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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
TRIAL COURT CAUSE NO. D-1-FM-21-004021

IN THE INTEREST OF)
) IN THE DISTRICT COURT
)
)
)
JOSHUA AUGUST GREITENS)
AND) TRAVIS COUNTY, TEXAS
JACOB ALEXANDER GREITENS,)
)
)
CHILDREN) 455TH JUDICIAL DISTRICT
)
)

*** REPORTER'S RECORD ***

On the 28th day of October, 2021, the following
proceedings came on to be heard via Zoom in the
above-entitled and numbered cause before the Honorable
Andrew Hathcock, Judge presiding, held in Austin, Travis
County, Texas;

Proceedings reported by machine shorthand.

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A P P E A R A N C E S

FOR THE PETITIONER:

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FOR THE RESPONDENT:

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1 I e-filed that to Mr. Greitens even though he had not
2 responded. And then last night I received from
3 Ms. Bollier a response to the motion for the Courts to
4 confer as well as a special appearance.

5 But, generally speaking, it's our request
6 for Your Honor to speak with the Missouri Court, Judge
7 Schneider, out of Boone County. The decree was entered
8 in Boone County in 2020. Neither of the parents reside
9 there any longer. My understanding is Mr. Greitens
10 moved to Warren County, Missouri, post divorce -- or
11 actually leading up to the finalization of documents but
12 after the agreement.

13 So I can go into it further, but that's
14 generally what's set for today.

15 THE COURT: Okay. Is there -- I guess there
16 is a contested issue about jurisdiction then?

17 MR. COLDWELL: That's what I'm hearing from
18 Ms. Bollier, Judge, yes.

19 THE COURT: Okay.

20 MR. COLDWELL: Even though it's the home
21 state. They have been here since July -- they have been
22 moved -- Mrs. Greitens and the children moved here, I
23 believe, on or about July 9th of 2020. And this was --
24 that move was contemplated by the agreement that the
25 parties had reached in Missouri. So they have been here

1 over a year. I believe it's Joshua that attends
2 Mt. Laurel -- or Laurel Mountain Elementary and Jacob
3 attends the First Presbyterian Day School. He is in the
4 Kindergarten Bridge Program there.

5 So I can go into more of it if you'd like,
6 Judge. I can kind of speak to some of the issues now,
7 since it's my motion, in anticipation of what
8 Ms. Bollier is going to say. But the long and short of
9 it is we need Your Honor to speak with the Missouri
10 Court to see if they're going to, as we believe they
11 should, relinquish jurisdiction to Travis County, since
12 this is the home state for the kiddos, so that decisions
13 can be made in the best interest with the information
14 that's available to the Court here.

15 THE COURT: Okay. All right. Ms. Bollier.

16 MS. BOLLIER: Thank you, Judge Hathcock. We
17 do contest jurisdiction. The home state is in Missouri.
18 That Court has continuing exclusive jurisdiction of this
19 case and has since the decree was signed in May of 2020.

20 In our response, as Mr. Coldwell
21 appropriately pointed out, the move to Austin with
22 Mrs. Greitens was contemplated in the agreed final
23 decree of divorce in Missouri, that both parents have
24 the primary right to determine the residence of the
25 children in Missouri and Austin on their respective

1 times as contemplated in the decree. It's been a year
2 and a half. That move was anticipated.

3 Under the UCCJEA, as pointed out in our
4 response, the Court in Missouri shall make the
5 determination of whether the case can be modified -- or
6 the parenting plan can be modified by the Texas Court.
7 The Texas Court does not have the right to make that
8 determination on a factual basis.

9 So we do not agree that it's appropriate for
10 Mr. Coldwell to go into a bunch of facts that we are not
11 here to present today. Mr. Coldwell has asked -- and
12 the statute does allow and says that Your Honor may
13 grant a motion to confer with the Missouri Court. We
14 don't think that's necessary. We believe that this
15 should just be sent to the Court in Missouri to make a
16 determination under the statute, which we have well
17 briefed for you.

18 And we've had this issue before Your Honor
19 before in different cases and those cases have always
20 been transferred to the Court of appropriate venue to
21 determine under the statute whether it should be sent
22 back to Texas.

23 In the event -- we have pled in the
24 alternative, pursuant to our special appearance, that in
25 the event the Court's to exercise the may and wants to

1 confer with the Missouri Court, the statute says that we
2 may also request that a record be taken and that counsel
3 be present. And we would like for not only myself in
4 Texas, and if Mr. Coldwell would like to participate as
5 well, but also Mr. Greitens' counsel and if
6 Mrs. Greitens' counsel in Missouri as well would like to
7 attend. We would like there to be a record and for
8 attendance as allowed pursuant to your order, of course,
9 under the statute.

10 And so, again, we believe that, one,
11 Missouri absolutely needs to make that determination.
12 If there is any factual evidence, anything for them to
13 determine, it's in their realm to do so. This should be
14 transferred up there and heard.

15 And then if the Court isn't inclined to
16 grant the order to confer with the other jurisdiction,
17 that we be able to take consideration under the statute
18 in order to have the counsel there heard and for a
19 record to be made.

20 THE COURT: Okay. All right. Is there
21 anything else you want to add, Mr. Coldwell?

22 MR. COLDWELL: Yes, Your Honor. On the
23 special appearance in and of itself, I think the Court
24 is probably well aware of the long-standing established
25 principal in Texas law that you don't have to have

1 minimum contacts when making a custody adjudication or
2 possession and access adjudication. That comes out of
3 SAV from 1992 in the Supreme Court. If you want that
4 cite I can give that to you. I believe that was
5 In Re: SAV, 837 S.W.2d 80, recently cited in
6 In Re: MSC, S.W.2d.

7 And then with regard to the positions by
8 Mr. Greitens, it's a circular argument. If I understand
9 Ms. Bollier correctly, she's saying that the Texas Court
10 should not confer with the Missouri Court and we should
11 file there, whereas we filed here and we asked Your
12 Honor to confer with the Missouri Court so the Missouri
13 Court could determine whether or not they're going to
14 relinquish jurisdiction of the case.

15 So it seems to me that the argument against
16 the Courts conferring is maybe a delay tactic. We've
17 already understood Mr. Greitens has chosen not to
18 respond to this lawsuit for over a couple of months now.
19 We have this proceeding set today, Your Honor.

20 And as far as minimum contacts go, I think
21 if I've heard -- at least looking at the documents filed
22 by Ms. Bollier, even if we did the minimum contacts
23 test, I think that Mr. Greitens has more than met that
24 and has substantial contact with Texas, whether it be
25 taking gun classes and presenting that on his social

1 media in the Dallas area, whether it's appearing in
2 Del Rio for political purposes to target the dilemma at
3 the border and other contacts. I think he was in Dallas
4 last night. There's so many. But, of course, the Court
5 doesn't need it for adjudicating custody and possession
6 and access.

7 And then we just ask that Your Honor speak
8 with the Missouri Courts regarding jurisdiction and then
9 let that determination be made.

10 THE COURT: Well, so I take it -- is anyone
11 contending that no one lives in Missouri?

12 MS. BOLLIER: No.

13 MR. COLDWELL: Mr. Greitens lives in
14 Missouri, but he's moved from Boone County and he now
15 lives in Warren County.

16 THE COURT: I don't think what county
17 somebody lives in makes -- is not material.

18 MR. COLDWELL: No.

19 THE COURT: So the statute is the Court that
20 made the initial -- the state that made the initial
21 custody determination retains continuing exclusive
22 jurisdiction. I have no power to do anything about
23 that.

24 MR. COLDWELL: Correct.

25 THE COURT: Until that Court determines that

1 nobody still lives there or it might be better to go
2 ahead and decline to exercise that jurisdiction because
3 the child's lived in another state for an extended
4 period of time, there's more information there, whatever
5 it is, but that hearing needs to be conducted and
6 decided by the Missouri Court.

7 And so, you know, I could confer with the
8 Missouri Judge, but all I can say is, "It's your call,
9 Missouri. You get to decide. And you're going to have
10 to conduct some sort of hearing and give these people an
11 opportunity to be heard. Then you get to say, 'I'm
12 keeping jurisdiction or I'm going to give it up.' And I
13 can convey, if you give it up, Texas will accept it."
14 That's about all I can say.

15 I don't have any authority to take the case.
16 That's completely Missouri's call. And I think the
17 hearing -- and it's up to Missouri as to whether it
18 needs to be an evidentiary hearing or not, but that
19 hearing would need to occur before the Missouri Court.

20 MR. COLDWELL: And, Your Honor --

21 THE COURT: They still have jurisdiction.
22 They are the only Court that has jurisdiction.

23 MR. COLDWELL: Right. That's why we've
24 asked you to confer with the Missouri Court. The Court
25 could determine whether or not to transfer -- I mean,

1 under 152.203 --

2 THE COURT: Okay. But all I'm telling you,
3 Mr. Coldwell, is all I can do -- when you're saying
4 confer, I'm not sure what you mean by that because I
5 cannot substantively deliberate with a Judge in secret.
6 Ms. Bollier is correct, you're entitled to have a
7 hearing on the record and present your arguments to that
8 Court. I don't have any power to make a decision.
9 That's completely up to the Missouri Judge to make.

10 MR. COLDWELL: Correct.

11 THE COURT: So I'm happy to reach out to the
12 Missouri Judge and say, "Hey, some people have filed
13 this petition to modify in Texas. There's a contested
14 issue over jurisdiction. I guess they will be
15 contacting you to schedule a hearing to decide whether
16 you should decline jurisdiction or not." But you're
17 going to have to approach the Missouri Judge in some
18 fashion with request to them declining jurisdiction.

19 MR. COLDWELL: Well, Your Honor, along those
20 lines --

21 THE COURT: Otherwise, they've got it.

22 MR. COLDWELL: Sorry. I thought you were
23 finished. What's that?

24 THE COURT: I said you're going to have to
25 affirmatively approach the Mississippi Court with a

1 request for them to decline jurisdiction. Otherwise,
2 they have it. I mean, I don't think you can do it
3 through the Texas Court.

4 MR. COLDWELL: And, Your Honor, going that
5 route, as you identified that you would be willing to
6 reach out to Judge Schneider in Missouri, we would
7 appreciate if Your Honor would reach out to them. We
8 will also contact Mrs. Greitens' attorney in Missouri so
9 that she could initiate that discussion there and a
10 potential hearing. I don't know whether or not
11 Judge Schneider -- I don't know her process or how
12 she'll approach that, but we would certainly appreciate
13 Your Honor at least reaching out, as you indicated. And
14 then we'll work with Mrs. Greitens' attorney to have the
15 issues addressed in Missouri as expeditiously as we can.

16 THE COURT: Okay. Well, I will be happy to
17 communicate with the Judge in Missouri and just say,
18 "Here's the status in Texas. My reading of the statute
19 is Missouri has continuing jurisdiction. I think the
20 parties are going to be contacting you with a request on
21 that, but it's Missouri's call to make."

22 And so I think it's -- and, you know, I
23 can't speculate on how they'll decide it. There may be
24 arguments both ways, I'm sure.

25 Okay. All right. Is there anything else we

1 need to address then today?

2 MR. COLDWELL: I believe that is it for
3 right now, Judge.

4 MS. BOLLIER: Yes, agreed, Judge, not from
5 us.

6 THE COURT: All right. Then you all may be
7 excused. Everyone have a good day. Be safe.

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REPORTER'S CERTIFICATE

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Angie Hertel, Deputy Court Reporter in and for the Family Court of Travis County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted by the respective parties.

I further certify that the total cost for the preparation of this Reporter's Record is \$ _____ and was paid by _____.

WITNESS MY OFFICIAL HAND this the _____ day of _____, 2021.

Angie Hertel, Texas CSR 5633
Expiration Date: 07/2022
Official Court Reporter
Travis County, Texas
Austin, Texas

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