### STATE OF VERMONT

SUPERIOR COURT LAMOILLE UNIT		FAMILY DIVISION Docket No. 39-3-12 Ledm
EDWARD FLANAGAN, Plaintiff	) )	
<b>v.</b>	) ) )	

NANCY DUMONT, Defendant

# DEFENDANT'S VERIFIED ADDENDUM TO DEFENDANT'S VERIFIED EMERGENCY MOTION TO MODIFY PARENT-CHILD CONTACT AND CORRECTION TO VERIFIED EMERGENCY MOTION

Defendant Nancy duMont, by her attorneys, Gravel & Shea PC, hereby files the instant Addendum and Correction to Defendant's May 6, 2022 Verified Emergency Motion to Modify Parent-Child Contact ("Motion to Modify"). In support, Nancy duMont states as follows:

# **Facts**

- 1. On May 6, 2022, Defendant filed a Verified Emergency Motion to Modify Parent-Child Contact pertaining to the Parties' one minor child, Leila Flanagan (DOB 6/4/09).
- Since Defendant's filing, Leila's school principal and gynecologist have both 2. filed reports with the Department of Children and Families ("DCF") pertaining to Leila and Plaintiff.
- 3. Leila's gynecologist made the report to DCF after Leila discussed feeling unsafe in her current home environment with her father and step-mother, being punished by her stepmother by being required to sit in a chair in her bedroom for two hours, being pushed to the floor by her step-mother, and being grabbed by the shoulders and shaken by her step-mother. See Vermont Gynecology Medical Note, May 6, 2022, attached hereto as Exhibit 8.

gravel & shea ATTORNEYS AT LAW A PROFESSIONAL CORPORATION 76 St. Paul Street Post Office Box 369

Burlington, Vermont 05402-0369

4. Leila's gynecologist noted that Leila has developed anxiety and experiences panic attacks due to, what Leila referred to as an unstable home environment. *Id*.

5. The aforementioned reports and details have only been made available since Defendant's May 6, 2022 filing and are being set forth herein as an addendum.

6. By way of correction to Defendant's Verified Emergency Motion to Modify Parent-Child Contact, in the second paragraph of the introduction, there is a typo that Leila began seeing Dr. Ruid on May 4, 2022. This should be corrected to read: Leila started seeing Dr. Ruid on May 4, 2020.

WHEREFORE, Defendant Nancy duMont respectfully requests that the Court consider this new information and, as requested previously, grant her Emergency Motion to Modify Parent Child Contact.

Dated:

Burlington, Vermont May 16, 2022

/s/ Amanda M. Hemley

Amanda M. Hemley, Esq. Gravel & Shea PC 76 St. Paul Street, 7<sup>th</sup> Floor, P.O. Box 369 Burlington, VT 05402-0369 (802) 658-0220 ahemley@gravelshea.com For Defendant

### Verification

I, Nancy duMont, hereby state that I am the Defendant in the within action; that I have read the foregoing Addendum to Defendant's Verified Emergency Motion to Modify Parent-Child Contact and Correction to Verified Emergency Motion and know the contents thereof. I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury.

Dated: 5/16/22

Vancy duMont, De

gravel & | shea | attorneys at law

Burlington, Vermont 05402-0369

A PROFESSIONAL CORPORATION
76 St. Paul Street

FLANAGAN, Leila DOB: 06/04/2009 (12 yo F) Acc No. 34242 DOS: 05/06/2022



Flanagan, Leila 12 Y old Female, DOB: 06/04/2009

Account Number: 34242

1241 TABER HILL ROAD, STOWE, VT-05672-4440

Home: 802-793-1430 Guarantor: Flanagan, Leila Insurance: MEDICAID VT

Payer ID: 00914 Appointment Facility: Vermont Gynecology

05/06/2022

Katja Von Sitas, PA

## **Current Medications**

- Taking Nystatin-Triamcinolone 100000-0.1 UNIT/GM Ointment 1 application Externally Twice a day
- ibuprofen
- Acetaminophen
- Vitamin C

Medication List reviewed and reconciled with the patient

#### **Past Medical History**

Go. Hx vaginal sensitivites. Anxiety (panic attacks). Reflux. Pap due at 21.

# **Surgical History**

Denies Past Surgical History

#### **Family History**

Mother: Vaginitis Family hx of: Colon cancer, arthritis, high cholesterol, HTN.

# Social History

Tobacco Use: no Smoking . ETOH: No EtOH: .. Drug/Alcohol; no Drugs . no Alcohol .

#### **Gyn History**

See HPI and PMH/PSH ..

# Allergies

N.K.D.A.

#### Hospitalization/Major

**Diagnostic Procedure** 

Denies Past Hospitalization

#### Reason for Appointment

1. Telemed f/u anxiety

#### **History of Present Illness**

GYN:

Encounter via telemed.

Leila is a 12 y.o. Go patient who presents for a telemed f/u

Last seen 05/04/2022 by KVS as a new patient for vaginal sxs

Pt notes she started rx last night Hormonal contraception: None

LMP: Never had one

Pt is not currently sexually active, never been sexually active.

Overall well, no other health concerns or updates.

Pt is not HPV vaccinated (not yet HPV vaccinated) Pap due at 21.

# Examination

GYN:

GENERAL: WDWN, NAD, A&O, Examination not performed.

### **Assessments**

1. Anxiety - F41.9 (Primary)

Leila is a 12 y.o. Go patient who presents for a telemed f/u anxiety. Patient requested this visit due to feeling unsafe in her current home environment with her father and step mom. Patient has developed anxiety and experiences panic attack which have been brought on by what she refers to as a unstable home environment. Patient is in a shared custody arrangement and splits half of her time with mom and half of her time with her father and step mother and she wishes to spend less to no time at her fathers home at the moment due to feeling unsafe there. Patient reviews with me the following situations at her fathers/step mothers home:

1) Leila was "punished" by her step mother while her father was away and asked to sit in a chair in her bedroom for 2 hours. At the end of the 2 hours, when her step mother checked back in with her, Leilia was not ready to leave her chair and her step mother proceeded to push her out of the chair and onto the floor. She also would not allow Leila to then leave the room because she became so

Progress Note: Katja Von Sitas, PA 05/06/2022

https://vtvegyapp.ecwcloud.com/mobiledoc/jsp/catalog/xml/printChartOptions.jsp?encount... 5/13/2022

**EXHIBIT** 

FLANAGAN, Leila DOB: 06/04/2009 (12 yo F) Acc No. 34242 DOS: 05/06/2022

Review of Systems see HPI.

frustrated with her.

2) Leila was taking care of a younger sibling and carrying this sibling downstairs to help them out. Her step mother was not there at the time but found out about it later and she was concerned about Leila carrying the sibling down a flight of stairs because Leila was a couple of years younger at the time. She proceeded to take Leila into the basement and grabbed her by the shoulders and shook her while she was scolding her to get her point across.

3) Leila has been slightly late for a scheduled drop off in the past and her step mother proceeded to scold her and make her feel horrible about this. Leila started to cry and had her hands to her face and her step mother pulled her hands away from her face.

Patient is losing sleep over the anxiety and stress that living in her fathers home is causing her. She does not feel safe and she would like to take a break from being in this environment and live with her mom full time at this age and stage. She has tried to ask this of her father but he is not interested in diminishing the custody agreement. There is lots of yelling and throwing of items in the house and Leila endorses this heightens her anxiety and this is also affecting her school work.

DAD is: Edward Flanangan (802)595-0969; Step mom is Tina (Christine) Flanagan

Address: 16 West View Street Morisville VT.

#### Treatment

#### 1. Anxiety

Notes: Based on the information provided today and my phone call with mom 5/5/2022 and patients previous appointment in person with me where she was tearful when she read the questions about "emotional and physical" abuse on our intake form, I am inclined to report this situation to DCF as a mandated reporter. Patient is made aware of what this means and consents to this and mom is made aware. Patient works closely with a PCP and a psychiatrist for her anxiety and feels well supported. She is not in any immediate danger. She is aware that I will call DCF early next week.

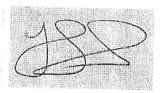
5/10/2022 addendum: TC to patient as follow up. She had a good weekend with mom. She is feeling better. She endorses feeling safe at moms home. I told patient that before our office initiates a DCF report, I wanted to confirm that there is NO concern for sexual abuse. Patient DENIES any history of sexual abuse or trauma by anyone in her life/lifetime.

#### 2. Others

Notes: I spent a cumulative total of 35 minutes in and around this visit, including within 24 hrs after the visit, caring for this patient, 5 mins reviewing previous medical history, 25 mins evaluating the patient, and 5 mins coordinating care and completing the electronic medical record.

Action Started- DCF

FLANAGAN, Leila **DOB**: 06/04/2009 (12 yo F) **Acc No**. 34242 **DOS**: 05/06/2022



Electronically signed by Katja Von Sitas , PA on 05/10/2022 at 05:28 PM EDT Sign off status: Completed

Vermont Gynccology 1775 Williston Rd, Suite 110 So. Burlington, VT 05403-6491 Tel: 802-735-1252 Fax: 802-862-9637

Progress Note: Katja Von Sitas, PA 05/06/2022

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)