

1 March 21: I took Jack to baseball and milkshakes for approximately five hours.
2 Petitioner responded warmly to photos I shared. (Exhibit I.)

3 4. The temporary schedule modification during this period was mutually agreed upon because
4 Ella’s therapist, Rose, informed me that Ella felt a lot of pressure at my apartment, and I
5 voluntarily stepped back to give her space — not because of any safety concern. On February
6 25, I texted Petitioner: “As long as you agree this is TEMPORARY and the goal is to have the
7 kids 50/50. What I would not be okay with is altering the parenting plan.” Petitioner did not
8 disagree. (Exhibit L.)

9 5. Throughout this period, Petitioner never once expressed a safety concern about either child
10 being in my care. To the contrary, she actively encouraged my involvement with both children
11 — proactively suggesting dinners, coordinating visits, facilitating overnights for both Ella and
12 Jack, and responding warmly to my time with them. (Exhibits J, K, I.) This conduct is
13 irreconcilable with Petitioner’s claim at ¶2 of her opposition that the children “are in immediate
14 danger and subject to irreparable harm by Father.”

15 **II. I WAS EXCLUDED FROM MEDICAL DECISIONS ON MARCH 24, 2026**

16 6. Petitioner states at ¶7 that she “notified Father as soon as I was able” about Ella’s crisis on
17 March 24, 2026. The text record shows otherwise. Petitioner was at the school by
18 approximately 8:00 AM that morning (per her own ¶4). She did not text me until 11:38 AM —
19 over three and a half hours later. During that time, she coordinated with school personnel, the
20 school LCSW, and MCRT, and composed detailed, articulate text messages. (Exhibit M.)

21 7. At 1:35 PM, Petitioner texted: “Yes. I authorized them to evaluate and treat her, and admit if
22 needed.” Petitioner unilaterally authorized treatment and admission at Aurora — a decision
23 requiring joint legal custody consent under the Judgment, ¶20(b) and (d) — without consulting
24 me. I learned my daughter had been admitted after the fact. (Exhibit M.)

25 8. Petitioner’s Exhibit 4 is the Poway Unified School District “Parent Notification of Possible
26 Suicide Risk.” The school representative, Ms. De La Torre, prepared and signed this form on
27 March 24, 2026 — the day of the crisis. Petitioner did not sign it until March 31, 2026, seven
28 days later. I was never provided this notification, never asked to sign it, and learned of its
existence only when it appeared as an exhibit to Petitioner’s opposition filed April 3, 2026.
Under the Judgment, ¶¶19–20, both parents share the right and responsibility to make decisions
relating to the health and welfare of the children. A school notification that a child has
expressed suicidal ideation with plan and intent is precisely the kind of information both

1 about our daughter.” Petitioner responded at 9:00 p.m.: “I’m not available for a call right now.
2 You can text me.” She refused a phone call about our daughter’s psychiatric hospitalization.
3 (Exhibit N.)

4 **III. I WAS EXCLUDED FROM DISCHARGE, NOT INVITED TO PARTICIPATE**

5 10. Petitioner states at ¶12 that “Aurora attempted to contact Father numerous times so he could
6 participate in the discharge.” The text record shows I was the one making repeated attempts. On
7 March 27, I texted Petitioner at 12:41 PM asking her to have the facility call me back because
8 my WiFi was disconnected. At 12:48 PM, I texted: “I’ve tried calling the facility twice and it
9 rings through to Ashley’s voicemail.” At 12:49 PM: “CALL ME BACK.” I later confirmed I
10 had called the facility five times and was transferred to voicemail or unanswered lines each
11 time. (Exhibit O.)

12 11. Petitioner picked up Ella from Aurora and left the facility without ensuring I participated in
13 the discharge. When I asked why she took our daughter from a facility without informing me,
14 she responded: “I’ve been [communicating], and the facility has been communicating updates
15 as things have been happening. Right now my focus is on Ella’s transition home and keeping
16 things stable for both kids.” (Exhibit O.)

17 **IV. PETITIONER IS WITHHOLDING JACK WITHOUT ANY CLINICAL BASIS**

18 12. Whatever clinical recommendations Aurora may have made regarding Ella’s contact with
19 me, no professional who is treating Jack has recommended restricting my access to him.
20 Petitioner has extended Ella-specific recommendations to justify withholding both children.

21 13. Just six days before withholding began, on March 21, I spent five hours with Jack —
22 baseball, milkshakes, sharing photos — with Petitioner’s full knowledge and warm approval.
23 No intervening event involving Jack occurred between March 21 and March 27 that would
24 justify withholding him from me. (Exhibit I.)

25 14. On March 27, 2026 — a Friday and the start of my custodial week — I went to Petitioner’s
26 residence at the normal pickup time to collect Jack. Petitioner had texted at 2:37 p.m. that “Ella
27 is home and settling in,” but per her own Opposition ¶13, she had in fact picked up Jack from
28 school and taken both children out for ice cream, boba, and Barnes & Noble. Petitioner did not
inform me she had Jack with her. I had texted Petitioner at least twice before arriving to tell her
I was coming to pick him up. (Exhibit O.) In my original declaration, I described how
Petitioner texted that she “wasn’t sending Jack outside” but would not confirm his whereabouts.
I requested a police welfare check because Petitioner would not tell me where my son was.

1 notice I was coming, and I was there to exercise my court-ordered parenting time at the regular
2 exchange time. (Exhibit O.)

3 15. Petitioner states at Opposition ¶15 that “Father was not receptive and Aurora had to
4 discontinue the call.” When I separately called Aurora by phone, I was told that Ella said “not
5 today, but maybe tomorrow” she would like to see me. This is materially different from the
6 characterization in Petitioner’s declaration that I was uncooperative and that Ella categorically
7 refused contact with me.

8 16. Petitioner’s own texts confirm she is aware she is overriding the custody order. On Monday,
9 March 31, she texted: “I understand it’s your parenting time and that you want to see Jack.” She
10 then stated she “think[s] it is best to follow the advice of the social worker at Aurora” — but the
11 Aurora social worker’s recommendation concerned Ella, not Jack. (Exhibit P.)

12 17. On April 4, 2026 — the day before Easter Sunday — I asked Petitioner whether the
13 children could spend the holiday with me and see their grandparents. Petitioner responded: “I
14 understand what the order says,” stated she was “not comfortable” allowing the children to
15 leave her care, and refused to provide an exchange time for my court-ordered parenting time,
16 confirming that the continued withholding is Petitioner’s unilateral decision rather than
17 compliance with any identified court order or written safety plan. (Exhibit Q.)

18 **V. I DO NOT ABUSE MY CHILDREN**

19 18. At ¶18 of her opposition, Petitioner states under penalty of perjury that the emergency in
20 this case relates to “Father abusing our children.” At ¶5, she states as fact that “Father yells and
21 hits them.” I do not abuse my children. I have never hit, struck, or physically harmed either
22 child. No agency has made any finding of abuse or neglect against me. No CFWB worker has
23 contacted me, no case number has been provided to me, and no safety plan naming me has been
24 produced.

25 **CONCLUSION**

26 19. Petitioner’s opposition rests on her own characterizations of what third parties told her, yet
27 she has not produced a single written recommendation from any professional restricting my
28 access to either child. The text record contradicts her characterization of my parenting
involvement, shows I was excluded from critical medical decisions despite holding joint legal
custody, and demonstrates that she is withholding Jack without any clinical basis specific to
him.

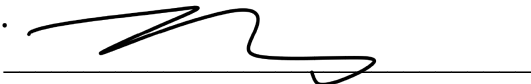
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20. I respectfully renew my requests as set forth in the Ex Parte Application filed in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: __April 6_____, 2026

At San Diego, California



Charles Wilson Nibley, V
Respondent, In Pro Per