

El Paso County, Colorado X District ___ County Court Address: 20 East Vermijo Ave. Colorado Springs, CO 80903 Phone Number: (719) 448-7650	
In re the Marriage of: Petitioner: DEBORAH A. THORUP, vs. Respondent: DALE K. THORUP,	
Attorney or Party without Attorney (name and Address): Herman A. Lohse, III 405 S. Cascade Ave. #206, Colorado Springs, CO 80903 Phone Number: 635-4840 Email: FAX Number: 635-8479 Atty.Reg. #: 9067	Case Number: 01DR2408 Division 6 Courtroom
VERIFIED EXPARTE MOTION UNDER C.R.S. 14-10-129. TO RESTRICT RESPONDENT'S PARENTING TIME	

THE PETITIONER, Deborah A. Thorup, through her attorney, Herman A. Lohse, III, moves for an immediate Exparte Order restricting Respondent's parenting time and,

AS GROUNDS THEREFORE states and alleges as follows:

1. This case was filed July 9, 2001.
2. The Respondent was served with the Summons and Petition on July 13, 2001.
3. The parties agreed upon and signed a Parenting Plan, dated October 10, 2001. That Parenting Plan deals with their only child, [REDACTED], born April 25, 1996. [REDACTED] is now five years and eight months old.
4. In the Parenting Plan the parties agreed to alternate holidays, Respondent to have every other Wednesday overnight with the child, three weekends per month, one-half of each Summer school vacation and reasonable telephone contact. Any disputes concerning the parenting time was to be settled via mediation/arbitration through the auspices of Dr. Robert LaCrosse, Denver, Colorado. The parties were to split the cost of the mediation/arbitration.
5. The parties also signed a Separation Agreement on November 1, 2001.
6. Since the Separation Agreement and Parenting Plan were both signed, the matter was set for a "Default Final Orders Hearing" to be held on December 19, 2001 in Division X of the District Court.
7. Since the Separation Agreement and Parenting Plan were signed, the Respondent has maintained an escalating pattern of behavior which is endangering the child's physical health and/or significantly impairing her emotional development. The behaviors include: directly speaking to the child, telling her that her mother is "stupid", has caused the divorce, is having an affair or has had affairs during the course

of the marriage, is now disowned by her family, etc.. The Respondent has further threatened to kill the Petitioner at least twice and further continues to threaten to commit suicide if the divorce goes through on December 19, 2001.

8. More specific details concerning the Respondent's behavior, which the Petitioner believes is endangering the child are attached hereto and incorporated herein by reference in the form of a letter, dated December 11, 2001 from Petitioner to Counsel.
9. After the events mentioned by the Petitioner in her letter, the Petitioner obtained a **Civil Restraining Order** in Denver County Court, Case No. 1-W-2542, Courtroom 124D. The Respondent was served with the Restraining Order on December 11, 2001. The next hearing on whether the Restraining Order should be made permanent is scheduled for Thursday, December 20, 2001 at 8:30 a.m. in Denver County Court.
10. As a result of Respondent's threats, criminal charges have also been filed against the Respondent for telephone harassment (domestic violence). The Petitioner is not certain whether the Summons for those charges has been served on the Respondent yet.
11. The Petitioner intends to request that the Restraining Order in the Civil Restraining Order case be made permanent as to her only.
12. Petitioner believes the Respondent does not have any reasonable understanding of the damaging effects of his behavior and conduct in the presence of his daughter concerning the Petitioner, such that his parenting time should be restricted until it can be certified that the Respondent will not continue his pattern of behavior using the child as an intermediary and sounding board for his criticisms and hate for the Petitioner. Petitioner also believes Respondent's use of alcohol greatly exacerbates his negative behavior.
13. Petitioner requests that the Respondent be ordered to immediately enter into counseling with a licensed mental health therapist who can evaluate the Respondent and report back to the court as to what kind of parenting the Respondent is capable of. Whether or not the Respondent is capable of having the insight he needs to cease his pattern of destructive behavior toward the Petitioner through the child, without having his parenting time restricted or supervised. Until that time, Respondent's parenting time should be supervised through CASA or some other intermediary not related to either of the parties.
14. The Petitioner believes that if the Respondent's behavior is not modified he will continue to endanger the child's physical health, and/or significantly impair her emotional development to an irreversible degree. Petitioner is also concerned that the Respondent may be at risk to commit suicide in the presence of the child and permanently damage her in that fashion also.
15. The Petitioner has attached to this Motion a copy of Respondent's July 12, 2001 suicide letter, a copy of his "To my daughter [redacted]," letter (undated), and a copy of his "Living Will and Testament for Dale Kim Thorup" dated July 2, 2001. These are examples of his current pathology.
16. Also attached as an exhibit to this Motion, is a copy of the TEMPORARY CIVIL RESTRAINING ORDER and Return of Service on same, issued in Denver County Court, Case No. 1-W-2542, Courtroom 124D.

