

# **Exhibit G**

**Lisa Morris**  
**Closing Argument for**  
**the Children**

SUPREME COURT  
STATE OF NEW YORK COUNTY OF NEW YORK

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DIANE MARKHAM,  
Plaintiff,

CLOSING ARGUMENT OF  
ATTORNEY FOR THE

Vs.  
CHILDREN

MICHAEL MARKHAM,  
2015/9826

Index No.

Defendant.

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The Plaintiff Diane Markham and Defendant Michael Markham have three children, Aidan Markham born on June 12, 1997, Rowan Markham, born on May 21, 2002 and Rory Markham, born on December 16, 2004. Aidan Markham, who is emancipated, is a sophomore at RIT and lives primarily with his Mother Diane Markham when he is not attending school.

The Plaintiff, Diane Markham filed a complaint requesting joint custody of the unemancipated children, Rowan and Rory.

During the pendency of the action, Rowan and Rory became uncomfortable with their Father's conduct while he was residing in the marital residence with the family. At that time, I argued that the children's mental health was being negatively impacted and the Court issued an Order dated January 22, 2016 awarding exclusive possession of the marital residence to the Mother. The parties agreed that the Father would have periods of residency with the children on Wednesdays and Saturdays.

During February, March, and April 2016, Rowan and Rory contacted me about continuing problems with their Father during visitation. On April 22, 2016, I filed an Order to Show Cause on behalf of the children requesting that the Father's periods of visitation be reduced. The affidavit in support of the Order to Show Cause included the children's concerns that their

Father was angry and regularly disparaged their Mother, Mother's attorney, and the children's counselor. The Court issued an Order terminating Father's visitation with Rowan and reducing Rory's visitation to Saturday for a four hour period.

As part of his responsive papers to the Order to Show Cause dated April 22, 2016, Father requested a forensic custodial evaluation of the parties and the children. The Father requested that Dr. David Coron, Ph.D conduct the evaluation and Mother agreed to the request. On May 20, 2016, the Court signed an Order directing that the custodial evaluation be completed by July 25, 2016. Despite the fact that Father requested the evaluation, he failed to retain Dr. Coron or schedule any appointments with Dr. Coron so the custodial evaluation did not go forward.

In July of 2016, Father cancelled two Saturday visits with Rory. Subsequently, Father texted Rory to inform her that he had moved to Hawaii and that he would send her a plane ticket to come to Hawaii any time that she wanted to visit.

The case was set for trial on November 14, 2016. The Father did not appear for the trial and the matter proceeded by default. At the trial, Mother testified and requested sole custody of the children. The attorney for the Plaintiff requested that the pleadings be conformed to reflect the Plaintiff's request for sole custody of the children.

At the time of the trial, Mother was residing in Rochester, New York with the children and Father was residing in Hawaii. The Mother testified that the Father moved to Hawaii in approximately July of 2016 and that the Father has not returned to Rochester, New York since that time. Mother testified that Rowan had no contact with his Father including telephone or electronic contact. The Mother testified that Father sent text messages to Rory periodically but to her knowledge Rory did not respond to the text messages.

Mother testified that she was the parent who was exclusively responsible for caring for the children. Mother testified that she homeschooled the children, took the children to all of their medical appointments, transported the children for all

of their extra-curricular activities, and provided for all of the other daily needs of the children. Mother testified that Father worked long hours and was not engaged with the children when he was home.

Mother testified that when the parties resided together Father argued with her in the presence of the children causing strife in the home and causing the children to be anxious and upset. Mother testified that she was unable to discuss decisions regarding the children with Father because he was continually combative and he refused to engage in civil discussions. Mother testified that Father has had no contact with her since he moved to Hawaii in July of 2016 nor has he inquired in any way about the status or needs of the children. Mother testified that she has not received any financial support for the children since mid-September and that Father took the child Aidan's 529 College Savings Account and did not pay the Fall 2016 tuition bill.

The children specifically requested to meet with the Court so that they could share their opinions with the Court. On November 15, 2016, the Court conducted a Lincoln Hearing wherein each child appeared individually in camera with the Court.

As Attorney for the Children, if a child is capable of knowing, voluntary considered judgment, my ethical obligation is to represent the child's expressed wishes unless I believe that there is a "substantial risk of imminent serious harm to the children". The children in this case have expressed their wishes to me and directly to the Court during the in camera interview. I do not believe that there is any substantial risk of imminent harm to the children.

On behalf of Rowan and Rory Markham, I am requesting their Mother be awarded sole custody of the children and that their Father have no contact with the children until further Order of this Court.

Respectfully Submitted,

