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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of:

KYLA MAZHARY-CLARK,
Petitioner,

and

JAMIE CLARK,
Respondent,

and

KENNETH CLARK,
Respondent.

No. 19DR03123

GENERAL JUDGMENT OF
PSYCHOLOGICAL PARENT
CUSTODY

(ORS 109.119)

1.

This matter came before the Court on the motion of Petitioner for the entry of a General Judgment of Psychological Parent Custody.

(1)(a) The Respondent, Jamie Clark, was served with the Petition for Psychological Parent Custody on May 20th, 2019 and failed to file a response within 30 days. An Order of Default of Respondent Jamie Clark was signed by the Honorable Rachel Kittson-MaQatish on June 25th, 2019.

(1)(b) The Respondent, Kenneth Clark, was served with the Petition for Psychological Parent Custody on May 15th, 2019 and failed to file a response within 30 days. An Order of Default of Respondent Kenneth Clark was signed by the Honorable Rachel Kittson-MaQatish on June 25th, 2019.

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1 (1)(c) The Court having been presented with this form of General Judgment of
2 Psychological Parent Custody, having reviewed the records and documents on file
3 herein, and being fully advised in the premises, makes the following:

4 2.

5 ***FINDINGS OF FACT:***

6 (2)(a) Petitioner, Kyla Mazhary-Clark, is the caregiver of the minor children, Sage Clark
7 and Sadie Clark.

8 (2)(b) Respondent, Jamie Clark, is the biological mother of the minor children, Sage
9 Clark and Sadie Clark.

10 (2)(cc) Respondent, Kenneth Clark, is the biological father of the minor children, Sage
11 Clark and Sadie Clark.

12 (2)(d) Oregon has jurisdiction to make a custody and parenting time determination
13 involving the minor children, Sage Clark and Sadie Clark, because Oregon has
14 been the home state of the minor child during the six month period preceding the
15 filing of this action.

16 (2)(e) Within the six months period preceding the filing of this action, Petitioner, Kyla
17 Mazhary-Clark, had established a parent/child relationship with the minor
18 children, Sage Clark and Sadie Clark, by providing them with food, shelter;
19 providing them with nurture, love, education and support; and in all respects
20 treating them and providing for them as the Petitioner's own children.

21 (2)(f) Neither Respondent filed a response, or otherwise appear in this matter involving
22 their children.

23 (2)(g) Petitioner has rebutted the presumption as outlined in ORS 109.119(2)(a), and
24 makes the following findings of fact, as required by ORS 109.119(2)(b):

25 (2)(g)(1) Petitioner recently has been the minor children's primary caretaker prior
26 to filling this action.

1 (2)(g)(2) Respondent Jamie Clark has fostered, encouraged and consented to the
2 relationship between the children and Petitioner by consenting to guardianship of
3 the children by Petitioner and allowing the minor children to reside solely at
4 Petitioner's home. Prior to the guardianship, Petitioner and the minor children had
5 regular video calls, phone calls and visits with the Respondent's consent and
6 encouragement.

7 (2)(g)(3) Respondent Jamie Clark has unreasonably denied contact between the
8 Petitioner and the minor children since the filling of this action.

9 (2)(g)(4) Petitioner has fostered and encouraged a relationship between the minor
10 children and Respondent Jamie Clark when appropriate and safe for the minor
11 children.

12 (2)(g)(5) Respondent Jamie Clark and Respondent Kenneth Clark are unable or
13 unwilling to care adequately for the minor children.

14 (2)(g)(6) Respondent Jamie Clark has placed the children in imminent danger of
15 physical or emotional harm. Jamie Clark is unpredictable, unreliable and unstable
16 as a parent. Jamie Clark only exercised sporadic parenting time with the minor
17 children prior to the filling of this action.

18 (2)(g)(7) Respondent Kenneth Clark has had no parenting time with the minor
19 children, to the best of the Petitioner's knowledge, besides a phone call every
20 couple months.

21 (2)(g)(8) The Petitioner has been the children's primary caretaker prior to filling
22 this action. The minor children have resided in the Petitioner's home. The
23 Petitioner has set up insurance, doctor appointments, and daycare for the minor
24 children.

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1 (2)(g)(9) It would be detrimental to the minor children if Petitioner was not
2 awarded custody because Petitioner has established a ongoing personal
3 relationship with the minor children. The minor children have benefitted from the
4 stability of being in Petitioner's care.

5 (2)(g)(10) It is in the best interest of the minor children, Sage Clark and Sadie
6 Clark, pursuant to the factors outlined in ORS 107.137, that Petitioner be awarded
7 psychological parent custody of the minor children.

8 (2)(g)(11) There are no existing child support orders involving the minor children,
9 Petitioner is financially secure and has sufficient assets and income to support the
10 minor children without assistance, and child support has not been pled by
11 Petitioner; now therefore,

12 3.

13 IT IS HEREBY ORDERED AS FOLLOWS:

14 (3)(a) Petitioner Kyla Mazhary-Clark is hereby awarded the sole custody, care and
15 control of the minor children, Sage Clark and Sadie Clark, and is hereby awarded
16 all of the rights and obligations of individuals *in loco parentis*, a psychological
17 parent, and the legal rights and responsibilities of a custodial parent under the
18 laws of the State of Oregon.

19 (3)(b) Respondent Kenneth Clark is hereby awarded no parenting time with the minor
20 children.

21 (3)(b) Respondents Jamie Clark is hereby awarded no parenting time with the minor
22 children, Sage Clark and Sadie Clark, until she undergoes an independent
23 psychiatric evaluation to determine if she is suicidal, homicidal or has any
24 diagnosable mental health, psychological, or psychiatric issues that could impair
25 her ability to parent or have supervised parenting time with the minor children.

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- 1 (3)(c) Said evaluation shall be completed by a licensed practicing psychiatrist. Said
2 psychiatrist shall be authorized to interview other persons and to request other
3 persons to make available to the psychiatrist Jamie Clark's prior psychiatric,
4 psychological, or mental health records and history.
- 5 (3)(d) Jamie Clark shall fully cooperate and participate in said psychiatric evaluation to
6 include authorizing the disclosure of prior psychiatric, psychological, or mental
7 health records, or any other records deemed relevant, to the psychiatrist
8 conducting the psychological evaluation. Jamie Clark shall be responsible for
9 locating a psychiatrist to conduct the psychiatric evaluation and for payment of the
10 costs associated with the psychiatric evaluation.
- 11 (3)(e) Respondent Jamie Clark shall provide a complete copy of said evaluation to
12 Petitioner prior to exercising any parenting time.
- 13 (3)(f) Respondents Jamie Clark shall complete a parenting class and submit proof of
14 completion to Petitioner prior to exercising any parenting time.
- 15 (3)(g) If it is determined that Jamie Clark is not a threat to the minor children, parenting
16 time shall be exercised as the parties mutually agree, pursuant the professional
17 directions of the children's therapist and as allowed by the Department of Human
18 Services. Parenting time should be phased in using the therapeutic approach, with
19 any required supervision paid for by Jamie Clark.
- 20 (3)(h) Due to Petitioner being financially secure and having sufficient assets and income
21 to fully care for the minor children, Respondents having limited income to
22 provide for their own basic necessities, and relief not being authorized under ORS
23 109.119, the Respondents shall not have a child support obligation at this time.

Signed: 8/14/2019 05:24 PM

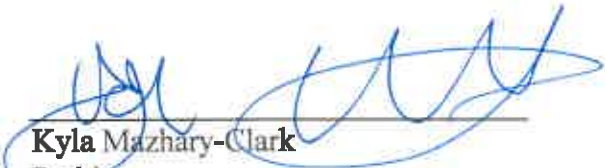


Circuit Court Judge, Rachel Kittson-MaQatish

**CERTIFICATE OF READINESS
UTCR 5.100**

I hereby certify the proposed judgment is ready for judicial signature because service is not required under UTCR 5.100(1)(a)(c) because the other party has been found in **default**.

Dated this 26th day of July, 2019.



Kyla Mazhary-Clark
Petitioner