

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT – JUVENILE DIVISION
THIRD JUDICIAL DISTRICT

In the Matter of the Welfare of the Children of:

Court File No.: 85-JV-23-57

**NOTICE OF MOTION AND
MOTION TO IMMEDIATELY
SUSPEND FATHER'S
SUPERVISED VISITATION
WITH MINOR CHILDREN**

Madeline Kingsbury,
Parent.

TO: The Honorable Mary Leahy, Judge of Winona County District Court; Rebecca Church, Winona County Attorney on Behalf of Winona County Social Services; Thomas Braun, Attorney for Adjudicated Father; and Heidi Neubauer, Guardian ad Litem.

NOTICE OF MOTION:

PLEASE TAKE NOTICE that by and through this written Motion, David and Cathy Kingsbury, by and through their attorney, Anna E. Tobia, make the following motion:

MOTION:

For an Order from the Court immediately suspending any and all contact between Father Adam Fravel and the minor children. As the Court is aware, there is a current order allowing Mr. Fravel to have supervised visitation with the minor children. On June 9, 2023, Mr. Fravel was charged with two counts of Murder in the Second Degree in violation of Minn. Stat. 609.19, subd. 1(1) and Minn. Stat. 609.19, subd. 2(1) for the death of Madeline Kingsbury (*See Court File No. 85-CR-23-937*) (Exhibit 1). The Court in the criminal matter ordered conditions of release as \$2,000,000 unconditional bail and \$1,000,000 conditional bail. The Court also Ordered that contact with the minor children would remain consistent with the Order of this Court and Mr. Fravel would be allowed to have supervised visitation with the children at a secure location.

It is fully anticipated that a new petition will be brought against Mr. Fravel to terminate his parental rights. Such an action is appropriate under Minn. Stat. 260C.301, subd. 1(b)(4). A termination of parental rights action would also be appropriate pursuant to Minn. Stat. 260C.301, subd. 1(b)(9) if Mr. Fravel is convicted of Murder in the Second Degree. It is likely such a petition will be filed as early as next week and contact will surely be addressed at that time, however, an Order for visitation remains in place until contact is revisited. In the event Mr. Fravel posts bail or bond and is released from custody, he would still be entitled to visits with the children pursuant to the Court's order. This is absolutely not in the children's best interests and poses a significant safety risk to the children. Mr. and Mrs. Kingsbury bring this Motion now to ensure the children are protected until contact can be revisited upon a filing of a termination of parental rights petition.

Mr. Fravel is currently facing 40 years in prison if convicted of the charges. He poses a flight risk and based upon his actions when Winona County Health and Human Services first took custody of the children, there is every reason to believe he would flee with the children. It is important to remember that Mr. Fravel barricaded himself in his home with one of the minor children and refused to come outside. He eventually came outside and relinquished custody of the children, however he put them in the wrong car seats and refused to provide the County with any of the children's belongings, leaving the children with only the clothing on their backs. Winona County prosecutors (and as evidenced in video provided by County in this case), Mr. Fravel has been hostile towards law enforcement, including making lewd comments, exposing himself and actively attempting to redirect their attention while they searched for Madeline Kingsbury.

The allegations in the complaint are gruesome: it is alleged Mr. Fravel deliberately took the life of Madeline Kingsbury, meticulously plotted to conceal her body and lied to law enforcement repeatedly about what occurred the morning Madeline Kingsbury was last seen. It is alleged that Mr. Fravel took the life of Madeline Kingsbury, the mother of the minor children subject to these proceedings. He is suspected to be the one who ripped these children's mother away, forcing them to live a life without her presence. It is absolutely not appropriate nor in the children's best interests for Mr. Fravel to have any access to them, even supervised. The allegations against Mr. Fravel assert he is capable of horrific acts – allowing Mr. Fravel to see

the children puts them directly in harms way. The children have already suffered an immeasurable loss; putting them at risk for more harm is against their best interests and as such, we respectfully request the Court immediately suspend any and all contact between Mr. Fravel and the minor children.

RESPECTFULLY SUBMITTED,

Date: June 12, 2023

/s/ Anna Tobia

Anna Tobia (#399243)
Christa J. Groshek (#303331)
Attorney for David and Cathy Kingsbury
Groshek Law, P.A.
302 N. 10th Ave
Minneapolis, MN 55401
P: (612)827-3833
F: (612)294-2565
E: anna@grosheklaw.com
E: christa@grosheklaw.com