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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH

6 In the Matter of the Marriage of:
7 KAINE ANDREW HORMAN,
8 Petitioner,
9 and
10 TERRI LYNN MOULTON HORMAN,
11 Respondent.

Case No. 100666084

RESPONDENT'S RESPONSE TO
PETITIONER'S MOTION FOR
CUSTODY, PARENTING AND
PSYCHOLOGICAL EVALUATION

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13 Respondent Terri Horman (Wife) appears and responds to the Motion for
14 Custody, Parenting and Psychological Evaluation filed by petitioner Kaine Horman
15 (Husband) as follows:¹

16 Wife agrees that a custody evaluation is appropriate, provided that she reserves
17 her rights under the Fifth Amendment to the United States Constitution and Article I,
18 section 12, of the Oregon Constitution. Specifically, Wife will decline to answer
19 questions posed by the evaluator that implicate her constitutional rights. Further, she
20 will decline to participate in any psychological evaluations that implicate her
21 constitutional rights. To that end, should the court grant Husband's motion, Wife will
22 move for a protective order to limit her participation in the evaluation.

23 That being said, there are many reasons why an evaluation should promptly be
24 conducted. By his conduct in this proceeding and in the recently vacated FAPA
25 proceeding, Husband took it upon himself to essentially terminate Wife's primary

26 ¹ All facts are supported by the record and file and the accompanying Declaration of Peter Bunch.
Husband mistakenly filed the motion in the dismissed FAPA proceeding. Wife files this response in
anticipation of Husband correcting his error.

1 parental role with Kiara Horman. Throughout this proceeding, Husband declined every
2 attempt by Wife's lawyers to negotiate parenting time with Kiara, even though Wife
3 offered to see the child under supervised conditions. Wife anticipates that an evaluation
4 will support her contention that Husband's actions were not in Kiara's best interests.

5 Further, there are a number of troubling aspects of Husband's prior conduct and
6 parental decisions, which should be investigated by the evaluator. Next, because the
7 police will not provide information about their investigation into Wife, she will limit her
8 participation in the evaluation to preserve her constitutional rights. However, there are
9 multiple collateral sources who can provide information to the evaluator about Wife's
10 parenting skills. Finally, an evaluation by a qualified psychologist will provide valuable
11 information to the court in determining the circumstances under which Kiara should be
12 reunited with her mother.

13 Because Husband did not provide any suggestions to the court regarding the
14 appropriate evaluator, Wife respectfully requests that the court appoint one of the
15 evaluators identified in the accompanying Declaration filed in support of this response.
16 Husband should be required to pay for the cost of the evaluation.

17 **CONCLUSION**

18 For the reasons set forth above, the court should appoint one of the evaluators
19 submitted by Wife. Husband should pay for the evaluation. Upon a proper motion by
20 Wife, the court should enter a protective order allowing Wife to limit her participation in
21 the evaluation consistent with the exercise of her constitutional rights.

22 DATED on August 15, 2013.

23 THE LAW FIRM OF PETER BUNCH, LLC

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25 _____
26 Peter Bunch, OSB No. 942210
Attorney for Respondent
Trial Attorney: Peter Bunch

1 **CERTIFICATE OF SERVICE**

2 I certify that I served a copy of the foregoing RESPONDENT'S RESPONSE TO
3 PETITIONER'S MOTION FOR CUSTODY, PARENTING AND PSYCHOLOGICAL
4 EVALUATION and the DECLARATION OF PETER BUNCH IN SUPPORT OF
5 RESPONDENT'S RESPONSE TO PETITIONER'S MOTION FOR CUSTODY,
6 PARENTING AND PSYCHOLOGICAL EVALUATION on the attorney for Petitioner on
7 August ____, 2013, by hand delivery, placed in a sealed envelope, addressed to the
8 following at the address set forth below, and deposited in the U.S. Post Office in
9 Portland, Oregon, with postage prepaid.

10
11 Brett Engel
12 Gearing Rackner Engel & McGrath, LLP
13 121 SW Morrison St., Ste. 750
14 Portland, OR 97204

15 _____
16 Peter Bunch, OSB No. 942210
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