

From: Paul Amann  
 To: Oliver, Roland  
 Date: 9/11/01 11:39AM  
 Subject: Re: Cooke/Holm

Roland,

As I have stated to you previously, Judge Johansson does not hold review hearings. If you are wanting me to set a motion hearing, what is the motion you would have me file? These are the recommendations of the Court Report.

- 1) Continued PSS--(That does not need to be ordered.)
- 2) A paper review in 90 days--(That does not need to be ordered.)
- 3) Margaret be allowed to supervise all contact between Lester and the children in her custody--Robert, Natasha, Jared and Kara--(This is the only item which could be ordered.)
- 4) Lacy remain in DCFS custody--(That does not need to be ordered.)

So the only issue for the Court to address is recommendation 3. DCFS has paid for a psychological evaluation for Lester. Recommendations were made therein. The Court has ordered Lester to comply with those recommendations. As I have indicated previously, and as you do not deny, HE HAS DONE NOTHING that was recommended on that treatment plan. It is inadvisable to ask that Margaret now have discretion to allow him to return to the home.

You state that "My initial concern is that which was requested by the court . . ." I'm not certain what you mean by that. The recommendations of the treatment plan were not "additional recommendations that have since come." You are wrong about that. They have been court ordered. DCFS may turn a blind eye to that, but neither the Court nor your counsel will--especially when the GAL will be sure to point it out

Lester and/or Margaret should be the moving party on such a motion. I would urge you to urge THEM to contact their attorneys to get one or both of them to file it. When and if they set a hearing on it, I could indicate that you have no objection to it. The GAL would presumably argue Lester should comply with the treatment plan, and the motion would be denied.

I can't help wondering why DCFS is willing to hire professionals, obtain their recommendations, pay them for their expertise and then totally ignore them. You place yourself at risk by doing so. Why not work with Lester to get him to comply with the treatment plan? That seems to be in everyone's best interests.

As far as keeping your recommendations secret from the GAL, I'm not certain I understand. Part of my role as AAG is to communicate with counsel to reach settlement. In this instance, I will honor your request and not inform the GAL that you want to make this baseless motion. However, were I going to file such a motion, she would have every right to notice of our intentions.

Your recommendations may be based on what you have done. I'm suggesting that they should be based on what Lester has done--NOTHING. When he has complied with the treatment plan, I will gladly file the motion and all the parties will likely stipulate to it. In that instance, there would not even be a need for a hearing.

Thanks,  
 Paul

*probably not true and he knows Lester can't meet the Plans terms*

>>> Roland Oliver 09/11/01 11:04AM >>>  
 Paul,