

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0169****IN RE TERM OF PARENTAL RIGHTS AS TO D.A. et al.****Appellate Case Information**

Case Filed: 25-Aug-2023

Case Closed:

Dept/Composition**Department B**Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig**Side 1. DANIEL M., Appellant****(Litigant Group) DANIEL M.**

- Daniel M.

Attorneys for: Appellant

Robert D Rosanelli, Esq. (AZ Bar No. 5025)

Side 2. DEPARTMENT OF CHILD SAFETY, D.A., E.A., C.A., Appellee**(Litigant Group) DCS**

- Department of Child Safety

Attorneys for: Appellee DCS

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

(Litigant Group) D.A., E.A., C.A.

- D. A.
- E. A.
- C. A.

Attorneys for: Appellee Children

Marcus F Westervelt, Esq. (AZ Bar No. 14092)

Amy Alexander, Esq. (AZ Bar No. 27713)

CASE STATUS

May 14, 2024....Under Advisement

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	JD41221	Termination of Parental Rights		Gregory Como, Authoring Judge of Order		

CALENDARTuesday MONTHLY COURT CASE CALENDAR
14-May-2024 Department B; CONFERENCE ROOM

Mixed

25 PROCEEDING ENTRIES

- 25-Aug-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/17/2023 and Notification of Notice of Appeal Filed
- 31-Aug-2023 FILED: Appellate Clerk Notice (606(b))
- 5-Sep-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
- 7-Sep-2023 ORDERED: Staying this appeal until 10/10/2023, and authorizing the Maricopa County Superior Court to rule on the pending motion to excuse the untimely filing of the notice of appeal pursuant to Rule 603(a)(5) and, if excused, to resolve the question of whether appellant wishes to proceed with appointed counsel. If necessary, the court must ensure appellant's waiver of counsel is made knowingly, intelligently, and voluntarily and that appellant is aware of the dangers of self-representation. See Tammy M. v. Dep't of Child Safety, 242 Ariz. 457, 461, ¶ 16 (App. 2017). FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 10/10/2023. FURTHER ORDERED: if an order vesting jurisdiction in this court has not been filed before 10/10/2023, the court will dismiss the appeal. FURTHER ORDERED: vacating the transcript due date. No transcript will be due until further order. Amber E Pershon ProTem Judge - Author
- 8-Sep-2023 FILED: E-Record on Appeal: JD41221
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 09/20/2021 - LIST # E1
Hearing Date: 11/15/2021 - LIST # E1
Hearing Date: 09/22/2022 - LIST # E1 E2 E3 E4 E5
Hearing Date: 07/20/2023 - LIST # E1 E2 E3 E4 E5 E6 E7
- 13-Sep-2023 FILED: DCS's Notice Re: Disclosure Issue; DCS's Certificate of Service for Notice Re: Disclosure Issue (Appellee DCS)

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7.	14-Sep-2023	ORDERED: Affirming the stay of this appeal until 10/10/2023. FURTHER ORDERED: authorizing the Maricopa County Superior Court to rule on any motions made by the parties regarding the above matters. FURTHER ORDERED: directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 10/10/2023. FURTHER ORDERED: the stay will be lifted automatically on 10/11/2023, unless before that date any party files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Amber E Pershon ProTem Judge - Author
8.	4-Oct-2023	FILED: Notice of Filing of Court Order re: Untimely Filed Notice of Appeal; Certificate of Service (Appellant)
9.	4-Oct-2023	ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: the transcript of the proceedings held on 07/20/2023, must be filed in this court by 11/03/2023. Amber E Pershon ProTem Judge - Author
10.	5-Oct-2023	FILED: Reporter's Transcript - 07/20/2023 - Contested Severance Hearing (Kimberly C. McCright)
11.	5-Oct-2023	FILED: Notice of Completion of Record
12.	10-Oct-2023	FILED: DCS's Motion for Procedural Order Extending Stay of Appeal; Certificate of Service (Appellee DCS)
13.	11-Oct-2023	ORDERED: DCS's Motion for Procedural Order Extending Stay of Appeal (Appellee DCS) = GRANTED/ staying this appeal until 12/11/2023. FURTHER ORDERED: revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to rule on any motions made by the parties regarding the above matters. FURTHER ORDERED: directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 12/11/2023. FURTHER ORDERED: the stay will be lifted automatically on 12/12/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. FURTHER ORDERED: vacating the opening brief due date. No brief will be due until further order. Amber E Pershon ProTem Judge - Author
14.	31-Oct-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
15.	12-Dec-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD41221)
16.	13-Dec-2023	ORDERED: Continuing the stay in this appeal until 01/29/2024, to allow the superior court to reappoint counsel (or appoint new counsel) for appellant at the superior court, not on appeal. Appellant's counsel must notify appellant about the disclosure issue, address whether to seek relief based on the nondisclosed documents because the nondisclosed documents might have affected the termination order, and file a notice with superior court either seeking relief or affirming no further relief is needed. FURTHER ORDERED: By 01/29/2024, the Department of Child Safety must file a status report updating the court about the stay, unless before that date a party moves to continue the stay describing the status of the superior court proceedings. Hon David B Gass - Author
17.	29-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD41221)
18.	29-Jan-2024	ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Appellant Daniel M. may file his opening brief on or before 02/20/2024. Patrick Philippe Lacroix ProTem Judge - Author
19.	30-Jan-2024	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
20.	15-Feb-2024	FILED: Motion for Procedural Order: DCS's Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee DCS)
21.	16-Feb-2024	ORDERED: DCS's Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Tuesday, 02-20-2024 to Monday, 03-11-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
22.	11-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)
23.	26-Mar-2024	CLNDR: CONFERENCE, Department B, 5-14-24, CONFERENCE ROOM.
24.	29-Mar-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25.	8-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD41221)