

TIMELINE OF A HIGH-CONFLICT DIVORCE

Editor's note: Thomas Ball committed suicide by self-immolation on the sidewalk in front of a Keene courthouse on June 16, 2011. In a lengthy letter delivered to the Keene Sentinel before his death, Ball explained his views of the court system and his intention to take his own life in a way that would call attention to his complaints. This timeline was compiled by Kristen Senz, a freelance writer and editor who regularly writes for the Bar News.

What follows is a timeline of the major legal events that led up to Thomas Ball's death, drawn entirely from the filings in the Cheshire County Superior Court Marital Division.

May 5, 1990: Thomas and Karen Ball get married.

Sept. 20, 2000: The NH Division of Children, Youth and Families filed an unfounded [unsubstantiated] report of abuse against Thomas Ball based on a bruise a school nurse found on his daughter's neck. It was determined that Ball caused the bruise while restraining his daughter, who had been diagnosed with mental health issues at Monadnock Family Services, as she attempted to stomp on her 3-year-old sister.

April 9, 2001: Thomas Ball's two daughters were "rowdy" at bedtime, and as he attempted to put her to bed, his then 4-year-old daughter began licking his hand, according to his own statement. Ball told her to stop and to close her mouth. When she did not comply, he struck her three times on the face with an open hand, causing a bleeding cut on her lip. After consulting with a therapist at Monadnock Family Services (MFS), Ball's wife asked him to leave the house and later called Jaffrey police to report the assault.

April 10, 2001: Jaffrey police arrest Tom Ball at his workplace for simple assault stemming from the April 9 incident and mistakenly listed RSA 173-B (domestic violence statute) on the complaint. Department policy states that in a domestic violence situation, an arrest is "required whenever probable cause exists," according to court documents. The state's domestic violence statute specifically excludes "minor custodial

children residing with the defendant." Attorney William Philips files a domestic violence petition against Thomas Ball related to the April 9 incident on behalf of Karen Ball in Jaffrey-Peterborough District Court.

April 12, 2001: Attorney Philips files for divorce on Karen Ball's behalf in the marital division at Cheshire County Superior Court, where Superior Court Judge John Arnold issues a temporary restraining order barring Thomas Ball from having contact with his wife and children and awarding Karen sole custody of the three children. A district court judge denies the criminal domestic violence petition, ruling that it "fails to allege abuse against the plaintiff on which relief under RSA 173-B can be granted."

July 23-24, 2001: A two-day contested divorce hearing is held at Cheshire County Superior Court.

Aug. 16, 2001: Cheshire County Superior Court Judge John Arnold, the first judge in the divorce case, issues a temporary order, which lays out the steps Ball must take to resume unsupervised visitation with his daughters. Agreed to by Ball's then-attorney David Tower and his wife's attorney, the order requires Ball to meet with the girls with their therapists at MFS before visitation can resume. Ball is allowed unsupervised visits with his son, the couple's youngest child.

October 2001: In court documents, Ball claims that he attended a series of sessions with his daughters and their therapists at MFS during October 2001.

Dec. 17, 2001: DCYF files an unfounded report of abuse relative to the April 9 incident.

Dec. 20, 2001: After appealing a district court conviction to superior court, Ball pleads not guilty to the misdemeanor simple assault charge.

January 2002: Ball petitions the court to appoint a Guardian Ad Litem to represent his daughters in the divorce case.

May 21, 2002: Judge John Arnold finds insufficient evidence to convict Ball of misdemeanor assault and orders the complaint placed on file without a finding for six months, pending good behavior, after which it would be dismissed.

July 11, 2002: At Ball's request, Judge Arnold reconsiders his final order and finds Ball not guilty of assault.

Sept. 24, 2002: Attorney David Tower, who previously withdrew as Ball's attorney in the criminal case, withdraws as his counsel in the divorce case. Ball is *pro se* for the rest of the proceedings.

Nov. 15, 2002: Ball claims in court documents that he was laid off from his full-time job on this date in 2002.

Dec. 1, 2002: A therapist for one of Ball's daughters writes to the court to express difficulty in dealing with Ball after a meeting with him in October 2002. "Several statements by Mr. Ball concerned me enough to delay, and then to reconsider my willingness to assist in a visitation plan." Regarding Ball's actions on April 9, 2001, the therapist writes that he "does not express regret at her injury and does not express any willingness to address the tensions that may have led to his behavior. . . . He believes that his behavior was an appropriate response to her misbehavior. . . . I can find no way to support visits in my office under the circumstances."

Feb. 26, 2003: Cheshire County Judge David Sullivan, who takes over the divorce case from Judge Arnold, issues 25-page final divorce decree, which continues with the stipulation that Ball can resume unsupervised visitation with his daughters if he agrees to first meet with their therapists at MFS. The judge rules that it is in the best interests of all parties, including the children, for unsupervised visitation to resume.

Feb. 28, 2003: Ball files motion to reconsider the terms in the divorce decree, arguing that he should have unsupervised visitation with his daughters, without meeting with their therapists first. Ball believes only he, his wife and/or the court should dictate the terms under which he can see his daughters, not MFS nor any other person or agency.

In his motion, Ball also asks that the court order his wife to get a life insurance policy and list him as the beneficiary. "Should premature death strike either of the two parties," Ball writes, "the lost income will be needed for the parties' minor children's care."

March 17, 2003: Judge Sullivan denies Ball's motion to reconsider.

March 2003: Ball appeals the denial of his motion to the New Hampshire Supreme Court.

June 9, 2003: The Supreme Court summarily affirms the lower court's orders, giving Karen Ball full custody of the Balls' children.

Sept. 5, 2003: Ball files a petition to amend the court's visitation orders in which he writes that his daughter must be baptized in the Roman Catholic Church, and his wife is not of the faith. He requests court permission to have visitation to have her baptized.

November 22, 2003: Ball is notified by his New Hampshire National Guard unit that he is due to be deployed for service in Iraq in January 2004.

December 29, 2003: Ball is fired from his job at a car dealership in Massachusetts.

January 2004: Ball learns from his NH National Guard unit a few days before his scheduled deployment that because of "last-minute changes," he will not be deployed.

Jan. 23, 2004: At a hearing in the divorce case, the judge agrees to consider amending the visitation arrangements if Ball pays for a new Guardian ad Litem. Ball's Petition requesting visitation for baptism is denied.

Feb. 26, 2004: Ball hires a new Guardian ad Litem but then writes a letter telling her that the services of a Guardian ad Litem are no longer needed in his case. Judge Sullivan then denies all of Ball's motions, ruling that "the only reason the respondent has not seen his daughters is that he has steadfastly refused to comply with the orders of this court."

Feb. 29, 2004: Ball files a motion to amend child support arrangements due to the loss of his job.

March 2004: Ball files a civil lawsuit against the Town of Jaffrey, alleging that in arresting him, a Jaffrey police officer disregarded the elements of the alleged offense of simple assault to obey departmental domestic violence protocol. The portion of the case that dealt with Fourth Amendment rights was reviewed at the federal U.S. District Court in Concord, but in October 2004, a judge there ruled the officer's actions did not violate Ball's rights and remanded the case back to the state courts. After a superior court judge found in the town's favor, the supreme court affirmed the lower court's ruling on appeal in 2007, according to superior court records.

July 5, 2004: Karen Ball's attorney files a motion seeking that the court find Thomas Ball in contempt for falling nine weeks behind on his child support payments, for a total of \$2,430, and requesting that Ball pay his ex-wife's attorneys fees.

Sept. 9, 2004: Ball's motion to amend child support is denied. Judge does not find Ball in contempt of court due to his unemployed status.

Dec. 13, 2004: Ball files a motion for modification of the divorce decree.

Jan. 12, 2005: Judge Sullivan denies Ball's motion for modification and his other motions, writing in an order that "He is simply disagreeing with the final order of this court, which he has done repeatedly, despite the court's repeated revisiting of the issue. He clearly holds the key to resuming visitation with his daughters and simply refuses to use it."

Feb. 9, 2005: Ball files another motion to reconsider the visitation arrangements.

Feb. 23, 2005: Motion denied.

Jan. 7, 2006: Ball files a civil lawsuit against Monadnock Family Services in Cheshire County Superior Court. Ball argues that the court's ruling that he participate in joint counseling with his daughters at MFS "was not consistent with the constitution or the common law rulings from the high court. But that this passing the buck was consistent with the court's Domestic Violence Protocols and Domestic Violence Rules." Ball alleges MFS personnel dispensed inaccurate legal advice without a law license, interfered with his "care, custody and visitation" with his children and misdiagnosed his child.

April 26, 2006: Ball files a petition for modification of child support, citing his recent loss of jobs at Applebee's and at a third car dealership.

May 12, 2006: MFS files a summary defense statement arguing that Ball has no custodial rights over the children and that Ball's claims in the civil suit are subject to a lapsed statute of limitations.

July 13, 2006: MFS attorney files a motion to dismiss the civil lawsuit.

Aug. 10, 2006: Ball files a motion for modification of visitation, citing his pending civil lawsuit against MFS.

Aug. 18, 2006: Ball's lawsuit against MFS is dismissed primarily because he didn't file the suit within the statute of limitations, according to the judge's final order.

Oct. 23, 2006: At Ball's request, the judge modifies his child support payments. The judge also restates the court's prior ruling that if Ball agrees to meet with the children and a counselor or hire another Guardian ad Litem to review the case and make a recommendation to the court, the process of reconciliation and the resumption of visitation could proceed.

Jan. 22, 2009: Ball files a petition for modification of visitation, citing one of his daughter's relocation to a group home.

May 18, 2009: Ball files a motion to modify child support payments, arguing that he is unemployed again.

June 26, 2009: Petition is denied.

July 7, 2009: Ball files a motion for reconsideration of the petition. Unlike Ball's previous motions, the document doesn't read like a court record, but rather like a rant written out of frustration. It contains many of the same points found in the lengthy statement he sent to the *Keene Sentinel* just before committing suicide. In it, Ball writes about picketing the statehouse and courthouse as a fathers' rights activist. He also mentions a former MFS counselor who was involved in his daughter's care and who had died. He says he and his son visited her grave in Peterborough.

Dec. 17, 2009: Ball misses a court hearing because a document he received listed an incorrect date. His motion to reconsider is denied.

Feb. 25, 2010: Ball's motion to recalculate child support is granted.

April 7, 2011: Karen Ball's attorney petitions the court to hold Ball in contempt at the Cheshire County House of Corrections for falling behind on child support payments and attorneys fees, alleging he owes a total of \$5,862 in back child support and attorneys' fees. A hearing is scheduled for June 24.

June 16, 2011: Ball sends his "final statement" to the *Keene Sentinel* before dousing himself in gasoline and committing suicide by self-immolation outside Cheshire County Superior Court in downtown Keene.

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