

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ORLEANS

Jeffrey L. Jary Petitioner,

Docket No. V-00800-97/05F

- against -

AFFIDAVIT OF
STEVEN BEVILACQUA

Rachel Knight Bevilacqua Respondent.

STATE OF GEORGIA)
COUNTY OF MUSCOGEE)

STEVEN BEVILACQUA being duly sworn deposes and says:

1. I am married to Rachel Bevilacqua and I make this affidavit based on personal knowledge in response to Jeffrey L. Jary's 12/22/2005 petition and in support of Ms. Bevilacqua's request to terminate this court's temporary order.

2. Rachel and I were married on July 5, 1998. Up until 12/3/2005, we resided together along with her son [\[Name deleted for privacy\]](#).

3. On the afternoon of 12/2/2005 Rachel and I had a disagreement. At that time we agreed that it would be in our mutual best interests for her and [\[Name deleted for privacy\]](#) to temporarily reside at another location. That evening at approximately 6 P.M. Rachel voluntarily vacated our marital residence and stayed with our mutual friend, Benjamin Holland, located at [\[Address deleted for privacy\]](#), Alabama. Although Mr. Holland's address is in Alabama, it is less than two miles from our home in Georgia.

4. Contrary to the allegations set forth in Mr. Jary's petition, at no time were either Rachel or [\[Name deleted for privacy\]](#) "kicked out" of our home.

5. At the time Rachel left we agreed it would be in [\[Name deleted for privacy\]](#)'s best interests to share visits with him during the week, spending half the week with me and half with Rachel. That evening [\[Name deleted for privacy\]](#) stayed with me because he was playing with a neighbor.

6. The next day, 12/3/05, Rachel came to pick up [\[Name deleted for privacy\]](#) together with some of his personal belongings including clothes, books, toiletries, and even a video game system.

7. From 12/3/05 until 12/18/05 [Name deleted for privacy] spent approximately an equal amount of time with Rachel and me.

8. During our period of separation, Rachel and I agreed that we would emphasize to [Name deleted for privacy] that although we were having disagreements it was not his fault, that we still loved him and each other, and also that this was a temporary situation. At no time did I observe any adverse effects of the separation on [Name deleted for privacy], nor did he voice any specific concerns to me.

9. Between 12/3/05 and 12/18/05 I had the opportunity to observe the living situation at Mr. Holland's house. [Name deleted for privacy] had his own bedroom at Mr. Holland's home. [Name deleted for privacy] also informed me that Rachel was sleeping on the couch. For the court's information, [Name deleted for privacy] had been to Mr. Holland's house on many occasions prior to 12/3/05 for music lessons.

10. Immediately following our separation, Rachel and I agreed to attend marriage counseling. So far we have attended three sessions and we both remain committed to our marriage. We have not discussed divorce and have since moved back in together as of 1/1/06.

11. I have attempted to contact [Name deleted for privacy] on a number of occasions since learning of Your Honor's temporary order. On each occasion, Mr. Jary has refused to let me talk to [Name deleted for privacy].

12. I have concerns with Mr. Jary's ability to parent [Name deleted for privacy] on an extended basis. My wife has frequently informed me that Mr. Jary may not be compliant with the treatment recommendations made by his healthcare providers for his clinical depression. In addition, on several occasions, I have heard Mr. Jary yelling at Rachel and using profanity. I am afraid that [Name deleted for privacy] may be subject to similar abuse.

Steven Bevilacqua

Sworn to before me
On ___ January 2006

Notary Public