

MS. COOK: We need Mr. Vanderzalm.

THE COURT: Yeah, we're waiting for you.

MS. COOK: Come on down.

MR. SHERLUND: But there's no announcer now.

MR. VANDERZALM: I wanted to make sure.

THE COURT: Raise your right hand, do you swear the evidence you're about to give to be the truth, the whole truth, and nothing but the truth, so help you God?

MR. VANDERZALM: Yes.

BRIAN VANDERZALM

called by Ms. Cook at 11:42 a.m., and sworn by the Court;  
testified:

DIRECT EXAMINATION

BY MS. COOK:

Q Please state your full name.

A My name is Brian Vanderzalm.

Q And I will slaughter your name; I will give you the heads up right now, because I've done it to everybody here including my clients. So, Mr. Vanderzalm, can you tell us where it is you

work?

A I work for the Department of Human Services.

Q And is that for Newaygo County?

A I work both for Newaygo County and for Lake County.

Q And how long have you worked with Newaygo County cases?

A Approximately six years.

Q And have you always worked as a foster care worker, or have you worked in other capacities?

A I've worked in other capacities?

Q How long have you been a foster care worker working with Newaygo county cases?

A Approximately six years.

Q I want to ask you, are you familiar with the Alyssa and Amber Keast file?

A Yes, ma'am.

Q Okay, at some point in time did you take over as caseworker on that file?

A Yes.

Q Do you recall when?

A It was in March of 2005.

Q Was there anyone that had that case before you, any other caseworker?

A Yes.

Q Who was the caseworker that had it before you?

A Mr. Dan Morgan, CPS worker.

Q Okay, so a Protective Service worker had it before you, but there was no other caseworker on it before you?

A Correct.

Q I want to make sure I'm using the right terminology, and tell me if I'm wrong okay?

A Okay.

Q So, you were the first caseworker on the case, and how long were you on the case?

A Approximately three months.

Q And what happened then?

A Then the case was transferred to a different foster care worker.

Q Why?

A At that time I was promoted to lead worker and then to supervisor of Lake County.

Q Oh, well, congratulations.

A Thank you.

Q Do you still operate in that capacity?

A Yes, ma'am.

Q Great, okay, so really only--you had this case for about three months?

A Correct.

Q And who came on after that?

A Ms. Kathy Sholty.

Q If you know, how long was Ms. Sholty on the case?

A I don't recall.

Q Do you know if there was another worker on it after Ms. Sholty?

A Yes.

Q And do you know who that was?

A Ms. Lacey Gonzalez-Borstler.

Q Well, good, you remembered all of that. Okay, well, I want to ask you, when was the first time that you met the Atwood's on this case?

A I believe that would have been sometime in March or early April 2005.

Q And was that meeting at their home?

A Yes, I believe so.

Q And when you came out to out to meet with them was there a Parent/Agency Agreement in effect yet with the--between the--with the mother and DHS?

A I don't recall.

Q Did you ever show Mr. and Mrs. Atwood a copy of the Parent/Agency Agreement?

A I don't recall.

Q Did you ever show Mr. and Mrs. Atwood a copy of any of the court orders?

A I don't recall.

Q Before the children were removed from Mr. and Mrs. Atwood did you have a conversation with Mr. and Mrs. Atwood that Erica should be taking these children to church unsupervised?

A We discussed that.

Q Okay, and in that conversation did you tell them that they should allow their daughter, Erica to take the children to church unsupervised?

A Yes, that was permitted.

Q At that time did you know that Erica was living with her boyfriend?

A No.

Q Where was Erica living at that time to your knowledge?

A She was residing on the property of her parents, they had a small apartment in what is like a pole barn a short distance from the house, that was her residence at the time.

Q Had the Atwood's told you that her boyfriend was living with her at any point in time?

A No.

Q Did you actually observe her boyfriend at that residence on one occasion?

A Yes, I did.

Q And was that before you allowed, or before you told the Atwood's to allow unsupervised visitation on her church?

A Yes.

Q Did the Atwood's tell you that on Mother's Day they allowed the mother, Erica, to have unsupervised contact with the children?

A I don't recall if it occurred on Mother's Day; however, there was an incident where they had allowed the children's mother, Erica, to take the children on an unapproved visit from the home, where



they were placed, to her boyfriend's home, which was a known drug home, which they were told not to allow to occur. I don't occur--recall exactly what date that was on, if it was that occasion, or a different occasion.

Q And it was after you learned about that incident that you then told the Atwood's, you need to let Erica take her children unsupervised to church, correct?

A The incident where they had allowed Erica to take the children from the home that actually had occurred after the decision was made to allow her to transport the kids to and from church. And that was a decision that was made, I believe, either at the dispositional review hearing, or shortly thereafter. And that decision was ultimately approved by the Court to allow her to have an opportunity to have the children at church. And there were very strict guidelines and a number of discussions put in place as far as how to handle that to make sure that it was a situation where the only contact was transporting to and from church, and the time that they spent at church, that was the only unsupervised time that she was permitted.

Q Okay, Mr. Vanderzalm, I would appreciate it if you answer just the question I ask, and so I'm going to go back. Is it your testimony that this--that when the Atwood's allowed their daughter to take the children unsupervised that it was after the children were allowed to go unsupervised to church?

A I don't recall the specific date.

Q Okay, so you don't know whether you had already agreed that the children could go unsupervised to church in relation to when this incident occurred, correct?

A There were two incidents that occurred, there was--

Q --Well, the incident that you're referencing, the first incident you're referencing that you told the Court about is that they allowed Erica to take the children out of the home unsupervised, correct?

A That's correct.

Q Okay, my question is had you already told them that they were allowed to--that they--this is tougher than it should be. Had you already told them that the children were to go to church with their mom unsupervised, or did that come after?

A You know, I don't recall the specific date.

Q Okay, would you agree that within the same time frame--

A --It would have--

Q --shortly before or shortly after that you told my clients to let Erica go to church with these children unsupervised?

A Yes, there was that conversation.

Q And during the time period that you were on this case were there any other unsupervised visits with the mother other than her taking the kids to church?

A No, not to my knowledge, not approved.

Q Was that ever changed? In other words, during the time period that you were on the case was it ever changed that she was going

to get unsupervised visits or under different criteria?

A They started off supervised and then right around the dispositional hearing she was granted the permission to take the children to and from church and it was limited to that, and then that was the only change in parenting time. Although parenting time ultimately was more restricted after it was learned that there was an incident where she had the children essentially unsupervised and took the children to her boyfriend's home.

Q Okay, lets go back to the question I asked.

MS. COOK: And your Honor, I'd move to strike everything that's not responsive to the question. I appreciate Mr. Vanderzalm has a lot of information that he wants to give the Court, but it's important he just answer my questions.

MS. DICKERSON: I would indicate--

THE COURT: --I'm going to allow it though--

MS. DICKERSON: --that opposing counsel indicated that she wanted the full record, that's what Mr. Vanderzalm is trying to provide.

BY MS. COOK: \*

Q My question is, was--or during the time period that you were on this case was there ever a court order changing the visitation to unsupervised for any reason other than the church?

A Not to my recollection.

Q Now, you talk about this dispositional order in which she was granted these visits to and from church did you ever show this



order to the Atwood's?

A It may or may not have been a part of the actual order, but that decision had occurred right around the dispositional hearing, either at the hearing or--

Q --That's not my question. Did you show the Atwood's a copy of an order?

A I don't recall.

Q Did you ever tell the Atwood's that they--that the mother could not take these children unsupervised?

A Yes.

Q Did you tell them before they let her take them on Mother's Day?

A I recall telling them on multiple occasions including on the very first time that I met with them, when I was assigned the case, that that was a part of the discussion. But I don't recall the date.

Q So, you're saying the very first time you met with them in March you sat down with them and you said, look don't take these--don't let Erica take these kids unsupervised?

A Yes, ma'am.

Q That's your testimony?

A Yes.

Q Do you have anything to document that discussion?

A I have nothing with me.

Q Well, if I understand correctly you're telling the Court you never gave them copies of any orders, correct?

A That's not what I said.

Q Did you ever give the Atwood's copies of any of the orders from this court?

A I don't recall.

Q And so at this point in time this is your recollection that you told them the mom could not have unsupervised visitation, correct?

A Yes.

Q But if I understand correctly the Department of Human Services actually asked the Court for Erica to have unsupervised visitation, correct?

A That's not correct.

Q We have an order that says she could take them to church, is that true?

A Yes.

THE COURT: His testimony is that he doesn't know if it was part of the order or not. There was a discussion, it was allowed, but he doesn't know if it was part of the order or not.

MS. COOK: One second, Judge.

BY MS. COOK:

Q Just one other question. How did you find out that Erica took the children unsupervised from my clients' home?

A Ms. Erica Keast called me and had informed me of that.

Q Did she inform you of that before the Atwood's told you?

A Yes.

Q When did she tell you?

A Pardon me?

Q When did she tell you that?

A When did she tell me?

Q Yes.

A I don't recall the exact date, but she had called me and informed me of that, and then I had a discussion with the Atwood's.

Q And when did you have this discussion with the Atwood's?

A Shortly after I received that phone call that she indicated she had the unsupervised contact.

Q When was that?

A Sometime in June I believe.

Q So, you're saying that the discussion you had with the Atwood's about them allowing their daughter to have unsupervised visitation did not occur until June?

A It would have been sometime in June of 2005, correct.

Q Are you aware of the fact that the incident occurred on May 8<sup>th</sup> of 2005?

A I don't occur--I don't recall the exact date that that had occurred.

Q But you're saying did Ms--did Erica contact you immediately after it happened?

A I don't know.

Q Well, how much time had passed since the incident and her calling you?

A I don't recall.

Q How much time had passed since the incident and you sitting down and talking to the Atwood's about it?

A Very short period of time.

Q What do you consider a short period of time?

A Possibly could have been that same day. I don't recall the exact time frame.

Q Okay, you're saying that you talked to them in June about it, correct?

A Correct.

Q And you don't know when the incident happened, correct?

A I don't recall when the incident occurred.

Q So how can you tell us if it was a short period of time?

A What I was referring to is it was a short period of time between when Erica called me and said that this occurred, and when I spoke to Mr. and Mrs. Atwood.

Q You have no recollection of the Atwood's telling you this on May 17<sup>th</sup> when you came out to their home for a home visit? May 18<sup>th</sup>, that they told you, they were the first to tell you, look Erica took the kids on Mother's Day?

A I don't recall a Mother's Day incident unless that's the same incident that I'm referring to. I don't recall the exact date.

Q Okay, same incident, mother took the kids, ended up taking them over to boyfriend's house. You don't recall it was my clients on May 18<sup>th</sup> that told you about it, for the first time?

MR. SHERLUND: Objection, your Honor, asked and answered.

THE COURT: Well--

MS. COOK: --He hasn't answered that question--

THE COURT: --no, he hasn't.

MR. SHERLUND: He did answer the question.

THE WITNESS: Could you repeat the question?

BY MS. COOK:

Q You bet. Do you recall that it was my clients on May 18<sup>th</sup> that told you for the first time that Erica took the kids over to the boyfriend's house?

A I don't recall that.

MS. COOK: I don't have any other questions.