

# Phone Call Transcript – Officer Dennis Mohan (Warren Township Police Department) — REDACTED

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**\*\*Officer:\*\*** Hi, Derek's off to Mohan Warren Township Police. Sorry to bother you.

**\*\*Derek:\*\*** Oh, that's okay.

**\*\*Officer:\*\*** I just left ex-wife and daughter's residence that made a phone call to us. Sure. Can you tell me what happened today? I need your side of it.

**\*\*Derek:\*\*** Yeah, no problem. Sorry, I'm working from home. Actually, let me get up here and go. on your line.

**\*\*Derek:\*\*** So I went over to my ex's. So I were divorced. I've shared parenting, shared custody of my son [CHILD].

**\*\*Officer:\*\*** Yeah.

**\*\*Derek:\*\*** And we have week on week off visitation. So I had him for a week and then she has him for a week. We also have first right of first refusal, which I'm sure you're aware of being an officer in the almost stuff like this, which means anytime she is not able to receive him, I'm supposed to have the first right to do so.

**\*\*Derek:\*\*** So, if we're supposed to babysitter, correct or anybody. I mean, I just always have the second right if she can't receive him for whatever reason. And that's clearly laid out in our in our court, you know, documents or whatever.

**\*\*Derek:\*\*** And so this was his first week of school with her last week with his first week of school with me. So, you know, I kind of she told me that because I always picked him up during the summer, this whole summer, every day that she worked, I would keep him. And then last year, all after school, I'd always pick him up from school and I would keep him until she got off work.

**\*\*Derek:\*\*** Well, I filed for a child's report modification. And so now she told me she doesn't need me to get him off the bus that she was going to pick him up. And so I had, you know, I had a sink and feeling to be honest. And so today, I decided I was going to drive by and, you know, see if, you know, she was getting him off the bus.

**\*\*Derek:\*\*** So, you know, I pulled down the road away from the house and sat there and waited for the bus to come. Then I just followed behind the bus to the house. He got off the bus. I saw that her daughter was sitting there. Alliana, Allie, as her nickname. So, she was sitting around a thing. Becca wasn't there to receive her.

**\*\*Derek:\*\*** So I pulled him the driveway honked, rolled down the window to tell [CHILD], like, hey, come on, hop in with me. You know, we'll go back to the house and then your mom will pick you up or whatever. You know, Allie just kind of grabbed him and ran him into the house. So then I left. I didn't stay or anything.

**\*\*Derek:\*\*** Texted her mom, which, you know, I prove immediately after that I texted the mom. You know, right after leaving and said, hey, just left the house. You know, you're, you know, I'm supposed to get [CHILD]. Allie doesn't have a right to to pick him up off the bus. And then I emailed the school directly after that and told them the situation as well that they're not supposed to release [CHILD] to Alliana if I'm there to pick him up. And that's literally the whole story.

**\*\*Officer:\*\*** So it says that in the agreement that she,

**\*\*Derek:\*\*** yes, right of her, her infusals 100% in their detailed out.

**\*\*Officer:\*\*** Okay. But Alliana is 14.

**\*\*Derek:\*\*** Correct.

**\*\*Officer:\*\*** So she's legally able to watch him.

**\*\*Derek:\*\*** Okay. That's fine. But I have to, I get the first option before she can get a babysitter. And even her daughter would count as a babysitter. It's a law specifically set up for parents to be able to get additional time with them on their off weeks if the other parents are unavailable to care for them. And the language is specifically set up that way.

**\*\*Officer:\*\*** Okay. Well, so she has residential custody of the child.

**\*\*Derek:\*\*** First schooling purposes only, which again is laid out specifically in the agreement. I have all medical rights and everything like that of the child. And again, we have equal shared parenting, equal custody. It's only for where he goes to school is all that the residential parenting aspect is. And again, that's laid out directly in the court document.

**\*\*Officer:\*\*** Okay. Do you have the court document?

**\*\*Derek:\*\*** I do. Yes.

**\*\*Officer:\*\*** Okay. Can you read exactly what it says to me?

**\*\*Derek:\*\*** Yeah. I'd have to pull it out. You got to get me a second here.

**\*\*Officer:\*\*** Yeah. No problem.

**\*\*Derek:\*\*** So back down to my computer here. Yeah. Yeah. Okay, I got the file when I get a given minute because there's some final divorce degrees. They're like 100 pages.

**\*\*Officer:\*\*** Yeah, I know. No worries.

**\*\*Derek:\*\*** So just to, because I'm I don't scroll through this. So just going to redo this one part just for a little bit of, so you know, said section three rights of the parents.

**\*\*Derek:\*\*** So the following, the parent child, the following rights, the right to make decisions concerning the child in the areas of health, social situations, morals, religion, welfare, education, legal and financial concerns. And then it says, the right to consult with school officials concerning the child's welfare and emotional status and the right to inspect your student records. And it says the right to be the parent's child's legal guardian.

**\*\*Derek:\*\*** And then let me scroll a bit more. All right. And then here's the right to first refusal paragraph. It says right to first refusal if either parent cannot exercise their companionship time, pursuant to the typical parent schedule or the parenting schedule for holidays, vacations and rates of importance. The other parent shall be offered the opportunity to have the time with the minor child before the time is offered the family members, sitters, daycare facilities or other clados of the family.

**\*\*Derek:\*\*** And then we go down a little more. I got to find the specific part for the, um, educational matters, school district. There shall be designated resident for parent for purposes of school and in the child shall attend the school district of her residence. However, both parents agreed to consult with one another before making any educational decisions regarding the minor child in the event that the parties cannot agree. The resident for parent child ability to make the final decision.

**\*\*Derek:\*\*** And then I guess that would be the last part that I think. I mean, I can read any other parts if there's something else you think of. Might be related?

**\*\*Officer:\*\*** Uh, no. Be honest with you. I don't really understand how that works because this isn't criminal. This is a civil matter.

**\*\*Derek:\*\*** Sure.

**\*\*Officer:\*\*** And to talk clear with you. I don't know.

**\*\*Derek:\*\*** Go ahead. I'm sorry.

**\*\*Officer:\*\*** I don't know if because the daughter lives there, then it's okay or not. So that's something you're going to have to do with your attorney and in.

**\*\*Derek:\*\*** Yeah.

**\*\*Officer:\*\*** Okay.

**\*\*Derek:\*\*** I'm self-represented.

**\*\*Officer:\*\*** Okay.

**\*\*Derek:\*\*** I'm doing you an all my court cases up to this point.

**\*\*Officer:\*\*** Yeah. Okay. So you can, uh, what I want you to contact the court.

**\*\*Derek:\*\*** Yep.

**\*\*Officer:\*\*** And then ask them say, Hey, you know, here's the situation. You know, what is the correct thing to do? Um, and then have them contact us.

**\*\*Derek:\*\*** Yep. Okay. I can do that.

**\*\*Officer:\*\*** Um, I'm not sure.

**\*\*Derek:\*\*** Okay. I can do that. So you want me to contact them. And then I mean, because I think this document lays it out pretty. I mean, it specifically says with other family, even like it says, with other family members.

**\*\*Officer:\*\*** I understand that. And that's not that I can roll on. I don't know because I'm not a criminal.

**\*\*Derek:\*\*** Right. But I'm not asking for a ruling. But what she can do is.

**\*\*Officer:\*\*** Uh, she can refuse.

**\*\*Derek:\*\*** I'm not asking for a ruling. I'm not asking for a ruling. But what she can do is.

**\*\*Officer:\*\*** Uh, she can refuse. You know, to give you the child. On the days that, you know, like today, like she can refuse to give you that child. You would have to take her to court. And they would have to issue a court order saying, Hey, you know, no, your daughter can't watch. You know, you have first rights. So on and so forth.

**\*\*Derek:\*\*** Yeah. That's not the like. That's that's already been done. And actually we have another hearing on October 1st already scheduled. Uh, for a motion for contempt. Uh, for a motion for contempt of court. As well as a motion. Um, to. Um, uh, take away the shared parenting planning. Designate me as the residential. Uh, parent full. Like to designate me just to completely take away the shared parenting plan and designate me as the. You know, just the full parent or whatever. I don't know what the word for that would be. I'll tell my head. So that's actually already scheduled. And that's where I was going to explain.

**\*\*Derek:\*\*** Yeah. I'm not going to go over there every day and call the problem. I basically just needed to do it one day so I can get video proof that that he was getting off the bus with somebody else, which was exactly what I did. I recorded the entire interaction. Um, to again, have a video for this court hearing coming up on October 1st to show that she is not honoring the right of first refusal.

**\*\*Officer:\*\*** So. I'm reading this here. And what I'm not matching what you said.

**\*\*Derek:\*\*** What do you mean?

**\*\*Officer:\*\*** This clause, this clause, which is not automatically included, but could be negotiated and ordered by the court aims to give the non custodial parent, which we use. More time with the child and ensure the child's time is with the trusted family member instead of an unknown center.

**\*\*Officer:\*\*** That might hold you up that that part that unknown center. That might be the problem. I don't know.

**\*\*Derek:\*\*** Like I said, it will be because again, this is already. This is already been discussed.

**\*\*Officer:\*\*** Yeah, yeah, it's already been discussed in the court.

**\*\*Derek:\*\*** Okay.

**\*\*Officer:\*\*** Well, like I said, you know, contact court gives them, you know, tell them what's going on. You know, see what they say and then get it in writing and then. You know, if there's problems from there, keep that paper with you. Say, hey, here it is. You know, then we got to go by the court.

**\*\*Derek:\*\*** I mean, I'm not the degree. The final decree divorce. Is that not considered a court order? I mean, because I'm pretty sure it is.

**\*\*Officer:\*\*** It is, but what I'm saying is this is a different situation because she's she's saying no.

**\*\*Officer:\*\*** No, she doesn't have to give them to you. So then you got to go to court and get a court order.

**\*\*Derek:\*\*** Right. Which same court order tells her specifically. Yes, you have to give him first right.

**\*\*Derek:\*\*** So, so to make sure I understand. So when I pick him up on Sunday at 6 p.m. At the end of my week, I can just not give him back to her. And there's nothing she can do besides taking the court. And then we go through that process. Correct.

**\*\*Officer:\*\*** Well, you have been in contempt.

**\*\*Derek:\*\*** Right. So isn't she in contempt by not following the court order?

**\*\*Officer:\*\*** No. The court order is separate from the visitation order. So if you're saying, if what you're saying is true, she's in contempt and you would have to hurt a court.

**\*\*Derek:\*\*** Right. What I'm doing.

**\*\*Officer:\*\*** Yeah. Well, that's all you have to do.

**\*\*Derek:\*\*** Right. But my point is, so if I pick him up on Sunday, I don't have to give him back until she would go to court and file and then get a court order.

**\*\*Officer:\*\*** That is not correct because she is the custodial parent. You would be charged with kidnapping.

**\*\*Derek:\*\*** No, she's the residential parent for schooling. It specifically says that. We have equal shared parenting and equal custody. I mean, there's a difference between custody and residential.

**\*\*Officer:\*\*** Less. I don't know. I understand that. I'm not trying to be visible. But I'm also going to tell you to go to the court. And get their opinion if they're going to be a court order, then get one. That's all I'm saying.

**\*\*Derek:\*\*** Right. Which I told you I'm already doing. There's already a hearing set up for that.

**\*\*Officer:\*\*** The second thing I'm going to give you a warning here because you, she only wants you to contact her regarding the child only.

**\*\*Derek:\*\*** That's all I contact her for.

**\*\*Officer:\*\*** Oh, so the other text she had, what are those about that?

**\*\*Derek:\*\*** What other text?

**\*\*Officer:\*\*** The other text she's had. She's had from you.

**\*\*Derek:\*\*** You'd have to send me the text because there is no other text that I'm aware of.

**\*\*Officer:\*\*** Well, it does not have to do with the child.

**\*\*Derek:\*\*** Okay. I mean, you're saying she gave you a text. Well, was it? I mean, I'm happy to discuss it.

**\*\*Officer:\*\*** No, I never said she gave me a text. You told me. And if I need it, I will get it.

**\*\*Officer:\*\*** Okay. From what I'm saying is you have no reason to be over there on your non-custodial days to pick him up. Secondly, she wants to start meeting at the police station because she's scared. She's her words.

**\*\*Derek:\*\*** Yeah, that's... I mean, that's... I have to... To meet at the police station for what? Where's the custody exchange? But the custody exchange happens from a school bus. At the house.

**\*\*Officer:\*\*** Yeah, and I already talked to the school and they're the ones that require that. Her and the school is required that I go to the her house to pick him up off the bus. They wouldn't let him just get dropped off in my house. And I'm fighting for school over that.

**\*\*Officer:\*\*** Okay, well, okay. What I'm saying is if he gets off the bus and it's your day, you're not to go to the house and get him. She wants you to meet her at the police station.

**\*\*Derek:\*\*** I'm... Like I said, I'm missing some of these on the floor. Because she's at work. So how is she going to meet me at the police station every day to take him there for the exchange?

**\*\*Officer:\*\*** If it was every day, she would have to have a family member take him.

**\*\*Derek:\*\*** Okay, but that's not what the... Again, that's... Okay, I mean, I guess you guys are going to have to arrest me because I'm going to follow what the court order says. And I have to... Because I have to so that when I go in there, I can show the judge that I followed everything to the team.

**\*\*Officer:\*\*** Okay, well, you're showing a pattern of stalking. So if that continues, I will charge you.

**\*\*Derek:\*\*** That's... But I don't think there's a pattern of stalking when I went over there one time to confirm that she was not receiving him. I don't know how you would consider that a pattern of stalking. That is not a pattern. One time is not a pattern.

**\*\*Officer:\*\*** And that's all it's been. Or one time is a pattern. That's why I'm telling you, if you do it again, you're going to be charged.

**\*\*Officer:\*\*** So you're...

**\*\*Derek:\*\*** That's what I'm saying. Right, so I'm saying you're telling me if I go to pick up my son off the bus, which I'm supposed to do, you're going to be charged with stalking.

**\*\*Officer:\*\*** That is different. If you go over there to pick him up, that you both agreed upon that's different. What she's telling me is she doesn't want you there. She wants to meet you at the police station because she doesn't feel safe. Those were her words.

**\*\*Officer:\*\*** No, I... But if you text her, if you call her, if you start driving by the house or take a picture of her or whatever, that falls under a man as my stalking. You got to watch that.

**\*\*Derek:\*\*** Again, it was done one time to get to get to the police station.

**\*\*Officer:\*\*** I know that's for the court. I know that. That's why I'm telling you, if you continue to do it. I know it's one time, isn't against the law. But if you show a pattern and you continue to do it, then it is against the law. You know what I mean?

**\*\*Derek:\*\*** Yeah, but I mean, I think you guys are going directly against the court order of, you know, again, the right of first refusal. I mean, I have the ability to pick him up if she's not able to receive him. I mean, it literally says that in the court order.

**\*\*Officer:\*\*** In the decree, it's not a court order. It's a decree.

**\*\*Officer:\*\*** That's why I just said, go to the court and if you're right, they'll give you one. It's not that hard.

**\*\*Derek:\*\*** Okay, no, but if you're wrong, you're going to tell you.

**\*\*Officer:\*\*** Go ahead.

**\*\*Derek:\*\*** If you're wrong, they're not going to give you one. It's not...it's...it's cut and dry. But like I said, I don't...I don't deal with civil issues. It's a civil. When you come...when it comes to the stalking, that's criminal. That's where I come in.

**\*\*Derek:\*\*** Right, but I'm saying that...

\*\*Officer:\*\* So what I'm saying is...

\*\*Derek:\*\* I'm saying that stalking would be me going there to pick up my son off the bus.

\*\*Officer:\*\* No.

\*\*Derek:\*\* So then that...

\*\*Officer:\*\* Okay, so listen. Listen, don't twist my words.

\*\*Derek:\*\* I'm not twisting, sir. At all, actually.

\*\*Officer:\*\* I told you she wants to meet you at the police station. I can't help that.

\*\*Officer:\*\* So you're telling me I'm not allowed to get him off the bus.

\*\*Officer:\*\* No, I'm not.

\*\*Officer:\*\* What? I'm telling you to get a court order saying you can't.

\*\*Officer:\*\* But I already...

\*\*Officer:\*\* This is for your benefit, not mine.

\*\*Derek:\*\* No, this is just...again, society side and with the woman, and the summing that she's correct when she's the problem in this entire thing. And I get it. I mean, I get it entirely, but...again.

\*\*Officer:\*\* I am not...

\*\*Officer:\*\* There's fighting over stalking.

\*\*Officer:\*\* There's been nothing like that. There's no text messages that don't have to do without the kid. I mean, she can just say stuff and it just becomes a word.

\*\*Officer:\*\* Okay, I'll... I'll tell you what. I'll tell you what there. I'm going to go back to her house. If she has one text message not involving the child, I'm going to charge you. How about that?

\*\*Derek:\*\* Okay.

\*\*Officer:\*\* Are you good?

\*\*Derek:\*\* Yes, sir.

\*\*Officer:\*\* All right. That's what I'll do then.

\*\*Derek:\*\* Okay. And if she doesn't, will you charge her for falsifying a police report?

\*\*Officer:\*\* Yeah.

\*\*Derek:\*\* Okay. Fair enough. Sounds good, sir.

\*\*Officer:\*\* All right.

\*\*Derek:\*\* Yes, sir. Thank you. I appreciate it. Have a good day.

\*\*Officer:\*\* You too. Bye.