discharge.

CV: Denies symptoms other than stated above.

Resp: Denies symptoms other than stated above.

GI: Denies abdominal pain, diarrhea and vomiting.

GU: Denies urinary symptoms other than stated above.

Musculo: Denies symptoms other than stated above.

Skin: Denies rashes.

Neuro: Denies symptoms other than stated above.

Current Meds Prior to Visit: Claritin, Albuterol Sulfate
Allergies: NKDA

PMH:

Health Maintenance:

Immunizations Utd

Medical Problems:

Asthma

Surgical Hx:

Adenoidectomy

Reviewed and updated.

FH:

Noncontributory.

Reviewed and updated.

SH:

Lives With: Mother, Brother, Grandmother, Uncle. **Smoke Free:** Home is smoke-free.

Personal Habits: **Recent Travel:** There has not been recent travel abroad.

Reviewed and updated.

Objective

Wt kg: 45.5 **Wt kg Prior:** 44.5 as of 11/03/18 **Wt kg Dif:** +1.000 **Pulse:** 96 **Resp:** 20 **BP:** 103/74 **T:** 37.4C **PO**

O2SatR: 98 Room Air

Pediatric Exam:

Const: Appears well. Alert and interactive. No signs of acute distress present. Behavior is appropriate for age. Mucous membranes are moist.

Eyes: EOMI. PERRL.

ENMT: Bilateral TM's: WNL. Oropharynx: No erythema or exudate.

Neck: Supple, full ROM.

Resp: Respiration rate is normal. Good aeration. Lungs are clear to auscultation bilaterally.

CV: Rate is regular. Rhythm is regular. Cap refill <2 sec.

Musculo: Wrists: Full flexion/extension and rotation of left wrist. No bruising/swelling or other abnormality visualized or palpated. No complaints of tenderness at time of exam. Strong radial pulse. CRT less than 2 seconds.

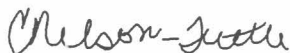
Skin: Skin is warm and dry without rashes nor lesions.

Assessment:

1. Z71.1 Person with feared health complaint in whom no diagnosis is made

Care Plan:

Comments : 8 year old female who was in care of father and reportedly had aunt pull on her left wrist to stop her from following another family member to a different room. Child reported incident to mother on her return to care and noted that at time of incident left wrist hurt. On PE no redness, swelling, discoloration or other abnormality was noted on inspection or palpation. Full ROM without pain. Discharged to home in stable condition. Mother to relay information to lawyer.



Christine Nelson-Tuttle, DNS,
APRN, NP, BC

Seen by: Electronically signed by Nelson-Tuttle, Christine, NP on 11/04/2018 at 4:50 pm

Pediatric & Adolescent Urgent Care WNY

1800 Maple Rd., Suite 100
Williamsville, NY 14221-2749
716-636-5437

Discharge Instructions

Olivia Riford-Diarbakerly
November 4, 2018

Today's Diagnosis : Wrist Injury

Discharge Instructions : Activity as tolerated

Medications: 22mL of Ibuprofen as needed every 6 to 8 hours.

If you/your child received medications today please note: it is important to continue to watch for signs of a medication allergy. This would include rash/hives, redness, itching, shortness of breath, wheezing and/or trouble breathing. Seek immediate medical advice if this occurs.

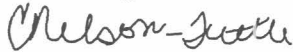
If you/your child have LAB results pending please note: Some lab results are not available for several days. Your doctor will receive a copy of the results when they become available. Pediatric Urgent Care will only contact you if your treatment needs to be changed.

Follow-Up with: Sheilah Roehmholdt we recommend as needed with any concerns. Your doctor may choose to see your child at another time.

Thank you for allowing us to care for your child. It is our goal to work in partnership with your child's primary care physician, with an eye towards maximizing the quality of care your child receives. **If you need to visit us again, we strongly encourage you to seek the advice of your child's physician in advance of your visit. We believe that it is the responsibility of your child's primary care provider to coordinate the health care needs of your child.** For this reason, they are in the best position to determine the optimal location and timeline for the evaluation and treatment of your child.

Your child's physician will receive a copy of the medical record from today's visit, delivered electronically by 8:00 am tomorrow. You are encouraged to follow-up with your child's physician for on-going care. Please note, we do not perform routine well-child visits, complete school physicals, routine immunizations or scheduled follow-ups. These are services that are best provided by your child's primary care provider.

Provider Signature



Christine Nelson-Tuttle, DNS,
APRN, NP, BC

Electronically signed by agent of provider: Nathan Hiller on 11/04/2018 at 4:35 pm









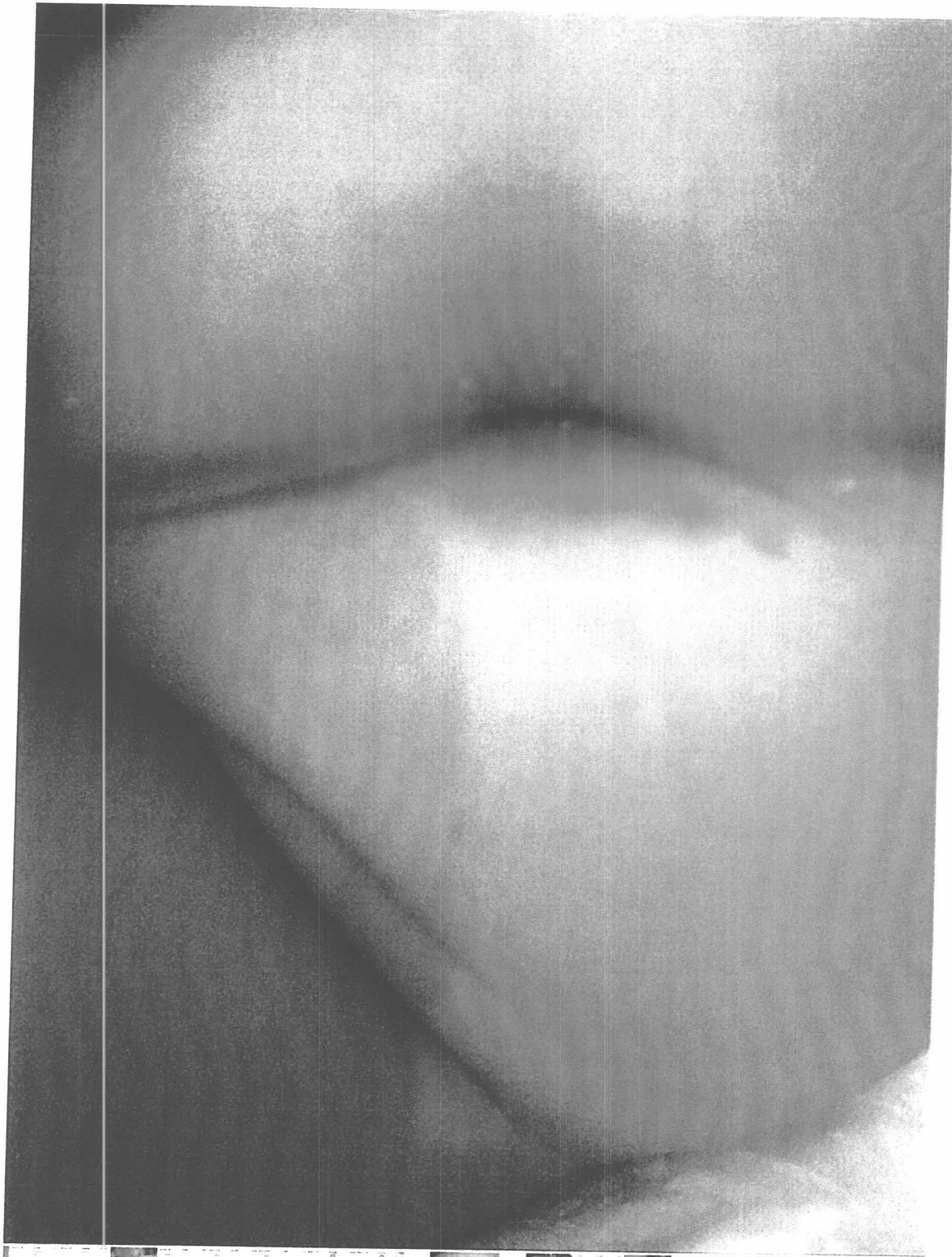




August 14

4:13 PM

Edit





Kaleida Health

John R. Oishei Children's Hospital
818 Ellicott Street
Buffalo, NY 14203
716 323-2000

Emergency Department Discharge Instructions

Name RIFORD, MASON M

DOB 09/12/2017

Date/Time 10/20/2018 16:39:52

MR# 1003406269

Acct# 75799775

Visit Date/Time: 10/20/2018 3:06 PM

Diagnosis: Child at risk for neglect; Diaper rash

PCP: ROEHMHOLDT, SHELIAH J. MD

ED Provider: BUSH, LINDA L FNP

Instructions prepared by: BUSH, LINDA L FNP

Kaleida Health would like to thank you for allowing us to assist you with your healthcare needs.
It is IMPORTANT to see your DOCTOR or PRIMARY CARE PROVIDER. Emergency Care
is incomplete without proper follow-up. If you become worse in any way, it is important that you c
... doctor or return to the Emergency Department. Please remember to take these instructions

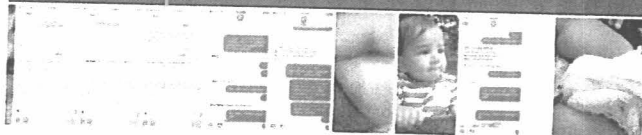




Union Consumer Square Mall

October 20 2:30 PM

Edit







**BUFFALO PD
POLICE REPORT
HARASSMENT**

**Complaint
18-3080345**

Report Date & Time
11/04/2018 10:43

INCIDENT

Address of Occurrence
41 VIRGINIA PL

District
'B'

Tract
030

Occ. Date & Time
11/03/2018 14:00

Day of Week
Saturday

Type of Premise

Status

Follow Up By

Supl
N

TT Mess#

TT Entry Date

TT Cancel#

TT Cancel Date

Investigation Pending

Officers: **- ROGOWSKI**

Rep. Off.: **- ROGOWSKI**

Supervisor:

VICTIM - 1

Last Name

First Name

MI

Ext

Birth Date

Race

Sex

Age

Juvenile

Arrested

Report

JUVENILE

Address

City

State

Zip

Home Phone

Work Phone

Unknown

F

8

Y

N

PR

COMPLAINANT - 1

Last Name

First Name

MI

Ext

Birth Date

Race

Sex

Age

Juvenile

Arrested

Report

RIFORD

KATIE

Address

City

State

Zip

Home Phone

Work Phone

11/15/1984

White

F

33

N

N

PR

3038 MICHAEL DR

NORTH TONAWANDA

NY

14120

Height Weight Hair Eyes Build Complexion Glasses Scars/Marks/Tattoos

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law

Yes/No

OFFENSES

Law	Section	CA	CL	DG	Description	Report
PL	240.26-01	V		2	HARASSMENT 2ND- PHYSICAL CONTACT	PR
PL	260.10-01	M	A	0	ACT IN MANNER INJUR CHILD LESS THAN 17	PR

NARRATIVE

POLICE REPORT

Date Entered: **11/04/2018 12:50**

Typist: **ROBYN NAPIERALA**

Officer: **174433 ROGOWSKI, CHEL**

COMPLT STATES SHE WAS INFORMED BY HER DAUGHTER(VICTIM) THAT SUSP (AUNT OF VICTIM) GRABBED VICTIM FORCEFULLY FROM BEHIND CAUSING A BRUISE AND A SCRATCH ON THE VICTIM'S BACK. ACCORDING TO COMP THE VICTIM WAS VISITING WITH HER FATHER WHEN THE VICTIM ATTEMPTED TO GO TO THE FRONT DOOR OF THE RESTAURANT TO SEE THE VICTIM'S GRANDMOTHER. AT THAT POINT SUSP GRABBED THE VICTIM FROM BEHIND WITH ENOUGH FORCE TO CAUSE A BRUISE AND A SCRATCH THE VICTIM WAS NOT PRESENT TO SPEAK WITH OFFICERS. COMPLT HAS DOCUMENTATION SHOWING THE VICTIM WAS TREATED AND RELEASED FROM URGENT CARE. CPS NOTIFIED.



OISHEI
Children's
Outpatient Center

CHILDREN'S HEALTHY WEIGH OF BUFFALO

Conventus Building
1001 Main Street | Buffalo, NY 14203 | (716) 323-6687

August 7, 2018

Re: Olivia Riford-Diarbakerly

To Whom It May Concern:

The above-named child was evaluated in the Children's Healthy Weigh of Buffalo weight management program on July 24, 2018. The following summary was included in her initial psychosocial assessment completed by this writer and is being provided to you at the request of the child's mother.

Olivia is an 8-year-old Caucasian female who was seen as part of a multidisciplinary assessment in the Children's Healthy Weigh of Buffalo weight management program. Olivia was referred by her primary care provider for excessive weight gain following an endocrine evaluation with Dr. Indrajit Majumdar. She presented to the evaluation with her mother, Katie. Mom reported that Olivia has always been above-average for weight, but gained 20 pounds last summer following parents' separation. Mom attributed weight gain to eating in response to stress associated with separation and witnessing domestic violence over the years. Mom reported that she and Dad were never married, but were in a long-distance relationship since Olivia was born. Olivia visited her father a few times a year. Dad would either come to Buffalo or Mom and Olivia would travel to see him. After Mom ended the relationship with Dad following the birth of their second child, Dad petitioned the court for more regular visits in MA. Case is currently open in family court. Olivia and her brother have supervised visits with their father in Buffalo. Prior to visits starting, Olivia had not seen her father in approximately 8 months. Mom reported that since the separation, Olivia has shown more anxiety and disruptive behavior at home. She cries prior to visiting Dad and worries that she will have to visit him in MA. Tantrums and defiant behavior have not decreased. Olivia endorsed many symptoms of depression on the CDI-2 resulting in Very Elevated scores across most scales and subscales. Responses likely reflect anxiety and distress associated with visiting Dad, which now occurs without Mom present. Olivia also endorsed suicidal ideation in response to thoughts that she is a bad kid. She was receptive to supportive and cognitive interventions and denied imminent intent or plan. She also agreed to disclose future thoughts to Mom. Olivia is currently on the waiting list at Best Self, but Mom reports that they have been waiting for an appointment for quite some time. Contact information for the Children's Psychiatry Clinic will also be provided. Behavioral health interventions in this clinic will also focus on refusing eating in response to stress and increasing use of alternative coping strategies.

Please contact me with any questions or concerns.

Kristen A. Cercone, Ph.D.

Licensed Psychologist

Children's Healthy Weigh of Buffalo

Oishei Children's Hospital

716-323-6120







STATE OF NEW YORK
COUNTY OF NIAGARA
TOWN OF WHEATFIELD

Page 1 of 1

I, Katie L. Riford, am 33 years old and reside at 3038 Michael Drive in the Town of Wheatfield. Today's date is April 26, 2018. I am making this statement to Investigator Stephen W. Gaydos of the Niagara County Sheriff's Office.

During the summer of 2008, I was working at the GOW School in South Wales, NY. I lived at the school on campus during the time I was there. While I was there, I met a man named Peter Diabakerly. Peter had gone to the school and lived there, but he was from Lincoln, Massachusetts. We began dating in September of 2008 and I went back to live in North Tonawanda. Peter went home after that but then went to Roanoke, Virginia for college. I believe that he stayed in Virginia for about a year and then went back to Massachusetts, where he finished his degree. We were having a long distance relationship. In June of 2009, I moved to Massachusetts for a nanny position and lived there until August of 2009. Peter began physically, sexually and emotionally abusing me in July of 2009. During that summer, I became pregnant with my daughter Olivia by Peter. Peter pressured me intensely to get an abortion, but I did not want to. He did this at times by pressure of self-harm. By sexual abuse, I mean that he would hold me down and physically force me to do sexual things that I didn't want to do. The physical abuse would often be him grabbing me by my neck and pinning me up against the wall, or pinning me on the bed. I moved back to North Tonawanda in August of 2009 and in March of 2010, Olivia was born. We continued a long distance relationship and the emotional abuse continued. During this time, Olivia and I would go visit him and his family around Christmas, and one time during the summer for a couple summers. Peter would come here about two or three times a year. Peter would stay with us when he came to visit. While he was here, Peter would emotionally abuse me and also sexually abuse me like I said above. In September of 2016, Peter came to visit and stayed at my house. On December 18, when he was leaving, I received a text message from him telling me that he was sorry for taking advantage of me while I was sleeping. I downplayed it and it was never talked about again. On more than a few times, I would wake up with him touching me or on top of me naked. He would be pulling down my shorts and I would be telling him no. He would never take no for an answer and we would have sex. Around December of 2016, Olivia and I went to Massachusetts to see Peter. Peter sexually abused me there as well and it was then that our son Mason was conceived. Peter again pressured me to terminate the pregnancy, but I did not want to. Peter would also make me do things for money or child support. For example, we would be texting each other and he would always bring the subject back to sex. He would tell me that he wanted me to show him my body in return for money or child support. My son Mason was born in September of 2017. Peter filed for joint custody in November of 2017. He has not seen the children since September of 2017. Per a court order, Peter now has supervised visitation with the children and has never been alone with them. This is a concern for me.

This statement was typed for me by Investigator Stephen W. Gaydos. I have read it and it is the truth.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Witness

Signature of Deponent