



exchange on April 8, 2018, when I gave our son a hug and asked him if he was feeling better from his illness. I did not even initiate verbal contact with Tasha.

- D. Tasha provided no response when I requested Easter photos.
  - E. Tasha would not respond to a request to facilitate a make-up video conference when the youngest child was not on the Easter call.
  - F. Tasha has not allowed me to participate in any normal activities with the children, birthdays or holidays.
  - G. I have observed emotional distancing by the children from me. For example, up until February 12 the children would always tell me "I love you" when they parted. That no longer occurs.
2. The crux of my motion is to establish a court order requiring a conscious and voluntary effort by the parties to stop and proactively prevent alienation. Tasha is not making efforts to establish a healthy relationship between me and the children consistent with the relationship I enjoyed with them in the past. I make a scrupulous effort to speak only positively about Tasha in a conscious effort to make sure the children hold their mother in the highest regard, and I want the same in return.
  3. My proposed parenting plan provides for extracurricular activities. Since the children are home-schooled, I feel it is all the more important for them to be involved in extracurricular activities outside the home for social development. Brazilian Jiu Jitsu is a family tradition, and Tasha and I have trained in it, and all of the children, without exception, have trained in it in the past. Scouting is also a family tradition. I want to see that very healthy and positive family tradition carried forward.
  4. With regard to the Section 40-4-212, MCA, factors, I want the children back in my care for an equal amount of time, provided I am not out of town working. I do not know if the children want to be in my care. The children are currently being alienated from him, and their desires should potentially be disregarded. Regardless of what the children want, I do not believe the tail wags the dog. In other words, children are not in a position to make decisions for the parents. The entire family significantly influence the minor children. It negatively impacts the family when I am absent for extended periods. The children are adjusted to the marital home, but I need a parenting plan before I know what I need to do for living arrangements moving forward. The children are home schooled, and I need to be involved with the children's schooling. I do not believe they are following the home schooling plan. The children are not participating in activities in Tasha's care except for an art class last week. I need to be involved with the children's schooling and extracurricular activities and am able and willing to do so. Neither party has mental or physical health issues that affect parenting. There is no history of physical abuse or threats of physical abuse. No law enforcement, medical professional or any other agency has

ever been contacted with any abuse issue. Neither party has any chemical dependencies and neither party abuses chemicals. Tasha and I can individually provide continuous and stable care to the minor children. The minor children do have developmental needs. Tasha is not ensuring the children are getting sufficient education and is not facilitating extracurricular activities in which the children participated in the past. I will make sure the children get a proper education and participate in activities. I paid all birth-related costs of the children. I have always provided the financial support to the family and continue to do so. Until the alienation and the emergency order, I had frequent and continuing contact with the children. Tasha has restricted that contact since February 12, 2018.

5. It is in the best interests of the children for a parenting plan to be implemented that result in immediate cessation of the alienation against me. The plan should also include significant parenting time with me so I can monitor and ensure the children are being educated and participate in the community. The Court should grant my motion and adopt my Proposed Parenting Plan filed April 10, 2018. The Court should vacate the Ex Parte order, which was just another attempt by Tasha to circumvent the process and the proper procedure for establishing a parenting plan once she received my proposed plan.
6. Tasha and her attorney twisted over 23 years of facts in an attempt to accomplish Tasha's true goal of keeping the children from me. There are simply no grounds to restrict my contact with the children other than Tasha apparently now wants to change a lifestyle and parenting methodology she actively participated in for over 20 years. That is neither the basis of an emergency nor grounds to withhold me from the children.
7. The root of the dissolution is infidelity and our deviant sexual history. Approximately two years ago, Tasha took exception to me having sex with her friend in August 2015. I am fairly confident S.R., our 15 year old daughter, heard Tasha yelling about the encounter. The other children may have heard it as well. My relationship with S.R. has been strained since. On February 9, 2018, Tasha filed the Petition for Dissolution. Without telling me about the dissolution, Tasha spent the weekend with me, including a date night and intimate relations. On February 12, 2018, Tasha deviously took the kids to the store, called me, told me about the divorce action and threatened to file a restraining order unless I left the house. I agreed to leave the marital home for the sake of the children and to avoid confrontation. I attempted to reconcile after that time.
8. My contact with the children has been restricted by Tasha since the separation on February 12, 2018. For example, I only saw the youngest child once in person and once via video conferencing until April 7 and 8. On April 6, 2018, I confronted Tasha about the alienation and requested visitation with the children. I then had unsupervised visits with the children on the April 7, 8, and 15. Tasha was noticeably alienating the children from me. I came to the realization there was no prospect Tasha would reconcile and that I needed to take steps to enforce my parenting time to control the alienation damage being caused. I warned Tasha about the alienation and simultaneously provided Tasha with a settlement offer that included a parenting plan. The offer revealed that I was not going to

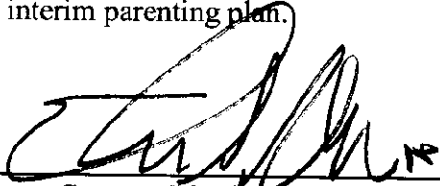
concede to Tasha gatekeeping my time with the children or alienate them from me. Tasha's ex parte motion followed.

9. I already gave Tasha exclusive occupancy of the marital home. I never threatened to take the home by force. I wanted to return to the home to attempt reconciliation. Our adult daughter, Sedona, said our adult son, Dakota, who lives at the marital property, said it "would not go well" if I returned to the home. Given the nature of the situation, particularly the alienation, substance of correspondence, and Tasha's repeated threats of using an order of protection, my law enforcement associates, marriage counselor and attorney warned me about returning to the home. I have not returned to the home and have no intention of doing so until there is a court order regarding exchanges of the children. I stipulate to Tasha's exclusive occupancy of the marital home pending further court order.
10. Tasha's request for an order that I pay for counseling and a GAL should be denied. I currently continue to put all the marital funds, which consists of my Veteran's Administration disability compensation and paycheck, in our joint account. Tasha has complete access to that account and pays all the marital bills. Tasha has paid all the marital bills for years. Other than purchasing a few eBooks, I have not taken money from the marital account since the separation. If there is money left over after other living expenses are paid and Tasha wants to use it for counseling, that is her decision. There is no reason for an emergency motion for a court order concerning something she has control over. Furthermore, where am I supposed to come up with additional income? Tasha admits I already work more than full time at my current employment. I currently live in my friend's basement and sold all my valuable personal property to get by. At some point I am going to need to establish a home where I can exercise parenting time. It appears Tasha has not considered the practicality of her emergency request. Her motion for interim support for counseling and a GAL should be denied.
11. Tasha's ex parte motion for a guardian ad litem should be denied. A guardian ad litem is an unnecessary expense in this matter. The Court is in a perfectly fine position to weigh the credibility of the evidence and determine a parenting plan that is in the best interests of the children. I don't think an in chambers interview is necessary. Given the alienation and S.R.'s current attitude towards me, I can tell she would probably tell the Court whatever her mother coaches her to say..
12. There are no grounds to restrict my contact with the children. There is no history to justify me having restricted contact with the children. We raised two children that are now adults. We have four other children that are minors. It appears Tasha had no objection to my parenting until counsel became involved. Looking at the record and the facts over the past several months, Tasha's request to restrict my contact is incredible. Tasha and I were married for over 23 years. The dissolution has been pending for two and half months. A request for an emergency order now does not fit. At a minimum, a hearing should be held to determine the admissibility and credibility of Tasha's allegations and the best interests of the children.

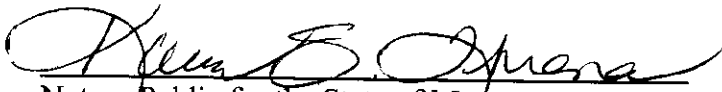
13. Tasha petitioned for a temporary order of protection on February 20, 2018, even though I voluntarily stayed away from the marital home. Notably, I did not even know about the Petition for a Temporary Order of Protection. The order of protection was denied. I have not returned home since February 12, 2018, and have not approached Tasha despite seeing her multiple times in public. I had unsupervised visits with the children on April 7, 8, and 15. I am simply not a threat. The sequence of events speaks volumes. I first rejected Tasha's request to stipulate to her suggested guardian ad litem. Then, I called Tasha out on her parental alienation and provided a proposed parenting plan with an alternating residential parenting. My motion for an interim parenting plan was going to follow. Then, all of a sudden Tasha filed her ex parte motion in an attempt to circumvent the proper procedure. Concurrently, she filed an affidavit splattered with inadmissible and irrelevant information taken out of context in an attempt to get a leg up in the litigation. Tasha's ex parte motion should be denied.

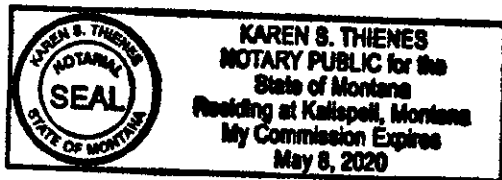
14. My only recourse to end the parental alienation and discontinue Tasha's gatekeeping of the children is to move the Court for an interim parenting plan.

15. Affiant further sayeth naught.

  
\_\_\_\_\_  
Elmer Stewart Rhodes

SUBSCRIBED AND SWORN TO before me this 14<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Notary Public for the State of Montana

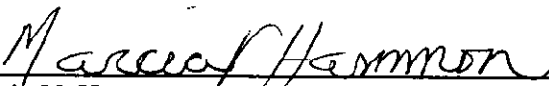


CERTIFICATE OF SERVICE

I, Marcia V. Hammon, of the law firm of KAUFMAN VIDAL HILEMAN ELLINGSON P.C., do hereby certify that on May 14, 2018, I served a true and correct copy of the foregoing document upon the persons named below, at the address set out below their names, either by mailing, hand delivery, or Federal Express, in a properly addressed envelope, postage prepaid, or by telecopying to them a true and correct copy of said document.

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Best & Westover Law Office  
35 8<sup>th</sup> Street East  
Kalispell, MT 59901

- U.S. Mail (first class postage)
- Federal Express
- Hand-Delivery
- Telefacsimile
- Other: \_\_\_\_\_

  
\_\_\_\_\_  
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BY: \_\_\_\_\_  
DEPUTY

Attorneys for Respondent

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT, LINCOLN COUNTY**

<p>IN RE THE MARRIAGE OF</p> <p>TASHA RHODES,</p> <p style="text-align: right;">Petitioner,</p> <p>vs.</p> <p>ELMER STEWART RHODES,</p> <p style="text-align: right;">Respondent.</p>	<p style="text-align: center;">Cause No. DR-18-19</p> <p style="text-align: center;"><b>RESPONDENT'S AFFIDAVIT IN SUPPORT OF: 1) MOTION FOR INTERIM PARENTING PLAN; 2) RESPONSE TO EX PARTE MOTION AND 3) RESPONSE TO MOTION FOR IN-CAMERA INTERVIEW OF S.R.</b></p>
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STATE OF MONTANA     )  
                                      : ss.  
County of Flathead     )

Stewart Rhodes, being first duly sworn, deposes and states:

1. I am the Respondent in the above-entitled cause of action. Petitioner and I have two adult children and four minor children. Since I left the marital home, there has been either intentional or unintentional parental alienation occurring. Tasha isolates the children from me except for sporadic visits. Now, Tasha is requesting the Court to suspend my parenting time. The alienation may also be the result of Tasha's inactivity. The facts to support the alienation are as follows:
  - A. The children are no longer participating and/or encouraged to participate in activities the children and I enjoy(ed), including wrestling, jiu jitsu and Scouting.
  - B. Prior to the April 7-8, 2018, weekend, I only saw our youngest child in person once since February 12, 2018.
  - C. Tasha noticeably tensed up and reacted negatively at a public parenting