

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

DISTRICT COURT DIVISION  
08 CVD 12310

GARRY D. RENTZ AND DONNA A. )  
RENTZ AND KRISTA C. LISTER, )  
Plaintiffs, )  
v. )  
BRADLEY COOPER, )  
Defendant. )

**AFFIDAVIT OF  
GINGER C. CALLOWAY, PHD**

Dr. Ginger C. Calloway, being duly sworn, deposes and says:

1. I am over eighteen years of age and competent to testify to the matters set forth in this Affidavit.

2. I am a licensed psychologist, licensed to practice psychology in the State of North Carolina, and I have been licensed continuously since 1972 at the masters' level and since 1981 at the Ph.D. level. My license number is 935.

3. I have been in an independent private practice for 25 years in Raleigh, N.C., as a clinical and forensic psychologist. At the present time, my practice is primarily forensic in nature. Plaintiff's counsel in this case approached me about service as an expert witness.

4. In my capacity as forensic psychologist, I have performed hundreds of evaluations for the Court, have been qualified as an expert witness over a hundred times in multiple District, Superior, and Federal Courts, and have served as consultant to numerous attorneys as an expert.

5. The evaluations I have conducted for the Court include but are not limited to comprehensive child custody evaluations. I have conducted hundreds of comprehensive child custody evaluations to the Court for roughly 22 years. Many of these evaluations include allegations of domestic violence and child abuse, about which I am required as the Court's expert to fully investigate and to reach conclusions.

6. A review of my Curriculum Vitae is attached and provides documentation of continuing education I have received in this area of family relations.

7. In my practice, I have evaluated and treated victims of trauma of varying types, including children of divorce, battered women, emotionally and psychologically abused adults and children, victims of sexual abuse, and victims of attempted homicide.

8. The facts as I know them in the current case include that there are two female children, ages 2 and 4, who are the subject of the current custody action.

Custody action was begun in the spring of this year with ongoing negotiations between the biological mother and biological father of these children regarding their custody. A determination of custody was not arrived at as a result of these negotiations. The mother of the children is recently deceased, her death has been classified as a homicide, and there have been no charges filed against any suspect(s). The maternal grandparents and maternal aunt have filed an emergency action for custody and were awarded emergency, temporary custody. I understand that these third parties would like to have temporary custody of the two children. I understand that there will be a hearing for temporary custody on Friday, July 25, 2008. At this time, the Court will decide what custodial arrangement is appropriate under the circumstances. I have met none of the parties in this action.

9. In the Findings of Fact issued by the Court in its Ex Parte Emergency Custody Order, the order notes that a neighbor and not the biological father of the children reported his wife missing. The father also did not contact his wife's family regarding her disappearance. The order states the father attempted suicide as a teenager and threatened to commit suicide in the winter of 2008. The order notes that the father has a history of emotional instability and faces intense scrutiny as a result of the ongoing criminal investigation of his wife's death. In the Order, the court notes that the father of the children has acted inconsistently with his constitutionally protected status as a parent to the minor children.

10. I was asked my opinion about an appropriate custodial environment for children who have experienced similar traumas to these children.

11. I have reviewed the following documents in preparation of this Affidavit:  
Complaint and Motion for Emergency Custody Order  
Ex Parte Emergency Custody Order

12. For children who have suffered the kind of loss these children have suffered, a major consideration is their safety. This kind of loss is traumatic to children and confusing to children of the age of these children. They simply must be in a custodial environment where they are safe. This includes their physical safety where they will not suffer harm or threat of harm of any type. They also need a safe, trusting emotional environment where they are safe to disclose their fears and knowledge about the death of their mother. Without further investigation and evaluation, it is not known at the present time what the children may have witnessed or heard regarding the death of their mother. This is important to know for the long term adjustment of the children to this obviously significant loss and trauma. It is also important that the court provide the children with a physically and emotionally safe environment in the meantime such that the children can feel safe to disclose what they know.

13. In a general way, children suffering from traumatic events require stable, nurturing and supportive custodial environments where caregivers are open to trauma specific interventions. Such interventions require that caregivers also understand their own feelings and behaviors that are a result of the trauma and how these affect or may

affect the children. Trauma specific interventions are provided by experts in trauma and will, in most if not all cases, involve active participation by caregivers.

14. In addition, children suffering from traumatic events require caregivers who can give them complete and undivided attention to their needs, fears and other behaviors that result from the trauma. This means that caregivers must be willing to educate themselves about trauma related behaviors through immersion in trauma specific interventions. They must also have the time to devote to children such that they are not distracted by their own life circumstances and/or emotional states. They must not be distracted by circumstances and from a personality perspective, they should be sensitive to children's needs and feelings.

15. If the facts are as I know them to be from my review of records, I have concerns for the safety, well being and welfare of these young children that include the following.

16. It is not known what if anything the children may have witnessed about their mother's murder. An emotionally safe, supportive environment is essential for potential disclosures. In addition, a carefully planned, professional forensic evaluation of the children is in order.

17. If the father of the children is under intense scrutiny because of the criminal investigation and attendant media scrutiny, I am concerned that he will of necessity be overly attentive to his own defense and not able to adequately attend to his children's needs and feelings as they require. Especially as these are young children, their behaviors indicating effects of trauma may not be obvious or make sense. Because they are young children, their demands and needs require immediate attention. Appointments with a trauma expert or trauma specific team of professionals may of necessity not be a priority or even possible for this father. Further, absent his involvement in her death, the death of his wife may be sufficiently distressing to him to make him emotionally unavailable to his children.

18. If relatives of the father are also intensely concerned with the scrutiny of him regarding the criminal investigation, I am concerned that the children will not receive complete attention to their needs. If the children have witnessed or remember any details just prior to their mother's death that would be useful in their treatment by a trauma specialist, this same information could be damaging or incriminating to their father, even if he is not found guilty of his wife's murder. The children's memories could be confusing for family members and upsetting, without a complete understanding of the mechanisms of children's memory and trauma. Therefore, for them to be in the custody of their paternal grandparents places them at potential risk for not fully disclosing memories if the children perceive these could harm their father or if family members perceive these could harm the children's father.

19. The court has found that the father of these children has a prior history of suicide attempts. If this is true, I am concerned with the emotional well being of the

father to which he would of necessity need to attend. This would make his complete emotional availability to his children very unlikely. I am also concerned that the criminal investigation, media scrutiny and murder of his wife may make him generally less emotionally robust than usual. If that were the case, his stability for the children would be at risk. From what I have read and reviewed, a forensic evaluation of the father with comprehensive, psychological testing would assist the court in determination of permanent custody.

20. In my opinion and if the facts are as I believe them to be, a mental health evaluation of the father should precede contact with the children. This is a conclusion I draw because of risk to the children in the ways I have previously outlined, particularly as regards memories the children may have that would be helpful for their recovery from trauma.

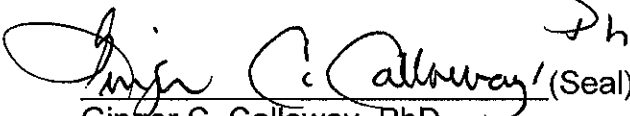
21. From what I have read and reviewed and given the recent murder of their mother, more information about the children and any caregivers are needed prior to determination of permanent custody.

22. It is my understanding from the Complaint and Motion for Emergency Order that Plaintiff Garry Rentz previously served as the executive director for Alberta Social Services for five years in Alberta, Canada. If this is factual information, then he is most likely in a position to obtain services necessary for a trauma specific intervention for these children.

23. In my professional opinion, for the children's welfare, safety and well-being, their caregivers need to be emotionally accessible to them, sensitive to their needs, and willing to engage in a trauma focused intervention, especially when this requires their active participation. They should have the time to devote to the children with minimal distractions and should be emotionally stable, physically and emotionally supportive and highly nurturing.

24. Further affiant saith not.

This the 23 day of July, 2008

  
Ginger C. Calloway, PhD (Seal)

STATE OF NORTH CAROLINA

WAICE COUNTY

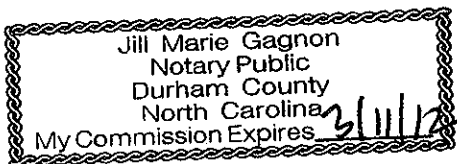
Sworn to and subscribed before me this day by Ginger C. Calloway, PhD. I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NCIDL.

Date: 7/23/08

Jill Marie Gagnon, Notary Public

Jill Marie Gagnon  
(Printed Name)

(Official Seal)



My commission expires: 3/11/2012