

FILED

STATE OF INDIANA)
) SS: JUL - 1 2009
COUNTY OF ALLEN)

IN THE ALLEN SUPERIOR COURT
CAUSE NO.

STATE OF INDIANA)
) CLERK ALLEN CIRCUIT)
) AND SUPERIOR COURTS)

00001-09-07-FC-000140

VS.

AFFIDAVIT FOR PROBABLE CAUSE

Amanda J. Alvather)

I, John J. Helmsing, swear or affirm under penalty of perjury, that I am a Law Enforcement Officer with the Fort Wayne Police Department, and that:

Sometime during the period of time between the 6th day of October, 2008 and the 27th day of October, 2008, in the County of Allen and in the State of Indiana, said defendant, Amanda J. Alvather, then having the care of Mann, a dependent, whether assumed voluntarily or because of a legal obligation, did knowingly or intentionally place Mann, in a situation endangering his health, resulting in bodily injury.

Sometime during the period of time between the 13th day of October, 2008 and the 27th day of October, 2008, in the County of Allen and in the State of Indiana, said defendant, Amanda J. Alvather, who then having the care of dependents, to wit: Mann and/or Mann, did knowingly or intentionally place said Mann and/or Mann in a situation that endangered said Mann's and/or Mann's life or health.

The Defendant, Amanda J. Alvather, is described as being a female white, whose date of birth is 4/25/1985, Social Security Number REDACTED, 5'01" tall, 160 lbs, Hair Color: RED, Eye Color: BRN.

The affiant, John J. Helmsing, believes and has good cause to believe that the said Defendant Amanda J. Alvather committed the aforesaid offense. The affiant, John J. Helmsing, bases his belief on the fact that on October 27, 2008, the Fort Wayne Police Department was called by the Allen County Department of Child Services (DCS) to investigate a report of child neglect. Upon arrival at DCS, Officers Hoffman and Caudill observed that the defendant's children, Mann (DOB REDACTED), Mann (DOB REDACTED), and Mann (DOB REDACTED), were wearing dirty clothing. The children were covered in filth, feces, and smelled of urine.

All three children were taken to Parkview ER because of their health conditions. was admitted to the hospital for acute dehydration, hyperglycemia, and neglect. was two years old at the time and only weighed 13 pounds. He was very lethargic and disoriented at the time DCS removed him from his mother. was not being properly cared for and did not receive appropriate treatment for his Down's Syndrome. He remained in the hospital for four days. and both had a rash/reddened skin areas possibly consistent with frostbite. Both girls were released from the hospital and the ER doctor advised follow up with their pediatricians.

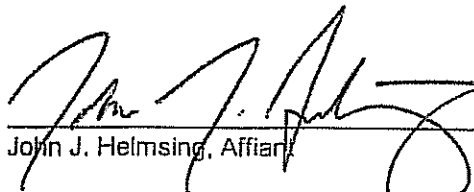
DCS caseworkers met with the defendant at her home at REDACTED, where she had been living with her children, to document the living conditions in the residence. The residence was found to be unclean with several safety hazards present that posed substantial risk of injury or exposure to toxins. Caseworkers found little food and beverages to provide the needed nourishment for the children. The Defendant admitted to affiant that she thought was in need of medical attention prior to DCS involvement but she did not seek treatment due to her financial situation. Alvather stated that over a period of approximately two weeks or more that had been having a difficulty maintaining his weight due to acid reflux. Dr. Michael Dick stated that 's malnutrition was attributable to neglect, not his preexisting medical conditions.

Alvather informed DCS that she did not have gas on in her apartment. She was not receiving any welfare monies prior to DCS involvement. Alvather had a lock on her door that she used when she left her children unattended. Per DCS, the

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defendant had a boyfriend living in the home who had a warrant out for his arrest for battery and he would smoke marijuana in the home. At the time of the removal the children were nonverbal. Alvather had been feeding and sugar water. All three children appeared to have delayed motor skills.

The Affiant believes the witnesses to be credible and reliable.


John J. Helmsing, Affiant 1632F

Subscribed and sworn to before me this 25 day of June, 2009.

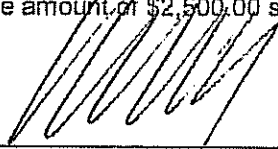

Deputy Prosecuting Attorney

KAREN E. RICHARDS
PROSECUTING ATTORNEY
38TH JUDICIAL CIRCUIT
STATE OF INDIANA

ORDER

Hearing on issue of probable cause held. State of Indiana, by Prosecuting Attorney, Karen E. Richards, files Affidavit for Probable Cause, which is examined by the Court. Court finds probable cause does exist for the arrest of Defendant, Amanda J. Alvather, and orders Clerk to issue a warrant for the arrest of Amanda J. Alvather, for the crimes of COUNT I, NEGLECT OF A DEPENDENT, a CLASS C FELONY, Bail fixed in the amount of \$10,000.00 subject to PTS Conditions, ; COUNT II, NEGLECT OF A DEPENDENT, a CLASS D FELONY, Bail fixed in the amount of \$2,500.00 subject to PTS Conditions,

Dated: 6/30/09


Judge, Allen Superior/Circuit Court