

Timeline:

March 5, 2003

1:00pm

Daycare calls and says that my hubby needs to pick Stepson up as he is running a fever of 102.

approx. 4:30pm

Hubby calls Egg Donor's worthless attorney and conveys the need for insurance cards as The Egg Donor has still not supplied them. This has been an ongoing battle for over two years at this point. At no time during those two years has the Egg Donor supplied even copies of the cards, although most providers require the actual card itself.

approx. 5:00pm

Egg Donor's worthless attorney calls back and discusses The Egg Donor's assertion that cards have been given to us and we have lost them. Hubby reiterates that we have never received insurance cards from her. Egg Donor's worthless attorney states that Egg Donor sent them to Hubby's attorney. Hubby states that his attorney never received them either and reminds her worthless attorney that the problem is still that we do not currently have them and are unable to take Stepson to the doctor for the umpteenth time in a few months (because their policy is that they don't see anyone without an insurance card).

approx. 5:15pm

Egg Donor's worthless attorney calls back and notifies Hubby that Stepson can be seen by his regular doctor. Hubby reiterates that we need insurance cards and that we are tired of playing this insurance card game with The Egg Donor. He states that if we do not have insurance cards by the morning, we will call Social Services for Egg Donor's neglect of her child.

Hubby leaves The Egg Donor a message regarding delivery of insurance cards and Stepson's need to be seen by a doctor.

5:27 pm

The Egg Donor returns the message, stating that we can treat Stepson's fever with Ibuprofen and Tylenol and that she will call in the morning and get Stepson an appointment. Transcript of voicemail as follows:

It's The Egg Donor. Hey, I wanted to let you know that the medical insurance cards are supposed to be here tomorrow and I was going to give them to you tomorrow night. I ordered four of them total so that we would each have two copies, and I just got off the phone with, the Community, the Emergency Room, the Community ... I'm sorry I can't think straight. It's the Community ER just up the street from the office where Stepson normally goes. They've seen him before they have his insurance information on record as does the office where he normally goes and for the fever Tylenol every four hours Advil every two and they can be interchanged. Community housing or Community... the emergency room, said that they could see him and they could have me fax over the cards but if it's just the fever it can probably be taken care of with Tylenol and to go that route first as to not put him through anything he doesn't have to go through. I'll call the office where he normally goes in the morning and get him a doctor's appointment and then you'll have medical cards um on tomorrow evening when I pick the children up and if you have any other questions or concerns please leave them on my voice mail or call my attorney. Thanks.

March 6, 2003

9:30am

My hubby calls the office where Stepson normally goes, because The Egg Donor has not scheduled an appointment (surprise... as she agreed to do in her voicemail) and argues with them as their policy is to not see the children unless an insurance card is presented. Hubby explains that Stepson is coughing to the point that his lips turn blue, to the point that he is vomiting and he needs to be seen. They finally relent and agree to see Stepson. Hubby leaves The Egg Donor a voicemail notifying her of the appointment.

Approx. 10:30am

Stepson's Doctor examines Stepson and notifies my hubby that Stepson's condition is as serious as it is because he has not been "aggressively treated" with his nebulizer. My hubby notifies Stepson's Doctor that The Egg Donor has not sent the nebulizer in over six months. Stepson's Doctor prescribes three medications for Stepson and writes a note to The Egg Donor reminding her to send the nebulizer to our home.

10:42am

The Egg Donor returns the voicemail, transcript as follows:

It's The Egg Donor. I just picked up your voice mail message. I am away from the house at the moment and didn't get the opportunity this morning... As far as Stepson's doctors appointment this morning, when I didn't hear back from you as to what your availability was, and what your day was like as far as when you could take him in, I, thought that he was feeling better. He said this morning that he was feeling better he was just a little bit sleepy, and so it's my fault. I didn't realize that you had still planned on taking him this morning and unfortunately that really wasn't communicated clearly to me and I assumed that if you still needed to take Stepson this morning you would have let me know that and so, it is, it's my fault and I do apologize so I'm glad that you got him in. If you would not mind leaving me a voice mail message concerning what was said in the appointment, I would really appreciate it, so that I am kept aware of what's going on. So, hopefully between like 11 and 11:30 I'll have another voice mail message from you letting me know what the doctor said concerning Stepson. And as far as there's been a change in the medical insurance. My company still has Aetna but they just changed us from an HMO to a PPO which means we don't have to have a set doctor within the office where he normally goes anymore so, if you would, please, just let me know what the doctor had to say on the voice mail, I'd appreciate it and then I'll pick the children up tonight at 7 and then like I said, please in the future when I contact the kids, don't get on the phone with me for any reason. I'd appreciate it. Thank you.

Hubby leaves The Egg Donor a voicemail again requesting insurance cards as we are incapable of filling the prescriptions without the cards.

The Egg Donor ignores the request entirely and Stepson goes another full day without medication or nebulizer.

Hubby delivers prescriptions and parenting notebook to The Egg Donor as we are dropping the children off to her.

The Egg Donor finally delivers copies of the insurance cards as we are dropping the children off to her. At this point, it does not matter that we have copies. We are incapable of doing anything for him as he is now in her care.

NOTE: The office where stepson normally goes will not accept copies - The Egg Donor has stated on numerous occasions that she has ordered the cards and they will be delivered "tomorrow". COPIES DO US NO GOOD.

March 8, 2003

12:30pm

My hubby picks the children up from their babysitter, and finds that The Egg Donor has failed to deliver any instructions with the nebulizer or the medication, so we have no idea how much he needs to have, or how to administer. Note that the nebulizer comes in several parts and the medication she dropped into the bag is not in a box or container from the pharmacy.

Stepson is still coughing heavily, to the point where he is gagging.

Hubby leaves The Egg Donor a voicemail regarding this problem and tries to nurse him along with an estimated dosage.

5:43pm

The Egg Donor leaves a voicemail in return, nearly four hours after hubby left the initial voicemail, stating dosages and instructions.

It's The Egg Donor, hey, as far as the medication goes you put .25, there's a .25 and .5 listing on the dropper for the albuterol. It's a .25 to 2 of the solution. You'll see on the nebulizer, the um the bottom were you unscrew it, it says 1, 2, 3. You go up to 2, fill it up, drop the albuterol in, screw the back on, he's got to take the whole thing until the mist stops coming out of the front of the nebulizer. I apologize for not sending the notebook back. I ran out of the house at 90 miles an hour this morning and I forgot to tell the sitter where the notebook was and forgot to leave it next to the bags to return to you. So, in the future you'll get it ahead of time, please only leave voice mail message if there is an urgent situation with the kids, and then going forward we will communicate solely through the notebook. I appreciate your cooperation and have, I will actually call the kids for tuck-ins and for mornings from now on going forward in case anybody needs me. If they need me they're welcome to call me either at work, at home, or probably usually on the cell phone. Thanks.

Approx. 6:00pm

Hubby realizes that The Egg Donor has only included enough albuterol at that dosage (NO Pulmacort was included, which was one of the prescriptions written by Stepson's doctor for reduction of inflammation) for 2-3 doses total.

Note from hubby on recorder:

The last message received from The Egg Donor, as noted on the phone machine, was roughly around 5:45. I left a message for her about the directions immediately following picking up the children, which was at 1:00, so it took her roughly five hours, 4 1/2 hours after his dosage was needed to get directions for us for administering his medication.

He immediately leaves The Egg Donor a voicemail to this end and requests that she deliver more medication, transcript as follows:

Hi Egg Donor. I'm sorry to leave you yet another message but it would appear that the medication that you did send with Stepson has no doses left in it. The albuterol only had enough medication left in it for about three treatments. I gave him one at 1 after I picked him up, I gave him one at four, and we're trying to give him one now but there seems to be nothing left in the bottle. So that means that your son is either going to go without treatment all night and all-day tomorrow or you can drop off some medication to us. I don't know how you want to work that out but I really think you should probably work that out if you have any concern for your son's well-being at all, as he is so sick, I'm sure that you can hear him in the background coughing. He's not feeling well, and as I said, he does not have medication, or enough in the medication, for the next day and a half.

So, if you could figure out how you plan to get us his medication, that would be wonderful. Just let me know how you plan on doing that so that we can get it done ASAP. It is 6:00 Saturday night and we should probably have it tonight, but if you could do it tomorrow morning that would be great too. We go to church at 9, so you could even drop it by church at the front counter. You know where it is as you have dropped the children off and also had them meet me there before in the past. So, figure something out please so that we can take care of our son and make sure that he is okay. Thanks, I really appreciate it and next time, if we can make sure that we send enough medication with him in the first place, then we can avoid this from happening. Thanks.

9:21pm

The Egg Donor leaves a voicemail in return, more than three hours later, stating that we can pick up medication at one of two Wal-Mart pharmacies, all are at least 30 minutes away (note that the pharmacy is closed at this hour), transcript as follows:

It's The Egg Donor. I just picked up your message, and wanted to let you know that there are three local pharmacies that you can pick albuterol up from. Stepson has a refill prescription, we could just keep one at each house so that there is not confusion anymore. It's actually my fault. I forgot to check the container before I left this morning to see if there was enough in the vial, and so, going forward, like a said, if we have them in two different locations, then it won't be an issue. There is a Wal-Mart (on the other side of town from us). They actually have a universal refill program and so, the Wal-Mart (on the other side of town) you can pick it up at or you can also pick it up at the Wal-Mart (at least 20 miles away from us). I don't know which city it's considered, but you know the one I'm talking about. So, if you want to pick one up for your house at either location, they have the insurance information on file. I would also be happy to drop another copy of a card off to them. They told me over the phone this evening that they would take a copy of the card since they already have all of his information on file and it's been filled there before. So if you just want to pick up a refill, I believe that their pharmacy is open in the morning. The one on the other side of town may actually be 24-hour. I couldn't get through when I just called, so you'll have to check on that. But, if you could also do me a favor, the second or third message that was left tonight about medical emergencies, please feel free to contact me on. I apologize for the confusion, and like I said, it's my fault. But, going forward, when I talk the kids please nobody get on the phone, I'd appreciate it, and under no circumstances call me for any other reason outside of medical emergencies, which the third message was, so I do appreciate being contacted. Thanks.

(Yeah, please don't bug me about my son being really ill. Even more than that, please don't ask me to get off my lazy butt and bring something to help him feel better. That's just too much. That's not an "emergency", right?)

March 9, 2003

Approx. 9:30am

We go to the Wal-Mart pharmacy and try to get his prescription. The prescription has been expired since February 15th and the other Wal-Mart pharmacy that The Egg Donor mentioned in her voicemail is closed.

Hubby leaves The Egg Donor another message requesting medication.

1:58pm

The Egg Donor leaves a voicemail in return, stating that she will pick the children up early so that Stepson can have his medication, but makes no attempt or offer to bring sufficient medication for him, transcript as follows:

It's The Egg Donor. I just picked up your voice mail message. I'm at work, have been since 8 o'clock this morning, so, you could have left a message at the counter for me to call my voice mail so that I knew that there was an issue with the prescription. As I left on your voice mail last night, I picked up the prescription on the other side of town at that Wal-Mart there. I just called to confirm that with them and talked to them at length about it. They said that the prescription that they have actually expired recently, which I was not aware of. So, it's my fault, I should've called and checked, but I didn't think to, but that is the whole reason that Stepson's Doctor wrote you a separate set of prescriptions. (Editor's Note: What? Two sets or prescriptions? She's on crack.) She was going to write one for me when she sent the one home for you. They've actually called them in for me before and that's typically what I have them do and that's the reason that I didn't have her write one for me. I talked to her Thursday afternoon and she said that she wrote you a set of prescriptions for albuterol and for Pulmacort and gave them to you specifically to fill at your house. I didn't realize that I had them until I picked the notebook up last night and they fell out of the notebook. (Editor's Note: Right. I watched him hand them directly to you, so I'm pretty you got them, you psycho.) So going forward, if separate prescriptions are written for your house, you need to make sure that you fill them, so that you can have a grouping and I can have a grouping. So, I have Stepson's prescription at the store. I get off at four and I was going to fill it today anyway. So, if you want to drop the kids off early tonight, I am actually leaving at 4 o'clock. We had plans for this evening that I have cancelled. So, if you want to drop the children off early to me, I will pick his prescription up and then make sure that he is given the prescription by 4:30. So, I will meet you at the gas station where we normally meet at 4:30 unless I hear from you beforehand but going forward, please, like I said, keep prescriptions at your house that belong at your house and, I left all of the messages as far as how to pick up the prescription and what to do on your voice mail last night. You'll be receiving a letter next week concerning every stitch of detail about the children so that you won't need to contact me for any reason anymore. If there is an emergency, please let me know, but outside of that, you'll have a typed copy of everything you need to know about the kids by the middle of next week. Thanks.

Note: The Egg Donor states in her voicemail that she has been at work since 8:00 and has not received the voicemail until "just now". She continues on to say that my hubby should have called her place of employment and left a message for her to check her voicemail. However, she has repeatedly accused him of "harrassing" her at work. Which is it? Call her at work or don't? The Egg Donor also mentions in her voicemail that the prescriptions were written for our home. However, we had no insurance cards, and therefore, no way to fill the prescriptions, we delivered the prescriptions to her on Thursday, AND Stepson's Doctor specifically wrote notes to The Egg Donor on the prescriptions regarding her sending the nebulizer.

2:35pm

The Egg Donor leaves an additional voicemail, stating that we can fill the prescription through the office where Stepson normally goes. Note that the office where Stepson normally goes is closed on Sundays and further, were it even a weekday, prescriptions filled there take 72 hours to fill.

The Egg Donor states that Stepson needs to be seen Monday for a follow-up by Stepson's Doctor. Transcript of The Egg Donor's voicemail as follows:

It's The Egg Donor again. Two things. I have two other options for you. I'm not entirely sure why at this point if there's been some mixup over the prescription why you just don't call Stepson's Doctor's office and have them call the prescription in to a local pharmacy so you can go pick it up. That is one option. The second option is to let me pick up the kids as soon as possible. I would be happy to leave work and pick him up so that I can get him the proper medication so that we don't have any problems with him getting further... getting any sicker basically. So, if you want to leave me a voice mail message as soon as possible, and let me know what time I'm picking the kids up, where I'm picking them up, I can take care of the prescription and he actually needs to be seen again by the doctor in the morning should this not clear and I talked to her for quite a while on Thursday. So, I just need to be able to know, going forward... please just leave in the notebook when ibuprofen was given, when the nebulizer was given, and all of his medication and then I will take him to see the doctor should this not change and give me a call back and I will pick him up as soon as possible.

Approx. 3:30pm

Hubby leaves The Egg Donor a voicemail in return, stating his concern about her refusal to deliver medication, transcript as follows:

I had one other concern about your other messages. You conveyed that you have time to get off of work and come pick up the kids from me, and reduce my visitation time, so I really feel that this time it would not be completely unreasonable to request that you just find a way to get the albuterol and drop it off, or I'll have somebody meet you, or whatever we have to do to get him his medication, so that it does not cut short my visitation. I think that should be a priority. I would just like to stick to the court order and knowing that that is 6:00 tonight, and you can obviously get off work early, that you would just find a way to make sure that the albuterol gets to us, that would probably be the right thing to do in this circumstance rather than us having to play this game, which we have been playing now for three days. So, that would be the easy fix to this whole problem and since you already said you could get off work early it would be great if you could just call me and let me know when you'll be dropping that off.

6:00pm

My hubby drops the children off to The Egg Donor and The Egg Donor delivers medication to My hubby. The Egg Donor does not deliver the prescriptions, as hubby requested so that he could have them filled at our local pharmacy, but delivers medication instead. The medication she delivered was filled on Sunday afternoon and was NOT filled at any Wal-Mart pharmacy, as her voicemails stated, but was filled at Walgreens. Not only did The Egg Donor fail to deliver medication to us during the weekend, but she had not yet even filled the prescriptions for Stepson from the doctor on Thursday. She finally delivered medication to us as we were dropping the children off to her, again doing us no good for Stepson's treatment.

March 10, 2003

Approx. 7:30am

Hubby calls to speak to the children and Stepson is unable to even hold a conversation with him because he is coughing so heavily.

Approx. 9:30am

Hubby calls the medical office to find out if an appointment has been made for Stepson, because his condition, per Hubby's inability to have a conversation with Stepson, does not seem to be improving. No appointment has been made by The Egg Donor.

Approx. 10:00am

Hubby calls Social Services and reports neglect by The Egg Donor because of The Egg Donor's refusal to provide insurance cards so that he could be seen by a doctor, her refusal to provide insurance cards so that his prescriptions could be filled in a timely manner, her failure to provide adequate medication or instructions for Stepson's care on Saturday, her refusal to deliver additional medication for Stepson on Saturday or Sunday, and her failure to even fill the prescriptions written by Stepson's Doctor on Thursday, until Sunday evening.

Approx. 4:30pm

Hubby files an Emergency Motion for a Modification of Parenting Time due to the above issues. He also files a Contempt of Court Motion because The Egg Donor has failed to follow the court order or the stipulation repeatedly.

March 11, 2003

Approx. 7:30am

Hubby calls to speak to the children and Stepson is still unable to even hold a conversation with my hubby because he is coughing so heavily.

Approx. 9:30am

Hubby calls the medical office to find out if an appointment has been made for Stepson, because his condition, per his inability to have a conversation with Stepson, does not seem to be improving. Still no appointment has been made by The Egg Donor.

Approx. 9:45am

Hubby calls Stepson's Doctor and speaks with her regarding Stepson's condition. Stepson's Doctor states specifically again that Stepson's condition is due solely to lack of aggressive treatment with the nebulizer at the onset of his illness, and continuing use of the nebulizer during periods of wellness. Note that The Egg Donor failed to deliver the nebulizer for over six months, so Hubby never had the opportunity to administer nebulizer treatments for Stepson during this time, necessitating the doctor's note to The Egg Donor on the prescription. Stepson's Doctor also states that Hubby and The Egg Donor need to see her together so that all can be "on the same page" regarding Stepson's treatment plan for the future, so that these kinds of attacks can be prevented.

Approx. 10:00am

Hubby calls Social Services again to request intervention by Social Services so that The Egg Donor will seek medical attention for Stepson. Hubby describes his conversation with Stepson's Doctor in detail to Social Services.

Approx. 1:00pm

Social worker contacts my hubby to get the doctor's telephone number, so that Social Services can follow up on the discussion the doctor had with my hubby.

Approx. 4:30pm

The Egg Donor finally takes Stepson to the doctor after Social Services contacts her and tells her (per Egg Donor's worthless attorney) that they will remove Stepson from her home unless she seeks immediate medical attention for him. Note that The Egg Donor never notifies my hubby that she is making the appointment, nor gives him any opportunity to be present at the appointment, despite the doctor's recommendation.

Approx 4:30pm

Hubby calls Egg Donor's worthless attorney to ask why he had not been notified of the appointment, since the doctor suggested that it was in Stepson's best interests for both parents to be present. Egg Donor's worthless attorney states that it is "no big deal". "He's getting seen and that's what you wanted." However, this is a violation of the section of the Parenting Plan stating that The Egg Donor will cooperate in all matters regarding the medical welfare of the children.

Additional note:

Colo. Rev. Stat. Ann. § 19-1-103(1)(a), (18), (27), (32), (35), (37), (66), (67), (82), (94), (97), (101), (104), (108), (111) (West, WESTLAW through End of 2001 1st Reg. Sess.)

“Abuse” or “child abuse or neglect” means an act or omission in one of the following categories that threatens the health or welfare of a child:

Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either:

- Such condition or death is not justifiably explained;
- The history given concerning such condition is at variance with the degree or type of such condition or death; or
- The circumstances indicate that such condition may not be the product of an accidental occurrence.

Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution;

Any case in which a child is a child in need of services because the child’s parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

Any case in which a child is subjected to emotional abuse. (e.g., “Daddy cuts all of your shoes and clothing up with his hunting knife.”)

As used in this subparagraph, “emotional abuse” means an identifiable and substantial impairment of the child’s intellectual or psychological functioning or development or a substantial risk of impairment of the child’s intellectual or psychological functioning or development. ny act or omission described in §19-3-102.