

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY OKLA.

NOV - 6 2009

PATRICIA PRESLEY COURT CLERK  
by \_\_\_\_\_ DEPUTY

IN THE MATTER OF THE MARRIAGE OF: )  
JOHN JAMES JOHNSON, )  
Petitioner, )  
vs. )  
TONYA LEANN DUNKIN )  
Respondent. )

Case No. FD-2006-2988  
Judge Lisa Hammond

**APPLICATION FOR EX-PARTE EMERGENCY  
TEMPORARY ORDER  
WITH TEN (10) DAY NOTICE**

COMES NOW the Petitioner/father, JOHN JAMES JOHNSON, and applies to this Court for an Ex-Parte Emergency Temporary Order, to be entered for the following reasons and based upon the following:

**FACTUAL BACKGROUND**

1. That minor child, AJA DANIELLE JOHNSON, was born January 5, 2003, in Oklahoma City, Oklahoma.
2. That the Respondent/ mother of said child is TONYA LEANN DUNKIN, and the biological father is JOHN JAMES JOHNSON, who is the Petitioner herein.
3. A Decree of Paternity was entered on October 25, 2007; at the time of the filing of the Decree of Paternity, the minor child was in the control and custody of the Department of Human Services; however the child was released from the custody and control of the Department of Human Services in October 2008 and the deprived action was dismissed. Respondent was

awarded custody of the minor child and Petitioner had to apply to this honorable Court in Oklahoma County on August 13, 2009 for visitation with the minor child.

4. Petitioner's Motion to Establish Visitation was sustained on August 13, 2009 and the Agreed Order signed by both parties provided that Petitioner was granted standard visitation with the minor child with the exception that summer visitation for Petitioner will be for the entire month of July instead of the (2) two weeks in June and July and the (1) one week in August. Respondent did not appear at the August 13, 2009 hearing, but Respondent did sign an Entry of Appearance and Waiver

#### REASONS FOR EMERGENCY EX PARTE HEARING

5. That a state of emergency exist as to the physical custody and emotional well being of the minor child, AJA DANIELLE JOHNSON, born November 14, 2000.
6. That the minor child is now six (6) years old, and is of tender years and is highly impressionable.
7. If the Court fails to enter Emergency Temporary Orders, Petitioner and the minor child could suffer irreparable harm for the following reasons, pursuant to 43 O.S. 110:
  - a. The Respondent/mother has an agreement with D.H.S. and such agreement provides that the minor child shall not be around Respondent's/mother's current husband because Respondent's/mother's current husband abused the minor child in August 2009. Respondent/mother violated the agreement with D.H.S. when she allowed her current husband to be around the minor child.
  - b. That the Respondent/mother has a history of drug abuse, and appears to be using meth and marijuana, and thereby her judgment is clouded, and Respondent/mother has failed to keep the Petitioner/father apprized of the location of said child on a continuous basis. The Respondent/mother was recently arrested and booked into the Greer County Jail for conspiracy to commit a felony and possession of a controlled dangerous substance. The Respondent/Mother is no longer in the Greer County Jail; however, Respondent/Mother is currently in Presbyterian Hospital due to blood clots.
  - c. The minor child is without a stable home environment because the Respondent does not have a home and has recently moved from place to place many times.
  - d. That the minor child has not been in school for at least (3) three weeks.

- e. That the minor child is on (4) four different medications; however, Respondent/mother has neglected to give the minor child (2) two of the prescribed prescriptions for a significant period of time.
- 8. That there exists reasonable grounds to believe the best interest of the minor child will be served by granting an Emergency Temporary Ex-Parte Order by virtue of possible physical, mental, emotional, and detrimental action and that the child is in danger of serious bodily harm.

NOTICE OF HEARING

- 9. That the Counsel for the biological father does not know of any Counsel for the mother, and that notice of these proceedings shall be served upon the mother, TONYA LEANN DUNKIN, by way of private process, with full notice that this Application was going to be heard as follows:

ON THE 6<sup>th</sup> DAY OF NOVEMBER, 2009, AT 11:00 O'CLOCK A.M. BEFORE THE HONORABLE JUDGE LISA HAMMOND.

WHEREFORE, biological father prays the Court grant an Emergency Ex-Parte Temporary Order awarding the biological father, JOHN JAMES JOHNSON, emergency temporary custody of the minor child; that the mother should be awarded supervised visitation; mother be enjoined from disturbing the peace of the biological father and/or the minor child, restrained from approaching the home and the appurtenances thereof and restrained from harassing the biological father at his place of work and for such other and further relief as the Court may deem just and proper.

Bryan W. Caddell, OBA # 21486  
 Branch, Connel-Hurt & Hurt, P.C.  
 Attorneys for Petitioner  
 16 [REDACTED] St.  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]


NOTICE OF HEARING

THIS MATTER IS TO BE HEARD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009, AT  
\_\_\_\_\_ O'CLOCK \_\_\_\_M. BEFORE THE HONORABLE LISA HAMMOND.

CERTIFICATE OF DELIVERY

I, BRYAN W. CADDELL, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
I forwarded the same to the following by way of private process, to-wit:

TONYA LEANN DUNKIN  
Respondent/Natural Mother

  
\_\_\_\_\_  
BRYAN W. CADDELL, OBA # 21486

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IN THE MATTER OF THE MARRIAGE OF: )

JOHN JAMES JOHNSON,

Petitioner,

vs.

TONYA LEANN DUNKIN

Respondent. )

Case No. FD-2006-2988  
Judge Lisa Hammond

MOTION TO MODIFY PATERNITY AS TO CUSTODY, VISITATION AND CHILD  
SUPPORT

Comes Now, attorney Bryan Caddell, on behalf of the Petitioner, JOHN JAMES JOHNSON,  
and alleges and states as follows:

1. That minor child, AJA DANIELLE JOHNSON, was born January 5, 2003, in Oklahoma City, Oklahoma.
2. That the Respondent/ mother of said child is TONYA LEANN DUNKIN, and the biological father is JOHN JAMES JOHNSON, who is the Petitioner herein.
3. A Decree of Paternity was entered on October 25, 2007; at the time of the filing of the Decree of Paternity, the minor child was in the control and custody of the Department of Human Services; however the child was released from the custody and control of the Department of Human Services in October 2008 and the deprived action was dismissed. Respondent was awarded custody of the minor child and Petitioner had to apply to this honorable Court in Oklahoma County on August 13, 2009 for visitation with the minor child.
4. Petitioner's Motion to Establish Visitation was sustained on August 13, 2009 and the Agreed Order signed by both parties provided that Petitioner was granted standard visitation with the

minor child with the exception that summer visitation for Petitioner will be for the entire month of July instead of the (2) two weeks in June and July and the (1) one week in August. Respondent did not appear at the August 13, 2009 hearing, but Respondent did sign an Entry of Appearance and Waiver

5. That since the said Orders have been entered, there has been a substantial, material, and permanent change of circumstance(s) in that the Respondent/mother has an agreement with D.H.S. and such agreement provides that the minor child shall not be around Respondent's/mother's current husband because Respondent's/mother's current husband abused the minor child in August 2009. Respondent/mother violated the agreement with D.H.S. when she allowed her current husband to be around the minor child.
6. Further, the Respondent/mother has a history of drug abuse, and appears to be using meth and marijuana, and thereby her judgment is clouded, and Respondent/mother has failed to keep the Petitioner/father apprized of the location of said child on a continuous basis. The Respondent/mother was recently arrested and booked into the Greer County Jail for conspiracy to commit a felony and possession of a controlled dangerous substance. The Respondent/Mother is no longer in the Greer County Jail; however, Respondent/Mother is currently in Presbyterian Hospital due to blood clots.
7. The minor child is without a stable home environment because the Respondent does not have a home and has recently moved from place to place many times.
8. That the minor child has not been in school for at least (3) three weeks.
9. That the minor child is on (4) four different medications; however, Respondent/mother has neglected to give the minor child (2) two of the prescribed prescriptions for a significant period of time.

WHEREFORE, the Respondent prays for the foregoing relief and for any other further relief