

**Court of Appeals, Division One**

Juvenile

**1 CA-JV 15-0420**

**MELISSA D. v. DCS, et al.**

**Appellate Case Information**

Case Filed: 28-Dec-2015  
Case Closed:

**Dept/Composition**

**Department D**  
Hon. Andrew W. Gould  
Hon. Peter B Swann  
Hon. Patricia A Orozco

**Side 1. MELISSA D., Appellant**

(Litigant Group) MELISSA D.

- Melissa D. PRO SE
- (Litigant Group) CHAD D. (Dismissed per order dated 05/09/2016)

- Chad D.

**Side 2. DEPARTMENT OF CHILD SAFETY, H.D., K.D., Appellee**

(Litigant Group) DCS

- Department of Child Safety **Attorneys for: Appellee**  
Dawn Rachele Williams, Esq. (AZ Bar No. 20730)

(Litigant Group) H.D., K.D.

- H. D. **Guardian Ad Litem for Children**
- K. D. Diana Theos, Esq. (AZ Bar No. 21353)

**CASE STATUS**

Jan 26, 2017....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JD28153					
MAR JS17676	Termination of Parental Rights		Kristin C Hoffman, Authoring Judge of Order		

**DESCENDENT CASE (S)**

ASC CV-16-0065-SA  
ASC CV-17-0039-PR

**CASE DECISION**

27-Dec-2016 **MEMORANDUM DECISION**

Peter Swann.....Author  
Andrew Gould.....Concur  
Patricia Orozco.....Concur

Filed: 27-Dec-2016 Mandate:

Decision Disposition
<b>Affirmed</b>

**60 PROCEEDING ENTRIES**

1. 28-Dec-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/22/15 (Father)
2. 28-Dec-2015 FILED: Notification of Notice of Appeal Filed (Father)(JS17676)
3. 28-Dec-2015 FILED: Minute Entry dated 12/21/2015, re:Ruling on Matters Under Advisement
4. 28-Dec-2015 FILED: Notification of Notice of Appeal Filed (Father) (JD28153)
5. 5-Jan-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/30/15 (Mother - JD28153/JS17676)
6. 5-Jan-2016 FILED: Notification of Notice of Appeal (Mother - JD28153/ JS17676)
7. 6-Jan-2016 FILED: Additional Instrument dated 12/29/2015, re: Notice of Appointment (Father)

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8. 8-Jan-2016 FILED: E-Record on Appeal: (JS17676)  
Instruments/Minute Entries: Combined  
Exhibits: None
9. 8-Jan-2016 FILED: E- Record on Appeal: (JD28153)  
Instruments/Minute Entries: Combined  
Exhibits: None
10. 8-Jan-2016 FILED: DCS's Notice of Change of Counsel; Certificate of Service for DCS's Notice of Change of Counsel (Appellee)
11. 8-Jan-2016 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 06/09/2015 - LIST # 1,2,3,4,5 In Box 1 of 5  
Hearing Date: 06/09/2015 - LIST # 6 (Part 1 of 2) In Box 2 of 5  
Hearing Date: 06/09/2015 - LIST # 6 (Part 2 of 2), 7,8,9,10,11,12,15,16,17 In Box 3 of 5  
Hearing Date: 06/09/2015 - LIST # 18,19,20,21,22,23,24,25,32,33,34,35,36,37,38,39,42,43,44 In Box 4 of 5  
Hearing Date: 06/09/2015 - LIST #  
45,46,47,48,49,50,51,52,53,54,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,84,86,89,90,91,92,94,95,96,97,98,9  
In Box 5 of 5  
Released Exhibits Listed on Exhibit Worksheet: 26,27,28,29,30,31,40,41,55,56,57,58,59,60,81,82,83,85,87,93,105,106,108,109
12. 19-Jan-2016 FILED: Request for Extension of Time to File Transcript (Mary Hankins)
13. 20-Jan-2016 ORDERED: Request for Extension of Time to File Transcript (Mary Hankins) = GRANTED. Due date EXTENDED from Thursday, 01-21-2016 to Wednesday, 02-10-2016 for transcript of proceedings held on 11/05/2015. Fred Cole ProTem Judge - Author
14. 21-Jan-2016 FILED: Reporters Transcript - 11/03/2015 - (Brigid Donovan)
15. 21-Jan-2016 FILED: Reporters Transcript - 11/04/2015 - (Brigid Donovan)
16. 22-Jan-2016 FILED: Reporter's Transcript - 11-12-2015 - Hearing Day 4 - PM (Lori Thielmann) (Father in the Caption)
17. 24-Jan-2016 FILED: Reporter's Transcript - 11/18/2015 - Contested Severance Hearing (Patricia Kotarba)
18. 26-Jan-2016 FILED: Reporter's Transcript - 10/22/2015 - Contested Severance Hearing (Patricia Kotarba)
19. 26-Jan-2016 FILED: Reporter's Transcript - 11-12-2015 - Hearing Day 4 - PM (Lori Thielmann) (Mother)
20. 9-Feb-2016 FILED: Reporter's Transcript - Proceedings on 11/05/2015 (Mary Hankins)
21. 10-Feb-2016 FILED: Notice of Completion of Record
22. 12-Feb-2016 FILED: DCS's Motion to Limit Mother's Access to Record and Appeal Documents; DCS's Certificate of Service for Motion to Limit Mother's Access to Record and Appeal Documents (Appellee)
23. 12-Feb-2016 FILED: DCS's Appendix to Motion to Limit Mother's Access to Record and Appeal Documents (Appellee)
24. 19-Feb-2016 FILED: Notice of Incomplete Record/Motion to Supplement Record; Certificate of Service (Appellant Chad D.)
25. 22-Feb-2016 FILED: Mother's Appeal response; Certificate of Service (Appellant Pro Per, Melissa D.)
26. 22-Feb-2016 FILED: Signature Page; Certificate of Service (Missing Signature) (Appellant Pro Per, Melissa D.)
27. 23-Feb-2016 ORDERED: Granting the motion to supplement the record and directing transcript coordinator Shawn Smith to file transcript of proceedings held on 06/09/2015, 07/07/2015, 07/08/2015 no later than 03/14/2016. FURTHER ORDERED directing court reporter Yvonne De La Torre to file transcript of proceedings held on 07/09/2015 no later than 03/14/2016. FURTHER ORDERED directing court reporter Marylynn Lemoine to file transcript of proceedings held on 07/10/2015 no later than 03/14/2016. FURTHER ORDERED directing court reporter Karen Bolton to file transcript of proceedings held on 10/07/2015 no later than 03/14/2016. FURTHER ORDERED extending the time for filing the opening briefs to/including 04/04/2016. Fred Cole ProTem Judge - Author
28. 8-Mar-2016 FILED: Reporter's Transcripts, 07/10/15, Trial - (Marylynn LeMoine)

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29. 11-Mar-2016 ORDERED: Granting in part DCS's Motion to Limit Mother's Access to Record and Appeal Documents. Pending further order of this court, Mother is not to have access to the appellate record until arrangements are made to ensure there will be no violations by Mother of the statutes, rules and order governing the confidentiality of information in dependency and parental termination proceedings during Mother's appeal. FURTHER ORDERED: suspending this appeal to and including 4/11/16 and directing the juvenile court to conduct such proceedings and issue such orders as may be necessary to provide for the continued appointment on appeal of a document reviewer as previously ordered by that court, or to appoint advisory counsel on appeal to undertake a similar process, to allow Mother to access the appellate record and other appeal documents necessary for her appeal consistent with the restrictions previously imposed by the juvenile court. FURTHER ORDERED: Superior Court shall transmit a certified copy of order providing continued appointment of a document reviewer, or the appointment of advisory counsel, within 5 days after entry and no later than 4/12/16. FURTHER ORDERED: extending the time to file the Opening Briefs to/including 5/2/16. Hon Kent E Cattani Judge - Author
30. 14-Mar-2016 FILED: Motion for Extension of Time to File Transcripts (Court Reporter Yvonne M. De L aTorre)
31. 15-Mar-2016 FILED: Reporter's Transcript - 10/07/2015 - Severance Hearing - (Karen Bolton)
32. 16-Mar-2016 FILED: Reporter Transcript-6/9/15-Dependency Adjudication Hearing (Jennifer Burke)
33. 16-Mar-2016 FILED: Reporter Transcript-7/7/15-Contested Dependency-Contested Severance Hearing (Jennifer Burke)
34. 16-Mar-2016 FILED: Reporter Transcript-7/8/15-Dependency Adjudication-Contested Severance Hearing (Antoinette Franks)
35. 16-Mar-2016 ORDERED: Motion for Extension of Time to File Transcripts (Court Reporter Yvonne M. De L aTorre) = GRANTED. Due date EXTENDED from Monday, 03-14-2016 to Monday, 04-04-2016 for transcript of proceedings held on 07/09/2015. Fred Cole ProTem Judge - Author
36. 30-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
37. 5-Apr-2016 FILED: Reporter's Transcript 07/09/15 Bench Trial (Yvonne M De La Torre)
38. 2-May-2016 FILED: Motion for Extension to File Brief
39. 2-May-2016 FILED: Affidavit Pursuant to Rule 106(G), Rules of Procedure for the Juvenile Court; Certificate of Service (Appellant)
40. 9-May-2016 ORDERED: Dismissing Chad D.'s appeal. FURTHER ORDERED the amended caption shall be used in all further filings. Fred Cole ProTem Judge - Author
41. 9-May-2016 ORDERED: Appellant Melissa D.'s Motion for Extension to File Brief = GRANTED. Due date extended to 06/01/2016. Fred Cole ProTem Judge - Author
42. 24-May-2016 FILED: Letter from ASC dated 05/24/2016 re: declining jurisdiction of Petition for Special Action.
43. 1-Jun-2016 FILED: Appellant's Opening Brief
44. 21-Jun-2016 FILED: DCS's Motion for Extension of Time to File Answering Brief; DCS's Certificate of Service for Motion for Extension of Time to File Answering Brief (Appellee)
45. 23-Jun-2016 ORDERED: DCS's Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 06-27-2016 to Monday, 07-18-2016. Fred Cole ProTem Judge - Author
46. 12-Jul-2016 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Appellant Father)
47. 12-Jul-2016 FILED: Motion to Continue time for Filing Brief; Certificate of Service for Motion To Continue Time for Filing Brief (Appellant Father)
48. 13-Jul-2016 ORDERED: Motion to Continue time for Filing Brief (Appellant) = DENIED. Fred Cole ProTem Judge - Author
49. 19-Jul-2016 FILED: DCS's Second Motion for Extension of Time to File Answering Brief; DCS's Certificate of Service for Second Motion for Extension of Time to File Answering Brief (Appellee)
50. 21-Jul-2016 DCS's Second Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED/Answering Brief due date EXTENDED to 07/26/2016. Fred Cole ProTem Judge - Author

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**60 PROCEEDING ENTRIES**

51. 26-Jul-2016 FILED: Appellee Department of Child Safety's Answering Brief; Appellee Department of Child Safety's Certificate of Compliance; Appellee Department of Child Safety's Certificate of Service (Appellee)
52. 26-Jul-2016 FILED: Department of Child Safety's Motion to Exceed Word Limit; Certificate of Service for Department of Child Safety's Motion to Exceed Word Limit (Appellee)
53. 28-Jul-2016 ORDERED: Department of Child Safety's Motion to Exceed Word Limit on the answering brief= GRANTED. Directing the clerk of this court to file the tendered brief. Fred Cole ProTem Judge - Author
54. 25-Aug-2016 FILED: Reply to Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
55. 29-Aug-2016 CLNDR: CONFERENCE, Department D, 10-5-16, COURTROOM 2.
56. 27-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur
57. 27-Dec-2016 FILED: Memorandum Decision Distribution List
58. 27-Dec-2016 ORDERED: clerk of this court directed to amend the Memorandum Decision filed 12/27/16 by interlineation as follows: correct city of residence for appellant shown in Counsel block on page 1 from "Mesa" to "Tucson." Hon Peter B Swann - Author
59. 26-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 1/24/17; request for partial record
60. 27-Jan-2017 FILED: Letter forwarding partial record to Arizona Supreme Court