

a child under the age of 18.

Judge Stanton B. Taylor

Case No. 062100046

I, Heather Mons, having been duly sworn on oath, hereby state to the above court as follows:

1. I am employed by the Cache County School District as a special education teacher.
2. I teach Life Skills to Special Education students at Nibley Elementary in Cache County. I have a degree in Special Education and have taught for 9 years.
3. I first met Gregory Banks, the adopted son of Scott and Karen Banks in 2000 when he was 9 years old. I was Gregg's special education/life skills teacher from age 9 through age 11, when his parents moved him to a facility in Utah County. I was with Gregg virtually every school day he was in attendance for that period of time.
4. When Gregg first enrolled in our school, his father brought him. His father continued to be the family member to attend any meetings about Gregg and to attend parent teacher conferences, etc. I later learned that Gregg's mother, Karen, did not even know the

location of our school. Gregg was ill one day and when I called his home to have someone come and get him, Scott was out of town and so Karen had to come and get him.. Karen did not know how to get to the school and I gave her directions. When she arrived at the school, she did not know how to move him from his wheelchair into her car and so I did it for her.

5. Gregg did well in our program while he was with us.. He learned skills that were taught him and he retained those skills. Gregg was also able to make some progress in the academic area and not just life skills. Gregg was not a behavioral problem and was very easy to work with and teach. Gregg did not require a lot of attention and was good at entertaining himself when no one was working with him. Gregg could not talk in a normal fashion, but could verbalize to some extent and use gestures to make his needs known and to respond to questions and requests.

6. I had concerns during the time Gregg was with us, about his teeth. When you looked into his mouth, you could see that his teeth were in poor condition with obvious decay. Gregg's teeth would sometimes hurt him when he would eat and he would begin to cry. We mentioned this problem to Mr. Banks, but never saw any evidence that anything was done about his teeth. In spite of the condition of his teeth, Gregg would eat massive amounts of food during school lunch. He would often eat 2 or 3 trays of food at lunch. After one tray, he would sign that he wanted to eat more and more and yet he was not a large child. Gregg needed help with his milk, but could generally handle the other foods without assistance. Because of my concerns with the amount of food Gregg was eating at school, I asked Mr. Banks what Gregg would eat at home. He told me that Gregg had terrible eating habits and so they would have him clean up what the others didn't eat.

7. One day, Gregg had a seizure while at school. Pursuant to school policy, an ambulance was called and Gregg was taken to the hospital so they could evaluate his condition.

Mrs. Banks was called and Mr. Banks came to the school. Mrs. Banks did not want him to ride with Gregg to the hospital. After that incident, Mrs. Called and instructed us not to call the ambulance again because it cost too much.

8. There were other unusual things that I was concerned about with Gregg. During the years he was with us, he never brought Valentines on Valentines Day. He never brought any gifts for Christmas. His parents did not want him to go on any activities that were away from the school. When we had events at school to which parents were invited, the Banks would not come. All the time he was here, he used a loaner wheelchair from the Shriners. The walker he used at school was owned by the school district.

9.. Gregg rode the bus to school and could move from the bus to his wheel chair or his walker with some minimal assistance. Gregg could move from his walker to his wheelchair with no assistance and was not a problem to move from one area of the class to another. At the time he left us, Gregg only weighed approximately 50 pounds and was easily managed. Gregg could guide his walker and his wheelchair by himself and was quite independent. Gregg could also feed himself and would eat normal food from the school cafeteria. I would not consider Gregg a high maintenance special education child. I know of many special needs children who are higher maintenance than Gregg and are residing at home with their parents. As a person who has worked with special needs children for a number of years, I saw no reason why Gregg could not live at home. He would need extra help, but that would be quite minimal. The Banks said that he was not allowed to use his wheelchair or a walker at home because he kept running into the walls and damaging them. Also, the home was not set up for a wheelchair and there were places that the wheelchair could not go. The Banks had Gregg crawl to get from place to place when he was at home.

10. Several weeks prior to Gregg leaving our school, Mr. Banks informed me that they

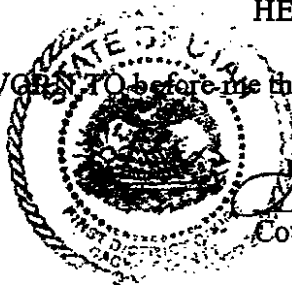
had been turned in to DCFS. He was very upset about it and expressed his concern that he was afraid that DCFS would take the other children away from them.

11. Just prior to them taking Gregg from our school, I received a note from Scott Banks telling us that this was Gregg's last day. Later I spoke with Scott Banks and he stated they were sending him to a facility in American Fork, in Utah County. Both myself and our principal talked to him about keeping him here. I went to the Banks home to try to convince them to let him stay. I even offered to have my husband and I adopt Gregg so that he wouldn't have to go into an institution. Mrs. Banks was concerned about me adopting Gregg because where we live in the same community, others would see him with me and realize that Gregg used to live with them and it wouldn't look good.

DATED 10th day of April, 2008.

Heather Mons
HEATHER MONS

SUBSCRIBED AND SWORN TO before me this 10th day of April, 2008.



Louise A. Nielsen
Court Clerk or Notary Public

CERTIFICATE OF MAILING

I hereby give notice that I mailed a true and correct copy of the foregoing to the below named individuals on the 10th day of April, 2008.

Steven Kuhnhausen
Attorney for Kirkpatrick
10 West Broadway, Suite 603
Salt Lake City, UT 84101

Marlin J. Grant
Attorney for Banks
130 South Main, Suite 200
Logan, UT 84321

Shelley Keller
Secretary