

AFFIDAVIT OF CELIA BLUMENTHAL M.D.

STATE OF NEW YORK }
 } ss:
COUNTY OF NEW YORK }

Celia Blumenthal M.D., being duly sworn, does hereby swear under penalty of perjury:

1. I am not a party to this action and submit this Affidavit at the request of Bridget Marks.

2. I am a psychiatrist and licensed to practice in the State of New York.

3. I was a therapist for Amber Lynn Aylsworth and Scarlet Lee Aylsworth from June 2003 until October 2003. As such, I am fully familiar with the girls and their mother Bridget Marks.

4. I testified in the family court proceeding. My testimony included in relevant part:
I testified about the children's reports of their treatment by their father, and their general level of anxiety (as reflected in their play). While they love both parents, they have a strong preference for their mother. This is to be expected as she has been their primary care taker since birth. While she has her conflicts with their father, she has in no way been neglectful or abusive to the children. She has in fact cared for them extremely well.

5. I reviewed the decision of Judge Goldberg dated May 21, 2004 and am aware that Ms. Marks cannot seek to stay turning over custody to Mr. Aylsworth pending appeal as the Judge did not issue her final order pertaining to the basis of her decision to award custody to Mr. Aylsworth.

6. Based upon my personal interaction with the children and Ms. Marks, I believe that irreparable harm will occur unless the order is stayed pending appeal.

7. I base this opinion on the following factors:

a. It is always traumatic to remove children from their primary care taker, even if it is shifting them between one parent and another. The basis for removal should be the presence of severe neglect or abuse, none of which is immanent here.

b. The children are of young age, little able to understand what is occurring; none of what is occurring is within their control. This is increasing their anxiety.

c. Children have little sense of time and to them everything seems endless. It would be cruel to send them to their father telling them is it a 'temporary' move, and that at some point in the future, they will move back to New York City to see their mother again. Because of their poor sense of time, it will seem endless and create terrible anxiety.

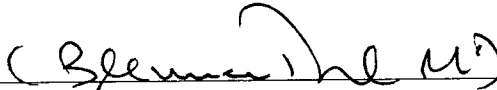
If they are to be moved, it should be to a new "permanent" home in New York City, so continuity of contact with their mother can be maintained. This seems to be implicit in Judge Goldberg's ruling as she gave Mr. Aylsworth custody with the understanding that he would move to New York.

d. Children do best with stability in their lives. Ms. Marks is (minimally) an adequate caretaker. Even if she has influenced the children against their father, she has not severely neglected or abused them. Whether or not they should ultimately be left in her care, they should certainly be left with her until this case, and its appeals are fully settled. This will disrupt the children's lives as little as possible, and this is certainly what is best for them psychiatrically.

e. Without obtaining my advice, the children were ordered to stop psychiatric treatment during the course of the trial. Whether or not they were abused, they are very anxious about their parent's conflict, and need therapy. They should be placed in therapy in New York City, ASAP (whether with me or someone else). They will then have the benefit of therapy while the case is

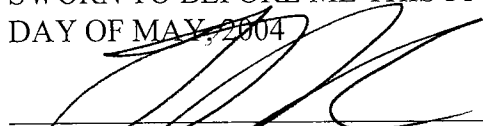
being settled; they will be better able to process transfer to their new home, or whatever other life adjustments befall them as a result of the court's decision. This will only be possible if they remain in New York while the case is settled,

Dated: New York, New York
May 31, 2004



Celia Blumenthal M.D.

SWORN TO BEFORE ME THIS 31st
DAY OF MAY, 2004



Notary Public

THOMAS D. SHANAHAN
Notary Public, State of New York
No. 02SH5083105
Qualified in Richmond County
Commission Expires August 4, 2006