

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 2000-090543

02/23/2006

HONORABLE LISA DANIEL FLORES

CLERK OF THE COURT
T. Soto
Deputy

IN RE THE MATTER OF
WALTER J BURIEN JR.

FILED: 03/02/2006

WALTER J BURIEN JR.
PO BOX 42
EAST BRUNSWICK NJ 08816

AND

DEBBIE C WATTON

TROY L BROWN

JOHN L POPILEK
6909 E GREENWAY PKWY
STE 200
SCOTTSDALE AZ 85254
DEEAN GILLESPIE
IV-D COMMISSIONER-SE

EMERGENCY HEARING

Courtroom 404

10:32 a.m. This is the time set for Emergency Hearing to modify Custody and Visitation. Petitioner/Father, Walter Burien, is not present but is represented by Deean Gillespie. Respondent/Mother, Debbie Watton, is present and is represented by Troy Brown.

A record of the proceeding is made using CD (FTR) in lieu of a court reporter.

IT IS ORDERED granting Deean Gillespie's Motion to withdraw in this matter.

Deean Gillespie addresses the Court regarding the possible Rule 11 violation when she filed a Petition to Modify Child Custody on August 30, 2005.

10:37 a.m. Walter Burien is present telephonically.

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Deean Gillespie further addresses the Court regarding Rule 11.

Mother's counsel addresses the Court regarding Rule 11.

Based on the evidence and testimony presented,

The Court does not find that Ms. Gillespie violated a Rule 11 violation.

Deean Gillespie is excused from the remainder of the hearing.

11:03 a.m. Best Interest Attorney, John Popilek is present and advises the Court that Judge Anderson relieved him as the Best Interest Attorney in this matter.

IT IS ORDERED relieving John Popilek as the Best Interest Attorney in this matter. Docket shall amend the caption to remove him as a standard endorsement.

Mother's counsel addresses the Court regarding her Emergency Motion.

Father addresses the Court regarding the Motion.

IT IS ORDERED taking Mother's Motion for change of custody **under advisement**.

IT IS FURTHER ORDERED as soon as Father is present in Arizona, Father may then request that a hearing be scheduled regarding future arrangements for the children.

IT IS FURTHER ORDERED within *30 days* from today's date, Father shall pay \$237.00 to Dr. Lanzilotta for her fees.

IT IS FURTHER ORDERED referring this matter to the IV-D Commissioner for a calculation of child support.

11:42 a.m. Hearing concludes

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

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If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

LATER:

After consideration of information presented at the hearing held on February 23, 2006, and the written response and exhibits filed by Father,

IT IS ORDERED that

- Mother has sole legal and physical custody of John Joseph "JJ" Burien.
- That Father's parenting time with both JJ and Gloria Burien is suspended until further order of this Court.
- That Father is permitted to have telephone contact with both children, but he is not to discuss with the children the topics of custody, parenting time (visitation), or the children's mother, family or friends. Father may initiate no more than one call per day, and any telephone calls must begin no earlier than 8:00 a.m. and end no later than 7:00 p.m. Arizona time. Neither Mother nor anyone acting on her behalf is permitted to monitor the telephone conversations, and she is not permitted to require the conversations to be held on "speaker phone." Neither Mother nor anyone acting on her behalf is permitted to question the children about the subjects discussed during the telephone calls with Father.

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- That Father is to file a notice with the Court immediately upon his return to Arizona and a hearing will be set on the issue of temporary orders to allow him to exercise parenting time with the children.
- Father is ordered to pay Dr. Lanzilotta \$237.00 within *30 days*. If Father is correct that Dr. Lanzilotta's bill is covered by Mercy Care, Father can seek reimbursement from Mercy Care after he pays the bill.
- Father shall pay Mother's reasonable attorney's fees associated with filing the Emergency Petition for Order to Show Cause Re: Custody. Counsel for Mother shall file a *China Doll* affidavit within *30 days* of the filing of this Order.

IT IS ORDERED that the requirements of Rule 58(d) are waived and this minute entry is signed as the formal written Order of this Court.

/ s / HONORABLE LISA DANIEL FLORES

JUDICIAL OFFICER OF THE SUPERIOR COURT