

1 STATE OF MINNESOTA DISTRICT COURT  
2 COUNTY OF DAKOTA FIRST JUDICIAL DISTRICT  
3 File No.: 19HA-JV-15-2437  
4 -----

5 In the Matter of the Welfare of the  
6 Children of Sandra Sue Grazzini-Rucki  
and David Victor Rucki  
7 -----

8 The above-mentioned matter came duly on for hearing  
9 before the Honorable Michael J. Mayer on November 24, 2015,  
10 at the Dakota County Judicial Center, in the City of  
11 Hastings, County of Dakota, State of Minnesota.  
12

13 A P P E A R A N C E S

14 JENNIFER JACKSON, ASSISTANT DAKOTA COUNTY ATTORNEY, Dakota  
15 County Judicial Center, 1560 Highway 55, Hastings, MN 55033,  
16 appeared representing Dakota County.

17 TANYA DERBY, ASSISTANT DAKOTA COUNTY PUBLIC DEFENDER,  
18 919 Vermillion Street, Suite 200, Hastings, MN 55033,  
19 appeared representing G.R. and S.R.

20 LISA ELLIOTT, ATTORNEY AT LAW, 2409 W. 66th Street,  
21 Minneapolis, MN 55423, appeared representing the Respondent.

22 Also present: Paula Pletsch, Dakota County Social Services  
23 Laura Miles, Guardian Ad Litem  
24 David Victor Rucki

25 \* \* \* \* \*

1 WHEREUPON, the following proceedings transpired:

2 THE COURT: This is the matter of the welfare  
3 of the children of David Victor Rucki and Sandra Sue  
4 Grazzini-Rucki. It is 19HA-JV-15-2437.

5 If I could get everybody to note their appearances  
6 for the record, please.

7 MS. JACKSON: Jennifer Jackson, Assistant  
8 Dakota County Attorney.

9 MS. PLETSCHE: Paula Pletsch, Dakota County  
10 Social Services.

11 MS. MILES: Laura Miles, guardian ad litem.

12 MS. ELLIOTT: Lisa Elliott, representing the  
13 father, David Rucki.

14 MR. RUCKI: David Rucki, father.

15 THE COURT: All right. On for EPC hearing  
16 today. The Court has reviewed the 72-hour hold form  
17 that was completed by the Lakeville Police Department,  
18 and, Ms. Pletsch, I've also had a chance to look at the  
19 recommendations that you have in your report dated  
20 today. There are two recommendations. Are those still  
21 your recs as you sit here today?

22 MS. PLETSCHE: Yes, Your Honor.

23 THE COURT: And, Ms. Miles, guardian ad litem  
24 program, on board with those recs?

25 MS. MILES: Your Honor, I guess I'm -- and

1 I've stated this to Social Services. I guess I'm a  
2 little confused as to the -- where this is coming from.  
3 It's my understanding it's not a child-protection  
4 matter, necessarily, but that it was more of a  
5 child-welfare-for-immediate-placement type of  
6 situation.

7 I'm familiar with this case. I don't -- I  
8 obviously haven't seen the girls since they've returned.  
9 I don't know -- I know Paula has. I'm on the fence.  
10 I don't know that I think that the County stepped in  
11 when there was not a place for these girls to go. I  
12 also think there's a parent that's trying to meet the  
13 child's needs in the way that they feel is sufficient.  
14 I don't know if the County agrees. I don't -- so I'm --  
15 I guess I don't know if I'm in -- I'm not in --  
16 necessarily in agreement with the County's  
17 recommendations, but I don't -- that being said, I don't  
18 have any.

19 THE COURT: Okay. So you're not necessarily  
20 opposed to them, either, because that would require  
21 that you had some alternative thought.

22 MS. MILES: I guess my question is the kind of  
23 basis for continuing County custody or legal  
24 responsibility, is my question.

25 THE COURT: All right.

1 MS. MILES: Given that there's a parent able  
2 to -- able to provide an alternative, and I think that  
3 that's where the rub is, that there isn't an agreement  
4 on what's best for them, and I don't have the answer to  
5 that at this point.

6 THE COURT: Okay. Is the Court incorrect in  
7 its interpretation of the 72-hour hold, that the girls  
8 have said they will run?

9 MS. MILES: That's my understanding.

10 THE COURT: All right. Ms. Elliott?

11 MS. ELLIOTT: Thank you, Your Honor.

12 It is true that the girls have said they will run  
13 if they're returned to their father's care or his home  
14 with the other three children, and at this point we have  
15 been working with the National Center for Missing and  
16 Exploited Children and have found an alternative  
17 facility to provide care for them, that provides not  
18 only care -- treatment and therapy for the  
19 reunification, but life skills, education, health, and  
20 welfare. It's recommended nationally, it's recognized  
21 nationally, and it's getting paid for by a national  
22 foundation of -- started by -- I'm not going to name the  
23 foundation at this point because there are people out  
24 there who are trying to find these children and we need  
25 to -- it needs to be in a secure and private setting.

1 We have transportation to get them out there. We've  
2 been working diligently since these girls were found.

3 My client has sole physical and legal custody of  
4 these girls, and I don't believe that at this point the  
5 County needs to be involved. We've got a plan  
6 recognized, the 72-hour hold, because it was dropped on  
7 everybody without anyone's knowledge, and they did not  
8 want to return to their father's home at this point; and  
9 until they're ready, they won't. But this is an  
10 intensive therapy program where they will stay until --  
11 for as long as they need, and we've got funding.

12 So we have a father here who's taking the steps  
13 necessary. We can get them out there as soon as  
14 tomorrow. We've got the transportation. We've got a  
15 security officer -- retired security officer to  
16 transport them, and it's a facility where they're not --  
17 they don't have the ability to run.

18 THE COURT: Okay.

19 MS. ELLIOTT: We want the opportunity to get  
20 these children the help that they need. We have one  
21 that's almost 18. We don't have much time. They've  
22 been gone for two and a half years, living -- from what  
23 we understand, they've been at this farm. They've had  
24 no social skills. They have not been in school. They  
25 need a lot of help and they need it from someplace that

1 knows what they're doing, and where we're proposing  
2 that they go has helped many, many children who have  
3 been abducted, either by family members or by  
4 non-family members, to reunify and get their lives back  
5 in order.

6 We have tried, during the dissolution -- and  
7 Ms. Moore (phonetic) can testify to that; she was the  
8 guardian ad litem in the dissolution -- that we tried  
9 every reunification therapist here, but as long as Mom  
10 was involved we couldn't go anywhere. So there isn't  
11 one in the Twin Cities that the girls would even, at  
12 this point, I think, have any connection to, because  
13 they've been in front of them and shunned even trying.

14 It worked with the other three children. The other  
15 three were in the same position as these two girls were  
16 coming from. They didn't want to have anything to do  
17 with their dad. We were able to get the reunification  
18 therapy that they needed and it succeeded, all three  
19 children.

20 THE COURT: This same facility?

21 MS. ELLIOTT: No. It wasn't as intense  
22 because they weren't -- part of -- this facility  
23 specializes in children who have been abducted and have  
24 been out of school, out of -- away from family, away  
25 from friends, and having essentially no social life for

1 the last two and a half years. So they've handled  
2 children who have been gone for 14 years when a mother  
3 has abducted them. They've handled children who were  
4 abducted and gone for -- one of them was five years.

5 They've got -- they've got the credentials. I also  
6 have a referral. If the Court wants to talk to the  
7 judge out of Miami that referred a family to this  
8 facility, the judge is willing to talk to the Court.  
9 But it needs to happen soon. If they sit in more foster  
10 care, we're losing more time.

11 We need also to get them out of this community.  
12 The press, as you can imagine, on this case has been  
13 rabid. So these girls can't go anywhere around here  
14 without getting identified. So rather than being stuck  
15 on a farm in western Minnesota, they're going to be  
16 stuck in a foster home without anywhere to go. We want  
17 this opportunity to get them this help, at least to try  
18 it.

19 THE COURT: How is it any different, what  
20 Mr. Rucki is proposing to do, from what  
21 Mrs. Grazzini-Rucki did? Obviously, he has sole legal  
22 and physical custody.

23 MS. ELLIOTT: Yes.

24 THE COURT: So he is, in essence, asking to  
25 move the kids to a place where Mom has no idea where

1           they are and they have no contact with her.

2                   MS. ELLIOTT: Well, she's in jail.

3                   THE COURT: I understand that. I understand  
4           that. Nobody's parental rights have been terminated  
5           yet. Everybody's -- I shouldn't say "everybody's."  
6           Yours have been trampled all over, but nobody's  
7           parental rights have been terminated yet.

8                   MS. ELLIOTT: And this program involves all  
9           family members. In the beginning, my client wouldn't  
10          be out there either. Once they determine it's time,  
11          it's necessary for -- and the girls are ready, both to  
12          see their siblings and their father, and at some point  
13          their mother, the director of the program is also  
14          willing to come here to work with whatever is going to  
15          be necessary to reunify the children with their mother.  
16          She's not going to be excluded. What we're concerned  
17          of is this network, that if they find out where --  
18          until the girls can settle in, if it becomes public  
19          where they are, we are very concerned that this network  
20          is going to jump in and do the same thing they did  
21          initially. I mean, there were supporters that -- it  
22          wasn't just Sandy Grazzini-Rucki that helped these  
23          girls disappear.

24                   THE COURT: I'm well aware of that.

25                   MS. ELLIOTT: All we want to do is keep it



1 quiet until it's necessary to get the parents involved.  
2 We're not trying to hide the girls from her, although,  
3 from what I understand, she has had no interest in the  
4 last two years to see them, but once -- if she does --  
5 we don't know. She may not want to have any contact  
6 with them. She's chosen not to have any contact with  
7 her other three children. But if she does and she  
8 wants a relationship, that's part of this process as  
9 well. This is the whole child. It's not trying to  
10 bash the mother. It's in a therapeutic setting,  
11 getting them help; not hiding them.

12 THE COURT: What's the County's position on  
13 it, Ms. Jackson?

14 MS. JACKSON: We want these children to be  
15 reunified with their father. I'm concerned about the  
16 conversations that Ms. Pletsch has had with them. I  
17 don't think that there was an anticipation that this  
18 proposal would be out there today for their moving so  
19 quickly to this program. I don't know that we're  
20 necessarily opposed to it, but I'm concerned that these  
21 children are going to be told today, Well, guess what?  
22 Now you're moving again, and this is where you're  
23 going.

24 I want to make sure that they're not going to run.  
25 Ms. Pletsch has talked to them at length. They've

1       agreed to stay where they're at for the time being. She  
2       explained the court process to them. I'm afraid that if  
3       we present them with a different plan today, that they  
4       will not have any trust in the system. That's my  
5       biggest concern at this point in time. I'm certainly  
6       willing to -- you know, if this is a program that's  
7       appropriate for the children, then that's fine; I agree.  
8       I don't want this to be in the public eye, either. I'm  
9       concerned for their safety and for their privacy.

10               THE COURT: As is the Court.

11               MS. JACKSON: Right.

12               THE COURT: Well, I mean, it is a probable  
13       cause hearing, and you're asking me on your word -- and  
14       you have a stellar reputation; I have no reason to  
15       doubt your word -- to put a lot of faith in a program  
16       that I know absolutely nothing about. And I'm willing  
17       to be educated on it, but I'm not going to order today  
18       that that's where they go when I don't know a darn  
19       thing about it.

20               I think my inclination today will be to appoint  
21       Ms. Derby as an attorney for the two girls and instruct  
22       her to speak with them.

23               I am not opposed to this thing, sir. Okay? You  
24       need to understand that. But I need to know more about  
25       it before I say this is where they go.

1           So the number one concern is protecting them at  
2 this point in time and keeping them from running. So  
3 other than them telling you, Ms. Pletsch, that they  
4 weren't going to do that, how are we going to make this  
5 happen?

6           MS. PLETSCH: That they won't run?

7           THE COURT: Yeah.

8           MS. PLETSCH: In speaking with them on Friday  
9 and again yesterday, they still are indicating that  
10 they're not willing to return to Dad's. They will not  
11 run as long as they're not at Dad's. All I have is  
12 their word.

13           They are willing to look at doing some therapy.  
14 Again, that was just talked of in the local, you know,  
15 area; but they're willing to do that. They want to get  
16 back into regular school.

17           THE COURT: They want to get where?

18           MS. PLETSCH: Back into regular school. And,  
19 you know, I guess right now I feel a day-by-day is what  
20 we have.

21           THE COURT: Yeah. I mean, if they're  
22 anticipating normal lives, that's going to be a while,  
23 in terms of getting back into school and --  
24 Ms. Elliott, you're a hundred percent correct. I mean,  
25 the media is not going to leave them alone, and I --

1 MS. PLETSCHE: Well, there's different avenues  
2 for school other than public school.

3 THE COURT: Right. But they do -- they need  
4 to be socialized. I mean, it is the system's goal, and  
5 there's new federal legislation that talks about  
6 restoring normalcy to the life of kids who are in our  
7 care.

8 But the bottom line is that I'm concerned for the  
9 kids. I'm very concerned about them running. But I  
10 want to know more about the program before I order that  
11 that's where they go. And I don't need to know on the  
12 record where it's located or anything of that sort. I  
13 just need to have a conversation with some other people.

14 MS. ELLIOTT: The program director is  
15 available by phone now. We can get her on and she can  
16 give you the name of the judge in Miami you can talk  
17 to. Also, I believe she's also a guardian ad litem  
18 down there that -- also in Miami -- that has also  
19 recommended this program. It is nationally recognized  
20 and it's -- whether these girls want to believe it or  
21 not; they've been through a lot of trauma.

22 THE COURT: Absolutely.

23 MS. ELLIOTT: So, you know, for them to say  
24 that they're going to run, of course that's what  
25 they're going to say, because they still think they're

1 in control and they're going to decide what happens to  
2 them.

3 THE COURT: Correct.

4 MS. ELLIOTT: That's, in part, why they are  
5 where they are.

6 THE COURT: I'm not at all minimizing. I try  
7 to have a very trauma-informed approach to my decision  
8 making, so I'm not discounting that at all. But, I  
9 mean, you're asking me to put faith into something that  
10 I know nothing about, and that is not fulfilling my  
11 responsibility, either.

12 MS. ELLIOTT: I understand, yes, Your Honor.

13 THE COURT: So --

14 MS. ELLIOTT: What information do you need and  
15 how quickly do you need it? We can get you whatever  
16 you need probably within an hour.

17 THE COURT: Yeah. Well, I'm more than happy  
18 to call and speak with somebody today on it. I have no  
19 issues with that whatsoever. I think kicking it till  
20 next Wednesday probably isn't a good idea. I think  
21 that that's too much time. And if -- as you all know,  
22 if kids are intent on running, they run, unless they're  
23 in a secure setting, and I don't want to do that to  
24 them. That's retraumatizing them as well.

25 MS. ELLIOTT: And part of, I think, a way to

1 approach it is, if they're not going to be with Dad,  
2 this is the best place that we could -- it's what  
3 they're used to. It's going to be on a farm; that if  
4 it's something the County backs it, that it's something  
5 that they recommend, then it's not coming from Dad.

6 So --

7 THE COURT: But everybody needs to know more  
8 about it.

9 MS. ELLIOTT: Right. And like I said, as long  
10 as we've got an understanding that it's not public  
11 knowledge, I've got --

12 THE COURT: Well, that's why I'm not going to  
13 call them here on the record.

14 MS. ELLIOTT: Right. I have some printed  
15 information from them, but I've got -- like I said,  
16 I've got a phone number for the director, and she can  
17 provide the additional contacts for you to verify the  
18 validity and benefits of this program.

19 THE COURT: All right. So let's -- just by  
20 sort of quirk of the calendar, my rotation extends  
21 through next week here.

22 Do I have anything on Monday, Denis?

23 THE LAW CLERK: Not on this calendar. Let me  
24 look at the other one.

25 You do not.

1 THE COURT: All right. Can I impose on the  
2 County and the guardian program and Ms. Derby to come  
3 here on Monday morning?

4 MS. DERBY: I'm available, Your Honor.

5 THE COURT: All right. It's usually a  
6 juvenile petty traffic calendar, but I can throw this  
7 on and spend some time learning, today and Friday,  
8 about this program.

9 Yeah?

10 MS. JACKSON: I'll be here Monday.

11 MS. PLETSCH: Me, too.

12 THE COURT: Ms. Miles, are you going to be on  
13 the case, or will it be another guardian?

14 MS. MILES: I will be on the case if it  
15 continues.

16 THE COURT: Okay. All right. So I guess, in  
17 essence, what I'm doing is continuing this EPC hearing  
18 till Monday morning at 10.

19 The girls aren't in possession of cell phones or  
20 anything of that nature, are they?

21 MS. PLETSCH: No.

22 MS. ELLIOTT: Is there Internet, I'm assuming?

23 MS. PLETSCH: Yep.

24 THE COURT: Okay. I guess I would request  
25 that Social Services advise the provider to disconnect

1 all Internet in the home -- put that in the order, too  
2 -- pending a decision on the hearing Monday. Lock up  
3 their car keys.

4 MS. ELLIOTT: Yeah.

5 THE COURT: All right? So I will look into it  
6 and I will ask the guardian program and Social Services  
7 to look into it in the interim, and I'll --

8 MS. ELLIOTT: Once we're off the record I can  
9 give you the --

10 THE COURT: Yes.

11 MS. ELLIOTT: -- web site, the name and the  
12 address --

13 THE COURT: Yes.

14 MS. ELLIOTT: -- and phone numbers.

15 THE COURT: Uh-huh. And I will delve into it.

16 So we're continuing the first appearance, or the  
17 EPC, until Monday at 10.

18 (The proceedings were concluded.)

19

20

21

22

23

24

25



## 1 CERTIFICATE

2 I, Lois R. Schwelling, do hereby certify that I am an  
3 official court reporter of the First Judicial District of the  
4 State of Minnesota; that as such reporter I reported in  
5 shorthand the proceedings had on the hearing of the  
6 aforementioned action; that I thereafter transcribed the  
7 foregoing into typewriting by means of computer-aided  
8 transcription; that the foregoing transcript, consisting of  
9 16 pages, constitutes a true and correct transcript of the  
10 hearing in regard to the aforementioned matter.

11 DATED: May 19, 2016

12  
13 s/Lois R. Schwelling

14 Registered Professional Reporter

15  
16 The foregoing certification of this transcript does not  
17 apply to any reproduction of the same by any means unless  
18 under the direct control and/or direction of the certifying  
19 reporter.  
20  
21  
22  
23  
24  
25

1 STATE OF MINNESOTA DISTRICT COURT  
2 COUNTY OF DAKOTA FIRST JUDICIAL DISTRICT  
3 File No.: 19HA-JV-15-2437  
4 -----

5 In the Matter of the Welfare of the  
6 Children of Sandra Sue Grazzini-Rucki  
7 and David Victor Rucki  
8 -----

8 The above-mentioned matter came duly on for hearing  
9 before the Honorable Michael J. Mayer on November 30, 2015,  
10 at the Dakota County Judicial Center, in the City of  
11 Hastings, County of Dakota, State of Minnesota.  
12

13 A P P E A R A N C E S

14 JENNIFER JACKSON, ASSISTANT DAKOTA COUNTY ATTORNEY, Dakota  
15 County Judicial Center, 1560 Highway 55, Hastings, MN 55033,  
16 appeared representing Dakota County.

17 TANYA DERBY, ASSISTANT DAKOTA COUNTY PUBLIC DEFENDER,  
18 919 Vermillion Street, Suite 200, Hastings, MN 55033,  
19 appeared, via phone, representing G.R. and S.R.

20 LISA ELLIOTT, ATTORNEY AT LAW, 2409 W. 66th Street,  
21 Minneapolis, MN 55423, appeared representing David Victor  
22 Rucki.

23 MICHELLE L. MacDONALD, ATTORNEY AT LAW, of the MacDonald  
24 Law Firm, LLC, 1069 South Robert Street, West St. Paul, MN  
25 55118-1456, appeared representing Sandra Sue Grazzini-Rucki.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Also present: Paula Pletsch, Dakota County Social Services

Laura Miles, Guardian Ad Litem

David Victor Rucki

Sandra Sue Grazzini-Rucki

\* \* \* \* \*

1 WHEREUPON, the following proceedings transpired:

2 THE COURT: This is the Matter of the Welfare  
3 of the Children of David Victor Rucki and Sandra Sue  
4 Grazzini-Rucki. It is 19HA-JV-15-2437.

5 If we could start with the county attorney's  
6 office and note appearances going around the table, and  
7 then you'll be last, Ms. Derby.

8 MS. JACKSON: Jennifer Jackson, Assistant  
9 Dakota County Attorney.

10 MS. PLETSCHE: Paula Pletsch, Dakota County  
11 Social Services.

12 MR. RUCKI: David Rucki.

13 MS. ELLIOTT: Lisa Elliott, attorney for David  
14 Rucki.

15 MS. MILES: Laura Miles, guardian ad litem.

16 MS. MacDONALD: Michelle MacDonald, attorney  
17 for Sandra Grazzini-Rucki.

18 MS. GRAZZINI-RUCKI: Sandra Grazzini-Rucki.

19 THE COURT: Okay. Ms. Derby?

20 MS. DERBY: Tanya Derby on behalf of G. and S.  
21 Both are present with me.

22 THE COURT: All right. We are on for a  
23 continued EPC hearing this morning. The parties  
24 appeared before the Court -- or one of the parties  
25 appeared before the Court on Wednesday before

1 Thanksgiving. Ms. Grazzini-Rucki was not able to be  
2 present as a result of a fall in the jail, and I  
3 continued the hearing so we can give everybody a chance  
4 to make their position known to the Court.

5 So I will start with the county attorney's office.  
6 Ms. Jackson.

7 MS. JACKSON: Thank you, Your Honor.

8 This case began as a child-welfare case with Dakota  
9 County Social Services. The children are currently in  
10 foster care under the legal responsibility of Dakota  
11 County Social Services. The Court's determination today  
12 is whether there is a juvenile-protection matter and  
13 whether it exists for the case to go forward. The  
14 agency's primary concern is the safety and well-being of  
15 the children and the concern that there is a potential  
16 for a flight risk or a run risk. That is our main  
17 concern.

18 In light of that, we will abide by any court order  
19 that the Court makes today in terms of whether there's  
20 sufficient evidence to go forward as a child-protection  
21 matter.

22 THE COURT: All right. Ms. Pletsch, you had  
23 previously submitted recommendations to the Court in  
24 the form of your letter or report, and that was dated  
25 for the 24th, the day of the last hearing. There were

1 two recommendations. Are those still your recs as you  
2 sit here today?

3 MS. PLETSCH: Yes, Your Honor. As Ms. Jackson  
4 said, we're concerned about the kids' safety and flight  
5 risk and that they would run.

6 THE COURT: All right. Ms. Elliott?

7 MS. ELLIOTT: Thank you, Your Honor.

8 Mr. Rucki, as the sole physical and legal custodial  
9 parent, is requesting this court to dismiss this action.  
10 The Court lacks jurisdiction because the children are  
11 not in need of protective services. At this point,  
12 paragraph 2 of the -- I believe it's the petition,  
13 states that the children are in need of services because  
14 the child's parent, guardian, or custodian is unable or  
15 unwilling to provide that care; and that is not the  
16 case. Mr. Rucki has made arrangements for the care of  
17 G. and S., and transportation and services at the ready.

18 So we're asking the Court to dismiss this petition  
19 and restore Mr. Rucki the custodial rights of the  
20 children.

21 THE COURT: Ms. Miles?

22 MS. MILES: Your Honor, my position hasn't  
23 changed since the first hearing in that I'm unclear as  
24 to what the child-protection issue is. There is a  
25 custodian parent that appears able to make decisions for

1       them. And again, I go back to I'm unclear what the  
2       child-protection issue is at this point.

3                   THE COURT: Ms. MacDonald.

4                   MS. MacDONALD: Your Honor, I haven't seen  
5       Ms. Pletsch's recommendations.

6                   THE COURT: Ms. Pletsch's recommendations are  
7       two-fold. I can -- I just had them in my hand. I can  
8       certainly read them for the record.

9                   The Recommendation Number 1 is that the children  
10       would remain under the legal responsibility of Dakota  
11       County for protective care, for placement in foster  
12       care.

13                   And Number 2 was that visitation between the parent  
14       and children would be supervised, the extent and  
15       duration of which shall be determined by Social  
16       Services. Dakota County Social Services may determine  
17       if unsupervised visitation is appropriate before the  
18       next court hearing and determine the extent and duration  
19       of the same.

20                   It is signed by Paula Pletsch, the Dakota County  
21       social worker, and it's dated November 24th, 2015, which  
22       was the date of our initially scheduled hearing.

23                   Would you like a copy?

24                   MS. MacDONALD: Yes.

25                   THE COURT: Mark, would you be so kind?

1 MS. MacDONALD: Thank you.

2 I guess I'm disturbed that Laura Miles is the  
3 guardian. I'd like a different guardian appointed. She  
4 actually was -- supervised the guardian that originally  
5 was appointed just to do a very small amount of things,  
6 which was just to have permanent parenting time. That  
7 was the only role that that first guardian was to do,  
8 and the guardian went haywire.

9 My client complained to Laura Miles, who was her  
10 supervisor. I asked that that guardian be removed; the  
11 guardian would not remove herself. After my client's  
12 complaint, the guardian removed herself, got her own  
13 attorney; Laura Miles became involved. She was  
14 actually at the court trial. She never, ever  
15 recognized the child-protection issues then, and I don't  
16 expect her to recognize them now. In fact, this should  
17 have been a child-protection case many, many moons ago.  
18 So I'd ask that she not be the guardian ad litem.

19 I need to talk with my client about this, but my  
20 client, of course, is incarcerated, so unable to care  
21 for the children.

22 I did learn this morning that the Downs came here,  
23 filed a petition. They served it on me, and then I  
24 passed it out to other people because I'm not sure that,  
25 you know, other people know that there's a hearing in a



1 couple weeks. I've just run that by my client.  
2 She's -- she's just in the dark. She's been in the dark  
3 for a long, long time about all of her children,  
4 so -- but she's not wanting Ms. Miles to be appointed.  
5 She thinks we need an independent guardian, somebody who  
6 thinks she knows what's going on. And she's been told  
7 the children were abused; she doesn't listen. That's  
8 why they ran away. So, anyway.

9 THE COURT: So your position is that you  
10 believe that there is a valid basis for a health-and-  
11 welfare hold.

12 MS. MacDONALD: Absolutely, yes.

13 THE COURT: Okay. Ms. Derby.

14 MS. DERBY: Thank you, Your Honor.

15 On behalf of S. and G., I would request that the  
16 Court find that there is jurisdiction to allow the  
17 child-protection case to proceed. The girls feel there  
18 are safety issues if they are returned to their father's  
19 care.

20 Additionally, they don't feel it is in their best  
21 interest to go to a program out of state. There's a  
22 high risk they would run from that program, which would  
23 also be a huge safety concern.

24 The girls feel it is in their best interest for  
25 Dakota County to stay involved in this case, to remain

1 in local foster care. They promise they will not run  
2 from a local foster-care program.

3 They want to participate in therapy. They feel this  
4 would be the best way to address their family issues and  
5 also allow them to attend school and complete their  
6 education.

7 THE COURT: All right. The record should  
8 reflect that the Court met with the girls in a  
9 conference room. Ms. Derby, their attorney, was there  
10 as well, and the matter was recorded by my court  
11 reporter.

12 The girls are bright young women. They have  
13 tremendous futures ahead of them, and I think that they  
14 are in desperate need of tools to deal with what has  
15 been going on in their lives. Their life has become a  
16 circus, and that is ridiculously unfair to them. No  
17 kids deserve that. And these young women are going to  
18 need a lot of help to move forward with life and be  
19 productive and get married and have families of their  
20 own if they wish some day. But that's not going to  
21 work very well unless they get some assistance with  
22 doing that.

23 I'm not going to relitigate the custody issue. That  
24 was decided, and Dad has sole physical and legal  
25 custody of the girls. Mom does not, so Mom is a

1 participant as opposed to a party in this matter.

2 The girls have indicated to me that they would run,  
3 and I've indicated to them that I can't stop that from  
4 happening. I can't make them like their parents again,  
5 I can't make them love their parents again, I can't  
6 make them want to reunify with anybody, but we can give  
7 them some tools to try and make that happen.

8 At the last hearing I was made aware of Mr. Rucki's  
9 involvement or seeking assistance from a program that  
10 would assist with the reunification of the family unit.  
11 The Court -- one of the reasons that the hearing was  
12 continued was for the Court to do some due diligence on  
13 the program that was located, and I did just that. I  
14 spent the weekend speaking with the director of the  
15 program. I spent the weekend talking with the  
16 Wetterling Foundation, I spent the weekend talking with  
17 child psychologists, I spent the weekend talking with  
18 the director for the Center for Missing and Exploited  
19 Children, and the program has been thoroughly vetted  
20 by all of those entities.

21 The program takes into consideration the need for  
22 speed, so to speak. In a normal child-protection case,  
23 time is our friend. In this type of a case, I've been  
24 convinced, by the research that I've done and my  
25 conversations with those folks, that time is the enemy

1 in this type of a situation, that the need for  
2 reunification is pretty immediate if it has a chance to  
3 be successful. And I think that I'd like to see the  
4 family reunified.

5 I was very clear with the girls that their dad would  
6 be involved in any process. Whether I made a  
7 determination that there was jurisdiction in Minnesota  
8 or whether I made a determination that there was not  
9 jurisdiction, the program would involve him as well.

10 They were of -- for some reason, under the  
11 impression that they would be in long-term, permanent  
12 foster care with the present foster family and that  
13 they could both stay there until they reached 18; and  
14 I was very clear to them that that was not the case,  
15 that the entire goal of the child-protection system is  
16 reunification.

17 So based upon my due diligence, based upon talking  
18 to the different people, doing some research, reading  
19 some papers on it, I can't force the girls to accept  
20 the tools, I can't force the girls, as I said, to like  
21 either of their parents. They sort of have been let  
22 down by both of you, in all honesty, and they deserve  
23 better than that.

24 The program that's in -- that's lined up offers  
25 intensive therapy six to eight hours a day, and it

1 lasts for a duration of usually six to ten weeks; and it  
2 offers a lot of different things that are kind of nice  
3 that I -- the girls have experienced, as I understand  
4 it, where they were -- I'll use the term held or where  
5 they were staying -- in that this place uses equine  
6 therapy and other things to help, in a therapeutic-type  
7 setting, to get the girls to examine their situation  
8 from a bunch of different angles.

9 With that being said, I think the plan that Dad has  
10 in place is valid. I think -- if I didn't mention it, I  
11 should also mention that it's been vetted by the  
12 Department of Justice and that the feds have used it on  
13 numerous occasions, and it is, from all of my research,  
14 a very solid program.

15 Dakota County Social Services is in this case, as  
16 always, very well-intentioned. It is a stellar  
17 organization. The directors, the managers, the  
18 supervisors, everyone's heart is in the right place in  
19 terms of doing what's best for kids. They do wondrous  
20 work.

21 With that said, I don't think that I have  
22 jurisdiction. I think I've got a family law case  
23 that's gone massively awry. I think that there's a  
24 program that is lined up by Dad that obviates any need  
25 for a health-and-welfare hold of the girls.

1 I can't make them not run. I've been very clear to  
2 them, if they do, that law enforcement will continue to  
3 pursue them, and I've impressed upon them that maybe  
4 it's time to be done running and just make an effort to  
5 move forward.

6 So I don't have jurisdiction. When I don't have  
7 jurisdiction, the petition gets dismissed, and Dad, as  
8 the sole legal and physical custodian, makes a  
9 determination.

10 The program, for whatever it's worth -- and I've  
11 said this to the girls -- it does not contemplate that  
12 he's going with them right away. I mean, it  
13 contemplates that this is a very difficult process for  
14 everybody. And I have been more than assured by past  
15 utilizers or participants of the program that if the  
16 program suspects anything's afoul, if the program  
17 suspects that anything is a sham, they will not allow  
18 that to take place. They will put a stop to it.

19 These are really traumatized girls, really  
20 traumatized girls, and they need some help, they need to  
21 understand that their life can go forward. They both  
22 want to do that, they both want to go to college, and I  
23 think that the program that is set up by Dad will give  
24 them those tools and that potential.

25 So no petition, no jurisdiction, no court order

1 other than dismissing the petition or the action itself.

2 MS. MacDONALD: What is the name of the  
3 facility, Your Honor?

4 MS. ELLIOTT: Your Honor, I would ask that  
5 that not be disclosed, given the history of this case.

6 MS. McDONALD: She has legal rights.

7 THE COURT: I'm not sure, Ms. McDonald, that  
8 she does. I'm not saying that that might not become the  
9 case. I would like to see reunification in terms of the  
10 children eventually having both parents in their lives.  
11 Kids need both parents in their lives. But there are  
12 ongoing criminal investigations. There are ongoing  
13 criminal investigations involving the folks who filed  
14 the motion to intervene today and your client, and  
15 I believe that those investigations are far from over.  
16 So I am not, at this time, going to disclose the name of  
17 the program. I don't think it is mine to do so, my  
18 decision to do so, my right to do so. Once I do not  
19 have jurisdiction, I do not have jurisdiction. So I  
20 have no ability to control anything that happens from  
21 this point forward.

22 MS. McDONALD: Right. Yeah, the -- her legal  
23 rights haven't been honored for a long, long time. But  
24 in any event, I just wanted to put on the record I  
25 appreciate Your Honor not having jurisdiction. I truly

1 appreciate that, actually. I could agree with it in  
2 some sense, but I just want to, you know, state for the  
3 record, number one, that on September 7th, 2012, Judge  
4 Knutson removed this woman from the home -- she was  
5 already divorced -- the home and her children and said  
6 she could have no contact with her children nor could  
7 the dad through third parties or they would either be  
8 incarcerated. That was after a telephone call. Okay?  
9 And since that time, she's been, you know, away from her  
10 children.

11 The trial that we're talking about came on the heels  
12 of a civil rights lawsuit that I filed against Judge  
13 Knutson personally. Okay? At her first day of trial,  
14 custody trial, she testified at that trial. The second  
15 day, during a break, I was arrested -- okay? -- for no  
16 reason and held for 36 hours. But not only that, I was  
17 brought back -- she was told I was to leave. This is  
18 the trial we're all talking about. It's the custody  
19 trial. She was told the trial was over, and I was  
20 brought back in a wheelchair, in handcuffs, with no  
21 paperwork like I have here today, no client, missing  
22 children, and made to cross-examine the father and  
23 everybody else in that condition.

24 They took a lunch break, they wheeled me back --  
25 still in handcuffs -- wheeled me back out to finish the



1 trial. That's the condition of the trial that I was on.  
2 And what Judge Knutson did after that trial -- well,  
3 I was held for 36 days. The reason Wagner is here is he  
4 would put me back in a cell for 30 more days after a  
5 judge released me. He purported to put me back in the  
6 cell for 30 days while they were going to do a motion.  
7 Okay. So that happened.

8 Another thing, Your Honor, is I appealed that trial,  
9 because what Judge Knutson did is on November 25th he  
10 took his order, 70-something pages, and he attached it  
11 to a motion to dismiss in the federal case. That's the  
12 first I saw of it. Okay? And I appealed that, and I  
13 notified everybody, including this organization over  
14 here (indicating). But what her attorney did was ask  
15 the appellate court to dismiss it, because her attorney  
16 basically lied and said he wasn't served. Okay? He was  
17 served. Okay? And the appellate court dismissed it,  
18 and I took that all the way up to the United States  
19 Supreme Court. Okay?

20 So the -- that's the position I have been in all  
21 along with this case, and it isn't -- these kids slipped  
22 through the cracks, and it was Judge Knutson's order  
23 ordering, like, the kids just -- the mother just be  
24 removed from the house -- I had never seen anything like  
25 it -- that caused a stir. In fact, all the kids ran

1 away. I have all their therapy records here, the pseudo  
2 therapy records, all about the things that I hadn't even  
3 seen before, that I was looking at today, that I was  
4 going to give Your Honor.

5 But I just want to put that on the record, that that  
6 custody trial that everybody is -- it was a sham. That  
7 was a sham. Okay? Because the kids didn't even exist,  
8 they weren't even around, and I ended up in handcuffs  
9 during that trial.

10 THE COURT: Okay. You understand that I can't  
11 relitigate that issue.

12 MS. McDONALD: Oh, I understand that.

13 THE COURT: Yeah.

14 MS. McDONALD: I just want to say for the  
15 record that she's been -- this is the state she's in  
16 because of what -- she was rendered homeless that day.

17 THE COURT: Okay.

18 MS. McDONALD: So, anyway.

19 THE COURT: All right. Well, from the bottom  
20 of my heart, I wish the best of luck to everybody. More  
21 than the rest of you, to the girls. Like I said, big  
22 hurdle. This is more than a speed bump. I hope that  
23 they -- I know they're angry with me. That was pretty  
24 clear. My belief is that my decision is in their best  
25 interests and gives them the best chance to do have

1 somewhat normal lives moving forward, and that's what I  
2 hope for them more than anything. All right?

3 So close the record.

4 (The proceedings were concluded.)

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## 1 CERTIFICATE

2 I, Lois R. Schwelling, do hereby certify that I am an  
3 official court reporter of the First Judicial District of the  
4 State of Minnesota; that as such reporter I reported in  
5 shorthand the proceedings had on the hearing of the  
6 aforementioned action; that I thereafter transcribed the  
7 foregoing into typewriting by means of computer-aided  
8 transcription; that the foregoing transcript, consisting of  
9 18 pages, constitutes a true and correct transcript of the  
10 hearing in regard to the aforementioned matter.

11 DATED: May 19, 2016

12  
13 s/Lois R. Schwelling

14 Registered Professional Reporter

15  
16 The foregoing certification of this transcript does not  
17 apply to any reproduction of the same by any means unless  
18 under the direct control and/or direction of the certifying  
19 reporter.  
20  
21  
22  
23  
24  
25