

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0132

IN RE TERM OF PARENTAL RIGHTS AS TO N.Y.

Appellate Case Information

Case Filed: 26-Jun-2023

Case Closed: 12-Oct-2023

Reinstated x 1: 1-Dec-2023 Dismissal

Re-Closed:

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. JULIETTE F., Appellant

(Litigant Group) JULIETTE F.

- Juliette F.

PRO SE

Advisory Counsel for: Appellant

Benjamin M Brewer, Esq. (AZ Bar No. 18251)

Side 2. DEPARTMENT OF CHILD SAFETY, N.Y., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Autumn Spritzer, Esq. (AZ Bar No. 27374)

(Litigant Group) N.Y.

- N. Y.

Attorneys for: Appellee Child

Fred H Welch, Esq. (AZ Bar No. 17549)

CASE STATUS

Apr 30, 2024.....Under Advisement

Dec 1, 2023.....Reinstated Case

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
LAP S1500JD20200008	Termination of Parental Rights		Jessica L Quickle, Authoring Judge of Order		

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
30-Apr-2024 Department A; CONFERENCE ROOM

Mixed

CASE DECISION

21-Sep-2023 ORDER

Vacated

ORDERED: Dismissing this appeal. FURTHER ORDERED: directing the clerk of the court to issue a mandate in due course.

Filed: 21-Sep-2023

Mandate: 12-Oct-2023

Decision Disposition

Dismissed

Amber Pershon.....Author

36 PROCEEDING ENTRIES

- 26-Jun-2023 FILED: Notice of Appeal from La Paz County Superior Court filed 06/20/2023
- 28-Jun-2023 FILED: Appellate Clerk Notice (606(b))
- 3-Jul-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
- 7-Jul-2023 FILED: E-Record on Appeal: S8015JD20200008
Instrument/Minute Entries: Combined
Digital Exhibits: Hearing Date: 04/19/2020 - LIST # P: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51; M: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
- 20-Jul-2023 FILED: Reporter's Transcript - 04/19/2023 - Court Trial Day 1 (Michelle Young)
- 20-Jul-2023 FILED: Reporter's Transcript - 04/20/2023 - Court Trial Day 2 (Michelle Young)
- 21-Jul-2023 FILED: Notice of Completion of Record

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0132****IN RE TERM OF PARENTAL RIGHTS AS TO N.Y.****36 PROCEEDING ENTRIES**

8. 31-Jul-2023 FILED: Notice to Court Re: Transcripts and Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
9. 1-Aug-2023 ORDERED: Directing the clerk of this court to send the transcripts of the proceedings held on 04/19/2023 and 04/20/2023 to counsel for the appellant, Benjamin Brewer. FURTHER ORDERED: granting the motion and extending the time to file the opening brief from 08/10/2023 to 08/30/2023. The court will not grant any further extension absent extraordinary circumstances. Amber E Pershon ProTem Judge - Author
10. 23-Aug-2023 FILED: Motion to Stay Appeal: Pending Attorney General's Disclosure Review; Certificate of Service; Attorney General Letter dated 8-21-23 (Appellant)
11. 23-Aug-2023 ORDERED: Appellee N.Y. may file a response to the motion to stay appeal on or before 09/05/2023. FURTHER ORDERED: vacating the opening brief due date. No opening brief will be due until further order. Amber E Pershon ProTem Judge - Author
12. 7-Sep-2023 ORDERED: Motion to Stay Appeal: Pending Attorney General's Disclosure Review (Appellant) = DENIED/ without prejudice to any party requesting a stay if the Attorney General determines this case was affected by the processing error. FURTHER ORDERED: appellant must file an opening brief in this court on or before 09/27/2023. Hon David B Gass - Author
13. 13-Sep-2023 FILED: Notice and Avowal in Lieu of Opening Brief; Certificate of Service (Appellant) [Stricken per 09/15/2023 order]
14. 15-Sep-2023 ORDERED: Striking counsel for Juliette F.'s Notice and Avowal in Lieu of Opening Brief filed in this court on 09/13/2023. FURTHER ORDERED: counsel may file the opening brief or another notice conforming to Rule 607(e)(1)(A) or (B) within 10 days of the date of this order. Amber E Pershon ProTem Judge - Author
15. 20-Sep-2023 FILED: Notice and Avowal in Lieu of Opening Brief; Certificate of Service (Appellant)
16. 21-Sep-2023 ORDERED: Dismissing this appeal. FURTHER ORDERED: directing the clerk of the court to issue a mandate in due course. Amber E Pershon ProTem Judge - Author
17. 12-Oct-2023 FILED: Mandate, No physical record to be returned to clerk, La Paz County Superior Court.
18. 20-Nov-2023 FILED: Motion to Vacate Mandate and Re-Open Appeal/Suspend Rules; Certificate of Service (Appellant)
19. 20-Nov-2023 FILED: Objection to Motion to Vacate Mandate and Reopen Appeal; Certificate of Service (Appellee DCS)
20. 28-Nov-2023 ORDERED: Recalling the mandate from the Superior Court. FURTHER ORDERED: Granting the motion and reinstating the appeal. FURTHER ORDERED: Directing the clerk of this court to include a copy of the 10/12/2023 mandate with this order. FURTHER ORDERED: Granting appellant's extension request. Appellant may file a supplemental opening brief on or before 01/26/2024. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances beyond mere incarceration. Hon David B Gass - Author

[Stricken per 12/01/2023 Order]
21. 29-Nov-2023 FILED: Notice of Clerical Errors in the Court's Order Reinstating Appeal; Certificate of Service; Copy of this Court's Order Reinstating Appeal (For distribution to Appellant) (Appellee DCS)
22. 1-Dec-2023 ORDERED: Striking the Order Reinstating Appeal issued on 11/28/2023. FURTHER ORDERED: Recalling the mandate from the Superior Court. FURTHER ORDERED: Granting the motion and reinstating the appeal. FURTHER ORDERED: Directing the clerk of this court to include a copy of the 10/12/2023 mandate with this order. FURTHER ORDERED: Granting appellant's extension request. Appellant may file a supplemental opening brief on or before 01/26/2024. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances beyond mere incarceration. FURTHER ORDERED: Attorney Benjamin M. Brewer remains appointed, but only as appellant's advisory counsel. Advisory counsel is an attorney who is retained merely to give advice or answer questions regarding specific issues, rather than taking the lead and actively participating in a case. FURTHER ORDERED: Directing the clerk of the court to designate Benjamin M. Brewer as advisory counsel for appellant. Hon David B Gass - Author
23. 18-Dec-2023 FILED: Notice to Court: Re Communication & Motion for Court Order & Extension of Time to File Opening Brief; Certificate of Service (Appellant)
24. 29-Dec-2023 ORDERED: Motion for Court Order & Extension of Time to File Opening Brief (Appellant) = DENIED/ without prejudice to the refile of an extension motion closer to the brief due date. Any such motion must explain in detail counsel's efforts to communicate with Mother and must identify any additional record items Mother claims she needs to complete her brief. Hon David B Gass - Author
25. 11-Jan-2024 FILED: (Untitled) (Motion for Extension of Time to File Opening Brief) (Appellant Pro Per)
26. 16-Jan-2024 FILED: Notice to Court Letters from Appellant & Motion to Extend Time to file Opening Brief; Certificate of Service; Exhibit A (Appellant)
27. 16-Jan-2024 FILED: Exhibit A (Appellant)

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0132

IN RE TERM OF PARENTAL RIGHTS AS TO N.Y.

36 PROCEEDING ENTRIES

28. 17-Jan-2024 ORDERED: Exercising the court's discretion and denying Appellant's request for an extension of time to file her supplemental opening brief. FURTHER ORDERED: Accepting Appellant's 01/11/2024 untitled pleading as her supplemental opening brief. FURTHER ORDERED: Directing advisory counsel, Benjamin M. Brewer, to serve all parties with a copy of Appellant's supplemental opening brief by 01/26/2024. FURTHER ORDERED: If any party objects to the court accepting Appellant's untitled pleading as her supplemental opening brief, that party must file an objection with this court by 02/09/2024. Hon David B Gass - Author
29. 17-Jan-2024 FILED: Notice to Court: Inability to Comply with Court Order; Certificate of Service (Appellant)
30. 17-Jan-2024 ORDERED: Directing the clerk of this court to include a copy of Appellant's 01/11/2024 supplemental opening brief with this order. FURTHER ORDERED: Denying advisory counsel's request to be relieved of the obligation to serve the parties with Appellant's supplemental opening brief by January 26, 2024. Patrick Philippe Lacroix ProTem Judge - Author
31. 19-Jan-2024 FILED: Certificate of Service; Certificate of Service (Appellant)
32. 12-Feb-2024 ORDERED: Appellees must file their answering briefs on or before 03/04/2024. Patrick Philippe Lacroix ProTem Judge - Author
33. 4-Mar-2024 FILED: Appellee Department of Child Safety's Answering Brief; Appellee Department of Child Safety's Certificate of Compliance; Certificate of Service (Appellee DCS)
34. 26-Mar-2024 CLNDR: CONFERENCE, Department A, 4-30-24, CONFERENCE ROOM.
35. 29-Mar-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 4-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (S8015JD202000008)