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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

DREMA MAE BOOTH HARRY,

Appellant

v. RECORD NO. 740535

ROGER FISHER, ET AL,

Appellee

FROM THE CIRCUIT COURT
OF GILES COUNTY

APPENDIX

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and

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Counsel for Appellant

IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

DREMA MAE BOOTH HARRY,

Appellant

v. RECORD NO. 740535

ROGER FISHER, ET AL,

Appellee

APPENDIX

THE PETITION
(Filed May 30, 1972)

Your petitioner, Dreama Mae Booth Harry, exhibits this her petition against Roger Fisher and Wanda Fisher, his wife, and respectfully represents and shows unto Your Honor the following:

I.

Your petitioner is the mother of a male child, namely Christopher Payne Fisher, who was born to her in lawful wedlock on November 30, 1971. The said child was born of her marriage to Donnie Ray Harry from whom your petitioner is now divorced. Your petitioner is a resident of Princeton, Mercer County, West Virginia.

APPENDIX

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II.

On or about December 10, 1971, your petitioner gave her consent in writing to the adoption of her said infant son, Christopher Payne Harry, by the respondents, Roger Fisher and Wanda Fisher. At the time her said written consent was given the said child was ten days of age, and said child is now six months of age.

III.

Petitioner avers that at the time she gave her written consent to the adoption of her said child by the said respondents she was emotionally unstable due to matrimonial difficulties which she was then having with her husband and father of said child; that she was not advised by counsel of her own choosing as to the legal ramifications attached to the execution of the written consent to adoption by her; that undue influence was exercised against her to persuade her to give up her child for adoption by these respondents, and due to her emotional distress and instability at the time she gave way to the persuasions; that respondents arranged to pay all the expenses incurred in and about the birth of the said child, and as a consequence therof she felt indebted to them for the sums of money which they had expended for her medical expenses, which she was then unable to recompense, and as a consequence of all said acts, occurrences and things, and especially the undue influence exerted against her by other persons, she signed the consent to adoption agreement relinquishing custody of her infant child to respondents and granting them written permission to adopt said child.

Petitioner avers that the execution of the said consent to adoption agreement by her was not voluntary under the circumstances, but was brought about by the undue influence exerted upon her by the respondents and others; and that said agreement is null and void and of no effect.

IV.

Petitioner further avers that she is gainfully employed, and earning sufficient money to adequately provide for her infant son; that she has a suitable and proper dwelling for the child; that she is a person of good moral character and enjoys a good reputation for being a person of good moral character, and that the best interests of her infant son will be served if this Honorable Court should cause her child to be returned to her in this proceeding.

V.

Petitioner further avers that prior to February 8, 1972, she advised the respondents that she wanted the return of her child, and expressed a desire to do whatever was necessary and proper to be done to secure the return of her child, but the respondents altogether ignored her request and promptly thereafter filed a petition in Your Honor's said Court for permission to adopt petitioner's infant son; and that the respondents altogether refuse to return the said child to your petitioner upon any terms or conditions.

VI.

Petitioner further represents unto Your Honor that she is ready, willing and able to make complete restitution unto the respondents of any and all sums of money expended by respondents on account of the birth of said child, as well as any and all expenses incurred by the respondents in and about food and clothing and other necessaries furnished by them to petitioner's said child during the time he has been in their custody, and that she stands altogether willing to do whatever is fair, honorable, lawful and equitable in order to secure the return of her child.

VII.

Petitioner is advised, believes and therefore charges it to be a fact, that the respondents are able to bear children of their own, and that the respondent, Wanda Fisher, is presently enciente.

VIII.

Petitioner avers that no judgment, order, or decree of any court has been made concerning the custody or adoption of her infant child at this time; and that no application for the relief requested by her in this petition has been made or refused by any court.

IX.

Petitioner further avers that the respondents illegally detain custody of her said infant son and though often requested refuse to surrender his custody to your petitioner.

X.

Petitioner avers that there is absolutely no justification for the conduct of the respondents in attempting to permanently deprive your petitioner of her lawful rights as the mother of said child, or to deprive the said child of the comfort, care, love and association of his mother.

WHEREFORE, the premises considered, your petitioner prays that a writ of habeas corpus ad subjiciendum may be issued directed to the said Roger Fisher and Wanda Fisher, requiring them to produce the body of Christopher Payne Harry (known to respondents as Christopher Payne Fisher) before the Court as soon as may be and that he, the said Christopher Payne Fisher may be released from the unlawful restraint of the said Roger Fisher and Wanda Fisher and returned to the custody of his natural mother, your petitioner, and as, in duty bound, your petitioner will ever pray, etc,.

THE ANSWER

(Filed June 13, 1972)

Your respondents, Roger Fisher and Wanda Fisher, to a petition of Drema Mae Booth Harry, for a writ of habeas corpus ad subjiciendum, answer and say:

(1) That the allegations of paragraph I and II of the petition are true in so far as your respondents are informed; that the allegations of paragraph III are untrue wherein it is alleged that your respondents exerted undue influence upon the petitioner, and your respondents would show unto the Court that they did not know the petitioner at the time the consent agreement relinquishing custody of her infant child was signed and have had no contact with the petitioner from said time, except through her attorneys.

(2) That the allegations of paragraph IV, V and VI may or may not be true, and your respondents demand strict proof thereof. That the allegation of paragraph VII is true.

(3) In response to paragraph VIII of the petition, your respondents would show unto the Court that there is now pending in this Court an adoption proceeding instituted by your respondents wherein the adoption of said infant child is sought and that an order has been entered by the Court referring the matter to the Commissioner of Public Welfare of the Commonwealth of Virginia for an investigation; and, that said investigation is now in progress.

(4) That your respondents specifically deny the allegations contained in paragraphs IX and X, and would show unto the Court that they have legal custody of the child which was rejected by the petitioner at the time of birth and whom your petitioner has never seen.

Your respondents therefore pray that the petition may be hence dismissed at the cost of the petitioner.

ORDER

(Entered February 7, 1974)

On September 13, 1973, came the petitioner, Drema Mae Booth, in person and by counsel, upon a petition for a writ of habeas corpus ad subjiciendum filed herein on May 30, 1972; and, also came the respondents, Roger Fisher and Wanda Fisher, in person and by counsel, said parties having filed their responsive pleadings to said petition on June 14, 1972.

Thereupon the Court proceeded to hear the evidence of the parties and their witnesses and upon the conclusion thereof requested that the attorneys for the parties submit to the Court briefs citing such authorities as they might deem applicable.

Thereafter counsel for the parties filed briefs with the Court and submitted the matter for consideration and decision by the Court.

On January 17, 1974, again came counsel for the parties and the Court announced that it was its opinion and judgment that the consent agreement for the adoption of the infant child was freely and knowingly given by the petitioner, without fraud, duress or undue influence; that the respondents are proper and suitable people to have custody and charge of said child; that it is to the best interests of said child to remain with the respondents and be theirs by adoption;

and, that petitioner, by her own evidence failed to establish that she was a proper person to have said child or that she could provide for and care for said child should the prayer of the petition be granted.

It is therefore ADJUDGED and ORDERED that the prayer of the petition be, and the same hereby is denied.

And to all of which the petitioner, Drema Mae Booth Harry, by her counsel, duly excepted and objected and noted their intention to appeal the said decision to the Supreme Court of Appeals of Virginia.

It is further ADJUDGED and ORDERED that the transcript of the hearing, including the exhibits, be, and they hereby are, made a part of the record, said transcript having been filed herein on October 9, 1973.

TESTIMONY OF DREMA MAE BOOTH HARRY

(TR Page 3, Lines 9 through 15)

Q: Please state your full name.

A: Drema - Drema Mae Harry.

Q: How old are you?

A: Twenty-three.

Q: When and where were you born?

A: I was born February 12, 1950 in Bluefield Sanitarium.

(TR Page 5, Lines 14 through 21)

Q: Is Donnie Ray Harry the father of the child who is the subject of this Petition for a Writ of Habeas Corpus Suit?

A: Yes, he is.

Q: When and where were you divorced from Donnie Ray Harry?

A: It was February 11, 1972 in a Mercer County Courthouse in Princeton.

(TR Page 6, Lines 15 through 20)

Q: When and where was Christopher Payne Fisher born?

A: He was born on November 30, 1971, Radford Hospital.

Q: And how old were you at that time?

A: Twenty-one.

(TR Page 7, Lines 21 through 25)

Q: What was the agreement?

A: The agreement: was: We'll pay your medical expenses, your doctor bills, the hospital bills - everything - living expenses, medicine; we'll pay all this for you and after you've had the baby, well, just leave the baby, and that'll be it - for me to sign a consent, and no expenses on my part.

(TR Page 8, Lines 1 through 8)

Q: Was there anything in writing?

A: Yes, there was a paper in writing - I can't really remember what all was in it; I remember my sister showed it to me, and I remember reading it, signing it, and I told her to keep it. It was regarding the expenses and the custody - that I would give them custody, and if I was to change my mind, all these expenses then would fall back on me.

(TR Pages 10 & 11, Lines 16 through 25,
Lines 1 through 17)

Q: Describe to Judge Sexton the facts and circumstances surrounding the execution of that consent agreement by you, Drema.

A: Well, everything - we didn't have - well, when I signed the paper, I didn't want to sign the paper. It was just like I - you know - had to sign the paper. Because if I didn't sign the paper, then all those expenses - I would have to pay the expenses, and I felt like I would have done someone dirty if I hadn't went through with the deals and the promises that had been made. And I would have given anything if I could have - when I left the hospital if I could have taken him with me; but there was nothing else that I could do. I had to go on and finish through with what was planned.

Q: Why?

A: Why? Because I had no choice - the money - I had to pay back all the money; everything was just bought and paid for, and giving him up for adoption and then - if - I didn't know that I didn't have to sign the paper; I just felt like I had to sign it. I didn't know; I wasn't counseled - nobody talked to me - nobody tried to tell me anything, and I didn't know what to do because I was confused; I was under pressure - and my marriage breaking up - we didn't have a home to live in; we didn't have any money - we didn't have nothing.

(TR Pages 14 & 15, Lines 21 through 25,
Lines 1 through 7)

Q: Why did you sign the agreement?

A: 'Cause there was nothing else for me to do, I had to sign it at that point.

Q: Why?

A: There was just too much that would have come back on me if I hadn't of signed it. I would have failed my sister and her husband and they would have, maybe, felt like I maybe would have destroyed a friendship between them and the people that adopted him, and that, and then the fact too - like I've said before - the expenses that would have fallen on me; because I didn't know, then, that that wouldn't have mattered.

(TR Page 34, Lines 10 through 25)

Q: Do I understand that you were willing to give up your baby, which you did by this consent agreement, in order to keep your husband?

A: That's the way that it was in the beginning, yes. I mean, I worshipped the ground he walked on; I couldn't stand the thoughts of destroying a marriage, I mean, the fact that I was pregnant, that was bad enough, rather than to immediately go into a divorce after only being married six months.

Q: That was the real reason for it, wasn't it?

A: That's true. But during the time that I was in the motel, it was still reminded to me that I couldn't change my mind, because of the expenses, and because it was a deal.

Q: Who reminded you of that, Mrs. Harry?

(TR Page 35, Lines 1 through 25)

A: Well, when I read the paper that was wrote up with the expenses on it, and bills, and everything, it had - between my sister and myself - we'd talk and say there was no way; I couldn't change my mind, even if I wanted to.

Q: Hadn't your sister told you that you would have ten days after this child was born to change your mind?

A: Yes.

Q: That you could change your mind at any time within ten days?

A: That's right, within ten days, but still, that wasn't going to change the fact that with the expenses - they were paying for everything - I mean, really, it just seemed like they were buying the baby.

Q: But now, it wasn't really the expense that troubled you, was it - it was the fact that you felt like you had to get rid of this baby in order to get your husband back.

A: That was the beginning, the first intent. But whenever - when it got to the point of signing the paper - I really didn't want to sign the paper, but I had no choice - I had to sign the paper at that point.

TESTIMONY OF ROGER FISHER

(TR Page 93, Lines 20 through 25)

Q: What did you agree to do?

A: We agreed to pay the expenses for the child and mother, and we also give her some money for spending so she would be healthy and the baby would come healthy.

Q: Was that agreement reduced to writing?

A: Yes sir, it was on writing.

(TR Page 97, Lines 7 through 13)

Q: All right, and what did you do?

A: We waited until after the tenth day and went up to get him.

Q: Well not, as a matter of fact, the consent to adoption agreement was executed on the tenth day after the child was born, wasn't it?

A: That's right, sir.

(TR Page 99, Lines 10 through 22)

Q: I hand you here a machine copy of a letter bearing date on February 1, 1972, addressed to Mr. and Mrs. Roger Fisher, Crile Lane, Pearisburg, Virginia, and ask you to examine that copy - did you receive that letter?

A: (WITNESS LOOKING AT LETTER.) Yes sir. I got it out of the mail box the day it came.

Q: You got it out of the mail box yourself?

A: Yes sir.

Q: Was that the first knowledge which you had that the mother of the child desired to change her mind?

A: Yes sir.

(TR Page 100, Lines 9 through 21)

Q: All right now, you received that letter - would you say on February 2, 1972?

A: I don't remember what day it was, sir; I just remember going to the mail box and getting it.

Q: Did you make any effort to contact Mrs. Harry about that letter?

A: No sir.

Q: As a matter of fact, you promptly filed a petition in the Circuit Court of Giles County, Virginia, for the adoption of that child, didn't you?

A: I called my lawyer the, and thereafter I received that letter; he told me to bring it by, and he took care of it. My lawyer handled it.

TESTIMONY OF WANDA FISHER

(TR Page 118, Lines 17 through 25)

Q: And your best estimate of the total cost - the total amount of money expended?

A: I'd have to sit here and count it for you. I'M sorry. But as I have said, I do have receipts for verify everything.

Q: It would be in the vicinity of $1,000.00, wouldn't it?

A: Right, for the initial expense - medical and room and board, yes.

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DREMA MAE BOOTH HARRY

Appellant

VS. RECORD NO. 740535

ROGER FISHER, ET AL

Appellee

ORDER

This day came Roger Fisher and Wanda Fisher, by Counsel, and prayed leave of the Court to file a Supplemental Appendix herein, which leave is granted and the Supplemental Appendix ordered filed.

Requested:

James L. Warren, Counsel
Narrows, Virginia

216 Va. 530

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FROM THE CIRCUIT COURT
OF GILES COUNTY

SUPPLEMENTAL APPENDIX

James L. Warren
Attorney at Law
Narrows, Virginia
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APPENDIX

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IN THE

SUPREME COURT OF VIRGINIA

AT RICHMOND

DREMA MAE BOOTH HARRY

Appellant

VS. RECORD NO. 740535

ROGER FISHER, ET AL

Appellee

SUPPLEMENTAL APPENDIX

TESTIMONY OF DREMA MAE BOOTH HARRY

(TR Page 10, Lines 1 and 2)

Q. Did you ever see your child?

A. No.

(TR Page 14, Lines 5 through 11)

Q. On December 10, 1971, on the tenth day after your child was born, when you executed a consent agreement for the adoption of your child by the Fishers, did you do that voluntarily?

A. Yes, I did it voluntarily. I wanted him then as much as I do now. I did it all on my own.

(TR Page 17, Lines 11 through 14)

Q. Have you ever seen him?

A. I haven't seen him - not - that I know that it's been him. Not to my knowledge, I haven't seen him.

(TR Pages 17 and 18, Lines 22 through 5)

Q. At any time before you executed the consent in writing for the adoption of your child by Roger Fisher and Wanda Fisher, his wife, were you personally acquainted with either of them?

A. No, I'd never met them in any way, or I'd never talked to them or seen them or anything.

Q. You knew nothing about them?

A. No, really didn't know anything about them.

(TR Page 19, Lines 13 through 15)

Q. Isn't it a fact that your husband left you because you were pregnant and he claimed that it was not his child?

(TR Page 20, Lines 7 through 18)

Q. What brought about your separation in September?

A. Well, I had no place to go; I felt like I was unwanted around him, because I was pregnant, and he - every weekend, he would go out and stay out late, and the fact that I was pregnant and no one knew about it except myself, that was enough, rather than to have him treat me the way that he was; and I felt that it was because I was pregnant. He was working, but he couldn't manage his money; he couldn't save money, and we were living with his mother and his brother.

(TR Page 22, Lines 6 through 24)

Q. After you came back from Tennessee, did you then discuss for the first time your situation with your sister, Mrs. Marilyn Bradley?

A. Yes.

Q. Did you ask her to help you?

A. Yes, I told her; I had no one else to turn to and I felt like she could help me in the situation that I was in.

Q. You were not living with your husband the first time you talked with your sister, were you?

A. No.

Q. And the assistance that you requested of your sister was that she help you find a way to have this child adopted after it was born, is it not?

A. They asked me what I was going to do, and I told them I didn't know what to do, except to maybe give the baby up for adoption. They - it's true, they were helping me. They said that they would help me any way that they could.

(TR Page 25, Lines 5 through 25)

A. Yes, he told me that there was a couple that wanted to adopt, because they didn't have any children, and they couldn't have any children, and because they didn't want to go - to wait through an agency. They usually have a list in adoption agencies.

Q. After your brother-in-law, Mr. Bradley, told you that, did you request that he work out some arrangement with this couple that he knew of that wanted to adopt a child?

A. Well, between the two - the agency in Lynchburg and the private - I did ask - told them that - to go ahead with whatever they had to do.

Q. He didn't tell you who the couple was that was interested, did he?

A. No. No names, nothing.

Q. Did he then later tell you that he had worked out an arrangement with this couple to pay all of your medical expenses over at Radford Hospital at the time you were to give birth to this child?

A. Yes. They were immediately making plans, and I went to Christiansburg to the motel and stayed there.

(TR Page 30, Lines 9 through 14 and 19 through 23)

Q. You had been separated from your husband from the last of September up to five days after your baby was born - is that correct?

A. That's correct - I had talked to him over the phone, he had come over to Narrows to see me a few times.

Q. How long did you live with your husband after that?

A. About a month.

Q. Where did you live during that time?

A. With his mother in Oakvale.

(TR Page 34, Lines 1 through 18)

Q. Well now, you were twenty-one years of age and past, who did pressure you into this, if anyone did?

A. Well, I guess, more or less, it was my husband.

Q. How did he pressure you into it?

A. Because he wouldn't help me. He rejected me, and we would try to talk about it, but he was leaving it up to me.

Q. Do I understand that you were willing to give up your baby, which you did by this consent agreement, in order to keep your husband?

A. That's the way that it was in the beginning, yes. I mean, I worshipped the ground he walked on; I couldn't stand the thoughts of destroying a marriage, I mean, the fact that I was pregnant, that was bad enough, rather than to immediately go into a divorce after only being married six months.

(TR Page 37, Lines 4 through 16)

Q. He left you, you say, about a month after that, since then, you've been at "loose ends" so to speak, have you not? Haven't you gone from job to job - place to place?

A. No, I've been living in the same place. I have had two or three different jobs, but the fact that I've had other things on my mind has kept me from doing the best at my job, and things just keep getting worse - piling up - that's the way that things have been. People ask me questions, and I try to give them the best answers that I could, and it's true - I have been on "loose ends," but I'm not on "loose ends" any more. I mean, I've got my grounds.

(TR Page 41, Lines 15 through 19)

A. A week. Well, really, I wasn't really running away; I needed to get away from all my surroundings and the people I had contact with, and I just needed to get away for a while to try to think and straighten myself out.

(TR Page 52, Lines 5 through 25)

Q. Well, you say that you are going to get another job, you've been out of a job for a few days and you said you are going to get another job - who would care for this child, if you had to work to support it?

A. Well, I can - my mother can care for it.

Q. But your mother lives over above Peterstown in Monroe County, West Virginia.

A. That's true, she does. She can care for it; I have neighbors all around me who can take care of him while I'm working.

Q. Neighbors in the trailer court?

A. Yes.

Q. Well, you realize that if you obtain this child by an order of this Court, that you've got to support the child?

A. Yes. I'm very well aware of that; I'm ready and willing to do it.

Q. And you're ready and willing to work and support the child?

TESTIMONY OF WANDA FISHER

(TR Page 124, Lines 15 through 21)

Q. How long have you worked with the Department of Social Services?

A. I graduated from College in August of '68, and I went to work for the Welfare Department in October of '68; I have been there five years - or it will be five years October the 1st. This is the only job that I have had.

(TR Page 176, Lines 1 through 9 and 18 through 25)

A. There's a church not quite a half a mile from the apartment building; there's a brand new school which is building just two blocks away from us. Mt. Tabor Nursery, where the children will be going, is approximately a half mile from our home. We're not less than two or three blocks away from the main business district in Blacksburg, so there's easy access to any type of community facilities they need.

A. It's a wonderful community; it has everything for your children imaginable. It has the new teen teaching for children; it has the best of the nurseries - schools there when they're ready for them.

Q. How much income do you make per year, Mrs. Fisher?

A. My income is approximately $7,800.00 a year.

(TR Page 177, Lines 1 through 6 and 14 through 25)

Q. How much income does your husband have, per year?

A. Approximately $6,200.00, I'm not sure, I say approximately, plus he is eligible for veterans' benefits, which is approximately three hundred and some dollars per month.

A. Right. And the children do have a college fund of over $1,000.00 each and both have their own savings accounts, and they both have their own trust funds.

Q. Do you carry hospitalization insurance on your children?

A. Yes sir. We have Blue Cross Blue Shield, and we have life insurance on both children.

Q. Do you plan to continue to build the college funds for your children?

A. Yes sir. There is an automatic $1,000.00 put in that school fund for that child every year - for both of the children.

(TR Page 178, Lines 5 through 24)

Q. Is your oldest son well adjusted to your home?

A. So much so you can't leave him with anyone else. He is - well, most of his life is his father. He is very much devoted to Roger, as well as to his younger brother - they are very close, their relationship is; Christopher

is not a type child who will make up with strangers. He is the type child that we have only been able to leave with approximately four people, since the day he was born, because he will not make up with other people. He is a distant child, as far as meeting strangers. He is a very loving child; he is very devoted to his younger brother. Completely so. As I have said before, we cannot separate the two, even to put them in different nurseries. They have grown up together; that's all they know. They're used to two play pens, to two cribs, two little horses to ride around - two everything for them, because this is all they've known.

TESTIMONY OF MARILYN BRADLEY

(TR Page 135, Lines 8 through 11 and 15 through 17)

Q. What business are you and your husband engaged in here in the County?

A. We have an insurance agency. Bradley Insurance Agency.

Q. Mrs. Bradley, are you the sister of Mrs. Harry, the Petitioner, in this action?

A. Yes, I am.

(TR Pages 140 and 414, Lines 22 through 2)

And then she was aware that she had the ten days afterward to change her mind, still, if she wanted to. And then she came home from the hospital on Friday, and Donnie Ray came and got her on Saturday morning with her clothes and everything, so she moved back in with him.

(TR Pages 143 and 144, Lines 6 through 6)

A. She kept saying she just wanted to get it over with - just get it over with so she could get on back to her husband.

Q. Did she ever desire to see the child after it was born?

A. Well, she was in a room by herself at the hospital, and she - she never made any mention of it.

Q. You were there with her most of the time?

A. Yes, I went and visited her frequently.

Q. And you brought her home from the hospital?

A. Yes, I did.

Q. Did she show any desire at all to see the child or to change her mind during this ten day period that existed after the child was born?

A. Well, she went back with him on Saturday, and she didn't - the only thing was, she knew at the end of ten days that they were coming to see you to sign the papers, and she didn't make any comment either way - I don't recall, but I don't believe I talked with her during this time; but we had made it specifically clear that she had the ten days to think about it, or re-consider if she wanted to, and she never made any indication to us.

(TR Page 145, Lines 17 through 24)

Do you believe that your sister is the type of person with the stability, which she should have, to raise a child of this age now?

A. No, I don't really. Because I have seen the child, and I have freedom to visit the child whenever I want, and I have seen the child's home environment, and it's a perfectly, happy little normal child.

(TR Page 146, Lines 2 through 24)

Q. Describe to the Court the type of home that the child is in now.

A. Well, it has a mother and father who love it dearly, and the home surroundings is just ideal. I can't see pulling it from its home and putting it in a situation where it is shaky, as to who would take care of the child, who would support the child - because a child is very expensive.

Q. I believe this child has been sick quite a bit since . . .

A. The child has had numerous medical bills, and they have stood by it, stayed up at night to take care of it; and I just can't see taking it from a happy home.

Q. And you have visited in this home often?

A. I have.

Q. You can tell the Court that it is a very happy home?

A. I can. Definitely.

Q. Are the Fishers devoted to the little boy?

A. Very much so.

(TR Page 147, Lines 4 and 5)

Q. The child is devoted to them?

A. Very much.

(TR Page 151, Lines 18 through 20)

Q. And you tried to help her?

A. And I tried to help her in the way that she wanted me to - 'cause she was over twenty-one.

TESTIMONY OF ROY BRADLEY

(TR Page 160, Lines 5 through 15)

Q. That is what I mean. Could you see and feel affection and love from the Fishers for this little boy?

A. Yes sir, I can.

Q. Does he have that feeling of love and affection for them?

A. Yes sir.

Q. Is it a good home?

A. Yes sir, I would say so.

Q. Do they properly care for him?

A. Yes sir, I'm sure they do.