

17. Additional Provisions Pertaining to Custody of the Children:

A. Mother has admitted that she is an alcoholic and is in treatment. Mother has her sobriety date as July 3, 2018. All periods of custody are premised upon Mother not using alcohol, illegal drugs or prescription drugs in a manner not prescribed by her medical providers, following treatment provisions set out below and the recommendations by her treatment providers. The parents agree to the following:

- B. Mother shall remain in treatment with Clayton Behavioral for a period of not less than 12 months following this agreement, unless successfully discharged by Clayton Behavioral. Mother will attend at least one group session weekly and an individual counseling session at least every other week during this time. Mother shall sign a release with Clayton Behavioral so that beginning on December 1, 2018, and on the first business day of every three months after, Clayton Behavioral will send verification of her attendance to Father. Father's current email is [rgassoff@lohrdist.com](mailto:rgassoff@lohrdist.com). Mother shall also authorize Clayton Behavioral to immediately inform Father if she relapses, has a positive UA or quits the program. This shall not waive the therapist/patient privilege in any other manner.
- C. Mother shall be required to utilize Soberlink for a period of 18 months after this Agreement. Mother shall test on Soberlink device three times daily. These times shall be set in accordance with her treatment plan at Clayton Behavioral, or if no such recommendation is forthcoming, shall be at 8 am, 2 pm and 10 pm. Mother shall have settings installed so that she has no more than 1 hour to submit a test. Mother shall have Father listed as a "concerned party" on her Soberlink contract so that Father receives results of the Soberlink in real time.
- D. Intoxalock: Mother shall continue to use Intoxalock when transporting the children for a period of 6 months after this Agreement. This 6 month period shall not commence until re-activation of the Intoxalock device in the vehicle which Mother shall transport the children. If necessary, to effectuate the terms of the paragraph, Father shall ensure

that Lohr Distributing will provide that certain GMC Yukon that was previously in Mother's possession. The provision regarding this vehicle shall extend for the 6 months after the installation of the Intoxalock device, but the vehicle shall be surrendered immediately thereafter. During the 6 month period of Mother's use of said vehicle, Lohr Distributing shall provide liability insurance, maintenance and property taxes on said vehicle. All gasoline charges, shall be paid for by Mother, along with the cost of purchasing the Intoxalock device. Father shall pay for installation charges at an authorized dealer, not to exceed \$200.00. Mother shall pay for any charges above \$200.00.

- E. For 6 months following this agreement, Mother to take a UA test at Clayton Behavioral on Monday, Wednesdays and Fridays. For the next six months, Mother shall take a UA at Clayton Behavioral on Mondays. Mother to sign a release with Clayton Behavioral so that any positive results will be sent to Father.
  
- F. If Mother will be out of St. Louis during any of the times in which she is using Soberlink, prior to her trip, if the trip is without the children, she shall notify Father and arrange for an ETG to be taken on the first business day following her return to St. Louis and shall have the results sent to Father. If Mother will be out of St. Louis with the children for more than 48 hours during any of the times in which she is using Soberlink, prior to her trip she shall notify Father and arrange for a UA or ETG test to be taken while on her trip. Mother shall provide Father with the name and location of the testing facility and shall have the results sent to Father.
  
- G. Adverse Test Result:
  - 1. An adverse test result is defined as follows: (1) a Sobelink, UA or ETG test that is positive for alcohol or illegal drugs at any required testing, or (2) Mother does not comply with the testing schedule set forth above.

2. The occurrence of an adverse test result shall have the following consequences:

- a. The parents acknowledge that there are going to be times when Mother fails to take the test within the prescribed times, resulting in either a missed test or a missed and late test. Some occasions will be for good cause, such as a medical procedure, event at school during that time, etc. If Mother will be unable to test as a result of a doctor appointment or procedure, school event, etc., she will give Father advance email notice of this and shall take the test as soon as possible after the event. If the parents disagree on whether or not the miss is for "good cause", then they will submit the issue to the Gal within 24 hours and she will decide if it were missed for "good cause". If the GAL determines there was not "good cause", Mother shall submit to an ETG test within 24 hours. If the miss occurs after noon on a Friday, Mother shall submit to an ETG test by Monday at 9 am. There will be times when there is a late test, for a reason that the parent "forgot" or got caught up. If the missed test is taken within 15 minutes after the one hour testing window has expired, Mother will be allowed 5 of these a month with no adverse consequence. On the sixth time of any month in which this occurs, Mother will submit to an ETG test within 24 hours of the missed test, unless the miss occurs after noon on Friday, at which time Mother shall submit to an ETG test by Monday at 9 am. . Mother shall deposit \$250 with the GAL within 10 days of this agreement. The GAL shall charge Mother \$75.00 for each time she is involved to assess whether or not a test was missed for good cause. The GAL shall inform both parents of her decision in writing. Mother shall continue to provide the GAL with \$250.00 retainer once it is used, for as long as she is using Soberlink per the terms of this Agreement.

- b. After three consecutive findings by the GAL that good cause existed for the contested missed test, Father shall pay \$75.00 to the GAL for the fourth contested good cause inquiry. This pattern will continue for the duration of Soberlink.
- c. The results of all ETG tests shall be sent to Father. Mother to sign any required release so it can be sent to Father.
- d. If the missed or late tests occur when Mother does not have custody and if the results of the above ETG or UA tests are negative, there will be no impact on Mother's custody.
- e. If the GAL determines that a missed or late test is not for good cause, or if Mother is late more than 6 times a month during her custody period, her visit will cease at that time. If the subsequent ETG test is negative, her custody periods will resume once Father receives notification of such result. If the ETG is positive, Mother's custody schedule will return to Step 1.

3. If any test results in a positive test result of a BAC of .02 or higher, Mother's current custody time will be suspended and Father will retrieve the children. If Mother believes it is a false positive result, she shall submit to an ETG test within 24 hours, or by 9 am on Monday if the positive test result is on a Saturday or Sunday. If the result is negative, then Mother shall resume her custodial periods once Father receives the results from the lab. If it is positive, Mother shall begin again on Step 1. The results shall be given to Father.

4. If any Soberlink test result is positive for below a BAC of .02, Mother shall submit to retest(s) as directed by Soberlink. Specifically, Mother shall take up to 6 follow up tests, at 15 minute intervals. If after those 6 tests, within the next 2 hours, Mother has a negative test result (0.00), then there shall be no adverse consequences. If the result is not a BAC of 0.00 after 6 retests within 2 hours, then Mother's custody shall be suspended and Father shall

resume custody. If Mother believes this is a false positive result, she may take an ETG test within 24 hours, or by 9 am on Monday if the positive test result is on a Saturday or Sunday. If the result is negative, Mother shall resume her custodial periods once Father receives the results from the lab. If the result is positive, Mother shall begin her custody again on Step 1. The results shall be given to Father.

5. If Mother fails to take the retests as directed above, it shall be presumed that the results would have been positive for alcohol and Mother shall return to Step One of the custody plan.

- H. For a period of no less than 60 months following this Agreement, Mother shall attend AA meetings. For the first 9 months following this Judgment, Mother shall attend three AA meetings weekly. For the following 12 months, Mother shall attend two AA meetings weekly. For the remaining 39 months, Mother shall attend at least one AA meeting weekly. For the first 6 months following this Agreement, Mother shall keep an AA meeting log that identifies the meeting attended, location, time and signature (at least by first name or initials), of an individual attending the meeting. Mother shall provide Father a copy of this log no later than the 10<sup>th</sup> of the following month. At Mother's choice, she may submit this log to Matt Silva, who will notify Father of Mother's compliance with this requirement. If Mr. Silva is not willing or able to send this log monthly to Father, the duty will be on Mother to supply it to Father. If at any time Mother relapses and returns to Step One below, she must also recommence and re-satisfy the requirements of this provision.
- I. Mother will have an AA sponsor and will maintain daily contact with her sponsor for 12 months following this agreement. If at any time Mother relapses and returns to Step One below, she must also recommence and re-satisfy the requirement of this provision.
- J. Mother will remain drug and alcohol free, except for prescription medicines given by a physician and taken only in the amounts prescribed. Mother shall take all prescribed medication as directed. If

Mother relapses by using any Schedule I, II, III or IV medications in amounts different than what is prescribed, she will return to Step One of the custody schedule.

- K. For the next 3 years, Mother will inform all treating physicians/dentists that she is recovering from alcohol addiction and request them to avoid using any mood altering substance when possible. Within 30 days from the date of this Agreement, Mother shall draft a letter to her current treating physicians/dentists, informing them of her recovery status. Mother shall provide proof of this to Clayton Behavioral. This shall not be deemed to have waived any physician/patient privilege.
  
- L. If Father suspects that Mother has consumed alcohol, he may require Mother to submit to an ETG test up to 8 times a year during the time Mother is using Soberlink and up to 18 times in the 3 years immediately following the end of Soberlink's use. Mother to take these tests at CCM Lab. Mother to sign any requested releases so that Father will receive the results. Father to send a written request to Mother to take such test, via email and text message. Mother to submit to the test within 24 hours of the request or within 5 hours of the testing facility being open for business if the request is made after noon on Friday. The results shall be sent to Father. If Mother informs Father of out-of-town travel plans prior to the request being made, Father may not request a test within 12 hours of Mother's informed departure time nor request such test until 6 hours prior to Mother returning to the St. Louis metropolitan area. If there is a snow day for the public school district in which Mother resides, Mother will not be required to take such a test until the day school is back in session. Father shall make arrangements to pay for the first requested test. If the result is positive, Mother shall reimburse Father the costs of such test. If the result is negative, Mother shall pay for the following two tests. The payment rotation shall be Father pay for one test, Mother the following two tests, Father pay for one test, Mother the following two tests, etc., until there are 6 consecutive negative tests. After the sixth consecutive test, the parents will alternate paying for such tests, beginning with Father. In addition, at any of these requested tests, Father may ask for a urine drug screen, which will be paid for by Father.

M. The ETG and drug screens taking place in the St. Louis metropolitan area shall take place at Clayton Behavioral, Asure Test, CCM, Any Lab Test or Total Access Urgent Care. Father may choose the facility for any test in which he is paying and Mother may choose the facility for any test for which she is paying. Mother shall sign releases so that Father will receive the results of all ETG and drug screen tests.

N. If Mother relapses or fails to comply with the steps above, her visitation reverts to Step 1. Mother will also begin again with requirements of the subparagraphs B –M.

1. **Weekend and Weekday Visits:**

**A. Step One: (15 days)**

If Mother relapses, there will be no visitation until Mother has demonstrated 15 consecutive days of sobriety on Soberlink.

**B. Step Two: (30 days)**

If Mother is in compliance with Paragraph A, has demonstrated sobriety through Soberlink for 15 days outlined in Step One, she shall have supervised visits with the children every Tuesday and Thursday from after school or if no school then 3 pm – 7 pm and every Sunday from noon – 6 pm. The supervisor shall be maternal grandmother, or another adult mutually agreed to by the parents

**C. Step Three: (60 days)**

If Mother is in compliance with paragraph A, has demonstrated Sobriety through Soberlink and has successfully completed Step Two, Mother shall have supervised visits every Tuesdays and Thursdays from after school, or is no school then 3 pm – 7 pm and every Sunday from 9 am – 7 pm. Maternal grandmother or another adult mutually agreed to by the parents shall be the supervisor

**D. Step Four: (60 days)**

If Mother is in compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Three above, Mother's visits will be unsupervised.

**E. Step Five: (60 days)**

If Mother is in compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Four above, Mother shall have the children every Tuesday and Thursday from after school, or if no school then 3 pm – 7 pm and one week Saturday from 9 am through Sunday at 9 am and the following week on Sunday from 9 am through Monday at the start of school or if no school then 5 pm.

**F. Step Six (60 days)**

If Mother is in compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Five above, Mother's visits will be as follows: every Tuesday and Thursday, from after school or if no school then 3 pm – 7 pm, and alternate weekends from Friday after school or if no school, then 3 pm through Sunday at 6 pm.

**G. Step Seven (60 days)**

If Mother is compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Six above, Mother's custody periods will be as follows: Every Tuesday and Thursday from after school or if no school then 3 pm – 7 pm and alternate weekends from Friday after school or if no school then 3 pm through Monday at 8 am.

**H. Step Eight (90 days)**

If Mother is in compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Seven above, Mother's custody periods will be as follows: Every Tuesday from after school or if no school then 3 pm, through Wednesday at the start of school or if no school then 3 pm, every Thursday from 3 pm – 7 pm and alternate weekends from Friday after school or if no school then 3 pm through Monday at 3 pm.

**I. Step Nine**



If Mother is in compliance with paragraph 17, has demonstrated sobriety through Soberlink and has successfully completed Step Seven above, Mother's custody periods will be as follows: Every Tuesday from the start of school or if no school then 3 pm, through the start of school on Wednesday or if no school 3 pm, on the Wednesday prior to Father's weekend from 8 am through Thursday at 8 am and alternate weekends from Friday after school or if no school then 3 pm, through Monday at 3 am.

2. Homework, School Attendance and Specialty/Select Sports (including, but not limited to Bobby's hockey):

Both parents will ensure that all homework is completed during their periods of physical custody. Both parents will also ensure that the children are promptly delivered to school so as to avoid being tardy, and are likewise timely brought to any and all sporting events and/or extracurricular activities. Further, both parents will ensure that Bobby attends all hockey practices and games during their periods of physical custody. As long as Father is the hockey coach, he shall provide transportation for Bobby to hockey practices and games, unless he is out of town or requests Mother to provide transportation. Mother shall be under no time or payment obligation to provide transportation for Bobby to out-of-town hockey games that are scheduled during her periods of physical custody; however, if Mother elects not to provide said transportation, then she shall forgo her rights to temporary physical custody of Bobby to allow him to attend any such out-of-town hockey game. Mother shall provide Father with no less than 14 days advance notice if she does not intend to provide transportation for Bobby to any such hockey games. The foregoing provisions shall be likewise applicable for any specialty/select sports endeavors for which the girls are enrolled. Father will ensure that Mother is added to Team Snap yearly so that she will have access to the team calendar.

### 3. Vacation Schedule:

- a. Father shall have two, non-consecutive, one week periods of vacation with the children each year. Father's weeks will begin on a Friday of his regular weekend.
- b. If Mother is on Step 6 during the children's summer vacation, she shall have two of her weekends extended from Friday at 3 pm through Sunday at 3 pm. If Mother is on Step 7 during the children's summer vacation, she shall have two of her weekends extended from Thursday at 3 pm – Monday at 8 pm.
- c. If Mother is on Step 8 or 9, she shall have two, non-consecutive, one week periods of vacation with the children. Mother's weeks shall begin on a Friday of her regular weekend. The vacation periods shall remain subject to all terms of this Agreement.
- d. The vacation time shall be taken between the last day of school and the last Friday prior to school resuming. As stated above, the weeks shall be non-consecutive.
- e. In odd-numbered years, Father shall first choice of his weeks and in even-numbered years, Mother shall have first choice of her weeks. The parent with the first choice of weeks must designate in writing, the vacation time by April 15th. The parent with second choice of weeks must designate vacation time in writing, by April 30<sup>th</sup>. If a parent misses the deadline above for designation of their vacation periods, they may choose after the other parent has made her/his choice, but must be at least 14 days in advance of the vacation.

4. Expectation of Calendar Designation of Steps:

A. Current Step Progress:

1. Step Four (60 days) – October 7, 2018 - December 5, 2018.
2. Step Five (60 days) – December 6, 2018 – February 3, 2019
3. Step Six (60 days) – February 4, 2019 – April 4, 2019
4. Step Seven ( 60 days) – April 5, 2019 – June 3, 2019
5. Step Eight ( 90 days) – June 4, 2019 – September 1, 2019
6. Step Nine – begins September 2, 2019.

B. Projected Testing: Adverse testing result cut-off (per paragraph 17 L) above, shall end on May 12, 2023.

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PETITIONER

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RESPONDENT

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ATTORNEY FOR PETITIONER

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ATTORNEY FOR RESPONDENT

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SARAH PLEBAN  
7733 Forsyth Blvd.  
Suite 1850  
Clayton, MO 63105  
(314) 647-6677  
GUARDIAN AD LITEM