

LISA ARLENE RUSSIAN

PETITIONER

VS.

MOTION TO MODIFY CUSTODY

ROGER CHOATE

RESPONDENT

Comes now the Respondent, Roger Choate, by and through his attorney, and hereby respectfully requests the following relief:

1. To modify custody of the Parties' minor children, BreeOnna Marie Choate and Roger Matthew Choate, II, (Matthew), so that Respondent is granted sole custody of his minor children.

As grounds for this Motion, Defendant states custody of the minor children was granted to Petitioner by Order in this action dated October 3, 2001. Pursuant to KRS 403.340 a custody decree may be modified more than two years after the original custody decree if the Court finds, after a hearing, that on the basis of facts that have arisen since the prior decree a change has occurred in the circumstance of the children or their custodian, and that the modification is necessary to serve the best interest of the children.

The Respondent believes that it is in the best interest of the minor children pursuant to KRS 403.270(2) that custody be awarded to him. The Respondent believes that the children's present environment endangers seriously their physical, mental, moral or emotional health. The Respondent believes that the harm likely to be caused by a change of environment is outweighed by its advantages to the children.

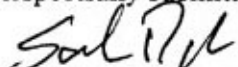
2. On approximately April 1, 2006 the minor child Matthew Choate was arrested at Walmart. At court on the juvenile matter, Matthew became so distraught at the idea of returning to his mother, that he became totally disruptive in the Court room such that he had to be shackled and sent to juvenile detention for three days. After three days when he returned to Court he was given to Respondent.

3. The Petitioner, Lisa Russian, is unable to provide proper care and protection for her minor children. She lacks sufficient moral values to properly set an example for the children

6. Respondent's Affidavits detailing the above are attached hereto.

7. Respondent moves the Court to modify Respondent's child support obligation as necessitated by the change of custody retroactive to filing this Motion.

Respectfully submitted,


HON. SARAH PERRY MCGEE
113 S. Fourth Street
Paducah, Kentucky 42001
(270) 928-2178

ATTORNEY FOR RESPONDENT

ROGER CHOATE hereby verifies that the foregoing statements are true and accurate to the best of his knowledge and ability.

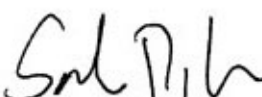

ROGER CHOATE

STATE OF KENTUCKY

COUNTY OF MCCRACKEN

Subscribed and Sworn to before me by ROGER CHOATE who acknowledges same to be his act and deed this the 18th day of May, 2007.

My commission expires 11/2/09.


NOTARY PUBLIC
KENTUCKY AT LARGE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed to Ms. Natalie G. Bash, Kentucky Legal Aid, 1122 Jefferson Street, Paducah, Kentucky 42001, McCracken County Court Clerk, McCracken County Courthouse, Paducah, Kentucky 42001, and a copy to the office of Judge, Cynthia E. Sanderson, McCracken Courthouse, Paducah, Kentucky 42001 on this the 18th day of May, 2007.


HON. SARAH PERRY MCGEE