

LOU ANN (KEARNS) FREDERICK,  
Plaintiff

: COURT OF COMMON PLEAS OF  
: BLAIR COUNTY, PENNSYLVANIA

vs.

:  
:  
: 2139 CP 1996

ROBERT KEARNS, JR.,  
Defendant

:  
:

.....

RICHARD CONSIGLIO, ESQUIRE

: HEARING OFFICER

DARLEE SILL, ESQUIRE

: COUNSEL FOR PLAINTIFF

DONALD SPEICE, ESQUIRE

: COUNSEL FOR DEFENDANT

ILISSA ZIMMERMAN, ESQUIRE

: GUARDIAN AD LITEM

.....

**TRANSCRIPT OF INTERVIEW  
WITH  
STEPHANIE KEARNS  
HELD  
OCTOBER 20, 1997**

INDEX

EXAMINATION OF STEPHANIE KEARNS

BY ILISSA ZIMMERMAN, ESQUIRE . . . . .	1
BY DONALD SPEICE, ESQUIRE . . . . .	21, 76
BY LEE SILL, ESQUIRE . . . . .	53, 84
BY THE MASTER . . . . .	61

1     BY THE MASTER:                         This is the matter Lu Ann  
2     Kearns Frederick versus Robert Kearns, Jr., filed to  
3     No. 2139 CP 1996. This is continued evidentiary hearing in  
4     the above-captioned matter. This session is held on  
5     October 20, 1997, for the purpose of taking testimony  
6     and/or having discussion with the subject minor child,  
7     Stephanie Kearns, if she is willing to take part in said  
8     discussion.

9             The undersigned Hearing Officer notes that the subject  
10     minor child reluctantly entered the hearing room. At first  
11     she laid in the corner of the window sill and indicated her  
12     unwillingness to talk to anyone in this matter; however,  
13     upon instruction by the undersigned Hearing Officer she did  
14     take a seat. It is the intention of the undersigned  
15     Hearing Officer to permit the Guardian Ad Litem/Legal  
16     Counsel for the subject minor child to have discussion with  
17     and/or question said child as she deems fit. Thereafter  
18     either counsel of record may address any questions or  
19     discussions with the subject minor child that might be  
20     appropriate. The undersigned Hearing Officer also reserves  
21     the right to question the child as he deems appropriate.

22     EXAMINATION OF STEPHANIE KEARNS, BY ILISSA ZIMMERMAN,  
23     ESQUIRE:

24     Q.     Stephanie, I'm going to ask you some questions, and  
25             what we're doing here is making a written record. So

1 whenever someone testifies in a case there's a record  
2 of what they said. That woman who's here in the pink  
3 sweater, she writes down everything I say, and she  
4 writes down everything you say. Eventually it will be  
5 written or transcribed, and the Master will have an  
6 opportunity to reread it if he wants to. So when I  
7 ask you a question, you need to answer out loud so she  
8 can write down the answer. Do you understand that?

9 NO RESPONSE

10 Q. Do you know your name?

11 NO RESPONSE

12 Q. What's your name?

13 NO RESPONSE

14 Q. How old are you?

15 NO RESPONSE

16 Q. Are you Stephanie?

17 NEGATIVE

18 Q. Who are you?

19 STEPHANIE SHRUGS HER SHOULDERS

20 Q. You don't know?

21 NO RESPONSE

22 Q. Do you want to talk about anything?

23 NO RESPONSE

24 Q. Did you get your Halloween costume yet?

25 NEGATIVE

1 Q. I thought you were going to look for one. Did you  
2 go look?  
3 NO RESPONSE

4 Q. Do you want to be a princess?  
5 AFFIRMATIVE

6 Q. Yeah? Okay. Are you going to be the kind of princess  
7 that wears pink?  
8 NEGATIVE

9 Q. What color?  
10 STEPHANIE POINTS TO HER SHOES

11 Q. Do you know what that is?  
12 NEGATIVE

13 Q. I don't know what that is either. Sneaker color.  
14 All right. Well, do you want your Dad's attorney to  
15 ask you some questions?  
16 NEGATIVE

17 Q. You know, this is your opportunity to talk in a  
18 hearing where you have been discussed. You know that,  
19 don't you?  
20 NO RESPONSE

21 Q. Do you understand that?  
22 NO RESPONSE

23 Q. You know that the Master wants to hear from you,  
24 don't you?  
25 NO RESPONSE

1 Q. Do you want anyone to know your opinion?  
2 NEGATIVE  
3 Q. No? You just don't want anyone to know what you  
4 think?  
5 AFFIRMATIVE  
6 Q. Well, then you have to talk if you want us to know  
7 what you think. Stephanie, I know you have a lot to  
8 say, and I know you think about stuff, but right now  
9 I'm the only one who knows that in this room.  
10 Everybody here--every person that's here cares about  
11 what you have to say otherwise we wouldn't be doing  
12 this. Don Speice represents your father. That's his  
13 attorney, and he chose him to represent him, and your  
14 mother chose Lee Sill to represent her. They made  
15 those choices. Mr. Consiglio agreed to hear this  
16 case.  
17 A. I don't have a case.  
18 Q. Well, he wants to hear about you and the situation  
19 right now.  
20 A. I told you I'm difficult.  
21 Q. Well, you're allowed to be difficult. You're in a  
22 difficult position.  
23 A. I want to go to home schooling.  
24 Q. You want to go to home schooling. Who do you know  
25 that goes to home schooling?

1 A. My cousins.

2 Q. Your cousins? Is that your cousin Rachel?

3 A. Yes.

4 Q. Who home schools Rachel?

5 A. My aunt.

6 Q. Is that your Aunt Diane?

7 AFFIRMATIVE

8 Q. Diane Beiswenger?

9 A. Beiswenger.

10 Q. Beiswenger. Thank you. Why do you think you want to  
11 be home schooled? What's wrong with your school?

12 A. Because my school stays there for six hours.

13 Q. You go to school for six hours when you go to school?

14 AFFIRMATIVE

15 Q. Where do you go to school?

16 A. Baker.

17 Q. What grade are you in at Baker?

18 A. Fourth.

19 Q. Is this your first year at Baker?

20 A. Yes.

21 Q. When your parents were living together, where did you  
22 go to school?

23 A. Calvary, but they're closed.

24 Q. Did you always go to school when you were school age  
25 and you lived with your parents?

1 AFFIRMATIVE

2 Q. Is that yes?

3 AFFIRMATIVE

4 Q. Who do you talk about home schooling with?

5 A. Nobody. I keep it to myself because Mom says it's  
6 never going to happen.

7 Q. Well, you know home schooling requires parents to stay  
8 home. It can't be aunts. Do you understand that?

9 NEGATIVE

10 Q. Okay. No one explained that to you?

11 NEGATIVE

12 Q. What's wrong with your school, Baker?

13 A. Because I hate it.

14 Q. Why do you hate it?

15 A. Because they don't give you any time at the computer.

16 Q. No time on the computer? I heard you're a computer  
17 wiz.

18 A. I can't play with the computer because everybody hogs  
19 it.

20 Q. Do you folks have a computer at your house?

21 NEGATIVE

22 Q. No?

23 NEGATIVE

24 Q. Where else do you get to play on the computer?

25 A. School, but now I don't get to play with it.



1 Q. What else don't you get to do at school that you want  
2 to do?

3 A. We only do it on Day 3 and Day 2 and Day 1. Our table  
4 is No. 3, and we have to wait until Day 3, and it's  
5 not fair.

6 Q. So you think you'd just like more time on the computer  
7 and that would be better?

8 NO RESPONSE

9 BY THE MASTER: What do you do on the  
10 computer, Stephanie?

11 A. Play games.

12 BY THE MASTER: That's what I thought. Okay.  
13 Do you ever do any school work on the computer?

14 A. No.

15 BY THE MASTER: No?

16 A. Except for--what's it called? Math--no, not Math  
17 Quiz. Math Rescue.

18 Q. Math Rescue?

19 BY THE MASTER: Is that a game too, or is  
20 that just kind of a school game?

21 A. It's a kind of school game. It's called Math Rescue.  
22 Math Rescue is a game that--it's--you have to save the  
23 numbers and bad, evil...

24 BY THE MASTER: Stephanie, I'm getting the  
25 impression that you like to play more than you like to go

1 to school. Would that be fair?

2 AFFIRMATIVE

3 BY THE MASTER: And you like to be places  
4 where you're able to play more than anything else, wouldn't  
5 that be right?

6 AFFIRMATIVE

7 BY THE MASTER: I don't want to say something  
8 for you. Am I right?

9 AFFIRMATIVE

10 BY THE MASTER: Yeah? And you're happiest  
11 where you get to play the most, is that right?

12 AFFIRMATIVE

13 BY THE MASTER: Okay. Go ahead.

14 Q. Stephanie, remember when I talked to you on Sunday I  
15 heard you got a really good grade in Science.

16 AFFIRMATIVE

17 Q. What did you get?

18 A. 34 out of 35.

19 Q. That's pretty good. Did you work hard?

20 BY THE MASTER: What was that Stephanie?  
21 What was that, honey?

22 A. 34 out of 35.

23 BY THE MASTER: Well, you can't do a whole  
24 lot better.

25 Q. Did you work hard to get that grade?

1 AFFIRMATIVE

2 Q. Where did you work on it?

3 A. I had to do 14 pages and five facts.

4 Q. Where did you do your school work?

5 A. At home and sometimes at school.

6 Q. When you say at home, do you mean at home with your  
7 Mom?

8 AFFIRMATIVE

9 BY THE MASTER: Who helped you with that,  
10 Stephanie?

11 A. Mom wrote the words out of the book, and she helped  
12 me with it.

13 BY THE MASTER: Okay. Did it make you happy  
14 that you got a good grade like that?

15 NEGATIVE

16 BY THE MASTER: It didn't?

17 Q. But you told your Dad that you like to get good  
18 grades, didn't you?

19 AFFIRMATIVE

20 Q. Your Dad was pretty happy too, wasn't he?

21 AFFIRMATIVE

22 Q. Yeah? He was, wasn't he?

23 A. Yeah.

24 Q. And you told Aunt Diane about it, and she was  
25 impressed too, right?

1 AFFIRMATIVE

2 Q. Okay.

3 A. And we go to find fossils.

4 Q. Where?

5 A. You know where that church is by Tuckahoe Park?

6 Q. Uh hum.

7 A. We go behind there and found these fossils of shells  
8 and things.

9 Q. Who did you find those with?

10 A. Mom.

11 Q. When you have been coming into my office after your  
12 visits with your Dad, who do you usually spend your  
13 visits with?

14 A. When I was sick the one night, I stayed with my Aunt  
15 Diane, and I had a fever.

16 Q. That was last Friday, right?

17 A. Yeah. I helped her paint, and I felt better because  
18 we put a cold rag on me.

19 Q. The other weekends when you were with your Dad, who  
20 else was with you?

21 A. My Cousin Rachel, my Uncle Dave, My Grandma. You know  
22 them.

23 Q. Why does Rachel stay with you at your Dad's house  
24 every time you visit there?

25 A. Because she helps me play. Because Uncle Dave is not

1           enough to play with.

2   Q.    Uncle Dave is not enough to play with?

3   BY THE MASTER:                    What did you say about Uncle

4   Dave, honey?   What about Uncle Dave, honey?

5   A.    He doesn't like hardly play with me.   He's always

6           working so that's why we bring Rachel out.

7   ILISSA ZIMMERMAN, ESQUIRE:        Uncle Dave is not enough to

8   play with she said.

9   BY THE MASTER:                    Does Rachel come out a lot?

10   A.    Yeah, every Friday

11   Q.    Through?   She stays through Sunday, right?

12   A.    Yeah.

13   Q.    Rachel is 12?

14   A.    Yeah, and my Cousin Jess is 14.

15   BY THE MASTER:                    What if Rachel didn't come

16   out on weekends, honey?   What if Rachel couldn't come out?

17   A.    Then my Cousin Jessica comes.

18   BY THE MASTER:                    What if none of them came

19   out, honey?

20   A.    Then I'd be bored, and I'll sit inside all day.

21   BY THE MASTER:                    Okay.

22   ILISSA ZIMMERMAN, ESQUIRE:        Sorry.   Rachel is 11.   My

23   mistake.

24   BY THE MASTER:                    Okay.

25   Q.    Stephanie, a lot of times when you and I have talked,

1 even last Sunday, we talked about a dog. What did I  
2 tell you about if you got a dog?

3 A. I don't know.

4 Q. Where would the dog live and where would you live?

5 A. I would live with the same person.

6 Q. You would live with the same person. It didn't matter  
7 where the dog lived, right? Do you understand that?

8 AFFIRMATIVE

9 BY THE MASTER: Rachel, did you have dinner  
10 with your Daddy last week?

11 AFFIRMATIVE

12 BY THE MASTER: How did you like that?

13 A. Good.

14 BY THE MASTER: Okay.

15 A. I got free Nerds.

16 BY THE MASTER: What's that?

17 A. I got free Nerds.

18 Q. Free Nerds?

19 A. You get free Nerds in a Happy Meal. You put them--  
20 and there's little toys. You put the Nerds in. It's  
21 a Nerd holder.

22 Q. Oh, like a Pez holder when we were kids. Okay. This  
23 is at McDonald's, right? Your Dad took you to  
24 McDonald's?

25 A. Yeah. He said we didn't have enough time to go

1 shopping.

2 Q. Well, what did you--when did you do your homework that

3 night, Wednesday night, that your Dad took you out?

4 A. I was acting kind of funny.

5 Q. Say that again.

6 A. I was acting kind of funny.

7 Q. You were?

8 AFFIRMATIVE

9 Q. Not you?

10 A. Yeah.

11 Q. Tell me about it.

12 A. I was acting weird and all that stuff because I was so

13 excited. I couldn't wait.

14 Q. When did you do your homework?

15 A. After Dad's.

16 Q. When your Dad dropped you off, then you did your

17 homework?

18 AFFIRMATIVE

19 Q. Okay. Do you have detention right now?

20 A. Yeah, tomorrow.

21 Q. Do you know why?

22 A. Because I forgot my homework and things.

23 Q. You left them at school, right?

24 A. Yeah.

25 Q. You need help getting it home, don't you?

1 A. Yeah, but I got all mine today.

2 Q. Good for you. Did you ever have to do any chores at  
3 your Dad's house over the weekends?

4 NEGATIVE

5 Q. No? Nothing?

6 A. No.

7 Q. Do you have to make your bed?

8 A. No. Grandma--you know, my blind Grandma, she does  
9 that.

10 Q. Do you have to take your dishes to the sink after you  
11 eat?

12 A. No.

13 BY THE MASTER: What do you do, you know,  
14 whenever you go to Dad's house for the weekends, honey?  
15 How do you spend those? Does Rachel come down? What do  
16 you do?

17 A. We play. We jump in a big leaf pile we made. We run  
18 and jump off the bannisters. A big pile like that.

19 Q. Who made the pile?

20 A. Me, Uncle Dave, and Dad and Rachel.

21 BY THE MASTER: Who all is with you at Dad's  
22 house?

23 A. My Grandpap, my-

24 BY THE MASTER: Do you play with your  
25 Grandpap?



1 A. I think Pappy's name is Bob. I have my Grandma and  
2 Uncle Dave and Dad and me and Rachel.

3 BY THE MASTER: Besides you and Rachel I  
4 mean you're not playing--what do you do with anybody else  
5 in the house? Anything?

6 A. No. Sometimes we play robber in that little secret  
7 playing thing.

8 BY THE MASTER: Who does that, honey?

9 A. Me and Dad and Rachel.

10 BY THE MASTER: Okay. Is Rachel there from  
11 the time you get there till the time you leave, honey?

12 A. I think Pappy just goes out and get her because I  
13 think I *sleeped* before on the couch, and I didn't know  
14 if Rachel was here or not.

15 Q. Rachel comes Friday night, right?

16 A. Yeah.

17 Q. And then you guys drop off at my office, Rachel is  
18 there?

19 A. Yeah. Because I've been sleeping on the couch lately.

20 Q. Why?

21 A. Because I was tired.

22 Q. Okay.

23 A. And this morning we lost my turtle.

24 Q. Who lost the turtle?

25 A. My sister. It was on my bed.

1 Q. Oh.

2 A. She's silly.

3 BY THE MASTER: Whose house is the turtle in?

4 ILISSA ZIMMERMAN, ESQUIRE: Her mother's.

5 BY THE MASTER: Is that at your Mom's house,

6 honey?

7 A. Yeah. She's about that big.

8 Q. Pretty good. She must be eating.

9 A. She's not eating.

10 Q. Oh.

11 BY THE MASTER: When you say your sister, who

12 do you mean, honey?

13 A. My sister Jandora.

14 BY THE MASTER: How do you get along with

15 Jandora?

16 A. She's 18 years old.

17 BY THE MASTER: Well, it's nice to have a

18 big sister. How old are you?

19 A. Ten, and she smokes.

20 BY THE MASTER: Oh. That's not very good,

21 is it?

22 A. Nope. Mom told her about that. When I went in her

23 car, there was like 12 packs of cigarettes in the car.

24 Q. Twelve? Did you tell her not to smoke?

25 A. I told her that. We were in an argument.

1 Q. I see. Where were you and Jandora going?

2 A. She picked me up from school, and there's all this  
3 garbage. I saw 12 packs of them.

4 Q. When Jandora picked you up from school, what were you  
5 doing when she picked you up?

6 A. I usually get started on my homework right away, and  
7 sometimes I do in school like my English. I got it  
8 all right.

9 Q. Good.

10 BY THE MASTER: How do you and Jandora get  
11 along besides the smoking?

12 A. We don't get along that good often some days.

13 BY THE MASTER: Do you fight?

14 A. Yeah, sometimes.

15 BY THE MASTER: Well, when you're not  
16 fighting, do you get along okay?

17 A. Yeah.

18 BY THE MASTER: What kinds of things do you  
19 and Jandora do, if you can think about it? Does she talk  
20 to you?

21 NO RESPONSE

22 Q. What do you and Jandora do? Does she help you with  
23 anything?

24 A. Yeah. But when I don't usually know the answer, she  
25 just blames me for it.

1 Q. She tries to help you with your homework?  
2 A. Yeah. Her boyfriend helps me.  
3 Q. Her boyfriend helps you?  
4 AFFIRMATIVE  
5 Q. Who's he?  
6 A. Aaron Paul Patterson.  
7 Q. Aaron Paul Patterson.  
8 A. He's a big muscle man.  
9 Q. Do you like him?  
10 A. He smokes too.  
11 BY THE MASTER: He's what?  
12 A. He smokes too.  
13 BY THE MASTER: Do you like Aaron?  
14 A. Yeah. He says something blue.  
15 Q. What's that mean?  
16 A. Give up. Then he says something orange. Give up?  
17 It's an orange. Get it?  
18 Q. No.  
19 A. It's an orange, you know? Then a blue thing, you  
20 know? He says a blueberry for something blue.  
21 Q. Oh, a mulberry?  
22 A. Blueberry.  
23 Q. A blueberry. Okay. So let's go back to the Halloween  
24 thing. Are you going to get a Halloween costume?  
25 AFFIRMATIVE

1 Q. What is it?

2 A. I don't know what kind, but I have a pearl crown.

3 Q. And that's why you want to be a princess?

4 AFFIRMATIVE

5 Q. Did you and your Mom go shopping for the costume yet?

6 A. No.

7 Q. Are you going to do that? Do you have plans?

8 A. Uh hum. This is what the fish did.

9 Q. You went fishing with your Dad, right?

10 A. Yeah, I caught a dead fish, and it was swimming up on

11 top of the water until it ran in and bit me.

12 Q. Did your Dad tell you or show you how to catch a fish?

13 A. No.

14 Q. Who showed you how?

15 A. I didn't catch it. It was dead.

16 Q. Oh.

17 A. It bit me. It went...This is from my--not my rabbit

18 but my Cousin Kim's, Smoky.

19 Q. Has a rabbit.

20 A. And she bit me right there. I went out to pet her,

21 and she reached in and bit me. It hurt. It was

22 bleeding.

23 ILISSA ZIMMERMAN, ESQUIRE: I'll let somebody else ask

24 you a question.

25 BY THE MASTER: Honey, are you going to go

1     Halloweening?

2     A.    No.  Our school is having a party.

3     BY THE MASTER:                    Well, do you go Halloweening,

4     you know, like Halloween night?

5     A.    I don't go Halloweening.

6     BY THE MASTER:                    You don't?

7     A.    I used to.

8     BY THE MASTER:                    Oh, you used to.  Well, do

9     you think you're going to go this year?

10    NEGATIVE

11   BY THE MASTER:                    Why not?

12    A.    Because I don't like going Halloweening.  My cousins

13    don't go either.

14   BY THE MASTER:                    Is that Rachel and them, they

15    don't go either?

16    A.    Yeah.

17   BY THE MASTER:                    Oh, so you don't get to go

18    Halloweening two different places, at Mom's and at Dad's?

19    A.    Yeah.

20   BY THE MASTER:                    Oh, I thought maybe you would

21    get to go twice this year.  Lots of kids do depending on if

22    they live at different spots.  Who has the Halloween party?

23    Your school?

24    A.    Yeah.

25   BY THE MASTER:                    Any questions, Mr. Speice?

1 DONALD SPEICE, ESQUIRE: Yes.

2 EXAMINATION OF STEPHANIE KEARNS, BY DONALD SPEICE, ESQUIRE:

3 Q. Hi Steph. My name is Don, your Daddy's lawyer.

4 A. I think I know that by now.

5 Q. Huh? You think you heard about me? Is that what you  
6 said?

7 ILISSA ZIMMERMAN, ESQUIRE: She said she thinks she knows  
8 that by now because I said it twice.

9 Q. Okay. I'm sorry. I didn't mean to insult you.  
10 Actually, I was saying it for her because she wasn't  
11 here when we talked about it before, see, so that she  
12 can write it down. This is a pretty hard situation,  
13 huh, Steph?

14 AFFIRMATIVE

15 Q. You're kind of in between your Mom and your Dad?

16 A. Mom is going to fool you over.

17 Q. I'm sorry. You're moving your chair. I can't hear  
18 you. What did you say?

19 A. She's fooling you over.

20 Q. She's fooling me over?

21 A. Yeah, she says she's fighting back, and Dad said he's  
22 fighting back.

23 Q. Everybody is fighting, and you're kind of stuck in the  
24 middle being pulled both ways, huh?

25 AFFIRMATIVE

1 Q. Well, that's why we're here, and that's why  
2 Mr. Consiglio is here.

3 A. Who's he?

4 Q. That guy sitting up there.

5 A. Oh.

6 Q. Okay. Because what's most important to him is you.  
7 He's trying to do what's best for you, and that's what  
8 we're trying to figure out--what's best. Okay?

9 A. Okay.

10 Q. All right. So will you answer some questions for me?

11 A. Maybe.

12 Q. Okay. Let's try it out. Before Mom and Dad split up,  
13 did Dad ever help you with your homework?

14 A. One day when I was doing it, Uncle Dave did my  
15 homework for me.

16 Q. Uncle Dave did your homework for you?

17 AFFIRMATIVE

18 Q. We'll have to talk to your Uncle Dave about that, huh?

19 AFFIRMATIVE

20 Q. It doesn't do you much good, does it?

21 A. No. He just sits and does my homework so we can go  
22 play.

23 ILISSA ZIMMERMAN, ESQUIRE: How did he do?

24 A. He did good. I had to tell the truth.

25 ILISSA ZIMMERMAN, ESQUIRE: Oh, you told the truth? Good



1 for you.

2 A. I said--my Mom asked, "Did you do that?" and I said,  
3 "Yeah," and she said, "It's not in your writing," and  
4 I said, "No."

5 ILISSA ZIMMERMAN, ESQUIRE: So you have to do your own  
6 homework.

7 A. Dad helped me.

8 ILISSA ZIMMERMAN, ESQUIRE: Mr. Speice wants to ask you  
9 about that.

10 Q. It's kind of hard for Dad to help you with your  
11 homework now, huh?

12 A. Yeah, because I'm used to walking up the road from the  
13 school bus.

14 Q. What I meant was you don't see him that much. He's  
15 not there every night to help you with your homework  
16 right?

17 A. No. My Dad worries about me when I get the bus and  
18 I'm not supposed to.

19 Q. He was worried about you when you left the bus when  
20 you weren't supposed to, is that what you said?

21 A. Yeah. See, Mom told me that I was going to ride the  
22 bus. After I went on the bus and I went on the bus  
23 when I wasn't supposed to and Dad called, and they  
24 said, "Stephanie is not here. She's on the bus."

25 Q. So you weren't where you were supposed to be?

1 A. Yep.

2 Q. Well, that's what parents do. They worry about you  
3 when you're not where you're supposed to be and they  
4 don't know why. Okay. So Dad used to help you with  
5 your homework?

6 A. Yep, and Uncle Dave did it for me.

7 Q. Your Uncle Dave did it for you. Okay. Did--what do  
8 you call her? Ilissa?

9 A. Zimmerman.

10 Q. What do you call her?

11 ILISSA ZIMMERMAN, ESQUIRE: Ilissa. She doesn't call me  
12 anything.

13 Q. Okay. Well, if I say Ilissa, that's who I'm talking  
14 about, okay?

15 A. Okay.

16 Q. Okay. One of the things we kind of talked about was  
17 the home schooling that Ilissa talked to you about.  
18 Did somebody promise you that?

19 A. No.

20 Q. Nobody promised you that?

21 A. No.

22 Q. Did somebody tell you that if you lived one place or  
23 the other you can do home schooling?

24 A. Yeah, but Mom didn't say that.

25 Q. Who said it?

1 A. Dad.

2 Q. Dad said that. When was that?

3 A. A long time ago. I don't remember when.

4 Q. Now, did he really say that for sure? Was that a  
5 promise type thing?

6 A. It was sort of like a promise. I asked him about it,  
7 and he said maybe.

8 Q. He said maybe?

9 A. Maybe.

10 Q. Now, I have a little boy. A lot of times we'll talk,  
11 and he'll ask about something and I'll say, "Well,  
12 we'll see." The next thing I always here is, "You  
13 promised."

14 A. I don't do that. I just say, "Take me to home  
15 school." We were going to go to SuperPetz, but he  
16 said, "I don't want to get in trouble."

17 Q. You were going to go where?

18 A. SuperPetz, but he said, "I don't want to get in  
19 trouble."

20 Q. SuperPetz?

21 A. Yeah.

22 Q. Do you know what he meant by that and why he said  
23 that?

24 A. No.

25 Q. Could that be because you were fussing about having a

1 dog?

2 A. No, I was fussing about having a lizard and a mouse.

3 Q. A what?

4 A. A lizard and another mouse.

5 Q. A lizard and another mouse?

6 A. I have one now.

7 Q. Are you going to feed the mouse to the lizard?

8 A. No.

9 Q. Oh.

10 A. I was going to get one. I had one a long time ago,  
11 but it escaped from the cage. She was all brown, and  
12 we lost her. I pulled Buddy's tail off.

13 ILISSA ZIMMERMAN, ESQUIRE: Stephanie only gets girl  
14 pets. Girl turtles, girl lizards, right?

15 A. And a boy Hermit crab. His name is Hermie.

16 Q. How do you know?

17 A. It looks like a boy. Well, it's just an it, not a he.

18 Q. So Dad wouldn't take you to SuperPetz, huh?

19 A. Yep.

20 Q. Did you fuss about that?

21 A. A little.

22 Q. Did you throw a little bit of a fit?

23 A. Yes.

24 Q. He still wouldn't take you?

25 A. No. I made up my mind when we went to Canoe Creek,

1 that's where I got the big fish. It was dead too.  
2 I picked it up..

3 Q. Well, the dead fish, they're not the good kind to  
4 catch.

5 A. I bet it was blind. It went like this. It had no  
6 eyeballs.

7 Q. Steph, I think I heard you say something when you were  
8 sitting on the window sill about where you wanted to  
9 live.

10 A. Dad's.

11 Q. What did you say over there? Do you remember?

12 A. No.

13 Q. You don't remember?

14 A. No.

15 Q. Well, let's try it this way: Why don't you tell us  
16 where you want to live.

17 A. Dad's.

18 Q. Why is that?

19 A. Because he's nicer than Mom.

20 Q. Because he's nicer than Mom, or the house is nicer  
21 than Mom's?

22 A. Dad is nicer than Mom.

23 Q. What do you mean by nicer?

24 A. Because Dad like bought me like a dog and a--what are  
25 they called? A bean bag. I think it's called a

1 rabbit-eared blue thing. I don't know what it is.

2 Q. A rabbit-eared--is that a real animal?

3 A. It's a real animal, but not like a real animal. It's

4 just like a bean bag. It's real cool.

5 Q. So it's a stuffed animal?

6 A. A bean bag.

7 Q. Now, you say your Dad bought you a dog?

8 A. Not a real dog. A little miniature dog. It's like

9 that. It's like a bean bag because I love bean bags.

10 Q. So you want to live with Dad because he buys you

11 things?

12 AFFIRMATIVE

13 Q. Is that the only reason?

14 A. No.

15 Q. Well, why else?

16 A. Because he buys me animals that I love. Probably on

17 my next birthday I'm going to get a rabbit, but Dad's

18 allergic.

19 Q. Is that another promise that wasn't really a promise?

20 A. I don't know. It was sort of like a promise. My Aunt

21 Diane promised.

22 Q. Your Aunt Diane promised to buy you a rabbit?

23 A. Yep or maybe that is.

24 Q. Maybe?

25 AFFIRMATIVE

1 Q. So what are you telling me? Mom doesn't buy you  
2 anything?  
3 NEGATIVE  
4 Q. No?  
5 A. She doesn't buy me anything.  
6 Q. She doesn't buy you anything?  
7 A. No.  
8 Q. Steph?  
9 A. She doesn't.  
10 Q. Are you sure about that?  
11 AFFIRMATIVE  
12 Q. Are you really sure about that?  
13 AFFIRMATIVE  
14 Q. She doesn't buy you new shoes when you want new shoes  
15 or you need new shoes?  
16 NEGATIVE  
17 Q. Steph?  
18 A. She doesn't.  
19 Q. How about telling me about what you and Dad do. I'm  
20 not talking about the other kids or Uncle Dave or  
21 anybody else. Just you and Dad.  
22 A. We do all kinds of stuff.  
23 Q. Like what?  
24 A. Like eat pizza.  
25 Q. You eat pizza?

- 1 A. That's what I like and hamburgers. That's what I  
2 could live on--hamburgers and pizza.
- 3 Q. Do you two ever go for walks?
- 4 A. No.
- 5 Q. Are you sure when you were still living there?
- 6 A. No.
- 7 Q. Did you go to Grandma and Grandpa's?
- 8 A. My Grandma is blind.
- 9 Q. I know your Grandma is blind.
- 10 A. And Pap has a big scar down here.
- 11 Q. Yeah, I know.
- 12 A. He had surgery.
- 13 Q. And what that has to do with going for the walks with  
14 Dad...I'm talking about when you were living at the  
15 trailer right there by Grandma and Grandpa, okay.
- 16 A. Where there's a no trespassing sign?
- 17 Q. Yeah.
- 18 A. Okay.
- 19 Q. Okay. Did you and Dad go for walks there often?
- 20 A. Right down at the road.
- 21 Q. What else do you do? Did he ever play games with you?
- 22 A. Yes.
- 23 Q. What kind of games?
- 24 A. Like Sorry and Headache.
- 25 Q. I know Sorry, but I don't think I know Headache.



1 A. Headache you have to pop the dice, and the dice rolls.  
2 Like if you get a guy here and a guy here, you put the  
3 guy on top of the other guy, and it's called headache.  
4 It's real fun.

5 Q. Oh. Who all will play that?

6 A. Everybody if there's enough. I think four people can  
7 play.

8 Q. When you're over there or even before you moved out of  
9 there, what would you do with Grandma? Did you help  
10 her out?

11 A. Who? The blind one?

12 Q. Yeah.

13 A. Yeah. I helped her when there was a furnace on. I  
14 helped her go through the hall because if she didn't  
15 pay attention because she is blind, and I helped her.  
16 I said, "Go through here and squeeze."

17 Q. Okay. You're talking about walking through the  
18 trailer?

19 AFFIRMATIVE

20 Q. Now, are you talking about the trailer where you lived  
21 or in their trailer?

22 A. Their trailer.

23 Q. How about baking? Did you ever help her bake things?

24 A. I don't bake.

25 Q. You don't bake?

- 1 A. No, but I do make excellent pancakes.
- 2 Q. Well, if you don't bake, you don't get to eat.
- 3 A. Guess what? I make my own special pancakes.
- 4 Q. So you cook for yourself sometimes?
- 5 A. Sometimes. Someone helps me because I'm not that  
6 good.
- 7 Q. Okay. Who helps you?
- 8 A. Nobody.
- 9 Q. Now, you just said somebody helps you.
- 10 A. Nobody helps me.
- 11 Q. Nobody helps you?
- 12 A. So I can't bake. Mom helped me the one time. That's  
13 how I made my excellent pancakes.
- 14 Q. Okay. There was a little bit of fuss about Dr. Baker.  
15 Do you remember that?
- 16 A. No.
- 17 Q. Do you remember Dad saying something about Dr. Baker?
- 18 A. No.
- 19 Q. No? Did Dad say Dr. Baker was a liar or something  
20 like that?
- 21 A. Yeah, I think.
- 22 Q. Can you tell us what that was all about?
- 23 A. I think Dad said that it was a lie that she said.  
24 That everything was a lie.
- 25 Q. Do you remember why he said that? What were you

1 talking about?

2 A. I don't know. He mentioned it up at Grandma--his  
3 house.

4 Q. I'm sorry?

5 A. He just mentioned it when I was up at his house  
6 spending the night and stuff.

7 Q. Was that about your saying where you wanted to live?  
8 Is that what started that?

9 A. Yeah.

10 Q. Do you remember?

11 A. I think I do.

12 Q. I'm sorry? What?

13 A. Yeah.

14 Q. Yeah?

15 AFFIRMATIVE

16 Q. Well, what did you tell Dr. Baker about that? Did you  
17 tell her anything?

18 A. No.

19 Q. You didn't tell her anything?

20 A. No.

21 Q. Why not?

22 A. Because I was afraid I was going to get Dad in  
23 trouble.

24 Q. From whom?

25 A. From like the Court.

1 Q. I'm sorry? What did you say?

2 A. From the Court.

3 Q. From the Court? The Court wants to know what you

4 think and what you want.

5 A. That's what I want. To live with Dad.

6 Q. How did you figure you would get in trouble for that?

7 A. I told Mom if I live with her, I'm going to run away.

8 Q. I can't hear you.

9 A. I told her if I live with her, I'm going to run away.

10 ILISSA ZIMMERMAN, ESQUIRE: She said, "I told Mom if I

11 live with her, I'm going to run away." So where would you

12 run to?

13 A. Dad's.

14 Q. When was that you told Mom that?

15 A. I don't know. I forget.

16 Q. A long time ago or just a couple days ago?

17 A. A couple days ago I think. I'm not sure.

18 Q. Did you say something to your Dad or to Aunt Diane

19 last weekend or the last time you saw them about the

20 Meadows--going back to the Meadows?

21 A. Mom said it. I think Mom said that she was going to

22 take me back to the Meadows.

23 Q. Your Mom said she is going to take you back to the

24 Meadows?

25 A. Maybe.

1 Q. Do you know why she said that?

2 A. No.

3 Q. Were you arguing about something?

4 A. No.

5 Q. Was that about the same time you said about running

6 away?

7 A. I don't know.

8 Q. You don't know? Who did you tell about that? Do

9 you remember? I don't remember who told me.

10 A. I don't remember who either.

11 Q. You don't remember?

12 NEGATIVE

13 Q. Do you like seeing your Dad?

14 AFFIRMATIVE

15 Q. And spending time with your Grandma and Grandpap

16 Kearns?

17 AFFIRMATIVE

18 Q. You have another Grandma, right?

19 A. Frederick. Her name is Grandma Frederick. I don't

20 like her. She's mean. She's a nasty witch. She

21 doesn't even let me have a piece of candy for

22 Halloween.

23 Q. Now, I would guess you don't spend much time there

24 with her, do you?

25 NEGATIVE

1 Q. No?

2 A. Except when my sister and Mom is working I have to go  
3 there. I don't like it.

4 Q. When your sister and Mom are working? Is Jandora  
5 working?

6 A. She works at the Dollar Tree in the Logan Valley Mall.

7 Q. She works in the Logan Valley Mall where?

8 A. In the Dollar Tree.

9 ILISSA ZIMMERMAN, ESQUIRE: The Dollar Tree.

10 Q. The Dollar Tree. Okay. I'm kind of old, Steph. I  
11 can't hear very good. You've got to help me out here.

12 A. Do you got a hearing aide?

13 Q. I should get a hearing aide. I'll tell ya...

14 A. My Pap has one for sale.

15 Q. I'm not too sure it would do me any good. Maybe I'll  
16 talk to him about it. Actually, my Dad has a couple  
17 for sale.

18 A. Then why don't you buy one?

19 Q. Well, I should. He paid for them and never uses them.  
20 They don't do him any good. They don't do any good on  
21 top of that dresser do they?

22 A. Nope.

23 Q. Nope. Well, how often is that you go over and stay  
24 with your Grandma Frederick? How often? Like once a  
25 week, three times a week, once a month?

1 A. For what?

2 ILISSA ZIMMERMAN, ESQUIRE: That you stay with Grandma

3 Frederick.

4 A. I think a month. I don't know.

5 Q. Huh?

6 A. I don't know.

7 Q. You don't know?

8 A. I never count days.

9 Q. She lives over in Lakemont? No, she didn't tell me

10 that.

11 A. How did you guess?

12 Q. Just a good guess. That's all.

13 A. Never guess or it's going to get you on the wrong

14 problem like I do in Math. I'll miss it because I

15 have a Math test. I have lots of homework.

16 Q. Lots of homework.. Is Jandora going to school too, or

17 did she graduate?

18 A. She graduated. My Mom has a class ring on. It's made

19 out of real gold she said. It's red. Ruby red.

20 Q. Well, is this situation with your Mom and Dad making

21 you unhappy?

22 AFFIRMATIVE

23 Q. I can imagine. That's a shame that kids are stuck in

24 the middle.

25 A. I have a classmate I know from the old school. He

1 says, "That's Stephe from Calvary. Stephe from  
2 Calvary."

3 Q. Oh, a classmate from when you went to Calvary?

4 A. Yeah, First Grade. We got in trouble. Yep. We got  
5 in trouble.

6 Q. Well, you know something, Steph? Even if you went to  
7 live with your Dad, you'd have to go to public school  
8 someplace.

9 A. Not Baker.

10 Q. Well, you're going to Baker now. I don't know whether  
11 it would be Baker or not. I don't think you'd ever be  
12 home schooled. In fact, I'm almost sure you wouldn't  
13 be home schooled. We talked about that. Aunt Diane  
14 sat right here in front of Mr. Consiglio and said she  
15 can't home school you.

16 AFFIRMATIVE

17 Q. No, she can't. She's not allowed, and nobody here has  
18 anything to do with that. That's the rules. She  
19 can't home school you.

20 A. Maybe that shouldn't be the rules.

21 Q. Well, maybe it shouldn't be the rule, but it is.  
22 There's lots of rules in this world that maybe  
23 shouldn't be what they are, but they are. Does that  
24 change your mind about living any place or where  
25 you're going to live?



1 A. Dad's.

2 Q. That doesn't change your mind about that?

3 A. No, because my Mom already has my sister, and I think  
4 it's not fair that Mom has me right now.

5 Q. So besides the fact that Dad gives you everything you  
6 want...

7 NEGATIVE

8 Q. He doesn't? Okay. Well, besides the fact that Dad  
9 buys you lots of stuff, you also want to live with him  
10 because you're a little bit worried about him. You  
11 think maybe he's lonely. Is that what you're saying?  
12 I don't want to put words in your mouth. Is that what  
13 you're saying or not?

14 AFFIRMATIVE

15 Q. Well, you know, Jandora is getting pretty big. She's  
16 going to probably be moving out before too long. What  
17 will happen then? Then Mom won't have anybody. What  
18 are you going to do about that?

19 A. My sister can come over.

20 Q. You mean go over to Mom's and visit her?

21 A. I don't care about Mom.

22 Q. Excuse me?

23 A. I don't care about Mom.

24 Q. Sure you do.

25 A. No, I don't. I hate her. She's the wicked witch of Oz.

- 1 Q. Now, why would you say that?
- 2 A. She's the wicked witch of Oz.
- 3 Q. I don't think you really think that, do you?
- 4 A. Yeah, she's mean.
- 5 Q. Well, how is she mean?
- 6 A. She wouldn't let me go to someone's birthday party.
- 7 Q. Well, I bet there was a good reason for it.
- 8 A. No. I had my homework done.
- 9 Q. Well, why did she tell you you couldn't go?
- 10 A. Because I had my homework done, and she said no
- 11 because I had to clean up my room.
- 12 Q. Did you clean up your room?
- 13 A. No.
- 14 Q. Well, that's another one of those rules I think.
- 15 A. But I did get my room cleaned still. You don't want
- 16 to go out to the garage at Dad's because you'll see
- 17 how much toys I got. I think I beat the toy record.
- 18 Q. You think you beat the toy records?
- 19 A. Yep.
- 20 Q. You mean you have the most toys?
- 21 A. Yeah, more than my friends.
- 22 Q. Well, where did you get all those toys?
- 23 A. From Mom and Dad.
- 24 Q. Now, you told me just a little bit ago that Mom
- 25 doesn't give you anything.

1 A. She doesn't give me anything except when I was  
2 younger. She always wants me to get clothes. I hate  
3 clothes.

4 Q. So a lot of toys you have there are from when you were  
5 living up by Grandma and Grandpa's?

6 A. Yeah. I think Mom should still live there so I can  
7 walk up from the road and still see Dad.

8 Q. Well, I think we all know that's not going to happen,  
9 don't we, right?

10 A. What?

11 Q. I think we all know that's not going to happen.

12 NEGATIVE

13 BY THE MASTER: What's not going to happen?

14 ILISSA ZIMMERMAN, ESQUIRE: The parents getting back  
15 together.

16 DONALD SPEICE, ESQUIRE: Mom is not going to live  
17 there by Grandma and Grandpa.

18 BY THE MASTER: All right.

19 Q. Well, okay. Let's play "what if" for a minute if we  
20 could.

21 A. What if?

22 Q. You don't know how to play "what if"?

23 NEGATIVE

24 Q. Well, it's like, what if you had big long ears. Then  
25 you could be a Beagle.

1 A. I have a Beagle.

2 Q. Oh, you already have a Beagle. Well, what if the  
3 Court says we think you should keep living with Mommy?  
4 NEGATIVE

5 Q. But if they did that, how much would you want to see  
6 Dad?

7 A. A lot. All my life.

8 Q. What's a lot?

9 A. All my life.

10 Q. Well, do you see him now?  
11 AFFIRMATIVE

12 Q. Now, you just started--Dad just started picking you up  
13 on Wednesday night for a little bit and going out.  
14 AFFIRMATIVE

15 Q. Where did you guys go?

16 A. McDonald's.

17 Q. Don't you get tired of McDonald's?  
18 NEGATIVE

19 Q. Well, mine don't either. Which one do you go to?

20 A. Dad goes to the one by my Mom's place and goes to the  
21 one by Dad's place. The one with the playground and  
22 without the playground.

23 Q. Okay. Now, let me see now. The one next to Mom's  
24 place...

25 A. It's sort of like--it's by Wendy's.

1 Q. On Pleasant Valley Boulevard?

2 A. Yeah.

3 Q. On the big boulevard, that one?

4 A. I think, yeah. By Wendy's.

5 Q. Okay. That one doesn't have a play park.

6 A. Yeah, that doesn't have it.

7 Q. And the one by Dad's place, is that the one at the

8 Meadows?

9 A. Yeah.

10 Q. That's the one with the play park. Well, I'll tell

11 you a little secret.

12 A. What?

13 Q. Next week it's Slinky Zone next time, Wednesday night.

14 A. We don't go to Slinky anymore.

15 Q. Oh, you don't? Why not?

16 A. They're only having the grown-up dance thing.

17 ILISSA ZIMMERMAN, ESQUIRE: Saturdays they have teen

18 dances.

19 Q. Of course, now it's not really long enough for him to

20 pick you up and drive you out to Slinky Zone and go

21 in. It doesn't really leave you any time to do

22 anything, does it?

23 A. No. Their cookies are good.

24 Q. What?

25 A. Their cookies are good. Chocolate chip.

- 1 Q. Yeah, they are.
- 2 A. They're like that big. Shredded Wheat, yuck.
- 3 Q. Of course, Wednesday night you have homework to do.
- 4 A. Yeah.
- 5 Q. Do you get your homework done before you go?
- 6 A. We have a skating party tonight.
- 7 Q. That wasn't my question. Where do you have a skating  
8 party tonight?
- 9 A. At Sir Skate.
- 10 Q. Oh, I was at Sir Skate yesterday.
- 11 A. No, today.
- 12 Q. No, I was over there yesterday at a party.
- 13 A. Oh, brother.
- 14 Q. But I didn't skate. Now, let's get back to the  
15 homework. What do you do about homework Wednesday  
16 nights?
- 17 A. We usually help me, but I got crazy.
- 18 Q. We usually what?
- 19 A. I usually do my homework, but I got crazy.
- 20 Q. You get crazy? When was that?
- 21 A. Like when Dad picked me up, I got crazy.
- 22 Q. Well, why did you get crazy?
- 23 A. I always get crazy.
- 24 Q. What do you mean by crazy? What did you do?
- 25 A. Like when you fool around and never get your homework

- 1 done. That kind of crazy.
- 2 Q. Why did you get that way?
- 3 A. I don't know.
- 4 Q. You don't know?
- 5 A. No.
- 6 Q. Do you get that way every Wednesday when he picks you  
7 up?
- 8 LISSA ZIMMERMAN, ESQUIRE: There's only been one  
9 Wednesday.
- 10 Q. That's true. So I guess you get that way every  
11 Wednesday when he picks you up, huh?
- 12 A. He's going to pick me up every Wednesday? Yeah.
- 13 Q. You keep avoiding my question. He picks you up at  
14 6:00, right? Is that right, or am I wrong?
- 15 A. I can't remember.
- 16 Q. You get home about 3:30 from school?
- 17 LEE SILL, ESQUIRE: It's 5:00.
- 18 Q. Okay. You get home about 3:30 from school, is that  
19 right?
- 20 AFFIRMATIVE
- 21 Q. Okay. What do you do between 3:30 and 5:00?
- 22 A. Go home.
- 23 Q. Do you do your homework?
- 24 A. Yeah. Then I have a snack.
- 25 Q. You do your homework and have something for a snack?

1 AFFIRMATIVE

2 Q. And then you go to McDonald's?

3 A. No. We don't eat--I thought you meant after Dad's.  
4 After I do all my homework I get a snack.

5 ILISSA ZIMMERMAN, ESQUIRE: She's talking about during  
6 the weekday. You said what time do you get home from  
7 school, and she's telling you her normal--

8 Q. Okay. You're talking about Monday, Tuesday and  
9 Thursday?

10 AFFIRMATIVE

11 Q. And every other Friday. You get home from school, do  
12 your homework, you have a snack, and then what?

13 A. Then if I been good. If I did all my homework.

14 Q. Do you want to interpret again?

15 ILISSA ZIMMERMAN, ESQUIRE: If she does all her homework,  
16 that's when she gets a snack.

17 Q. Okay. Okay. Now, on Wednesday when Dad is picking  
18 you up, my question was do you get your homework done  
19 from the time you get home until Dad picks you up?

20 A. Then I wait and then I play with my little turtle.

21 Q. You wait and you play with your turtle?

22 A. She hasn't eaten in three weeks. Pappy got one, and I  
23 have it in the fridge.

24 BY THE MASTER: How long does it usually take  
25 you to do your homework, honey?



1 A. I like do it every day, and then we go to Tuckahoe  
2 Park.

3 BY THE MASTER: I know that, honey, but how  
4 long do you think it takes you to do your homework until  
5 it's all done?

6 A. Probably like an hour.

7 BY THE MASTER: All right. What time does  
8 Mommy get home from work, or is she home when you come home  
9 from school?

10 A. I don't know.

11 BY THE MASTER: You don't know?

12 A. I don't know.

13 BY THE MASTER: Well, who helps you do your  
14 homework after school?

15 A. Sometimes Mom comes and picks me up, and then if my  
16 sister comes and picks me up, then that's who I do my  
17 homework with.

18 BY THE MASTER: Your sister comes and picks  
19 you up what?

20 ILISSA ZIMMERMAN, ESQUIRE: And that's who she does her  
21 homework with.

22 BY THE MASTER: Okay. So it's either Mom or  
23 your sister?

24 AFFIRMATIVE

25 BY THE MASTER: Is that every night either

1 your Mom or your sister picks you up, one or the other?

2 A. One or the other.

3 BY THE MASTER: Okay. Do you usually do your  
4 homework right as soon as you get home?

5 AFFIRMATIVE

6 BY THE MASTER: And that usually takes about  
7 an hour?

8 AFFIRMATIVE

9 BY THE MASTER: Are you usually done with  
10 your homework by the time it's time to eat supper?

11 A. Sometimes, yeah.

12 BY THE MASTER; Sometimes there's more than  
13 an hour's worth, or you don't do it that soon? Which is  
14 it?

15 A. More than an hour.

16 BY THE MASTER: Okay. Go ahead.

17 Q. Okay. Now, let me try to understand what you told us  
18 here. When is it that you go over to Grandma  
19 Frederick's?

20 A. Like when my Mom and sister is working.

21 Q. When your Mom and sister are both working?

22 AFFIRMATIVE

23 Q. Now, does that happen ever during the week when you  
24 have school?

25 A. Sometimes.

1 Q. Who picks you up then?

2 A. My Mom or my sister.

3 Q. And they just drive you over to Grandma's and drop you

4 off and say, "Bye, I got to go to work"?

5 AFFIRMATIVE

6 Q. And then they come pick you up after work?

7 A. Yeah.

8 Q. Yeah? I mean you don't spend the night at Grandma's,

9 do you?

10 A. No, but we did when we separated because Mom was

11 afraid of Dad, and we had to sleep at Grandma's.

12 Q. When you were first separated, Mom was afraid of Dad

13 and slept at Grandma's. Everybody here knows that.

14 It's all right. You're not telling any secrets.

15 A. One Christmas we went--because of the flood, we went

16 to my Aunt Diane's--not my Aunt Diane's--my Aunt

17 Eileen's at Christmas. Then "Chiefer" left a gas

18 bomb. That's her Dalmatian.

19 Q. That's a little piece of information that I didn't

20 need.

21 A. Then Aunt Eileen said, "That's for you Uncle. That's

22 your Christmas present."

23 Q. That was aunt who?

24 ILISSA ZIMMERMAN, ESQUIRE: Eileen.

25 Q. Eileen. I don't know her. Who's that?

1 A. My aunt.

2 Q. That's your Mom's sister?

3 AFFIRMATIVE

4 Q. Okay. Do you ever go over to Grandma Frederick's on

5 the weekends?

6 NO RESPONSE

7 Q. You don't know or you don't remember?

8 A. I don't know.

9 Q. Do you remember doing that at all?

10 A. No.

11 Q. What I'm asking is does Mom ever work on the weekend

12 when you're at home with her when you're not over at

13 Dad's on those weekends?

14 A. Does my sister?

15 Q. No, does your Mom?

16 A. Sometimes.

17 Q. Are you sure? Are you guessing?

18 A. I'm guessing.

19 Q. Well, you don't have to guess. If you don't know,

20 just say you don't know, okay? Is that a deal?

21 A. Yeah.

22 Q. How about Jandora, does she work on weekends? Do you

23 know?

24 A. Sometimes.

25 Q. Okay. Let me ask you one last question. If you live

1 with Dad, you're not going to be home schooled, right?  
2 If you live with Dad, you're not going to get a dog.  
3 This is my what if, remember?  
4 A. The game?  
5 Q. Well, I don't know whether it's a game or not. Okay.  
6 What everybody is trying to tell you is the Court  
7 can't decide what's best for you if you say, well, I'm  
8 going to live with Dad because he's going to buy me a  
9 dog.  
10 A. No.  
11 Q. Because then the next week maybe Mom will say, well,  
12 if you come live with me, I'll buy you two dogs.  
13 Okay. Now, are you going to go live with Mom?  
14 A. No.  
15 Q. No? Why not?  
16 A. Because one dog is enough.  
17 Q. Well, okay. Mom is going to buy you a dog. Where do  
18 you want to live?  
19 A. Dad's.  
20 Q. Now wait. The dog is not at Dad's.  
21 A. I have one right here.  
22 Q. You have one right there?  
23 AFFIRMATIVE  
24 Q. A stuffed one? Your bean bag one?  
25 A. No.

1 Q. Your imaginary one?

2 AFFIRMATIVE

3 Q. Okay. Well, I never did get to finish my question so  
4 let me just kind of say this: Do you understand  
5 Dr. Baker is appointed by the Court to help you? Do  
6 you understand Attorney Zimmerman is appointed by the  
7 Court to be your lawyer? She doesn't answer to  
8 anybody else. All she cares about is you. She  
9 doesn't care what Mom thinks. She doesn't care what  
10 Dad thinks. She doesn't care what Attorney Sill  
11 thinks. She doesn't care what I think. All she is  
12 worried about is you, okay?

13 AFFIRMATIVE

14 Q. Yeah, you. She's your very own special attorney.  
15 Okay? Do you understand that Attorney Consiglio is  
16 trying to do what's best for you?

17 AFFIRMATIVE

18 Q. He's trying to figure out what's best for you, right?

19 AFFIRMATIVE

20 Q. Okay. Now, you've told us here that you didn't tell  
21 some people some things, right, because you thought  
22 somebody would get in trouble or you'd get in trouble,  
23 right?

24 AFFIRMATIVE

25 Q. Okay. What I want to say to you is you have to tell

1 Dr. Baker and Attorney Zimmerman and Mr. Consiglio.  
2 You have to tell them exactly what you think and  
3 exactly what you feel so that they can help you. Do  
4 you understand that?

5 AFFIRMATIVE

6 Q. Will you promise me you'll do that from now on?

7 AFFIRMATIVE

8 DONALD SPEICE, ESQUIRE: Okay. I don't have anything  
9 else then.

10 BY THE MASTER: Mr. Sill?

11 LEE SILL, ESQUIRE: Yes. I'll be brief.

12 EXAMINATION OF STEPHANIE KEARNS, BY LEE SILL, ESQUIRE:

13 Q. So how are you doing anyhow?

14 A. Okay.

15 Q. Things seem to be going pretty good?

16 AFFIRMATIVE

17 Q. Okay. I understand that you've been to the doctor  
18 recently.

19 AFFIRMATIVE

20 Q. Are you still taking your medication?

21 A. Yuck.

22 Q. It doesn't taste good?

23 A. It looks like a bullet.

24 Q. It looks like a bullet?

25 A. Because the one end is round, and the other end is

1           like this.

2   Q.    Oh, yeah.  That's a pretty good size, huh?  You don't

3           take any liquid, do you?

4           NEGATIVE

5   Q.    It's all pill-like?

6           AFFIRMATIVE

7   Q.    How are you at swallowing pills?

8   A.    Good.

9   Q.    Lots of water, huh?

10  A.    Yuck.

11  Q     You said something about you want to live with Dad

12       because he "buys me things."  Where do you buy these

13       things?

14  A.    Toys 'R' Us maybe.

15  Q.    Toys 'R' Us maybe?  Okay.  How often do you go there?

16  A.    Probably like--see, we went on Saturday.

17  Q.    This last Saturday?

18       AFFIRMATIVE

19  Q.    What did you get?

20  A.    I wanted a bean bag.

21  Q.    Oh, is that where you got the bean bag?

22  A.    Yeah, and the other bean bag.

23  Q.    Okay.  That's the bean bag with the droopy ears or

24       something?

25  A.    Yeah.



1 Q. Okay. All right. Well, this last visit you had with  
2 Dad over the weekend, where did you start out? Did  
3 you go to Dad's to begin with?  
4 A. No, I went to Aunt Diane's.  
5 Q. Okay. You went to Aunt Diane's?  
6 A. Because I was going to help her paint, and that's the  
7 first time I ever painted.  
8 Q. Oh, okay. That's fun, isn't it?  
9 AFFIRMATIVE  
10 Q. What did you paint?  
11 A. We painted the porch green.  
12 Q. The porch? Did you get on a ladder?  
13 A. No.  
14 Q. No? That's a good move. Well, who all was there?  
15 Was your Dad there at Aunt Diane's?  
16 NEGATIVE  
17 Q. Where was Dad?  
18 A. At home.  
19 Q. At home. Did you stay over night at Aunt Diane's?  
20 AFFIRMATIVE  
21 Q. Okay. So Dad didn't stay with you that night?  
22 NEGATIVE  
23 Q. Okay. Where did you spend Saturday?  
24 A. At Dad's house.  
25 Q. When did you go back? On Saturday?

1 A. On Saturday but I don't know what time.

2 Q. Was it the morning or the afternoon?

3 A. I think it was the afternoon.

4 Q. Oh, okay. Is that when you went to the Toys'R'Us  
5 maybe?

6 A. No. It was called Toys'R'Us, but I don't know.

7 Q. Okay. If you don't know, that's fine. So Saturday  
8 night you spent with Dad?

9 AFFIRMATIVE

10 Q. Was Rachel there?

11 AFFIRMATIVE

12 Q. Okay. Then Sunday you were at Dad's.

13 AFFIRMATIVE

14 Q. Was Rachel at Dad's too on Sunday?

15 AFFIRMATIVE

16 Q. Did she stay over night Saturday?

17 AFFIRMATIVE

18 Q. Is that when you slept on the couch?

19 AFFIRMATIVE

20 Q. Okay. You're not crazy about the couch, huh?

21 A. No.

22 Q. It's not very comfortable?

23 A. It has a pillow on it.

24 Q. It has a pillow?

25 A. That's what I like to sleep on.

- 1 Q. Okay. Well, normally where do you stay when Rachel is  
2 there?
- 3 A. I usually stay in my room, and we'll both sleep in my  
4 room. When she's cold, she comes up in my bed.
- 5 Q. Well, okay. Well, it's getting colder. This past  
6 visit, the one you had with Dad, I think you mentioned  
7 something to your Mom about you and your Dad having a  
8 talk about where you're going to live?
- 9 A. Dr. Baker?
- 10 Q. No. Did you talk to your Dad over this last Sunday or  
11 Saturday about where you're going to live?
- 12 A. I kept my mouth shut.
- 13 Q. You kept your mouth shut? Why?
- 14 A. Just the usual thing.
- 15 Q. Oh?
- 16 A. Just the usual thing.
- 17 Q. What's the usual thing?
- 18 A. I always keep it closed.
- 19 Q. Why is that?
- 20 A. Because I just keep my mouth closed.
- 21 Q. I'm sorry I didn't hear you.
- 22 A. I just keep my mouth closed.
- 23 Q. You sleep with your mouth closed?
- 24 A. No. I keep my mouth closed.
- 25 Q. Okay. What do you keep your mouth closed about?

1 A. Because I'm not allowed like saying things.

2 Q. You're not allowed to say anything about...?

3 A. Say anything about Mom so I keep my mouth shut.

4 Q. Okay. Who tells you to do that?

5 A. Nobody asked me. I just still keep my mouth shut.

6 Q. Okay. Did your Dad mention to you that he wasn't  
7 going to continue on with this thing? It was going to  
8 come to an end?

9 A. I don't know.

10 Q. You don't remember telling your Mom about that?

11 A. No.

12 Q. That you had said to him, "No, Dad, I want you to keep  
13 going because I want to live with you." Do you  
14 remember saying that?

15 NEGATIVE

16 Q. You don't?

17 A. I think that was a year ago, but I'm not sure.

18 Q. You think that was a year ago?

19 AFFIRMATIVE

20 Q. Well, a year ago all of you were living together.

21 AFFIRMATIVE

22 Q. So it might have been a little more recently?

23 A. That's what I'm sad about. The medicine doesn't even  
24 work.

25 Q. What's that?

1 A. The medicine even doesn't work because I'm just doing  
2 it myself.

3 Q. So you never said, "No, Dad, I want you to keep going  
4 because I want to live with you"?

5 NEGATIVE

6 Q. Okay. You don't recall having any of that kind of  
7 conversation with anybody, with Mom or...

8 NEGATIVE

9 Q. Okay. Now, you said earlier to Mr. Consiglio's  
10 question if Rachel and is it Jessica?

11 NO RESPONSE

12 Q. Or Jessie would it be?

13 A. Jess.

14 Q. If Jess wouldn't come out to stay with you, that you  
15 would be bored.

16 A. I would stay inside all day.

17 Q. But wouldn't you get to do more things with your Dad?

18 A. No.

19 Q. You wouldn't?

20 A. Nope.

21 Q. Why not?

22 A. Because I'd be bored.

23 Q. Because you'd be bored?

24 AFFIRMATIVE

25 Q. You really like it that Rachel and Jess come out,

1 don't you?

2 AFFIRMATIVE

3 Q. Do you think if you lived with Dad, you'd see them all  
4 the time?

5 AFFIRMATIVE

6 Q. But they live someplace else, don't they?

7 AFFIRMATIVE

8 Q. But you'd want them to stay with you anyway, huh?

9 AFFIRMATIVE

10 LEE SILL, ESQUIRE: Okay. I have no further  
11 questions. Thank you.

12 BY THE MASTER: Is there anything else?

13 ILISSA ZIMMERMAN, ESQUIRE: What did you mean--you said  
14 the medicine doesn't work. I'm doing it myself. What are  
15 you doing yourself?

16 A. I'm like helping my own self instead of the medicine  
17 doing it for me.

18 ILISSA ZIMMERMAN, ESQUIRE: So you're able to concentrate  
19 and think clearly now?

20 AFFIRMATIVE

21 ILISSA ZIMMERMAN, ESQUIRE: And that's because you're  
22 doing it yourself?

23 A. Yeah, because I was at my school a long time.

24 ILISSA ZIMMERMAN, ESQUIRE: I don't--that's all.

25 DONALD SPEICE, ESQUIRE: Now I think I'm confused.

1 ILISSA ZIMMERMAN, ESQUIRE: She feels better and she  
2 thinks clearer, but she doesn't think it's her medicine.  
3 She thinks she's doing it herself.

4 DONALD SPEICE, ESQUIRE: Okay. So you're not saying  
5 that you're not taking the medicine anymore? You're still  
6 taking the medicine, right?

7 AFFIRMATIVE

8 DONALD SPEICE, ESQUIRE: Okay.

9 BY THE MASTER: Did anybody ever talk to you  
10 about the medicine you have to take, honey?

11 NEGATIVE

12 BY THE MASTER: How do they know what you  
13 have to take?

14 A. Because Dad knows what I have to take and Mom knows  
15 and my sister knows.

16 BY THE MASTER: Okay. What does your sister  
17 say about your medicine?

18 A. She says it will help you, but it's not helping me.  
19 It's only making me sad.

20 BY THE MASTER: Okay. What does Mom say  
21 about the medicine?

22 A. That it's good for you, but I don't think it is.

23 BY THE MASTER: What's Dad say about the  
24 medicine?

25 A. You shouldn't be able to take it.

1 BY THE MASTER: What's that?

2 A. You don't have to take it. You shouldn't take it.

3 BY THE MASTER: When does Dad say that to

4 you, honey?

5 A. Because he doesn't want me to take drugs or whatever

6 they are.

7 BY THE MASTER: When does he tell you that?

8 When was the last time he said that to you?

9 A. He says that like--I don't know how many months ago.

10 It was just two months.

11 BY THE MASTER: Who gives you the medicine at

12 Dad's house?

13 A. Dad does.

14 BY THE MASTER: When it's time to take the

15 medicine, does anybody say anything about it?

16 A. No.

17 BY THE MASTER: He just gives it to you?

18 AFFIRMATIVE

19 BY THE MASTER: They just say, "It's time to

20 come take your medicine, Steph"?

21 A. Yeah.

22 BY THE MASTER: Okay. What makes you think

23 you don't need the medicine, honey?

24 A. Because it will only make me sadder.

25 BY THE MASTER: It only makes you sadder?



1 AFFIRMATIVE

2 BY THE MASTER: Did somebody tell you that,  
3 or is that what you think?

4 A. That's what it's doing. It's making me sadder.

5 BY THE MASTER: How do you know it's the  
6 medicine that's making you sadder?

7 A. Because I can feel it like making me sad, and I get  
8 all upset. The medicine is supposed to make me happy,  
9 but it's not.

10 BY THE MASTER: The medicine is supposed to  
11 make you happy, but it's not. Who told you it's supposed  
12 to make you happy?

13 A. I asked my sister and she said it's supposed to make  
14 you happy.

15 BY THE MASTER: Who said that, honey?

16 A. My sister.

17 BY THE MASTER: Oh. Do you get in arguments  
18 in school anymore with your teacher?

19 A. No. I don't have her anymore.

20 BY THE MASTER: Okay. Do you like the  
21 teacher you have now?

22 A. A little.

23 BY THE MASTER: Better than the last one  
24 you had?

25 A. Yeah. Her name is Mrs. Lee.

1 BY THE MASTER: What didn't you like about  
2 Mrs. Lee, honey?

3 A. I didn't like her because she was like too mean. She  
4 never helped me with Math or any of those.

5 BY THE MASTER: What did she do that was  
6 mean?

7 A. She never lets anybody play unless they don't get  
8 their homework done, and no one likes her now.

9 BY THE MASTER: It seems to me that the  
10 people that are mean to you are the ones that don't let you  
11 play. Is that the way it seems to you?

12 A. Yeah.

13 BY THE MASTER: The ones that let you play  
14 aren't mean. Is that the way you feel?

15 AFFIRMATIVE

16 BY THE MASTER: The people that let you play  
17 the most are the least mean?

18 A. Yeah.

19 BY THE MASTER: Okay. Did you ever think  
20 that sometimes people have to tell you to do things even if  
21 you don't like to do them because it's necessary, or do you  
22 think you should be able to play all the time?

23 A. I think all kids should be able to play all the time.

24 BY THE MASTER: All the time. Do you think  
25 people should tell you not to do things whenever they think

1 they're wrong for you to do?

2 NEGATIVE

3 BY THE MASTER: You don't?

4 NEGATIVE

5 BY THE MASTER: Do you think people should be  
6 able to tell you to do things you don't want to do if they  
7 think it's right?

8 AFFIRMATIVE

9 BY THE MASTER: Okay. Even if that means  
10 telling you not to play?

11 NEGATIVE

12 BY THE MASTER: Not if it means telling you  
13 not to play?

14 NEGATIVE

15 BY THE MASTER: Okay. So if people should  
16 tell you to do stuff that you don't want to do, it's okay  
17 as long as it's not to tell you not to play? Is that what  
18 you're saying to me, honey?

19 AFFIRMATIVE

20 BY THE MASTER: Okay. Well, like today when  
21 you came in, you wanted to crawl up in the window sill and  
22 didn't want to come down. Then I told you to get down in  
23 the chair, and you did it, right?

24 AFFIRMATIVE

25 BY THE MASTER: It didn't seem to me like

1 you wanted to do that, but you did it because I told you,  
2 didn't you?

3 AFFIRMATIVE

4 BY THE MASTER: Okay. Is that the kind of  
5 stuff that sometimes gets you upset when somebody tells you  
6 to do something just like I told you today that you didn't  
7 want to do?

8 AFFIRMATIVE

9 BY THE MASTER: Okay. Okay. Is that the  
10 type of thing that the teacher you didn't like tried to  
11 make you do?

12 AFFIRMATIVE

13 BY THE MASTER: Yeah, okay. Are those some  
14 of the things that Mom tells you to do at home that you  
15 don't like?

16 AFFIRMATIVE

17 BY THE MASTER: How often do you take  
18 medicine, honey? Do you have to take medicine every day?

19 AFFIRMATIVE

20 BY THE MASTER: Do you take it more than one  
21 time a day?

22 A. I take it two in the morning and one at night.

23 BY THE MASTER: Do they wake you up in the  
24 middle of the night to take medicine?

25 ILISSA ZIMMERMAN, ESQUIRE: No, no. She takes them in

1 the morning and then at night.

2 BY THE MASTER: Oh, you take two pills in  
3 the morning, not 2 a.m. You take two pills in the morning,  
4 and you take one pill at night.

5 AFFIRMATIVE

6 BY THE MASTER: All right. I understand.  
7 I'm not too quick. Now, the pills that you take do they  
8 make you sleepy or anything like that?

9 A. No, they don't make me sleepy.

10 BY THE MASTER: Do they make you sick in your  
11 tummy or anything like that?

12 A. They make me like sick because like--see, I'm not used  
13 to like--see, I took a whole one and that's when I got  
14 sick. Two whole pills and then another whole pill at  
15 night.

16 BY THE MASTER: Okay. Once they made you  
17 sick, did they cut down on how much you took?

18 AFFIRMATIVE

19 BY THE MASTER: Okay. I thought so. So it  
20 was a little too strong for you at first?

21 AFFIRMATIVE

22 BY THE MASTER: All right. Do they still  
23 make you sick now?

24 NEGATIVE

25 BY THE MASTER: No. Okay. All right. So

1 they got the right dosage. Do you know what that means?

2 NEGATIVE

3 BY THE MASTER: Okay. They got the right  
4 amount for you so it doesn't make you sick now. Is that  
5 right or wrong?

6 A. Right.

7 BY THE MASTER: Okay. Okay. Do you have to  
8 take these pills with food?

9 A. No, water.

10 BY THE MASTER: Just water. Okay. All  
11 right. Do you think that after I told you to sit down  
12 today things didn't turn out to be so bad? Do you think  
13 they didn't turn out to be so bad as you thought they would  
14 be before I told you to sit down?

15 A. Yeah.

16 BY THE MASTER: Does that maybe tell you  
17 that sometimes when somebody tells you to do something that  
18 you don't want to do that it may not be so bad?

19 A. Yeah.

20 BY THE MASTER: That depends on maybe how  
21 you react to what somebody tells you, huh? Sometimes if  
22 you just do it, it might not be so hard on you, huh?

23 AFFIRMATIVE

24 BY THE MASTER: Come on up here, honey. Let  
25 me take a look at you. How come your hair is so short? Do

1 you like it short?

2 AFFIRMATIVE

3 BY THE MASTER: Do you like it short?

4 AFFIRMATIVE

5 BY THE MASTER: Okay. How do you feel today?

6 A. Good.

7 BY THE MASTER: Good. Okay.

8 A. But tomorrow I have my detention.

9 BY THE MASTER: Oh, what's that for?

10 A. Because I missed my homework slips.

11 BY THE MASTER: Oh, that's right. You forgot

12 to take them home or something. Okay. Well, how long is

13 detention? Do you have to stay in school after school, or

14 does something happen in school?

15 A. We just go at 8:30 in the morning to 9:00.

16 BY THE MASTER: Is that before you normally

17 go to school?

18 A. Yeah.

19 BY THE MASTER: Okay. You can go sit down.

20 How have you been feeling the last couple of weeks?

21 A. Like I'm nervous because I just got in a new school.

22 BY THE MASTER: Oh, okay. Since school

23 started in September you mean?

24 A. Yeah.

25 BY THE MASTER: Okay. Other than school how

1 have you been feeling?

2 A. Pretty good.

3 BY THE MASTER: Pretty good. Okay. Have you  
4 been getting upset in school or doing anything...

5 A. Not usually. Sometimes.

6 BY THE MASTER: Okay. Sometimes you get mad  
7 and hurt yourself, huh?

8 A. Yep.

9 BY THE MASTER: Has that happened lately?

10 A. Yep.

11 BY THE MASTER: When does that happened?

12 A. Last year.

13 BY THE MASTER: Oh, okay. Since school  
14 started this time has that happened?

15 A. No.

16 BY THE MASTER: No. Okay. So if you're  
17 comparing this year to that, it's better?

18 AFFIRMATIVE

19 BY THE MASTER: Okay. When is the last time  
20 you did something that hurt yourself like maybe pull your  
21 hair or--

22 A. Did that; won't do it again.

23 BY THE MASTER: Pardon me, honey?

24 A. Did that; don't do it again.

25 DONALD SPEICE, ESQUIRE: She said basically been



1 there, done that, not going to do it again.

2 BY THE MASTER: Oh, you don't think that's a  
3 good idea anymore, huh?

4 NEGATIVE

5 BY THE MASTER: That's good. All right.  
6 That's good. All right. Sometimes whenever it's time to  
7 leave Dad's do you get upset?

8 AFFIRMATIVE

9 BY THE MASTER: Why is that?

10 A. Because when I look at them and they wave to me, it's  
11 really upsetting.

12 BY THE MASTER: It makes you sad?

13 A. Yeah, because then I cry after that.

14 BY THE MASTER: Do you think you're going to  
15 miss them whenever you leave?

16 AFFIRMATIVE

17 BY THE MASTER: Are you going to miss Dad?

18 AFFIRMATIVE

19 BY THE MASTER: Are you going to miss Rachel?

20 AFFIRMATIVE

21 BY THE MASTER: Do you miss playing with  
22 them?

23 AFFIRMATIVE

24 BY THE MASTER: All right. When you leave  
25 Mom's, do you get upset then to go see Dad?

1 A. No.

2 BY THE MASTER: You don't? Don't your Mom  
3 wave goodbye to you?

4 A. She provides for me.

5 BY THE MASTER: She provides for you. But I  
6 mean whenever it's time to go see Dad, does Mom wave  
7 goodbye, tell you goodbye?

8 A. Yeah.

9 BY THE MASTER: Okay. Don't you feel sad  
10 that you're not going to see Mom for a while?

11 NEGATIVE

12 BY THE MASTER: You don't?

13 NEGATIVE

14 BY THE MASTER: Okay. Who is usually at  
15 Dad's house when it's time to leave? Does Dad drive you to  
16 Mom's, or does Mom come and pick you up?

17 ILISSA ZIMMERMAN, ESQUIRE: It's all at my place.

18 BY THE MASTER: Okay. Well, who's at  
19 Ilissa's place whenever it's time for Dad and them to  
20 leave?

21 A. Sometimes my Dad and Rachel and Uncle Dave and Aunt  
22 Diane. Everybody.

23 BY THE MASTER: Everybody is over at  
24 Ilissa's?

25 A. Yeah.

1 BY THE MASTER: Has there ever been a time  
2 when only Dad took you to Ilissa's, honey? Let's say you  
3 say goodbye to everybody at Dad's house?

4 A. Everybody comes to say goodbye and stuff.

5 BY THE MASTER: Okay. Has there ever been  
6 one time that you went to Ilissa's where only Dad brought  
7 you?

8 NEGATIVE

9 BY THE MASTER: No. Okay. Or only Dave  
10 brought you? Where only one person brought you?

11 NEGATIVE

12 BY THE MASTER: No. I assume if that's the  
13 case, there's never been a time when Rachel left Dad's  
14 house before it was time for you to come home to Mom's?

15 NEGATIVE

16 BY THE MASTER: Never?

17 A. No.

18 BY THE MASTER: Even before you started going  
19 to Ilissa's all the time? If you can remember. That might  
20 be hard to remember back.

21 A. I don't know.

22 BY THE MASTER: Okay. Let me see if you can  
23 try to remember. If you can't, that's okay. Just tell me  
24 you can't remember. Before you started going to Ilissa's  
25 after your visit with Dad when you were just going back and

1 forth between Dad's house and Mom's house, can you remember  
2 that time?

3 A. Yeah.

4 BY THE MASTER: All right. When you were at  
5 Dad's and it was time to go back to Mom's, who took you to  
6 Mom's or did Mom come and get you? If you remember. I  
7 don't know, honey. I'm asking you.

8 A. I don't know.

9 BY THE MASTER: Do you remember?

10 NEGATIVE

11 BY THE MASTER: All right. Okay. Who took  
12 you to--can you remember who took you to Dad's when it was  
13 time to go to his house? Did he come and get you, or did  
14 Mom drive you over there?

15 A. I think he came over and gets me.

16 BY THE MASTER: Okay. Did he come and get  
17 you by himself, or did people come with him?

18 A. Uncle Dave came.

19 BY THE MASTER: Uncle Dave came. Okay.  
20 You're pretty sure of that? I don't want you just to guess  
21 like Mr. Speice said. Can you actually remember that,  
22 honey?

23 A. Yes.

24 BY THE MASTER: Is that in your memory?

25 AFFIRMATIVE

1 BY THE MASTER: Okay. Then you would go to  
2 Dad's house. So him and Uncle Dave came and got you.

3 AFFIRMATIVE

4 BY THE MASTER: How did you get back home?  
5 Did Dad take you back to Mom's? When I say home, I mean  
6 Mom's house. Did Dad take you back to Mom's, or did Mom  
7 come and get you, or can't you remember?

8 A. I think...

9 BY THE MASTER: If you don't remember, that's  
10 okay. I'm just trying to think of what you actually  
11 remember.

12 A. I don't remember.

13 BY THE MASTER: Okay. All right. Do you  
14 ever remember a time before you went to Ilissa's that maybe  
15 Rachel or Aunt Diane took you to Mom's house with Dad for  
16 visits at the end of your visits with Dad? If you can't  
17 remember, again, just tell me you don't remember. I'm just  
18 trying to find out if you remember.

19 A. I don't remember.

20 BY THE MASTER: Okay. Okay. I'm done. I  
21 think that's it. I'm done. Okay.

22 DONALD SPEICE, ESQUIRE: Can I have a couple?

23 BY THE MASTER: Okay. A couple if you want  
24 to. I don't know how happy she'll be about it, but go  
25 ahead.

1 CONTINUED EXAMINATION OF STEPHANIE KEARNS, BY DONALD

2 SPEICE, ESQUIRE:

3 Q. How about your medication. Your Dad told you--  
4 whenever you first started taking that Dad said he  
5 wasn't happy about that, didn't he?

6 A. Yeah.

7 Q. He didn't like the idea of you taking medicine.

8 A. He didn't like it.

9 Q. Since that time since he first told you that, that he  
10 didn't like it--

11 A. He didn't like it.

12 Q. Right. Since he first told you the first time that he  
13 didn't like you taking the medicine, has he told you  
14 that since then?

15 NEGATIVE

16 Q. You don't like taking the medicine, do you?

17 NEGATIVE

18 Q. And your Dad knows that. Did you tell him that?

19 NEGATIVE

20 Q. You didn't tell him that? Did you tell him you liked  
21 taking it?

22 NEGATIVE

23 Q. No. Did you ever ask him or say you didn't want to  
24 take it or don't let me take it or something like  
25 that?

1 A. He doesn't like me to take it.

2 Q. What?

3 A. He don't like me to take it.

4 Q. Well, I know he doesn't like you to take it. I'm  
5 asking you if you ever told him, don't let me take it  
6 or I don't want to take it or anything like that?

7 NEGATIVE

8 Q. No. Okay. Is there any--does your Dad give you any  
9 choice, or does he just say, "Here's your medicine.  
10 Take it."

11 AFFIRMATIVE

12 Q. Which one?

13 A. He says, "Take it."

14 Q. He says, "Here it is. Take it"?

15 AFFIRMATIVE

16 Q. When your Dad told you that about he didn't like the  
17 idea of the medicine, that was really before you  
18 started taking it, wasn't it?

19 AFFIRMATIVE

20 Q. Because that was before you went to the Meadows,  
21 right?

22 AFFIRMATIVE

23 Q. And you started taking the medicine after the Meadows,  
24 didn't you?

25 A. Yeah.

1 Q. Or am I wrong?

2 A. You're right.

3 Q. I'm right?

4 AFFIRMATIVE

5 Q. Well, I'm always right. Well, maybe not always.

6 Mr. Consiglio asked you about when you were hurting

7 yourself, pulling your eyebrows.

8 A. Don't mention it.

9 Q. Don't mention it?

10 NEGATIVE

11 Q. Okay. How about if I don't mention it specifically.

12 Can you tell us why you were doing that stuff?

13 NEGATIVE

14 Q. You can't tell us or you don't know?

15 A. I can't tell you.

16 Q. You can't tell us?

17 NEGATIVE

18 Q. Why can't you tell us?

19 A. Because.

20 Q. Because it's a secret?

21 AFFIRMATIVE

22 Q. Did you tell anybody?

23 NEGATIVE

24 Q. Wouldn't it make you feel better if you told somebody?

25 NEGATIVE



1 Q. Would it help if you knew that whatever you say in  
2 this room we're not allowed to tell other people?  
3 We're not allowed to tell Mom. We're not allowed to  
4 tell Dad. We're not allowed to tell anybody.

5 NEGATIVE

6 Q. That wouldn't make any difference?

7 AFFIRMATIVE

8 Q. It would? Okay. Well, you can ask Mr. Consiglio if I  
9 would go out and tell anybody what you said to me.

10 NEGATIVE

11 Q. You're not going to ask him?

12 NEGATIVE

13 Q. Okay. Can I ask him?

14 AFFIRMATIVE

15 Q. Are you going to watch him if I ask him?

16 AFFIRMATIVE

17 Q. Okay. Attorney Consiglio, are we allowed to go out  
18 and tell people what is said in here?

19 BY THE MASTER: No. That's why we're all  
20 here without anybody else being here.

21 Q. Now can you tell me why you were doing that stuff?

22 A. Because my teacher is mean, and I wanted to hurt my  
23 own self because I wasn't doing so good.

24 Q. Well, now wait a minute. Didn't you start doing that  
25 in the summer time?

1 AFFIRMATIVE

2 Q. Well, you didn't have a teacher then, did you?

3 A. Mrs. Lee from Calvary Baptist.

4 Q. Huh?

5 A. In Calvary Baptist I had her, and that's why. She was  
6 so mean.

7 Q. Well, that was last school year, right?

8 AFFIRMATIVE

9 Q. Did you start doing that stuff then?

10 AFFIRMATIVE

11 Q. Well, you were doing it in the summertime too, weren't  
12 you?

13 AFFIRMATIVE

14 Q. Why were you doing it then?

15 A. Because I was still hurting myself.

16 Q. Well, I know but why were you?

17 A. I don't know.

18 Q. You don't know about that?

19 NEGATIVE

20 Q. Okay. That's fair. When everybody--when it's time  
21 for you to leave Dad's and everybody goes over to  
22 Ilissa's office, whose idea is that?

23 A. I don't know.

24 Q. Do you ever decide who you want to go along?

25 A. I don't know. I don't usually do it. They just do

1           it.

2   Q.   They just do it?  You don't ever say, "Can Rachel

3       come," or, "I want to take them along"?

4   A.   No.  They come.

5   Q.   They just come.  Okay.  Do you like it that way, or

6       would you rather just Dad took you?  Because that is

7       something I can talk to Dad about.  If you rather just

8       Daddy take you, I'll talk to him about it.

9   A.   Dad take me.

10  Q.   What?  Just Dad?

11       AFFIRMATIVE

12  Q.   I'll have to talk to him about that.

13  A.   Nobody allowed to come except me and Dad?

14  Q.   Yeah.

15  A.   No.

16  Q.   You don't want me to do that?

17  A.   No.

18  Q.   Okay.  I won't do that then.

19  A.   Because I like Rachel there.  We climb on the rocks.

20  Q.   Oh, you like having Rachel there?

21  A.   Then we climb the rocks.

22  Q.   Well, what about just you, Dad, and Rachel?

23  A.   Okay.  But no Uncle Dave?

24  Q.   What I'm telling you is I'm asking you basically what

25       you want.

1 A. Uncle Dave too.

2 Q. You want Uncle Dave there too?

3 A. Yes, and if Uncle Dave doesn't come, then Aunt Diane.

4 Q. It sounds to me like I'll just leave it up to you guys  
5 each week to decide who's going to go.

6 A. Good.

7 DONALD SPEICE, ESQUIRE: Okay. I have nothing else.

8 BY THE MASTER: Stephanie, would it make any  
9 difference if you don't go to Ilissa's anymore at the end  
10 of your visits with Dad but go straight to Mom's?

11 A. Then Mom and them will fight.

12 BY THE MASTER: Mom and them would fight.

13 Well, let's say this. No matter whose house you ended up  
14 living at, honey, I don't think we can keep Ilissa being  
15 the one that exchanges the custody every week until your  
16 18. That can't happen. It's probably not going to happen  
17 much longer no matter who I decide you're going to live  
18 with permanently. Do you understand what I'm saying?

19 AFFIRMATIVE

20 BY THE MASTER: So if you live with Dad and  
21 you visit Mom, then Mom is going to either bring you back  
22 to Dad's or Dad is going to come and get you. If you stay  
23 living at Mom's and visit Dad like you're doing now,  
24 somebody is going to have to take you to Mom's house or Mom  
25 is going to have to come and get you. Either way it's not

1 going to continue to be Ilissa for some period of time. I  
2 don't know when that's going to stop, but it's going to  
3 stop. Do you understand what I'm saying, honey?

4 AFFIRMATIVE

5 BY THE MASTER: Now, what do you think about  
6 that?

7 NO RESPONSE

8 BY THE MASTER: If Ilissa stops being the  
9 one whose place you go to.

10 A. I think that would be not really...

11 BY THE MASTER: Do you think it's going to  
12 make any difference?

13 A. No difference.

14 BY THE MASTER: No difference?

15 A. No difference.

16 BY THE MASTER: Okay. I just wanted you to  
17 know that's going to happen probably pretty soon no matter  
18 what happens here. Do you understand?

19 AFFIRMATIVE

20 BY THE MASTER: Okay. So there won't be any  
21 rocks to play on with Rachel or whatever.

22 A. Okay.

23 BY THE MASTER: It will just be you're going  
24 to Dad's house or you're going to Mom's house.

25 A. Okay.

1 BY THE MASTER: After whoever's house you're  
2 already at. Do you follow what I'm saying to you?

3 AFFIRMATIVE

4 BY THE MASTER: Okay. Go ahead.

5 CONTINUED EXAMINATION OF STEPHANIE KEARNS, BY LEE SILL,

6 ESQUIRE:

7 Q. Well, Steph, that doesn't mean that Ilissa still won't  
8 be your lawyer or your friend. He's just talking  
9 about the transfer. Do you understand that?

10 AFFIRMATIVE

11 Q. You can still call her up if you needed to. When you  
12 travel on the weekend on a regular visit with your  
13 Dad, do you ever go just with him?

14 NEGATIVE

15 Q. Is Uncle Dave usually there?

16 A. Yeah, and my cousin.

17 Q. And your cousins. Okay. You still go see Dr. Baker,  
18 don't you?

19 AFFIRMATIVE

20 Q. In fact you started this week sometime?

21 AFFIRMATIVE

22 Q. When did you see her?

23 A. I don't know. I forget what day, but I know it was  
24 like on--

25 ILISSA ZIMMERMAN, ESQUIRE: It was probably a Thursday.

1 A. Yeah, Thursday.

2 Q. How was that?

3 A. Good.

4 Q. Do you like talking to her?

5 A. Yes, I play on the thing.

6 BY THE MASTER: Who's that? Dr. Baker?

7 LEE SILL, ESQUIRE: Yes.

8 BY THE MASTER: I'm sorry. I didn't hear

9 him, honey.

10 A. We play on that little keyboard thing.

11 Q. Oh, yeah.

12 A. It's cool.

13 Q. Yeah.

14 A. I go...

15 Q. She's got a lot of computer stuff too, don't she?

16 A. We play a lot of games on that.

17 Q. Oh, do you? Did you ever play Math--is it Math

18 Blaster? Did you ever hear of that one?

19 NEGATIVE

20 Q. Okay. So it would be okay with you to continue seeing

21 her?

22 A. Who?

23 Q. Dr. Baker?

24 A. Yeah.

25 LEE SILL, ESQUIRE: Okay. All right. Thanks.

1 I'm all done.

2 BY THE MASTER:

If he's done, I'm done, and

3 then you're done.

4 A. Yes. Good.

5 BY THE MASTER:

Okay, honey. Thanks for

6 coming and talking to me. That wasn't so bad, was it?

7 A. No.

8 OFF THE RECORD

9 END OF INTERVIEW.



CERTIFICATION

I hereby certify that the foregoing is a true and correct transcript of the within proceeding which was stenographically reported by me on the date thereon set forth.

DATE:

Nov. 3, 1997

Cherie Dionis Phillips

Cherie Dionis Phillips  
Official Court Reporter

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