

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE DISTRICT COURT DIVISION
08 CVD 17753

VENESSA MILLS,
Plaintiff,

v.

THOMAS MILLS,
Defendant.

TEMPORARY CUSTODY ORDER

THIS MATTER having come before the Honorable Ned W. Mangum on March 2, 2009, on the issues of temporary child custody, Plaintiff was present in the courtroom and represented by her attorney, Kathryn Schiller of Schiller & Schiller, PLLC. Defendant was present in the courtroom and represented by his attorney, Jaye Meyer of Tharrington Smith, LLP. Both parties have reached an impasse and have come to this Court and requested that the Court make decisions regarding the custody and education of their three (3) children. The Court, having heard and considered all the evidence presented and arguments offered by each party, makes the following:

FINDINGS OF FACT

1. Plaintiff is a citizen and resident of Wake County, North Carolina, residing at 4401 Sprague Road, Raleigh, Wake County, North Carolina 27613 and has been a resident of Wake County for at least six months preceding the commencement of this action.
2. Defendant is a citizen and resident of Wake County, North Carolina, residing at 4401 Sprague Road, Raleigh, Wake County, North Carolina 27613.
3. The parties are currently husband and wife, having been lawfully married to one another on the 7th day of May, 1994 in Maricopa County, Arizona.
4. There are three (3) children born to this marriage, to wit: Dana Elizabeth Mills, born June 1, 1996; Jason Thomas Mills, born September 12, 1997; and Daniel Robert Mills, born March 12, 1999.
5. For the past eight (8) years the minor children have resided with the parties at 4401 Sprague Road, Raleigh, Wake County, North Carolina 27613.
6. Venessa and Thomas Mills were happily married for many years. Mr. Mills described the relationship as "one that got better and better" and that "we had a strong and happy relationship and an active and satisfying life together with the children. We went on family outings together,

enjoyed home projects and went on weekend trips and had common interests." They have a combined household income of more than \$120,000.

7. Dan Lewis, Venessa Mill's father, under oath stated "my observations show me that the children love both parents and both parents love them." He goes on to say that "he had seen few men that were a better parent and father than Tom. It is very apparent that Dana, Jason, and Daniel adore their father." Others correctly describe Venessa as a mother who cares deeply for her children.

8. Both parents have always been devoutly religious and were members of a local church. Both parents raised their children to be spiritual and regularly attended Triangle Church together as a family.

9. In 2005, their relationship began to change. This was simultaneous to Ms. Mills joining the Sound Doctrine Church in a small town in Washington State.

10. Venessa Mill's mother Dawn Lewis, Venessa's father, Dan, and Venessa's sister Danielle, expressed to this Court under oath that "they are concerned about Venessa's involvement with Sound Doctrine and are particularly concerned about the affect on the children." The Court finds this is a credible statement.

11. Sound Doctrine is led by Tim and Carla Williams of Washington State. The church has a very small membership and does not have a traditional building in Wake County. In numerous sworn affidavits submitted to the Court, witnesses describe this group as a "cult". The Williams' encourage members to call them variations of mom and dad. Vanessa Mills does this. Her children refer to the Williams as variations of grandma and grandpa. Ms. Mill's offered into evidence a picture of Carla Williams labeled "Mom". Carla Williams states in an affidavit that the "children look to her as a grandmother."

12. Tina Wasik, a former member of Sound Doctrine, submitted to this court under oath, that "Sound Doctrine is not a healthy place for kids to grow up it is run by fear and manipulation. Timothy and Carla manage to ruin relationships between man and wife and parents and kids. They constantly test people's commitment by asking them to give more and more if you don't give to them then you don't love God enough, that's what you are told. People are constantly beaten down mentally and live a miserable existence..."

13. Ms. Wasik goes on to say that "Our family was involved with Sound Doctrine Church for just over two years and in that time we suffered so much mental abuse at the hands of Timothy Williams and his wife Carla. We were also harassed often to give money"

14. Ms. Wasik adds "It took our family two years to recover from the abuse, and begin to live a normal life again and I would plead with anyone that has the power to keep children out of this evil cult to exercise that power. Please don't let more children suffer at the hands of this evil manipulative couple that dare to call themselves God's workers."

15. Mothers, who are former members of Sound Doctrine, provided under oath to this court that Timothy Williams made several inappropriate sexual comments about girls as young as 4 years old. Jessica Gambill, yet another former member of Sound Doctrine and a personal acquaintance of Venessa Mills, provided under oath that the leaders of this group condoned a "boot camp style regimen" that involved waking children as young as 4 up in the middle of the night screaming at them to do push-ups.

16. Once Venessa Mills joined Sound Doctrine, Thomas and Venessa's relationship changed. Mr. Mills stated "that it was to the point that Venessa Mills became unrecognizable as the person I had married. She withdrew emotionally from me." The Court finds this as a fact.

17. Thomas Mills described that the change as "Venessa stopped communicating with me in any meaningful manner; instead, her responses to me began to consist almost exclusively of quoting scripture or parroting Sound Doctrine religious rhetoric. It became clear to me that our marriage relationship did not matter to her anymore, and she even told her own family members that she did not consider herself married to me." The Court finds this as a fact.

18. Dawn Lewis, Venessa Mills' mother, described under oath how on occasion, "Her grandchild Dana has looked fearful and anxious in the presence of Venessa Mills" and that she "told Venessa that she supports joint custody with Tom and that she is very concerned about the children's safety and emotional stability." The Court finds this as a fact.

19. Dan Lewis, Venessa Mills' father, swore in an affidavit that during a trip to see his grandchildren he "noticed that Vanessa was very domineering with the children, Tom, and us." He also noted on another occasion that "his grandchild Dana was exhibiting signs of extreme strain by having a cold wet, clenched hands and watching her mother every minute to see if her mother would verbally object." The Court finds this as a fact.

21. Dan Lewis summed up his opinion of this family by writing "the observed difference is that Tom unconditionally loves them while Venessa strongly controls them. The personal note here is that as Grandparents, we are very concerned about our Grandchildren for their future." The Court finds this as a fact.

22. Shanna Winkler-Hanson, lifelong friend of Venessa Mills, stated in a sworn affidavit that "not only were we in each other's wedding, we were each other's maids of honor". She goes on to say that, "Because of my friendship with Venessa Mills, it is extremely hard for me to make this affidavit, but I want to make the court aware of my concern for the Mills children. In the last four years, since her joining the Sound Doctrine church, Venessa has pushed her loved ones away. She has become more and more distant with me. We used to be in frequent contact, now we only speak a few time a year. She rarely calls me, so we only speak when I call her. I also know that Venessa has distanced herself from her parents and her sisters who live in Arizona." She also points out "I observed that Venessa's children were withdrawn more than I would expect from children of their ages. Whenever they were spoken to, they looked at Venessa as if seeking permission to answer or guidance on what to say. From what I observed, it was apparent

to me that Venessa has an extreme amount of control over the children." The Court finds this as fact.

23. Lastly, Ms. Winkler-Hanson states "I am concerned that the Mills children are secluded and isolated. The behavior of the Mills children when I saw them in June 2008 was alarming to me." The Court finds this as a fact.

24. Rebecca "Becky" Gifford has been a good friend of Tom, Venessa, and the children since 2001. She provided a sworn statement that "I'm writing this letter in hopes that Venessa can get some counseling and help from someone outside of this group. I am also deeply concerned as to what will happen if Tom is put out of his house as I do believe that Venessa will make a run for Washington and take the children to this unhealthy church and totally prevent Tom from seeing the children or "not be home" when he goes to see them." The Court finds this as a fact.

25. Paul Platt has known both parents for many years. He wrote under oath that "I truly believed that this cult has brainwashed her into thinking and believing what she believes today. If someone could just get her out of it and let her see it from another perspective their marriage could be saved and Tom could have his best friend back."

26. Penny Sinak, another former member of the church stated in a sworn affidavit that "over the years, since we "escaped" from Sound Doctrine (and I mean that...it is very cult-like and manipulative), I have really had a heart to try to help other people who got out, but felt lost and alone. SD uses several techniques to really drive a wedge between members and their families."

27. Jessica Gambill, stated under oath that "Venessa Mills has told me that she would like to move to Washington, but that "It's not God's will right now." The Court finds this as a fact.

28. She added, "After I joined Sound Doctrine, Tim Williams told me that my oldest daughter (then age 12) was the kind of girl men would take advantage of, that my middle daughter (then age 7) was the kind of girl that would sleep with any guy, and that my youngest daughter (age 4) was the kind of girl that would use her looks to seduce men."

29. Tina Wasik also added "Timothy once told us that our daughter Jessica was the type of girl who would probably end up trying to seduce a Pastor. She was 7 years old at the time!!"

30. Further Jessica Gambill stated in her affidavit that "Mr. Williams directed me to develop a "boot camp style" program to instill better manners in my children. The point of this program, according to Mr. Williams, should be to "break" the children and to establish my authority as a parent, so that the children would obey me right away. The program that I ultimately devised, and that Mr. Williams approved, involved waking the children up in the middle of the night to do push-ups and physical exercises, and screaming at them "boot camp style." This program lasted approximately one month. My children were ages 11, 7, and 4 at this time. During this month of "training", my middle child became stressed out to the point of throwing up. When I informed Mr. Williams that she was stressed out and needed to lie down and rest, he told me that she did not need rest, but she needed to work and that I needed to "break her."

31. The Plaintiff has offered and the Court has considered affidavits filed by leaders and members of Sound Doctrine and by Ms. Mills that adamantly deny accusations brought to this Court by its former members. They collectively state that the former members of the church have a bias and are untruthful.
32. Thomas Mills stated under oath to the Court "I believe the children fear the Plaintiff in an unhealthy way. The most striking example of this occurred within the last year with Daniel. The children were in the kitchen doing dishes and Daniel asked for permission to go to the bathroom. Ms. Mills said that Daniel had to stay and finish the dishes. Instead of going to the bathroom, Daniel urinated in his pants right there in the kitchen, soaking the floor. The experience was humiliating for Daniel." The Court finds this as a fact.
33. Since joining Sound Doctrine, Venessa Mills has taken the children to Washington State for up to 2 weeks every year. She has also taken her children on trips with Tim and Carla Williams.
34. Simultaneous with Venessa Mills' decision to join Sound Doctrine in 2005, she began to consider withdrawing her children from public school. The parents had several discussions about the issue and ultimately Mr. Mills agreed to temporarily home school the children during their early years.
35. Thomas Mills stated "I made it clear to the Plaintiff I objected to our children being removed from the public schools." I felt strongly that the children needed the learning experience of being in the real world. Rather than sheltering the children, I wanted them to learn about how to socialize within their peer groups, how to deal with peer pressure and to have a firm foundation for their future social relationships" He later added "I finally gave in and consented to Ms. Mills, home schooling the children for a short period of time. I felt it would be okay in their early years to learn the basics of reading, writing and math at home."
36. The Court finds that no time did Mr. Mills agree that home schooling would be permanent arrangement.
37. It is clear to this Court that all three children are intelligent and have thrived academically by performing at grade level while in home school and have participated in valuable extra curricular activities, as evidenced in sworn affidavits submitted by Elaine Forman, Cathy Jones, Cynthia Vedder, Maria Mauriello, Carmen Revels, and Matthew Finnerman. These include swimming, piano lessons, history clubs and trips to educational sites.
38. As stated in open Court, the Court further encourages both parties to continue these extra curricular activities.
39. The Court finds as fact that part of the daily activity of the minor children includes the immersion into Sound Doctrine, through frequent communication via phone and web cam with people in Washington State. Thomas Mills expressed his concern for this. He stated that he was

unaware of Sound Doctrine instruction from a member in Washington State when it occurred during time devoted to school curriculum. He stated in part that "I am concerned about this because they are directly targeting my daughter." The Court finds this as a fact.

40. Mr. Mills provided and the Court finds that he "became completely miserable in the marriage and it had been clear to me for months that the marriage was ending. He attributed this to Ms. Mills involving herself and our children in the Sound Doctrine Church to such a degree that our entire household was turned upside down. She became unrecognizable as the person I married, and, in the name of her religion, she distanced herself from me. I have been distressed for several years about the state of the marriage, and I have given her numerous warnings that the marriage would end if she continued down the path of valuing her religious group over the marriage." He began to spend less time in the marital home and had an inappropriate sexual relationship with Kathy Dahlia. Venessa Mills has expressed appropriate concern for his transgressions.

41. Thomas and Venessa are not physically separated. By stipulation of the parties, Mr. Mills has agreed to move out of the marital residence and into an appropriate house very nearby.

42. Even though Mr. Mills has a good job, no criminal record, no history of substance abuse or domestic violence, Ms. Mills has asked this Court to enter several orders that include:

- Limiting Mr. Mills from having any overnights visits with his children.
- Limiting Mr. Mills from seeing his children to a total of 9 hours a week.
- Removing all decision making authority away from Mr. Mills related to education and religion.
- To not allow Mr. Mills any regular visitation on Sundays.
- Limiting Mr. Mills' phone calls to the children to only those that are scheduled beforehand.
- To order that Mr. Mills to not allow the children to have contact with any ex-Sound Doctrine members or anyone hostile to the organization.

43. Based on all of the evidence, the Court finds that Ms. Mills engaged in behavior that alienates the minor children from their maternal grandparents, their aunt, and most importantly their father. The Court also finds that the affidavits of Venessa Mills' parents, sister, and lifelong friends are credible as they have known her for many years.

CONCLUSIONS OF LAW

1. The Constitution of the United States and the laws of the State of North Carolina guarantee that **both parents have equal rights regarding the upbringing of a minor child.**

2. **Only when two parents reach an impasse and have specifically asked the Court to make these decisions for them can the Court do so. These parties have reached that impasse and both parties have asked the Court to decide the issues in this case.** In this case, the

mother wants full custody and for the children to continue home schooling. The father wants custody and for them to attend public school.

3. Therefore, North Carolina law mandates that this Court shall make this decision based on the best interest effecting the health, safety, and welfare of the minor child.

4. It is clear based on the evidence and the credibility of the witnesses that these parties did not agree to allow these children to be permanently homeschooled. In particular the Court finds the sworn affidavits filed by Venessa Mills' parents; Venessa Mills' sister and Venessa Mills' lifelong friends are the most credible and informative to the dispute.

5. It is also clear to the Court that it is in the best interest of these minor children based on all of the evidence presented that Mr. Mills, a father with equal rights, should be allowed to expose the children to more than just the experiences that Venessa Mills desires. As previously stated in open court, while this Court clearly recognizes the benefits of home school- and any effort to characterize it differently is incorrect, it is Mr. Mills request to re-enroll these children back into the public school system and expose them and challenge them to more than just Venessa Mills' viewpoint.

6. This Court agrees that it is in the best interest of all three children that they shall return to public school. As stated in open court, it would not be appropriate to make this change before the end of the school term. Any such moves for minor children can be a difficult one that should be minimized by allowing the children to transition back to public school in the fall of 2009.

7. Contrary to Ms. Mills' requested relief, **this Court can not and will not infringe upon either party's right to practice their own religion and expose their children to the same.**

8. In doing so, these children will have the capacity to accept or reject the beliefs of either Venessa Mills or Thomas Mills as they mature into adulthood.

9. This Court has personal and subject matter jurisdiction to enter this Order. North Carolina is the home state of the minor child. The children's best interests will be served by implementing the temporary legal and physical custody arrangements set forth below. The parties are financially able to comply with the custody evaluation and mental health assessment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The parties shall have temporary joint legal custody of the minor children. The parties shall have equal decision making authority with regard to the children, and the parties shall communicate and cooperate in making major child rearing decisions for the children, including decisions regarding the health, education and general welfare of the children. Each party shall be entitled to all medical records regarding the children, and each party shall be entitled to communicate with any health care providers providing services to any of the children. Each party shall be entitled to all educational records regarding the children, and each party shall be entitled to communicate with any educational provider providing services to the minor children.

Each party shall keep the other informed, in advance, of any medical or educational appointments regarding the children, and each party shall be entitled to attend all such appointments. Each party shall communicate promptly to the other in the event that any of the children suffers from an illness or an injury.

2. The parties are not expected to, nor are they ordered to make joint religious decisions on the part of the children. Each party shall be entitled to practice his or her religion in the manner that he or she sees fit during his or her custodial times with the children. Each party is entitled to take the children to any religious activities that he or she desires during his or her custodial time.
3. Each party shall support the children's relationship with the other party, and neither party shall disparage the other party in the presence of the children, nor shall either party do anything to impair the children's natural affection for the other parent.
4. The parties shall share temporary physical custody of the children, as follows:
 - (A) The parties shall each have the children for alternating one-week periods, with exchanges to be at 6:00 p.m. on Friday evening. Defendant is moving from the marital residence by March 15, 2009. Defendant's first one-week custodial period shall begin Friday, March 27, 2009, at 6:00 p.m.
 - (B) For so long as the children continue to be homeschooled, Defendant shall also have the children for a Wednesday evening visit during Plaintiff's custodial week. That Wednesday evening visit shall begin at 5:30 p.m. and end at 8:00 p.m., and Defendant shall feed the children dinner during that visit.
5. At such time as the children begin attending public school, Plaintiff shall begin having a Wednesday evening visit during Defendant's custodial week. That Wednesday evening visit shall begin at 5:30 p.m. and shall end at 8:00 p.m., and Plaintiff shall feed the children dinner during that visit.
 - (C) For Thanksgiving in even-numbered years Plaintiff shall have the children with her from the end of school on the Wednesday before Thanksgiving Day until 6:00 p.m. on the Sunday after Thanksgiving Day. Defendant shall have these times in odd-numbered years.
 - (D) Except for Thanksgiving, the Court makes no specific provision for holidays, and each party shall have the children for all holidays that occur during that party's regularly scheduled custodial weeks.
 - (E) The parties may deviate from the above physical custody schedule if mutually agree in advance.
6. The transportation for custody exchanges shall be that the parent whose time with the children is beginning shall pick the children up at the other party's residence at the appointed time.
7. The children shall continue to be homeschooled by Plaintiff through the end of this school year. For purposes of this homeschooling on Monday through Friday during Defendant's custodial weeks, Plaintiff shall pick the children up from Defendant's residence by 8:00 a.m., and


Defendant shall pick the children up from Plaintiff's residence at 6:00 p.m.

8. Beginning at the start of the 2009-2010 Wake County Public Schools instructional year, the children shall begin attending public school. The parties shall cooperate to enroll the children in public school so that the children begin public school on the first day of the school year. Unless the parties otherwise mutually agree, the children shall attend Leesville Elementary School and Leesville Middle School. Both of these schools are on a year-round schedule for the 2009-2010 school year. The parties shall cooperate to take all steps to get the children enrolled in these schools and to request that all of the children are on the same track.
9. Neither party shall take the children outside of the state of North Carolina without providing at least thirty (30) days advance written notice to the other party.
10. Neither party shall move his or her residence without at least forty-five (45) days advance written notice to the other party provided, however, that Defendant has agreed to move from the marital residence on or before March 15, 2009.
11. Each party shall keep the other party continuously informed of his or her home telephone number, residential address, cell phone number, and work address and work phone number. Each party shall communicate any changes in any of the above contact information to the other party immediately.
12. Each party shall be entitled to have reasonable daily telephone contact with the children while the children are in the physical custody of the other party (except during the Wednesday evening visits described in paragraph 3(B) above). Each party shall facilitate such telephone contact between the children and the other parent.
13. Pending further orders of the Court, the children shall have no contact with Kathy Dahlia.
14. Upon concern shown by Plaintiff's family and friends, Ms. Mills' shall have a mental health assessment. Such assessment shall begin within thirty (30) days after the entry of this Order. Plaintiff shall provide the assessor a copy of this Order and copies of all affidavits submitted to the Court by both parties in connection with this temporary hearing. The assessor is specifically ordered to read all of said affidavits. The assessor shall make a written report of the mental health assessment, and Plaintiff shall ensure that a copy of said written report is submitted to Defendant within five (5) days after completion of the report. The parties shall each be responsible for one-half of the cost of Plaintiff's mental health assessment. If Ms. Mills so desires, she may submit to this assessment as part of the custody evaluation. If she so desires, she must give written notice within 30 days of the entry of this order.
15. The Court orders that there shall be a comprehensive custody evaluation of the parties and the children, to begin as soon as reasonably possible. The Court appoints Dr. Helen Brantley and her team at the UNC Forensic Psychiatry Service as the custody evaluator. The parties are ordered to provide to the custody evaluator a copy of this Order and copies of all affidavits submitted to the Court by both parties in connection with this temporary hearing. The custody

evaluator is specifically ordered to read all of said affidavits. Each party shall be responsible for paying one-half of the total cost of the custody evaluation.

16. This is a temporary order without prejudice to either party.
17. The Court retains jurisdiction over this matter for the entry of future orders.
18. Venessa Mills' attorney's motion to withdraw as counsel of record in this case will be considered at a later date.

This the 17th day of March, 2009.



The Honorable Ned W. Mangum
District Court Judge Presiding

CERTIFICATE OF SERVICE

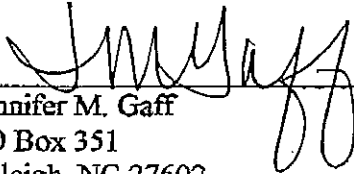
This is to certify that the undersigned has, this date, served a copy of the attached order upon all parties to this case in the following manner:

By depositing copies of the same in the U.S. mail, postage prepaid, addressed as shown below:

Ms. Kathryn Schiller
Schiller & Schiller
5540 Munford Rd, Ste. 101
Raleigh, NC 27612

Ms. Jaye Meyer
Tharrington Smith
PO Box 1151
Raleigh, NC 27602

This the 17 day of March, 2009.



Jennifer M. Gaff
PO Box 351
Raleigh, NC 27602
(919) 792-4883