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STATE OF NEW HAMPSHIRE  
SUPREME COURT

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NH SUPREME COURT

2018-0086

CONSOLIDATED: 2018-0086, 2018-0153, 2018-0398

**In the Matter of**

**CRYSTAL PERRY and JOSHUA NDYAIJA**

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**Rule 7 Discretionary Appeal**

**NINTH CIRCUIT - FAMILY DIVISION - NASHUA**

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**RESPONDENT'S REPLY BRIEF**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES..... 3  
STATUTES..... 4  
ARGUMENT..... 5  
CONCLUSION..... 14  
CERTIFICATIONS..... 15  
ADDENDUM: Transcript of Parties Meeting on 3/8/2017  
according to Paragraph G (ParaG)..... 16

**TABLE OF AUTHORITIES**

**CASES**

Douglas v. Douglas, 143 N.H. 419 (1999)..... 6  
In the Matter of KELLY, 164 A.3d 379 (2017).....10

**STATUTES**

RSA 490:4 ..... 9  
RSA 161-B:6, I ..... 9  
RSA 461-A:4, VI ..... 13  
RSA 546-B ..... 11  
26 U.S.C. §6402(c) ..... 8  
Sec. 464. [42 U.S.C. § 664](c) ..... 8

RSA 490:4

The supreme court shall have general superintendence of all courts of inferior jurisdiction to prevent and correct errors and abuses, including the authority to approve rules of court and prescribe and administer canons of ethics with respect to such courts, shall have exclusive authority to issue writs of error, and may issue writs of certiorari, prohibition, habeas corpus, and all other writs and processes to other courts, to corporations and to individuals, and shall do and perform all the duties reasonably requisite and necessary to be done by a court of final jurisdiction of questions of law and general superintendence of inferior courts.

26 U.S.C. Section 6402(c)

“The amount of any overpayment to be refunded to the person making the overpayment shall be reduced by the amount of any past-due support (as defined in section 464(c) of the Social Security Act) owed by that person....”

Sec. 464. [42 U.S.C. Section 664](c) -

past-due support: “means the amount of a delinquency, determined under a court order, or an order of an administrative process established under State law, for support and maintenance ...”

## ARGUMENT

Several places in the mother's reply brief, a common theme or word '*clear*' or '*clearly*' that does seem to prejudice or highlight an implicit indication that there is lack of understanding on father's part. Clear as it might seem, father has acknowledged that he has not practiced or claimed to be a law professional – but a father seeking court intervention to redeem and or preserve rights, to him, the law is not clear.

Mother's reply brief also repeatedly states "...*this case and the law of the state*" – much as this might not seem to indicate any harm intended, father believes that this case is not clear, mostly because as stated in the father's opening brief; the family lived together in Massachusetts, the marriage was terminated in Massachusetts, and the initial filing concerning visitation and custody (not legal separation or divorce) was initiated in Massachusetts. Father's understanding is that mother means the *law of the state* of New Hampshire, an issue in contention.

New Hampshire does or is not protecting or treating the parties involved in this Matter equally, and so there appears disparity in application of the trial court's orders. The utterances and orders of some court officials seem to indicate differences in treatment of parties, some of the situations have been explicitly biased while the others can be implicit and or systematic (and appear discriminatory) at best. The negative 'one sentence' story lines are not easily observable without the entire case context, father has been branded as "contrarian" *see Apx 331*, "argue issues that are

really not important” see *Apx 161*, “constant arguments” see *Apx 138*, “desperation” “dissatisfied” see *Petitioner’s Reply Brief, (PB) page (pg) 10*.

Family Division appointed official, the Guardian Ad Litem, GAL, has, *inter alia* peddled a conspiracy that issued from the mother, and continued to present it as true in the report issued to court and on the witness stand, see *Apx 204*. The Marital Master (MM) has wanted to ascertain that father is a US Citizen in a domestic situation which appeared to be furthering mother’s conspiracies, see *HRT, Apx 119*. The MM has issued an erroneous order prior to reading the Paragraph H in contention, denied a motion to correct the error, later describing it as “—didn’t really understand what the whole hullabaloo was all about.” see *HRT, Apx 103*. The MM did not want to hear the case before him, in its entirety, interrupting father’s lawyer during the final hearing, see *FHT, Apx 188-190*, and shortly thereafter ending the hearing prematurely – this led to a ‘forced’ agreement on 5/11/2016, see *Apx 205*.

There have also been confusing statements from the lower court while addressing father, the Judge stated with what seemed to be exasperation “—the way **our law works...**” see *MHT1, Apx 66*, and in another situation “—I know –sometimes it seems like you don’t understand how **our process works.**” See *MHT2, Apx 15*. Although these [and other] actions, statements, and rulings from the trial court might not rise beyond “a mere laundry list of complaints” *Douglas v. Douglas*, 143 N.H. 419 (1999), they are of great concern to the father especially since we are dealing with a case that has

been filled with malicious information by the mother, and now in a different State that is not residence to the [prior] family unit. As a person who is not a resident of NH, and whose nationality has been questioned in relationship to his own child in NH, this does not bring peace when there seems to be a standard that is different from “**our**” – where our is neither defined nor obvious. The Judge concluded “—so we got to just casually take an hour and a half on **a fairly simple, straightforward matter.**” See *MHT1, Apx 98*. This seems to be how court views issues raised by father.

Mother filed a motion to modify CS on 12/15/2017 “-to get the ball rolling” see *MHT1, Apx 31*, based on Respondent’s change of financial circumstances, see *PB pg 5*, but was silent about any changes of her own, so there was no informational update provided until the new information was handed to father at the hearing, it had major changes, example - mother was not earning \$812 monthly as reported in 10/2017, but \$5,137, which she did not explain how she calculated from her documents, and does not offer insight either in her reply, *PB 14, 15*. Mother’s number for father’s monthly income is not supported by facts presented at the hearing, but court was not willing to consider the differences, see *MHT1, Apx 93, 94*. Mother and the court focus on father’s documents while paying no attention to mother’s even though both had filed motions.

Father’s continued compliance with the USO to pay \$50 per month is not a violation, however it seems to be mocked by mother in continuing the negative narrative to win enforcement through

DCSS, *see PB 13*. It must be noted, however, that father (payor/non-custodial) filed the initial motion to modify child support in 9/2017, and was not trying to avoid supporting Faith as seems to be interpreted/IMPLIED by mother, *see PB 14*, this was explained during the hearing, *see MHT1, Apx 70*, this was not a new idea, it had always been fronted to mother, as reflected in #6, *see RB Supp 24*, mother's interpretation is not correct. As a matter fact, court responded that parents can agree, in reference to the issue of having no consistent pay, *see MHT1, Apx 76*, but this is not made possible by the custodial parent.

The **arrearage** did not acknowledge that there was an order in place that was only modified on 2/13/2018, did not define the nature/type of the arrearage - whether it was father defaulting hence causing a delinquency (past-due child support) or arrearage resulting from retroactive application of new weekly obligation. This failure of the court, whether inadvertent or not, to make the distinction has caused hardship, while this appeal is pending. NH HHS-DCSS has violated father's privacy, first by contacting father's employer - who is not in NH, without father's knowledge or consent, and has reportedly provided this information to the Department of the Treasury (IRS) to implement a Federal income tax refund intercept program which appears inappropriate and a violation of father's rights. The communication from IRS shows that the intercept was done according to information from NH DCSS according to 26 U.S.C. Section 6402(c), the definition of past-due support within the statute is Sec. 464. [42 U.S.C. Section 664](c). There was no past-due support, according to this federal law, and



hence no delinquency in this Matter. The intercepted refund was inappropriately taken, and is being held which has created a real financial hardship to father. The arrearage which is still being contested was erroneously calculated, and the result was from retroactive application of the order – while there was another order in place. This Court has the authority, *see* RSA 490:4, to remedy this situation since this is an error that originated from this USO that is being appealed, and ought not end up at the same court that made the mistake. A motion to remedy this situation has been entered at this Court, pleading for this Court's exercise of jurisdiction. A NH agency reaching across state lines to take information, and same agency providing derogatory information for a federal program – while father is complying with all past and current orders appears to be abuse of process and disregard for father's rights.

Father presented special circumstances to the court, however, it seems those same circumstances did not appear as special to the court to warrant a deviation, *see PB 15*. The financial affidavit template affords for parties to present monthly expenses, and 'the person's current monthly living expenses' are very important in determining a party's ability to support his/her children, RSA 161-B:6, I. As an example, father raised the issue of rent – because the home mother left, is still home to father and Faith. This home was leased by father and mother, and remains because Faith needs a home in Massachusetts. As a single person, father could easily enter into an arrangement to share a residence that would save some money, but not when he has a young child that needs to be

safe and secure. This home is maintained for/in the best interests of Faith. Mother does not, and has not indicated that she pays rent since 2014. However, court rejected this, among others. As stated, mother waited until a few minutes to the hearing on 2/13/2018 to hand over documents –including the financial affidavit, there was not enough time to look it over and point out those inaccuracies, which appears to have been by design. However, the issues were raised and preserved by a motion for reconsideration, *see Apx 245, In the Matter of KELLY*, 164 A.3d 379 (2017)

The entry of DCSS in this Matter is very unfortunate, because this is an enforcement agency. The statute RSA 161-B contains words like ‘*failure to provide*’ ‘*abandonment*,’ ‘*neglect*’ ‘*absent parents*’ to mention but just a few. These all have negative connotations, [a] party unwilling or uncooperative – this speaks of one’s failure to support or do their moral obligation. Following the record, and the context, these are all painfully untrue in reference to father. Father finds DCSS’ involvement derogatory, to the extent of garnishing wages, and then intercepting father’s income tax refund –using same USO. NH DHHS is tasked with ‘*conserving expenditure*,’ but the DCSS arm is pushing a compliant father to the brink of losing a home for failing to pay rent, and also authorizing father’s employer to take extra on top of the ordered amount (administrative). Father has not failed to provide adequately for Faith, but mother and now the State of NH would like to make it appear so. Father is portrayed as someone who is not responsible, but does not address why DCSS is eager to take this role – or why the trial court refused to listen to father, and also appeared to hint to the mother to instead

get the child support through DCSS. Potential consequences include among others, father's reputation is tarnished –especially in finding new employment. DCSS did not at any time request father's information, even when that information was withheld on purpose, and there was a discussion between father and court about it, *see MHT1, Apx 78 – 84*. DCSS did not have my authorization to contact my employer, whom I had not revealed, clearly on record, because I had/have concerns but this was overridden. As a non resident of NH, father's information sharing was not respected, and it does not appear that DCSS would claim any authority or jurisdiction based on RSA 546-B, *see Apx 399-400*. Without father's consent or denial thereof, in a discussion between DCSS and himself, DCSS appears to have acted inappropriately and violated father's privacy rights.

Mother appears to be deliberately **misleading** this court by providing an incomplete, and out of context quotation from father's opening brief page 22 (RB), *see RB 22*, that yields a dishonest outcome, *see PB 10*, leaving out the major part of the argument.

Mother asserts that "The Respondent made no allegations that the Petitioner threatened his safety or well-being in any respect." As has been mentioned somewhere else and on March 8, 2017, *See Addendum page 35 (Add 35)*, mother called father's school, seeking information that she had no right to –that information does not appear to have been publically available. Her phone call into Massachusetts at the father's school is/was a threat to father's livelihood, *see HRT, Apx 125*. Also, an affidavit containing malicious

information provided to DCSS alleging that father had not met his ordered obligations, that was fortunately proved fraudulent and the division's notice/order rescinded, *see HRT, Apx 123*

The reason why father approached court seeking modifications to the Parenting Plan (PP) was mother's refusal to meet as agreed-upon in March 2017, according to Paragraph G. At the meeting in March, parties agreed to meet again in January 2018, *see Apx 136, 224, Add 40*. However, mother now appears to be **misleading** this court in two places of the her reply brief, *see PB 17*, "... a meeting that the parties attended in January of 2018 pursuant to Paragraph G" and *see PB 18*, "The parties did in fact meet in January of 2018." This is an error – there was never a meeting in January 2018, and the mother has repeatedly also said the one in 2017 "proved to be pointless and an exercise in futility for the parties." Therefore, although father had referenced the transcript provided to court in the Notice of Appeal, *see RB 12*, a reformatted Meeting Transcript at page 16 of this brief is attached as an Addendum for this Court's review in light of mother's description of that meeting between parents.

Mother responds to father's concerns about the trial court's errors as mere "... typographical error..." "...typographical mistake..." *see PB 18*, but when court was alerted to the errors, it did not correct them, hence these appear to be tactical and or biased (if not rising to the level of discriminatory) errors not just typographical, *see and compare, Supp 39 and Apx 329*

Mother removed the Faith from father's life for over a year, she still behaves as though she is the most important parent, who only gets to permit or allow Faith to be with father – it appears she does not view the father as a parent with equal parental rights, which should concern the court. Father did not ask for a 50/50 Parenting Plan, *see PB 19*, not before, *see FHT, Apx 174*, and not during this hearing, *see B(1)(b), Apx 339*. Instead, father proposed /requested court to make a modification about the vacation periods to be shared equally, *see Apx 342*. The context of the Final Hearing, especially *at Apx 174*, will assist in concluding that the Parenting Plan was not designed or agreed-upon as “Final,” and the parenting schedule was in consideration of father's school schedule at the time, *see Apx 180, 181*

Mother appears to be **misleading** court again, *see PB 20*, father did not try to change ‘primary residence’ to a 50/50, **except** for vacation times. Moreover, there should be no such reference in the court order or decree per RSA 461-A:4, VI, *see Apx 397*

During the hearing to approve daycare/kindergarten enrollment for the minor child, the Judge stated “I think the law requires her to do that. I'm not sure I need to order her to, but.” *see MHT2, Apx 23*, which in father's understanding means that this was not a necessary order. The law requires Faith's enrollment in school when the age is attained, and father did not stop the enrollment in any other program – but he requested to be notified and informed of decisions concerning Faith. The context of this order and the others required a broader understanding, father pleads with this

Honourable Court not to divorce itself of context while making decisions in this case.

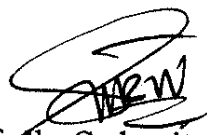
### **CONCLUSION**

Father reiterates prayers made in the opening brief. There was no jurisdiction on the family, both personal and subject matter, for the Family Division (Nashua) according to RSA 458 and RSA 458-A, at commencement: which is the only place where determination of Faith's home state, for initial child custody jurisdiction was based, it has an error. Therefore, NH neither has Initial Child Custody Jurisdiction, nor does it have Exclusive, Continuing Jurisdiction. Therefore, Faith ought to be restored fully to Massachusetts – her State of birth, and rightful home state.

There is more evidence of error in the Family Division's orders, especially DCSS's intercept of father's federal income tax refund that is not supported by federal law. The Matter at the lower court ought to be stayed indefinitely, this Court could appoint a Special officer to reevaluate the issues and facts of this case – to determine jurisdiction, most importantly of Faith. Since mother has lived in NH and as an adult her decision ought to be respected, Faith's being in NH is both not legal and sustainable. The orders, *inter alia* USO ought to be vacated, and appropriate evidence received to make a fresh and fact based calculation not tainted by any bias and or discrimination. The intercepted federal income refund that is being held ought to be released immediately to father, since it is rooted in the contested USO.

The appropriate jurisdiction since father and mother are living in different states is the federal option, and since father still lives in the county and jurisdiction where the family lived, that ought to be given proper consideration. Father is unable to access low cost or free services in NH as a non resident, and shudders at the thought of appearing pro se at the Family Division. Same reason why father waived oral argument before this Honourable Court.


Date: April 05, 2019

  
Respectfully Submitted:  
Joshua Ndyaija, Pro Se

**CERTIFICATION OF SERVICE**

I hereby certify that two (2) copies of the Respondent's Reply Brief have today been mailed to Attorney Robert Shepard at 47 Factory Street, Nashua, NH 03060

Date: April 05, 2019

  
Respectfully Submitted:  
Joshua Ndyaija, Pro Se

## **ADDENDUM**

### **MEETING TRANSCRIPT ACCORDING TO PARAGRAPH G**

**VENUE:** Chelmsford Public Library, MA

**DATE:** Wednesday, March 08, 2017

**TIME:** 09:30 AM

#### **IN ATTENDANCE:**

**MOTHER/PETITIONER:** **Crystal Perry,**  
**and FRIEND:** **Melinda Luther**

**FATHER/RESPONDENT:** **Joshua Ndyaija**



JOSHUA: We agreed on a witness I believe because we don't have anything we disagreed on

CRYSTAL: Right, but this is a different...well I would still prefer to have people here and we can just discuss whatever

JOSHUA: I wouldn't be opposed to that, I would like at least one person.

CRYSTAL: Okay.

JOSHUA: Because we don't have a disagreement. This is my opinion...

CRYSTAL: Okay.

JOSHUA: Mediation is if we have looked at what we need to look at and we have not agreed, then we can ask someone, but if you have a witness, I am okay with that...for the meeting because we have not sat to talk about this specific issue that we need to talk about.

CRYSTAL: Okay.

JOSHUA: So whoever is going to be a mediator, I don't know why they are going to mediate because there is no disagreement.

CRYSTAL: Right.

JOSHUA: We have not disagreed on anything that we have not yet agreed on, so...we discussed.

CRYSTAL: Okay.

JOSHUA: At least one person, I think I am okay with that. But two people just seems to be an overkill.

CRYSTAL: I was thinking we could at least have someone type for us what we talk about and therefore, I don't know if we needed to sign anything.

JOSHUA: We didn't agree on that and I don't think I will be okay with it.

CRYSTAL: Okay.

MELINDA: Okay, thank you.

JOSHUA: **And this recorder is already going**, I just put it just because I was walking in if that is okay?

MELINDA: Are you going to send her a copy of it?

JOSHUA: If she requests it, if you have a phone, then you can record...I don't have to if there is nothing that requires it. Can I close the door?

MELINDA: Sure.

JOSHUA: I will explain. Probably. So, for the sake of clarity, I don't know who you are so maybe we introduce...

MELINDA: Yes, I was going to introduce myself. So you are Joshua and your last name is?

JOSHUA: Ndyaija

MELINDA: **So I am going to record as well..**

JOSHUA: Sure, that's good.

MELINDA: So my name is Melinda Luther I am a doctor and I am a pediatric nurse practitioner, so I am actually here to represent Faith because she's not able to speak for herself. So I am here, I am representing the interests of a child who cannot speak for herself and the agreement that you and Crystal have is all about the best interest of your child and your daughter, so that's why I wanted to be here.

JOSHUA: I am going to disagree with that um right away.

MELINDA: So you are going to disagree with my credentials...or my intentions?

JOSHUA: No, no, I heard about you actually. I don't disagree with your credentials, I disagree with the way you are coming into the meeting.

MELINDA: I was asked to be here by Crystal and that's my point..

JOSHUA: Let's revise something here, because I think we could go ahead and have a meeting, but I think something is out of step. If we go to the paragraph...I just, I want to follow this as much as possible because it's our guideline.

MELINDA: Absolutely.

JOSHUA: Um, In Paragraph G which is why we are here, this is procedure for review and adjustment of parenting plan period.

MELINDA: Mmhmm...right.

JOSHUA: And it doesn't say anything about a representative for Faith. Hold on...It talks about parents meeting. And it says that the meetings shall not be on a set schedule, but shall be as often as necessary for the benefit of the child. Number three says other, which is under G, I hope she has a copy, it says...the parties agree to meet in March 2017 to revise this plan before Faith goes to school.

MELINDA: Mmhmm.

JOSHUA: It does not say that there is a representative for Faith to speak on her behalf. If that person was there, it would probably be a guardian ad litem, who is not part of it because of our agreement. So when you say you are here on behalf of Faith, this is not court-ordered. What you're saying is not court-ordered.

MELINDA: No, but it is something that Crystal can request, that somebody with expertise in child-rearing who is interested in assisting with the parenting plan, that's all I'm here to do, is assist Crystal and you to make wise choices for your daughter. I mean this is all about your daughter's future and the best interests of her. So I'm just here to offer any guidance I can. I'm not here to truly legally represent her. I'm not a lawyer. I'm not a guardian. I'm not a mediator. I'm just a pediatric nurse with interest in children and families. In you being able to father your daughter. In Crystal being

able to mother her daughter and I'm also here as a Christian, because I believe in strong families and being committed to God and you raising your daughter as a child of God and you representing God to your daughter. That's what I'm interested in and I think we can all agree on that. You are the image of God for your daughter.

JOSHUA: So let me stop you, I agree with what you just said, but I think we are going to be out of step if we have a meeting and you are here and she was not forthright about who was going to come. I said a witness would be fine, but if you come in the position of representing my child or our child because she can't speak, it's out of what the court ordered, what we agreed because how can I commit and look at things...it basically says potentially what could change in the parenting plan.

MELINDA: Right, and so I am here just to help if you have questions about what Faith might need or...

JOSHUA: But I needed to know. I needed to know

MELINDA: So that's your concern, that you needed to know ahead of time.

JOSHUA: Yes, because...

MELINDA: So, would you like to reschedule the meeting?

JOSHUA: See, where we are at right now is you are becoming, you're speaking on her behalf. You're speaking on behalf of Faith too...

MELINDA: No, Crystal can speak on her behalf.

JOSHUA: So, we have been communicating by email. I've been communicating with her. And the reason why I have a recorder is basically we can look at things that we want to change. If the two of us disagree, then we can involve somebody, which I didn't think was going to be the case because potentially we thought we made this agreement that Faith was going to school this year. That was a mistake on our part probably and so we need either to reschedule and have something clear because if she is going to be here in the way she is speaking, Crystal, it has to be documented with the court because I'm not in agreement with it.

CRYSTAL: No, you are in agreement with it, I can show you your email.

JOSHUA: Yes, as a witness.

CRYSTAL: As a witness...

JOSHUA: But see, she is offering professional...

CRYSTAL: Okay, then let's just have you as a witness.

MELINDA: Okay, I mean I can be here as a witness.

JOSHUA: A witness does not speak, that's the other bit. I can agree with what you're saying as a Christian, but a witness? You're not supposed to be even part. At least you can listen if we inquire from you or if she

inquires from you, it does not have to be in front of me. And I'm not trying to be difficult, I think we are out of step with what the court set up.

MELINDA: Okay, I can understand what you're saying

JOSHUA: What we agreed on. Because I'm not saying I disagree with your credentials or your being a Christian, a sister or...I basically think there was something not communicated correctly.

MELINDA: Mmhmm.

JOSHUA: Such that by being in this meeting... we were supposed to look at the parenting plan...what would potentially change when Faith goes to school. Your position is not...I don't intend to be rude...your position is not clear to me in my mind.

MELINDA: Okay, I understand what you're saying. Um, so do you two want to talk about the potential parenting plan and I can sit here as a witness? That's fine.

CRYSTAL: And I also thought she could at least type out what we talk about. I didn't have this...

JOSHUA: We have a recorder, Crystal...I can...this is the reason why I have this, what I say is going to be audio. I can transcript for myself or I can write the brief of what we have agreed on and you look at it, I look at it because we've been doing that by email, the paper trail is there. For her to sit here to be the secretary, I needed to endorse that and I don't think you're being, to be honest, you're not being put in the right place and I'm probably not being painted the right person. I am disagreeing because it's not very clear. If Crystal had mentioned that the person was going to be there was going to be guiding and doing this, that would be fine. But a discussion between me and her would be potentially let's look at the parenting plan, let's think about what is potentially going to change.

MELINDA: And I think that that sounds like that was the purpose of this meeting and then that's what you should do, but I am here because Crystal asked me to be here and if she has questions about you know what to expect as Faith grows older I think it's appropriate to have somebody with some expertise in children to be present but also to be present as a witness so but if you want to reschedule the meeting and Crystal can go to her lawyer and make arrangements for me or somebody like me to be here.

JOSHUA: I think that should be a decision that her and I...I think we are complicating something that shouldn't be complicated because if we needed, if the court needed a guardian ad litem to continue or specialist for some reason to continue it should have been ordered. It was not.

MELINDA: Well you can go back and get that order.

JOSHUA: That's what she needs, if she wants that order, then she needs to prove or she needs to be able to ask the court to do that because what we are doing now is not actually part of that paragraph. The discussion about why she's here is not part of that paragraph. The disagreement is not part of that paragraph.

CRYSTAL: Can we agree, I mean I just want to be able to say...I think you're making it more than it is, I do because...

JOSHUA: Ok, that's your opinion, so I'm not...

CRYSTAL: Yeah, because we could just sit here right now and we could go over this and I think in 20 minutes, we could probably both have an understanding of where Faith is going and what's happening. I have typed out things that we could look at together so that you're aware of what I have learned about the Hudson school district. I mean, really, I asked Melinda to be here because I know that she has the qualifications that she has, she also has really good typing skills and I was thinking that if we wanted to agree on something today maybe we could get that typed out and sent into the court.

JOSHUA: She doesn't have to be the typist, Crystal, that's my opinion. But if she wants to, I am not giving her the authorization to type because I can type and you can type, but if you think, if we, I think we say it better in the email. If we...when we meet, we agree on something because we need to update the court. If the meeting happens, then we choose whether it is you or me to type it up. If you agree to type it out and she helps you, fine.

CRYSTAL: I did not have a recorder type of thing so I was like well in the presence of a witness. So I mean to me that would be have sufficed instead of having audio recordings it's just having a presence of a witness.

JOSHUA: Yes, but you know we have experience where things being reported differently, so if we have something recorded I think it helps you and I to be at peace.

CRYSTAL: That's fine.

JOSHUA: The witness is not supposed to be part of even discussion, but is there.

CRYSTAL: Okay.

JOSHUA: I am not trying to shut you down

MELINDA: Unless the witness is called upon.

JOSHUA: Unless you inquire of her, I think that would be something...I am okay with that, but putting her in a place where she feels like legally binding because the recorder is there. If you bring someone that says...I said mediator, I said no, if you want the witness. But this should have been...as you say I am making it a big deal. Yes it's

a big deal because I said I am not in agreement with the mediator.  
A mediator would probably be able to steer the discussion

CRYSTAL: So I didn't bring a mediator, I brought a witness.

JOSHUA: A professional, okay.

CRYSTAL: Who happens to be, yes a professional, someone I can trust and rely to help with guiding where we're going with Faith.

MELINDA: And I also just want to reassure I'm trying to be as unbiased as possible because I do understand both sides. I understand, I have been in multiple situations in my career where I'm working with a father and a mother and a child or children and so I wanted to be here as a witness to just listen and you know possibly offer counsel to Crystal after the meeting but I would do the same thing for you so.

JOSHUA: Let me let me make this request, at the end of the day this, it feels an ambush because we've been communicating back and forth and you did not mention that you were bringing a person, or two.

CRYSTAL: I assumed that you were bringing someone. I had assumed that you were bringing someone and I was like well...ok.

JOSHUA: It is ok, I'm not...if you had brought anybody, whoever you had brought, the issue is the way she is coming, or the way, the position you have given to her is not supported by you, by me and is not supported by court, that is my whole issue.

CRYSTAL: Okay, so that aside, can we, do you feel comfortable moving forward today and just discussing...I just have five things really that I wanted to share with you.

JOSHUA: And they are about the parenting plan, correct?

CRYSTAL: They are about Faith.

JOSHUA: Nope, specifically parenting plan because that's where we are. The rest of the things, I need to mention, it is being handled by the Supreme Court.

CRYSTAL: Yes, I know.

JOSHUA: Ok, so if they are about the parenting plan, I think it'd be fine...

CRYSTAL: Are you going to have an open ear to hear?

JOSHUA: Crystal, like I said, if they are about the parenting plan, I am very, that's why I'm here, but if it is beyond...

CRYSTAL: It's part of the parenting plan.

JOSHUA: Okay...

CRYSTAL: Are you...Ready? Okay, so...just as a witness [whispers]. Okay, alright.

JOSHUA: You don't have to, you don't have to...

CRYSTAL: I'm just saying...

JOSHUA: You can speak as a witness audibly enough.

CRYSTAL: I spoke, so about Faith and going to school. I called the schools, you know, the Hudson School District, because I was wondering what Faith would be doing in the fall of 2018 when she turns five. So if we look on page one of what I wrote up and I brought the Hudson School District information so that if you needed to call them or look on their website you have that information, so just to show that this is where I'm getting the information and this is who I called, that's why I brought that. And so I called them just to find out about where Faith, you know what's in store for Faith when she starts school. So, I'll just read this out loud since we're being recorded...

JOSHUA: Can I request something, it's an interruption to what you're doing. If you have the information that is there, is there something that you see that is going to affect...because we can come back, I can study this, I can read this and then we come back to it. Is there information that is in here. You're going to read it, I'm not going to say no okay, but is there information that will affect the parenting plan.

CRYSTAL: Well, eventually, yes, I was hoping that we could change some things. But I wanted to at least inform you of what changes she has in store for her so that you understand her life going to school.

JOSHUA: So you realize that isn't directly this that we needed to...because I have class and I have to work within a specific time.

CRYSTAL: Oh, you have class?

JOSHUA: I have to work within in a specific time. If what you're going to read, if I can read it and ask questions later, fine, but if you...

CRYSTAL: Okay, do you want to sit and read it now?

JOSHUA: If you have understood it and tell me where it is likely to change the plan, I think that would be..

CRYSTAL: Okay, we can skip to two.

JOSHUA: Number two or page two?

CRYSTAL: Yeah, page two, number two. And I'm...Crystal is asking for the weekend schedule to change to every other weekend as it was before and as the Guardian ad Litem had suggested or a scheduled first and third weekend with Joshua and Faith would be with Crystal the rest of the weekends. Set weekends would greatly help with planning and working weekend hours for Crystal.

JOSHUA: Is this now or when Faith goes to school?

CRYSTAL: I'm asking now.

JOSHUA: That's not part of today's meeting because we need to look at when she's in school. Let me give an answer because I'm part of this, ok, you are already giving me the expression of how can you do that. No, I don't think I'm going to grant this. This is my reason. We had discussions before this became final, the final court order. We're back and forth, that I remember was something that was given and you rejected and I remember going to court and saying I need all the weekends. The judge could only give me what he gave me according to the parenting plan. I am of the view that it remains like that for now. It is not convenient. I would want to take all the weekends, but you gave your reasons and I think he [referring to Marital Master DalPra] listened. We only need to look at when Faith goes to school, this is my opinion. I'm not in for changing it right now.

CRYSTAL: Ok, I had requested that we wait to do this meeting next year.

JOSHUA: Yup. Because that's something else I wanted us to have...

CRYSTAL: You said no, we're going to meet now. So I'm asking, if we're going to meet now, I'm asking for the change now.

JOSHUA: Right then I'm not able to grant it because this is supposed to be when Faith goes to school. What we can do is wait until then or if you want to have this changed before she goes...because you have said she is going to school, you say it is daycare, it is school. Sometimes I don't know which one is which. We are looking at when she goes to school which throws between now and that time, I don't know if she is in school or not during daycare but changing back and forth the way it used to be, it was changed. For now, I'm not willing to revert to that.

CRYSTAL: Okay.

JOSHUA: Unless you want all the weekends to be...because you have Faith Monday...

CRYSTAL: Unless I want what, what were you going to say?

JOSHUA: I don't remember it. You have Faith every week, I mean weekly. She is with you I don't know 80% of the time? and the only time I get to be with her are weekends. Two weekends, keep one, two weekends, keep one. Which is something that developed, we had suggested something different so I shouldn't even go there I think in my mind, so I don't think I'm going to grant this.

CRYSTAL: What I am having trouble with is that there are a lot of weekend things that happen that Faith is not being a part of with family, with friends. She's missed Birthday parties. That's not so big now as a little child, but as she gets older, I think she's going to want to attend her best friend's birthday party or you know attend, I'm looking at church and seeing that you know kids will have special courses or something like that. I feel like if she's not at least more regularly scheduled between your church, my church, I feel like



she's not going to be connected to people. I just want her to be able to form her friendships early now, because really the friendships she forms at this stage will help develop her through the rest of her life.

JOSHUA: Do you realize that what you are discussing was supposed to be discussed at some other point and you said no to such a meeting? And so if we are going to get into that kind of meeting at this point, I don't think it's going to be helpful. Because this is specific. I requested meetings Crystal, you turned them down. And I'm not being hard, I'm basically saying, I would love to have that discussion, but when it was supposed to be had, you refused to have it.

CRYSTAL: You were discussing...I'm sorry...The things that you...had a long list of things we were supposed to discuss...

JOSHUA: Today?

CRYSTAL: And I can look it up on email...in the past. I felt that we had already discussed all those things with lawyers present and what further thing do we need to say.

JOSHUA: I'll wait for the Supreme Court to decide on that, Crystal.

CRYSTAL: Okay, that's fine. So for today, can I share what I'm thinking and then you can come back...

JOSHUA: The weekend thing, I am not going to discuss it. To me, it is a moot thing because we have agreed on that. If you want it changed, I think you can go to court.

CRYSTAL: Okay.

JOSHUA: Because you are basically telling me that time of Faith and I is not important compared to the other...wait, I only have two or three weekends in a month. If we convert that to days, you are basically telling me that you would rather have her be in a party or on a trip or something rather than being with me. I only have her on Saturday and Sunday, only four days in a month, so even that you think is not, should be reduced? For me, that is appalling because I thought you wanted it to be increased so that I can spend time with her. She was gone for a year. We are trying to reestablish. And you are saying that now that should be changed so that the thing that she had doing will be plugged in, but I will be plugged out. I'm not in for that.

CRYSTAL: I'm not saying you can't see her during the week.

JOSHUA: Crystal, you know your schedule. I know my schedule. You live in another State, I live in another State. She goes wherever she goes to school...I think we had that discussion to about having her in a week. I spoke to you in the meeting with the lawyers present. You gave your response about that.

CRYSTAL: I said I'd be willing to have her even sleepover on a Wednesday night and you could have her all day Thursday.

JOSHUA: That is something that we discussed exhaustively and it did not work and we had reasons why if you go back to the documents that we are sharing back and forth, it didn't. I would love to have a discussion about what would change when school starts. Because I'm not going to be able to be...[inaudible]

CRYSTAL: So do you want to look at her schedule on page one?

JOSHUA: What changes when she starts school?

CRYSTAL: Do you want to look? do you want to read this? because I tell you everything.

JOSHUA: We can. Is it going to be basically...where my mind is Crystal is this, we are in things that are not directly affecting the change after she goes to school. My mind tells me what we are in right now, the setup we have is going to work until then unless you want to change it or unless i want to go to court and want change it or unless we agree to change it right here and we tell court. First thing that you are asking for, honestly, I'm not okay with it.

CRYSTAL: Okay, well let's continue. Three, Crystal is asking that once Faith is school aged, if Faith decides she wants to join an after school activity or program, that both parents would encourage and support Faith's decision to do so. Are you in agreement with that?

JOSHUA: I'll need to think about that and know what the implications for it are. I am not disagreeing or agreeing right now.

CRYSTAL: Okay. Four, Crystal is asking that once Faith is school aged, if Faith decides she wants to join an activity or team that would take up weekend time, that both parents would make that a priority and see that Faith attends whether that be on Joshua's time or Crystal's time. Each parent is responsible to help Faith have the fullest life she can by providing transportation to and from events and activities, encouraging Faith to stay true to her commitments and maintaining healthy relationships.

JOSHUA: That has 50/50 percent. Because as long as you are trying to take off time with me being with Faith, I'm not going to be in agreement. I have limited time, and so when we get there, I think we will be able to evaluate and see which one is more important - her being in one place, can some other things be arranged here. The challenge that we have, I don't know if you see it, you live far from me, you moved across State lines. If we were living in the same place, not in the same house, I think it would be easy for me to say okay, I will drop her and pick her up and she can come to my house and then she will go. But if that is up north and that is my weekend, I am not really...preliminary right now, my mind tells me that that is not a good place to agree because you would be removing time between Faith and I.

CRYSTAL: That's not...I'm in disagreement. Because I feel that by taking her to her a soccer game, I think she would absolutely love having you at the sideline.

JOSHUA: If the soccer game is here, near where we are going to be moving from the soccer place and going to my house. Fine. If it two hours away then we have to drive from there and come and sleep in Massachusetts, I probably will not be able to agree. We can look for things that are here maybe, for a soccer game or something...I think there is need for us to look at things critically. I want her to be active, sports, and music and everything but if it is going to be three hours away because it is in New Hampshire, I think that is not going be an easy thing to sell to me.

CRYSTAL: Okay.

MELINDA: Can I just add one thing, based on experience. Children's soccer teams and such, they often involve a lot of travel and not necessarily to Northern New Hampshire, it's very common that you travel an hour or two to your children's games no matter where you live. So I think you just might both want to realize that, that there is often travel involved and as parents, sometimes you end up volunteering to drive you know a couple people from the team and that's a wonderful way to connect with your children and their team members. So, that may become less problematic Joshua with the distance between you because you could theoretically have games in Chelmsford or games...you know, it's not uncommon depending on what type of league to have games across the State lines, so just so you know that as far as future planning.

CRYSTAL: Thank you.

JOSHUA: That is an addition as a friend or as a witness, not as a specialist correct?

MELINDA: That's just as a parent. I did a lot of driving for my children.

JOSHUA: Okay, very good. That to me is understandable, but I cannot commit to be doing it every time that she is supposed to be with me, that I'm going to go pick her up two hours away every weekend that I'm going to be with her because I have a schedule, I have a life to live here, we have a life to build together too, in this place. We have, the child lives in two places, and we need to be able to agree to plan accordingly for her to spend time with me and to spend time with you. I'm not going to affect her time with you, I have not done that, but if you are trying to encroach on the time that she's with me, I am very, very opposed to that.

CRYSTAL: I'm not. I'm just wanting her to be able to have fun as a child and be part of a team if she wants to be able to be part of a team. If it's about us, then she will never be a part of anything. It's about her.

JOSHUA: I don't know if you see what you're saying. It's about her where one parent is removed from her life.

CRYSTAL: You are not removed.

JOSHUA: No, no, no, let me explain what you're saying. If it is supposed to be with me on a weekend that I'm there, right, or she's with me, there is a way that we probably can look for something else that would be replacing. I don't think it would be forever for Faith to be in this situation. What I am opposed to is trying to withdraw again while we are still working our relationship or our friendship or whatever you can call it at this point. The father or the parent-child relationship. You are with her, she sees you every day of the week, hopefully. When she's with me, it's only three days - Friday evening, Saturday, Sunday and sometimes Monday. Then she's gone, then I'm gone from her. For you, it's consistent. So when she's with me, just those sporadic times, and those times need to be reduced, again I'm not in for it.

CRYSTAL: Faith is in her preschool program Monday, Wednesday, Friday. I drop her off at 6:30, I pick her up around 3:30. If I'm working and I need someone else to pick her up, I don't see her until around 7 at night. Monday, Wednesday, Friday. I have her Tuesdays and Thursdays.

JOSHUA: So?

CRYSTAL: I'm just saying.

JOSHUA: Mmhmm.

CRYSTAL: So?

JOSHUA: You compare her with the time that I have, I think that's...if you compare the time that I have with her with what you were just saying you only don't, you know I only see her, I don't see her until 7, but you actually see her at 7. I don't see her from the time you pick her up to the time that I pick her up.

CRYSTAL: And I put her to bed and she sleeps. So really, where is the quality time?

JOSHUA: Putting your child to sleep is quality time.

CRYSTAL: I know, but...

JOSHUA: So if you're doing it Monday, Tuesday up to Friday. I only get to do it only Fridays, Saturdays and Sundays and not all of them.

CRYSTAL: And Monday holidays. Which since you have three...I had her last month one weekend and on the weekends that there is a holiday on Monday, you get her. So that's, that's a lot more time. There's a lot of Monday holidays out there. And the fact...

JOSHUA: I think, I think...let's go back to this, Crystal, I think...

CRYSTAL: I also want to say the fact that I am paying for her program that she is in is the reason we are sitting here today.

JOSHUA: The fact that you can do that program, I think we shouldn't, that is still something that we needed to discuss three or four times and you refused. So now I don't think it's the right time to bring it to this meeting please, because I tried...as much as I tried, many times. So let's not go into payment, we are talking about parenting plan.

CRYSTAL: I just want to say, I just want to say that you were not willing to meet with me on a weekend that was your weekend with her.

JOSHUA: Let's, let's...Crystal, let's go back to...

CRYSTAL: But I'm meeting with you during my time with her. This is my time with her, I'm with you. This is part of my time.

JOSHUA: I thought you said, Crystal, Faith goes to daycare or that school on Wednesday?

CRYSTAL: Mmhmm.

JOSHUA: So?

CRYSTAL: But what I'm making a point to say is, is this my time with her? Do you see her in the room?

JOSHUA: I don't know if I understand what your argument is. Because you said you have her Wednesdays, Monday...

CRYSTAL: Yup, I do have her Monday thru Friday.

JOSHUA: I think we are digressing, Crystal, and it's basically, it is something that we could discuss before and you decided not to discuss it so we should probably not bring it up.

CRYSTAL: Ok, so let's move on. Number five, Crystal asks that Joshua would increase his financial support to be consistent with the needs of a growing child.

JOSHUA: You know how to do this right? because this is again...I don't want to sound rude to her or...I think you're trying to address things in this meeting that don't fall in. Because if you want to ask for this, there is a way that you could do it and you know it because you're the one that led it to the idea that the State or the government decide...what needs to be done. Two or three times I sent you emails and I said, let's look at what Faith needs. And you said no, no, no, it's all on record. You need child support be paid. The State is or the federal government is, the courts tell me right now what I need to pay right now in my situation. That's what I am doing.

CRYSTAL: What is your situation?

JOSHUA: That is not part of this meeting, Crystal. That discussion needs to be had differently.

CRYSTAL: Okay.

JOSHUA: Yeah. There are things that actually, Crystal, to be honest, if you agreed to sit with me, or agreed before, it doesn't have to be a

fighting meeting. It's to look at different things together for the sake of Faith. Look at my situation, look at your situation. Look at these things going on. We agree or disagree. But you stonewalled, hid behind your lawyers, when I was willing to sit with you and have discussions and I can say this, you basically said no discussion. You said I'm a complete something... So it's not me refusing to have discussions about these things. You basically said no, no, no a number of times. This is something that you probably have to go through court if you want it increased or if you want it changed. Not because right now, I am refusing to increase it, but I think there is a channel that you preferred to use.

CRYSTAL: Okay, let's read number one since we've read everything else.

JOSHUA: Ok

CRYSTAL: Per the parenting plan, page five of eight under C, legal residence of a child for school attendance. One is checked off indicating that the children shall attend school in the school district where the parent with sole or primary residential responsibility resides. Under this plan, that parent is Crystal. Therefore, Faith will be starting kindergarten in the Hudson School District in September 2018 at the early learning center in the library street building. To start kindergarten in Hudson, a child needs to be age five years old by September 30th, so Faith just makes the cut off. The Hudson School District has a half day program for kindergartners. Faith will be attending the afternoon kindergarten program from 12:45 pm to 3:15 pm Monday thru Friday.

JOSHUA: Can you hold on a second there? Um, why does she have to attend the afternoon program? I think this is a discussion that we probably needed to have so that I could have an understanding.

CRYSTAL: Okay, I called the Hudson School District on Friday and I asked them what is to be expected. The afternoon program is because of where she lives. They have separated out areas or zones of Hudson. There are morning students and then afternoon students. And because of where she lives, the zoning, she would be an afternoon student.

JOSHUA: Okay. This is something I will have to follow up on and try to find out about it. But, yup, I'm glad to have this information.

CRYSTAL: Yup, just call that number.

JOSHUA: Yup.

CRYSTAL: A small bus just for preschoolers and kindergartners picks her up and a regular size bus with kindergartners and grades 1-5 drops her off. The 2017-2018 school schedule starts August 29th and ends in mid-June depending on snow days so it is probable that the 2018-2019 school schedule would be roughly within the same time frame. An after school program is available through early childhood adventures program by the adult learning center in

Nashua, NH if needed. Registration for kindergarten is in March of 2018. In the fall of 2019, if Faith starts first grade at H.O. Smith School in Hudson from 8:55 AM to 3:15 pm Monday-Friday, there is both before school and after school programs available through early childhood adventures program by the adult learning center in Nashua, if needed. I just wanted to share that information with you.

JOSHUA: Right, that's information that I need to digest or think through and follow up and see what needs to be done. Because you've presented it and I don't think you need a response right now.

CRYSTAL: Yup.

JOSHUA: Because the whole thing for me is how does it affect my time with Faith. How does it affect the parenting plan that we have, that is in place. That's what I'm going to be reading to compare. Um, and see where it is going to affect me.

CRYSTAL: Okay, well I wanted to show that if you wanted to see her in the mornings, she would be available in the mornings or after 3:15 if you wanted to pick her up from school.

JOSHUA: Do you realize, the reality that I live far? You don't have to answer that. Because we talked about this through all this process when we were back and forth. If I was living in a close by place, if I will do it once in a while, I will always let you know in advance. But I don't think I want to commit myself to something and set her up to say oh he always sees me this time and then when I disappear, which is stories that I've heard from you again, she looks at me like you know he lies to me, he tells me he's going to come and he doesn't come. So when I am not...

CRYSTAL: Sorry, I don't know what you're talking about...

JOSHUA: No, no from your experience you do, you shared your experience growing up. I'm not saying what has happened between Faith and I.

[Phone rings.]

JOSHUA: Sorry. I'm sorry. Uh, ten minutes. So I don't want to say I can put her in a place where I'll say I will see you 3:15 on Wednesday if I'm working, if I'm in school or doing whatever I need to do and I can't make it there. Then Faith and me have to duke it out, you didn't come. And she's very smart, she holds me accountable to some things now. So, I don't want to put myself in a place where I'm going to mess her up because she'll think, he told me something and he lied to me. I'm not able to, we talked about this, I am not able to get into New Hampshire at 3 or at 2, times when I'm in a meeting or working or in class. Weekends work well because I have been able to fight for most of my life not to be at work or in school when I am able to control our schedule. If I cannot control it, then I go in and work or do something. But making an arrangement to

see her in the middle of the week when I know that something can come up and then she'll ask me what happened and I don't have a good explanation, I don't have it. I'm not able to do that.

CRYSTAL: Ok, what did you want to discuss today, I've told you everything.

JOSHUA: The issues that are going to change. Number one, the good thing is that you have given me information. The parenting plan right now gives me every, it says two weeks...two weekends, skip one, two weekends, skip one. It's not the most convenient for me, but it is something that I can work with. If you need to change, like you suggested, I'm not in to change. The only change would basically be to increase the time with Faith.

CRYSTAL: I'm not in agreement with that.

JOSHUA: Right. I mean, um, we don't have to agree, but at least I'm telling you for me, rather than reduce, because what you're suggesting is taking away my time and I'm saying no. The only change I would want to look at is giving me more time with Faith. If that is not there, I'm not going to *scratch* you. No, just like for now, it remains the way it is for now.

CRYSTAL: What about if we agreed to set times. Meaning I know that you will have her the first weekend of the month every month or the first and second or first and third or...

JOSHUA: Mmm, that's why I am shaking my head. That is not, I will not be able to see that or hear it. That is still reducing my time, I have minimal time.

CRYSTAL: I don't see how that's reducing time. Let's say you have her first and third weekend and if there's a fifth weekend, how about we agree that you have her the first fifth weekend and I have her the second fifth weekend.

JOSHUA: Crystal, you are not, I don't want to sound bad, but you are not comfortable with me spending time with Faith, the minimal time that I have and you want to reduce it. because if we agree on this, what you're saying...

CRYSTAL: What you're not hearing from me is my work schedule also would work better for Faith if I had set time. For instance, this weekend, I'm working. Where's Faith? Is she with you? No, she's with me.

JOSHUA: Oh so if we go back here with your argument. If we go back here...

CRYSTAL: It's three hours, I'm only working three hours.

JOSHUA: So, that is self-defeating.

CRYSTAL: The problem is, the problem is it takes me away from her, I need to be able to have set time.

JOSHUA: Are you able, are you able to make set times within the time that you have? Because that's the question you asked me before.



CRYSTAL: Work is not happy with me.

JOSHUA: Crystal, when you were taking Faith in July to Virginia or West Virginia, you demanded my weekend. I gave it to you, so let's just use that as, I would have said no...

CRYSTAL: I...forgive me, but...family, family...

JOSHUA: No, no, no let me finish. Let me finish it. Look, look...I am...c'mon...Faith

CRYSTAL: Can I just explain one thing **since we're on record here**. Ok, there was, there's a yearly family gathering. I did not ask for that weekend, it was a family, I'm not thinking of the right word...

JOSHUA: Your family reunion? Yes, I remember.

CRYSTAL: Reunion, reunion, yes, there was a family reunion and therefore, I...you get what you get and yes it was on your weekend and I appreciate you agreeing to that.

JOSHUA: When I asked you to replace it for the sake of giving me time with Faith, it has taken us even to the Supreme Court because you're not willing to...even when you're trying to wiggle right now what I have, I don't feel like I can trust you to do what you're saying because if you're saying, you know, let's change this - you take two weekends, the first weekend, the fifth weekend - there is still something that you can use my time but you cannot switch.

CRYSTAL: Why can't you take her on a Tuesday or a Thursday?

JOSHUA: We don't have that arrangement and I'm not able to.

CRYSTAL: You're not able to?

JOSHUA: No, I'm not.

CRYSTAL: Because you're?

JOSHUA: I am not able to.

CRYSTAL: Ok.

JOSHUA: Yeah. I think that is the answer you want. I am not putting myself in a place where I'm not able to do something because as an adult, I know that the time that I have is in control, I know how I run my life this side of the border. I'm not able to. Whether I'm running, jogging or I'm working or in school, it's just, I'm not able to do that.

CRYSTAL: Would you want her on a Monday, Wednesday or Friday? Instead of her being in school?

JOSHUA: Do you see what we are doing right now?

CRYSTAL: Instead of her being in school?

JOSHUA: Do you want her to come back to Massachusetts and live here? Is that what you're saying? Because when she...we are going to go into back forth and I don't think it is good. Where we are right now, it's

to look at what is going to change. We have something that is set, it's working well, not conveniently for me. It's working, I'm not a ...

CRYSTAL: I pack a bag with her medications and set out clothes. It's not convenient.

JOSHUA: Time wise is what I'm talking about, it's not enough. That's what I'm saying, I'm not saying that you're doing something wrong, no, it's not enough. I'm not spending enough time with Faith. I'm not saying...you're doing great - the clothes and everything that you're doing, it's great. They are her things, I take care of her and she comes back. I wish it was more time, that's my whole point. So, I'm not saying I want to snatch from you, no, you have what you have. What I have I'm guarding jealously, I put away everything that I need to spend time with her, as much as I can. When she leaves, I'm happy that I spent time with her and I wait, look forward for her to coming back. So, by you trying to look at what I am having, which I think is not enough, it's minimal. That's where my problem is.

CRYSTAL: Ok, so you're feeling that you're not getting enough time with Faith?

JOSHUA: I didn't raise that. I'm basically saying that what I'm having, I'm using it well. I am refusing you removing part of what I have because it is minimal. And I'm not asking you to add or to change or to put me in the week. I'm basically saying, let's use what is there for now. When she's going to school, we are going to look if she has something to do on Friday that takes her to this time, then we evaluate. That's what I'm asking for. For now, let's leave how it is, taking away, I'm not...

CRYSTAL: Would you be in agreement with me if I said hey I'm working this weekend, can you take her and I will have her a weekend that I'm not working?

JOSHUA: That is to be determined because when we had that issue of switching back and forth and you didn't allow it to happen. It put a place in me where I cannot trust you to switch back and forth. So everything, like the schedule I sent to you, I've looked through my schedule. If I need to plan to do something, somehow it is fixed. If it needs to change, I give you way ahead advance. For now, I'm in this area, we can look at a case by case. I'm not saying that I cannot switch, but you made a first move of being, of taking a weekend and not replacing it. So, for me, what I have following the court order...

CRYSTAL: Would you like a weekend...there's first of all, there's nothing in here that says I needed to replace it.

JOSHUA: You agreed with the judge and he agrees with you, yeah, but as parents working together, because you took from my time, it would have been courteous of you to replace it.

CRYSTAL: **I know that this is your year, and I know you are going to take my time.**

JOSHUA: Trust me, I have already promised myself I'm not going to do exactly what you did.

CRYSTAL: Ok, fine.

JOSHUA: Nope, that's not how I roll.

CRYSTAL: So, would you be willing to, if there comes a weekend that Faith has a friend's birthday party, would you be willing to bring her to that birthday party?

JOSHUA: Maybe not. Because I have plans with her every...again, let's go back to the baseline. I have less time so I plan things with her, right? So when she's with me and she needs to see family - because she also has - I think you need to remember that part -

CRYSTAL: She has family, yes, I think that's...

JOSHUA: She has two sides of the family and there are friends, this side too.

CRYSTAL: Mmmm.

JOSHUA: So if I arrange for her to see the people - people that she has in pictures as a baby. It has been my...I basically show her the pictures when she was young, someone holding her and we are looking for that, it's just like treasure hunting. For us, it's, I mean, it should have been differently, but that's what it is. So if you're saying I have to bring her back, what if we have planned to see Melinda on that day because she has not seen this person. I think...we have a child who lives in two homes in two places. Let's try and work within that, not because New Hampshire is more important and I'm not using that against you, not because where she stays with you is more important. But the reality is that she has two places. I have plans with friends that I live with and everything around me, church, and if I have something that she can attend or she's with me that weekend and there is a party she is going to miss, to me, that is reality, it's going to happen. If...she missed my graduation for the other day because you said you had plans. Right? And so...

CRYSTAL: **Actually I looked up the graduation for where you said you graduated and that was in May of last year. So that happened months prior to when you said you were graduating and I even called the school, I said, "Do you have a graduation on this day? because I was thinking of attending?" But they said, "No."**

JOSHUA: And...so what will happen if I show you that that's when it happened?

CRYSTAL: I would be very surprised. You know what I think happened?

JOSHUA: You're going to be very surprised. Because you know what, Crystal? I do not make up facts.

CRYSTAL: Well, um, according to the website, it shows where it shows and when it shows as far as it was in May. I think it was the 14th of May of 2016, you graduated and it shows your name on the roster, your name with your degree in Chemistry. And as a Masters a Chemistry. So it shows, that you already graduated.

JOSHUA: Mmm. I'm not changing that. Graduated...

CRYSTAL: So why are you saying that your graduation was in, what was it August or end of September, August?

JOSHUA: There are many things, that Crystal you don't have, that...

CRYSTAL: That you had her for a week...

JOSHUA: I don't know, I think maybe that will probably be something that you need to bring to court. Because you have a letter and I have a certificate that shows that that's what happened. I don't make up facts.

CRYSTAL: I don't have that letter.

JOSHUA: No, you don't have it because it's not yours. And I don't think I should even show it to you now, it's not part of this discussion. But I think, what needs to be said, I'm glad you said it, you called my school.

CRYSTAL: **I did**, I wondered because I had never heard of a graduation happening in September. I thought it was an odd thing.

JOSHUA: Look at my emails and see the date that I put there and you call them again.

CRYSTAL: I'm not going that far. It doesn't matter to the math.

JOSHUA: You have...

CRYSTAL: But my point is, I was surprised to hear that you needed her for your graduation in September.

JOSHUA: And it happened in September, oh, not September, it was August 31st.

CRYSTAL: Okay, August 31st.

JOSHUA: You have all those things there and you can get as much information to prove them as possible. I think...

CRYSTAL: I'm not trying to prove you wrong, I'm just, can we get back to this, what are we discussing here?

JOSHUA: Uh, I will need go, it's an hour and I think I need to go.

CRYSTAL: Okay, do you feel like we accomplished something here today?

JOSHUA: We need to set up when we meet again because some of these things I need to look through and I need to be able to - I did not see places where the parenting plan is going to change, I only see you trying to reduce my time. Actually now, not even before. I wanted

to ask you for something but I don't think you're going to be able to do it and so, I will probably not.

CRYSTAL: Well, you don't know unless you ask.

JOSHUA: I have seen something, Faith's school is called a daycare, it's called a school.

CRYSTAL: Right, it's both actually.

JOSHUA: She was enrolled in that school the day after I received the paperwork from Massachusetts about coming to court here. That's when you enrolled her. Paperwork and all the information is there. I was never consulted, I don't know whether it is a daycare or it is a school. When I appeared there the first time, they almost called the police on me. So, there are quite a number of things that...I've even got the file for that school - you are able to write in that file yourself. I don't know if you part of the leadership or the owners of that...

CRYSTAL: Well, I'm pretty important.

JOSHUA: I think you are. So, it makes me uncomfortable, because I'm not, but I tried to have a meeting with, so this way I can be part of the decision about what is going on in that school, stonewalling again happened. You asked me only to pay when I need to have time with Faith. The request I was going to put before you is, right now, for me, that is not a school. For you, it is a school and daycare. I...

CRYSTAL: It's preschool. There's a daycare. It originated as daycare, and now that Faith is 3, 3&1/2, they put her in the preschool program and it happens to be there, but there is daycare on both ends of it. So the program, **I'm not sure what time it starts and ends**, but within the daycare, there is the preschool program.

JOSHUA: I would like you to make things simpler by understanding this, when we make decisions together, they are to be respected. the decisions that you made prior to this order, the final order of divorce, most of them are requested that we sit together and look at those things and you say no, so when...

CRYSTAL: Well we've been here for an hour, have we made a decision?

JOSHUA: Oh yeah, I think for me, there are decisions that have been made. I'm not changing the thing that you want to do, for me, that is a decision. If you want to change it, then you need to go to court and bring it up. Um, the other things, the other numbers on your requests. You heard me. Number one, I need to go find out more information about this and the number one on this. Number two and three, some of the things I need to think about. Number five is basically they are things should have been discussed in a different meeting or taken to court. What I wanted to bring up is that between now and when Faith goes to school, we have two weeks, non-consecutive of vacation. When I tried last year, I was stumped,

literally. To me, it did not happen as I thought it would happen.  
This year, Faith is not in school legally.

CRYSTAL: Yes, she is.

JOSHUA: Because you and I...

CRYSTAL: She is registered.

JOSHUA: Well yeah, registered by who? You and I have decision making.  
Equal decision making. I tried to have us in a place where we could  
see, do we need to change? I don't think we needed to change from  
where she is, there is not a good record that is there.

CRYSTAL: Who would be providing for her if I was not working?

JOSHUA: That is not a question you want to ask when I am asking for time to  
spend with Faith.

CRYSTAL: I need her in daycare so that I can work and provide for her.

JOSHUA: And when I need one week to spend with her, you want me to pay.  
If it is daycare, why do I have to pay to have her out?

CRYSTAL: Because I have to.

JOSHUA: But it's daycare, what is daycare? Someone takes a child to daycare  
because they're not able to...

CRYSTAL: You need to hold the position, to hold the position there, the  
workers still need payment.

JOSHUA: I could be guided, that is a business decision, okay?

CRYSTAL: Mmmm.

JOSHUA: If we were living together and you got work, I would stay and take  
care or the child would be taken somewhere. If there is someone to  
look after the child, if I have offered, I want to spend...

CRYSTAL: Ask right now about daycare.

JOSHUA: If I want to spend a week with Faith instead of daycare, you want  
me to pay. The logic for me, is kind of...

CRYSTAL: I'm paying right now so we can talk.

JOSHUA: You're paying right now? Why are you paying right now?

CRYSTAL: Because if we didn't have that, she would be here and we would not  
be having this conversation.

JOSHUA: How did she end up there because that is something that will bring  
us back and back again. That is where you and I don't agree.

CRYSTAL: Ok, what would you like to see her be doing?

JOSHUA: I would like to have two weeks, non-consecutive of spending time  
with Faith that is not tied to payment. Because I did not enroll...

CRYSTAL: Well you got that, the judge had me pay for it, right?

JOSHUA: Faith, uh, sorry, Faith is your daughter. Crystal, I think he had you pay for it - I don't know if he had you pay for it or you paid for it.

CRYSTAL: Did you pay for it? No.

JOSHUA: Do I have to pay for it?

CRYSTAL: Somebody else is watching your child and giving them food, and...

JOSHUA: I want to watch my child for a week, but you're asking me to pay. So that is the argument that is not making sense in my mind.

CRYSTAL: Ok.

JOSHUA: When I want to spend time with her - a week uninterrupted - I need to pay to the guys that you are saying are taking care of her even when they are not taking care of her.

MELINDA: Think of it like tuition. It's tuition, you can't, you lose your space. You can't un-enroll the child and then re-enroll them because you take a week off and not pay. So, it's the only way to keep your space in a daycare or preschool. And they're very competitive, it's very hard to find a good one for your child, where you trust the people.

CRYSTAL: I went to six different daycares.

MELINDA: Yeah, it's very very challenging, so you are paying for your child to have a safe place to go.

JOSHUA: There is probably something that you need to understand, I'm not dumb.

MELINDA: No, I know you're not.

JOSHUA: That part, I really understand very well. This is what I don't understand, when a decision was made to enroll Faith and many things leading to that, which we don't have to go into. I was not part of it. When I requested to have meetings to see if I could be part of it and we work together, that is not agreeable. That is not something that Crystal is willing to look at. When I want to spend time with Faith, I have to pay, so spending time with a child is tied to me making a payment to be able to get her out of daycare. For me, that is a no. Because I don't have an arrangement with them. The arrangement that I have is to go and pick her up. They know now, they will not call the police on me, because now they know me. The guy has just appeared, they almost did. So, if we had had a meeting and said, ok, this is what happened, I put her there, this is where we stand. Maybe I would have said let's split or let's get her out or...there could have been something, a discussion, but it never happened.

CRYSTAL: So let's discuss right now, would you like to be part of that decision?

JOSHUA: I am not going to discuss it right now because I am really overdue. We will have to make a meeting or back and forth. You have all the

emails that have said that I wanted to be part of it, so when you ask right now like that, no.

CRYSTAL: Ok.

JOSHUA: I can point you to those emails where I've said, let's meet, talk. There my responsibility towards ALC - everything is documented. So I beg to run. I think we need to have a simple document that says we met. I don't know if you want to put in the details of what we agreed and did or didn't disagree because actually they are not part of Paragraph G. Because I, you will correct me some of the places where I think a change would have happened in the parenting plan where I said no, but you were asking for that before Faith goes to school. This is specifically when Faith goes to school.

CRYSTAL: Right, which won't happen until 2018. I want you to be aware though, at this time in 2018, we will be registering her as a student in Hudson at this Hudson School District. So, I mean, I just want you to be aware of that because as we're talking, you were not around - there was a...ok because there was a restraining order - you were not around for when I put Faith into daycare because I felt that she needed socialization. And I also needed time to do school and go to and work. And so um yeah, I would like to be in agreement and have her registered as a student this time next year.

JOSHUA: Let's set up a meeting then, a month roughly so we can get back at this time...

CRYSTAL: So wait, a month from now or a month prior to?

JOSHUA: No, no no...then. Somewhere, we can say March or whichever month at least and work towards that.

CRYSTAL: **Maybe January. It will give us a couple months. If we have any disagreements or whatever. And we would both be on the same page. I encourage you to call this number because they can help you understand the...**

JOSHUA: That's New Hampshire.

CRYSTAL: Yes, I know.

JOSHUA: Some of the questions that I have...

CRYSTAL: That's where we live.

JOSHUA: Yeah.

CRYSTAL: That's the reality.

JOSHUA: Oh now you see that, okay. Um, I think we will need - January is early - if she's going to school in, you said September?

CRYSTAL: Mmm, but registration for September is this month, and actually, I didn't type it up...

JOSHUA: Which September?



CRYSTAL: September 2018

JOSHUA: 18 or 17?

CRYSTAL: Every year, in March, so for this year, it's the 21st and the 27th that there's registration. The 21st is like from 9-12 in the morning at the, at the school that she would be attending. There's registration.. So parents can go talk with teachers, there's you know tea and whatever. And so, we could go and meet with teachers, walk the classroom and see where she's going to be. Or on the 27th, it's from like 1-4, so they are trying to cater to parents you know scheduling. But that is happening this month, this year and it will happen in a year from now.

JOSHUA: So February or March? Or...January is in the middle of the winter. But if that's...we can tentatively say that ...

CRYSTAL: Okay, so you want to look over this and if we need to discuss things through court, we can do that as far as with parenting scheduling?

JOSHUA: I don't tell you when to go to court. And you know when you went and how you need to do it. If there is something that I didn't agree with, then you need to go to court.

CRYSTAL: So you're saying you're not in agreement. Yes, you're not in agreement and we're not in agreement, so...

JOSHUA: About?

CRYSTAL: As far as Faith's weekend scheduling.

JOSHUA: Yeah, I'm okay with the way it is until we talk about what is actually going to happen when she goes to school, because we did not.

CRYSTAL: So from here, I plan to go to court to ask for a change in her weekend scheduling.

JOSHUA: Yeah, then you will need to provide information for that. You are not asking me to say you should go, I am disagreeing to change.

CRYSTAL: Well, I'm saying that's where we are at.

JOSHUA: Yes, I am not willing to see you reduce my time with Faith. If you want to reduce it, then you will go and do the right way.

CRYSTAL: I'm not asking to reduce, I'm asking for consistency.

JOSHUA: It is consistent for me.

CRYSTAL: It's not consistent for Faith because every month is different because there are some months with four weeks and some months with five weeks.

JOSHUA: The judge knew that and he mentioned it.

CRYSTAL: And so, it's non-consistent and so I'm not able to tell work, yes, I can definitely work for you every first Saturday and Sunday of the

month. It's it's choppy and it's not, it would be very helpful if we could say ok, we know that Faith's Birthday is going to be on this day. Okay, we're going to schedule a birthday party for her on the second Saturday of the month or you know what I'm saying, so that people know...

JOSHUA: What did I do? I need to leave, but what did I do? I gave you a schedule for the whole year. For her birthday last year, I did it before and I let her have, I planned and I let you have her on the day of her birthday and do all that you needed to do. I work within the weekends that I have, it's so hard for you to do that, for the other schools and to look at the schedule we have made.

CRYSTAL: What is hard for me is to work with the two weekends yourself, one weekend me. I work consistently every other weekend a three hour job Saturday, Sunday. But, I know that I am working every other weekend. And then another job, I have two jobs. The other job wants me to be consistent about working one weekend a month, I have to give them that. And so, so, it can, if I work...

JOSHUA: Crystal, the schedule that you have, can't you look at it?

CRYSTAL: I'm showing them, but they're not. I want to be able to say that, I mean, I see it and I'm giving it to work, but it's not working very nicely for them or for Faith. I'm having to find childcare...

JOSHUA: It is working for Faith and the father well. So let's have the equation balance both sides - not conveniently well for me, but I work with it but on your side, where she spends more time, it's inconvenient and it's not working for her.

CRYSTAL: Then could you please use some week day time to be with her.

JOSHUA: No, I'm not able to because I have things that are going on and I live far away. I'm not able to do it. If I was able to do it for some reason, I would let you know. But I'm not able to do it and I've been consistently saying that.

CRYSTAL: Right, but then there were a couple of times and you...

JOSHUA: A couple of times and I explained why.

CRYSTAL: You have had friends who have come from overseas and I allowed her to go out with you on Tuesdays.

JOSHUA: Once

CRYSTAL: I think twice.

JOSHUA: With who else was there? It was Herbert only.

CRYSTAL: I remember Herbert and I want to say there was another time.

JOSHUA: No, it's just one. It was once.

CRYSTAL: I agree with once...

JOSHUA: I beg to leave, I would beg to leave because I need to go to class. That's one. Number two...

CRYSTAL: You're in school still?

JOSHUA: You're in school, right?

CRYSTAL: Well, I don't know.

JOSHUA: Ok, for some reason I'm in a class. It could be school, it could be...

CRYSTAL: Okay, for some reason you're in a class. Ok.

JOSHUA: Yeah, school, could be anything. My initial response to things that you have mentioned. If you think you need to make changes based on removing or reducing my time, I am saying no. Number two...

CRYSTAL: That's not what I'm saying.

JOSHUA: Number two, the other things that need to be addressed in a different forum, not paragraph G, need to be addressed then. I have been available, I have been saying let's meet, it did not happen. So for now, I think we, I was, I think I allowed it to veer off. But I have to stop there and run.

CRYSTAL: Ok, so we will email each other and try to plan a time for before this time next year to talk about whether we go to the AM session or PM session of registering Faith in school.

JOSHUA: No, no I need to look through the information you gave me. I might, it might, it makes...the way you explained it makes sense. I only need to give myself to read it and understand it well. If something cannot be changed, why do I have to try to change it? If it has to be like you said, there are these who go in the AM, the other ones...I can't change it, the only way to change it is to bring her here and you know that whole, is a different game. So if that's where she is and she needs to be there in the afternoon, I don't think I'm going to try to tell them to change it, because that's not my place. But at least I need to understand before I say it is okay. If there is something that needs to be challenged, then trust me, I will challenge it.

CRYSTAL: I believe that.

JOSHUA: So...yeah.

CRYSTAL: Ok, alright thanks for meeting.

JOSHUA: Thank you and I think I'm going to close this out.