



**IN THE CIRCUIT COURT OF DEKALB COUNTY, ALABAMA**

<b>JESSICA STALLINGS,</b>	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE NO. DR 2009-900024</b>
	)	
<b>LENION BARNETT. Jr.</b>	)	
<b>DEFENDANT.</b>	)	

**PLAINTIFF’S FOR PENDENTE LITE CUSTODY**

Comes now Plaintiff, by and through undersigned counsel, and moves this Honorable Court for pendente lite custody and as grounds states as follows:

1. This Court stayed this matter pending a ruling by the Court of Civil Appeals. The Court of Civil Appeals issued an opinion April, 20, 2018 reversing and remanding the case;
2. The Final Decree of Divorce in this matter awarded custody of the minor children to the Father, with the Mother having visitation;
3. There has been a material change in circumstances since that Order, to-wit: the Mother has had primary care, custody, and control of the minor children since 2012; the Father was diagnosed with mental health issues and had criminal charges that resulted in a finding that the Father was mentally incompetent; the Father is reportedly taking medication for the diagnosed mental health condition, but is not under the care of a mental health professional; the Father is currently under investigation for felony sexual offenses committed against the Mother when she was a minor; the Father was stripped of custody of children he has with his current live-in girlfriend whom he previously divorced; at least one child has medical and/or psychological issues for which the Mother has been seeking assistance; the

circumstances that have been recently disclosed regarding the relationship that resulted in the birth of these children was encouraged and condoned by the Father's family and occurred at the approximate age of these children, causing great concern for what these children may be exposed to with the Father and his family -- the Mother has little to no contact with that family any longer; other circumstances which will be borne out and disclosed through the course of this action.

- 4. The Mother is the most fit and proper person to have care, custody, and control of the minor children pending the Court's action in this matter on the Mother's motion to void the original decree of divorce and annul the marriage as void ab initio.

Wherefore, premises considered, Plaintiff prays this Honorable Court will award primary care, custody, and control of the minor children to the Mother, pendente lite.

Respectfully submitted this 24 day of April, 2018.

STATE OF ALABAMA  
COUNTY OF DEKALB

Before me, the undersigned Notary Public in and for said County and State, personally appeared, JESSICA STALLINGS, who being duly sworn, deposes and says that she has personal knowledge of the facts set forth in the foregoing Motion for Pendente Lite Custody and that the same are true and correct to the best of her knowledge, information, and belief.

*[Signature]*  
JESSICA STALLINGS

Sworn to and subscribed before me on this the 24 day of April, 2018.

*[Signature]*  
Notary Public

My Commission Expires 02/12/2020



/s/Tanya D. Hallford  
Tanya D. Hallford [HAL078]  
Leigh Daniel & Associates  
Attorneys for the Plaintiff

2306 Starmount Cir SW  
Huntsville, Alabama 35801  
(256)-551-0500  
tanyahallford.attorney@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify I have serve a true and correct copy of the foregoing pleading on counsel for Defendant via the Alafile system on the 24 day of April, 2018.

/s/Tanya D. Hallford