

FROM :

FAX NO. :

Apr. 15 2008 06:14PM FS

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 Greg from our school, I received a call from Scott Banks telling us that this was Greg's last day and that 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 Greg so that he wouldn't have to go into an institution. Mrs. Banks was concerned about me adopting Greg because where we live in the same community, others would see him with me and realize that Greg used to live with them and it wouldn't look good.

DATED \_\_\_\_\_ day of April, 2008.

\_\_\_\_\_  
HEATHER MONS

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of April, 2008.

\_\_\_\_\_  
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 \_\_\_\_\_ 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  
Legal Assistant

FROM :

FAX NO. :

Aug. 15 2003 06:14PM P4

Mrs. Banks was called and Mr. Banks came to the school. Mrs. Banks did not want him to ride with Greg to the hospital. After that incident, Mrs. Banks 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 Greg. 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. Greg rode the bus to school and could move from the bus to his wheel chair or his walker with some minimal assistance. Greg 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, Greg only weighed approximately 50 pounds and was easily managed. Greg could guide his walker and his wheelchair by himself and was quite independent. Greg could also feed himself and would eat normal food from the school cafeteria. I would not consider Greg a high maintenance special education child. I know of many special needs children who are higher maintenance than Greg 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 Greg 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 Greg crawl to get from place to place when he was at home.

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

FROM :

FRX NO. :

Aug. 15 2003 06:14PM P3

our school. Greg 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. Greg did well in our program while he was with us. He learned skills that were taught him and he retained those skills. Greg was also able to make some progress in the academic area and not just life skills. Greg was not a behavioral problem and was very easy to work with and teach. Greg did not require a lot of attention and was good at entertaining himself when no one was working with him. Greg 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 Greg 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. Greg'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, Greg 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. Greg needed help with his milk, but could generally handle the other foods without assistance. Because of my concerns with the amount of food Greg was eating at school, I asked Mr. Banks what Greg would eat at home. He told me that Greg had terrible eating habits and so they would have him clean up what the others didn't eat.

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

FROM :

FAX NO. :

Aug. 15 2003 06:13PM P2

ROGER F. BARON #0223  
 GUARDIAN AD LITEM  
 135 NORTH 100 WEST  
 LOGAN, UT 84321  
 Telephone (435) 713-6220  
 Fax (435) 713-6226

IN THE FIRST DISTRICT COURT, IN AND FOR  
 CACHE COUNTY, STATE OF UTAH

<p>IN THE MATTER OF THE ADOPTION          OF:</p> <p>AMELYA KIRKPATRICK aka          FU TONG BAO,</p> <p>a child under the age of 18.</p>	<p>AFFIDAVIT OF HEATHER MONS          IN SUPPORT OF          MOTION TO ALTER OR AMEND          JUDGMENT OR ORDER, OR IN THE          ALTERNATIVE, MOTION FOR          NEW TRIAL.</p> <p>Judge Stanton B. Taylor</p> <p>Case No. 062100046</p>
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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 Greg'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 Greg virtually every school day he was in attendance for that period of time.
4. When Greg first enrolled in our school, his father brought him. His father continued to be the family member to attend any meetings about Greg and to attend parent teacher conferences, etc. I later learned that Greg's mother, Karen, did not even know the location of

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Aug. 15 2003 06:13PM P1



**OFFICE of the GUARDIAN AD LITEM and CASA**  
**Roger F. Baron and Hollee Petersen, Attorneys**  
**First District Office**  
135 North 100 West  
Logan, Utah 84321  
Logan (435) 713-6220 FAX (435) 713-6226

Guardian ad Litem Attorney  
Roger F. Baron

CASA Coordinator  
Debra Jansen

To: Steve Kuhnhausen

Date: April 2, 2008

Fax #: 801-~~724-2000~~ <sup>501-514</sup>

Pages: 5, including this cover sheet.

From: Roger F. Baron

Subject: Banks/Kirkpatrick Affidavit of  
Heather Mons

Steve,

Attached is a rough draft of an affidavit for Heather Mons. She has not yet reviewed it and so I'm not sure that it will still be exactly the same when I file it with the court, but I wanted you to see what Heather Mons will testify to.

Sincerely,

*Roger*

Roger F. Baron  
Guardian ad Litem