

THE STATE OF NEW YORK
NIAGARA COUNTY FAMILY COURT
175 HAWLEY STREET
LOCKPORT, NEW YORK 14094

KATIE LYNN RIFORD,

Docket #O-00229-19

Petitioner,

File 75138

-vs-

PETER MARK DIARBAKERLY,

January 24, 2019

Respondent.

BEFORE COURT ATTORNEY REFEREE KIMBERLY A. PHELAN

PRESENT:

KATIE LYNN RIFORD

TRANSCRIPTION SERVICE: Kathleen S. Hume
46 Deerwood Drive
Williamsville, New York 14221
(716) 688-1280

Proceedings recorded by electronic sound recording.
Transcript produced by transcription service.

1 THE REFEREE: Okay. Good afternoon. This is
2 O Docket 00229-19. Petitioner is Katie Riford, who's
3 present in court. Respondent is Peter Diarbakerly, who
4 is not present. This is in the matter of a family
5 offense.

6 First, ma'am, I need to tell you that you are
7 entitled to be represented by a lawyer. If you cannot
8 afford a lawyer, I can give you a referral to the public
9 defender where a lawyer may be assigned to represent you
10 free of charge. Are you interested in that?

11 KATIE LYNN RIFORD: Not today.

12 THE REFEREE: The other thing I need to tell
13 you is you are free to pursue this as a family offense
14 in Family Court. You may also file any appropriate
15 criminal charges and proceed in a criminal court or you
16 may be in both places, in Family Court and in criminal
17 court at the same time. You understand that?

18 KATIE LYNN RIFORD: Yes, I do.

19 THE REFEREE: Can you raise your right hand?
20 Do you swear that the testimony you're about to give
21 will be the truth, the whole truth and nothing but the
22 truth, so help you God?

23 KATIE LYNN RIFORD: Yes, I do.

24 THE REFEREE: State your name for the record.

25 KATIE LYNN RIFORD: My name is Katie L.

1 Riford.

2 THE REFEREE: All right. And who is it you're
3 looking for protection from?

4 KATIE LYNN RIFORD: Peter Diarbakerly.

5 THE REFEREE: And what is your relationship
6 with Mr. Diarbakerly?

7 KATIE LYNN RIFORD: He's the father of my
8 children.

9 THE REFEREE: You have children in common with
10 him?

11 KATIE LYNN RIFORD: Yes, correct.

12 THE REFEREE: And who are the children?

13 KATIE LYNN RIFORD: We have Olivia Riford
14 Diarbakerly, she's eight; and I have Mason Riford and he
15 is one.

16 THE REFEREE: Do you all live together?

17 KATIE LYNN RIFORD: No. Oh, I live with my
18 children, but I do not live with Peter.

19 THE REFEREE: And is there an order of custody
20 and visitation with respect to the children?

21 KATIE LYNN RIFORD: I believe it's considered
22 a temporary order, as we're in the process, trial
23 process of determining the custody and visitation.

24 THE REFEREE: Can you tell me why it is that
25 you're coming to court today?

1 KATIE LYNN RIFORD: Yes. I'm seeking at least
2 a temporary order of protection against Peter
3 Diarbakerly to ensure the safety of myself and my
4 children. He is harassing us.

5 THE REFEREE: Can you start with the most
6 recent incident?

7 KATIE LYNN RIFORD: Sure.

8 THE REFEREE: Tell me what's been happening.

9 KATIE LYNN RIFORD: So it was on January 20th
10 -- actually the 21st is the most recent. He -- Peter
11 asked our daughter Olivia on a phone call where our
12 location was and what we were doing, despite Judge
13 DeLabio telling him verbally in court that he was not to
14 do that and he continues to do so.

15 And then prior to that, the day before, on
16 January 20th he called four times in addition to the
17 phone call that my daughter Olivia already took with her
18 father and it's only supposed to be one phone call on
19 certain days at a certain time. And I need to emphasize
20 `cause I don't know if it's on your desk or not, but
21 that there is a strong history of domestic violence, so
22 I am very afraid that Peter is going to show up at one
23 of the locations we are at because one of the past phone
24 calls he knew exactly where we were, despite me not or
25 my daughter not letting -- you know, giving -- divulging

1 that information to him.

2 THE REFEREE: So other than these two phone
3 calls, that's all that's happened?

4 KATIE LYNN RIFORD: Those are the most recent
5 things. I mean I --

6 THE REFEREE: Well, I know that you appeared
7 on another family offense matter in front of the judge.

8 KATIE LYNN RIFORD: Correct.

9 THE REFEREE: There's nothing --

10 KATIE LYNN RIFORD: That was last week and I
11 actually wanted to address in a statement pertaining to
12 that event --

13 THE REFEREE: Okay.

14 KATIE LYNN RIFORD: -- if I could have a
15 chance.

16 THE REFEREE: I can't do anything with respect
17 to something she's done or things that have occurred
18 prior to that filing. So all that's happened between
19 then and today are these two phone calls, correct?

20 KATIE LYNN RIFORD: Correct.

21 THE REFEREE: All right. I'm just going to
22 bring you back with the judge on this on February 8th at
23 1:30. You're all set for today.

24 KATIE LYNN RIFORD: Okay. So do I not have
25 the right to not -- like you didn't tell me why you

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were --

THE REFEREE: I don't have anything on an emergency basis, to take any action on an emergency basis. All right. You're all set. Thank you.

UNKNOWN MALE: No.

UNKNOWN FEMALE: The judge didn't --

UNKNOWN MALE: No, no.

THE REFEREE: You're all set. Thank you.

UNKNOWN MALE: No.

KATIE LYNN RIFORD: The judge --

THE REFEREE: You're all set. Thank you.

KATIE LYNN RIFORD: Judge Erin DeLabbio did not rule.

THE REFEREE: You're all set. Thank you.

UNKNOWN FEMALE: Oh, wow.

(Proceedings concluded.)

* * * * *

CERTIFICATE

I, Kathleen S. Hume, certify that the foregoing transcript of proceedings in the Niagara County Family Court, State of New York, in the matter of:

Katie Lynn Riford vs. Peter Mark Diarbakerly

Docket #0-00229-19

File #75138

was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Kathleen S. Hume

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46 Deerwood Drive

Williamsville, New York 14221

Date: February 4, 2019