

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0035

IN RE TERM OF PARENTAL RIGHTS AS TO J.C.

Appellate Case Information

Case Filed: 8-Feb-2023

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. David B Gass

Side 1. NASHA C., Appellant

(Litigant Group) NASHA C.

- Nasha C.

Attorneys for: Appellant

Suzanne W Sanchez, Esq. (AZ Bar No. 14091)

Side 2. DEPARTMENT OF CHILD SAFETY, J.C., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Dawn Rachelle Williams, Esq. (AZ Bar No. 20730)

(Litigant Group) J.C.

- J. C.

Attorneys for: Appellee J.C.

Michelle Stewart, Esq. (AZ Bar No. 16770)

CASE STATUS

Jul 5, 2023.....Under Advisement

May 30, 2023....Assigned

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JD41139	Termination of Parental Rights		Robert Ian Brooks, Authoring Judge of Order		

CASE DECISION

27-Feb-2024 MEMORANDUM DECISION

Amended Per Order Filed 3-04-24

Filed: 27-Feb-2024

Mandate:

Michael Brown.....Author

David Gass.....Concur

Andrew Jacobs.....Dissent

Decision Disposition

Jurisdiction Revested

Appeal Stayed

33 PROCEEDING ENTRIES

- 8-Feb-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/06/2023 and Notification of Notice of Appeal Filed
- 13-Feb-2023 FILED: Appellate Clerk Notice (606(b))
- 15-Feb-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee)
- 24-Feb-2023 FILED: Reporter's Transcript - 12/13/2022 - Contested Severance Hearing (Kimberly C. McCright)
- 24-Feb-2023 FILED: Reporter's Transcript - 01/11/2023 - Contested Severance Hearing (Kimberly C. McCright)
- 24-Feb-2023 FILED: E-Record on Appeal: JD41139
Instrument/Minute Entries: Combined Exhibits:
Hearing Date: 10/08/2021 - LIST # E1
Hearing Date: 10/20/2021 - LIST # E1
Hearing Date: 12/13/2022 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 (Parts 1-3) E10 E11 E12 E13 E14 E15 E16 E17 E18
- 28-Feb-2023 FILED: Notice of Completion of Record
- 22-Mar-2023 FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
- 22-Mar-2023 FILED: Appellant's Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant)
- 29-Mar-2023 FILED: DCS's Motion for a Procedural Order Extending The Time in Which to File Answering Brief; Certificate of Service for DCS's Motion for a Procedural Order Extending the Time in Which to File the Answering Brief (Appellee)

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0035****IN RE TERM OF PARENTAL RIGHTS AS TO J.C.****33 PROCEEDING ENTRIES**

11.	30-Mar-2023	ORDERED: DCS's Motion for a Procedural Order Extending The Time in Which to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 04-11-2023 to Monday, 05-01-2023. The court will not grant any further extension absent extraordinary circumstances. Amber E Pershon ProTem Judge - Author
12.	31-Mar-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee)
13.	1-May-2023	FILED: Appellee Department of Child Safety's Answering Brief; Appellee Department of Child Safety's Certificate of Compliance; DCS's Certificate of Service for Answering Brief (Appellee DCS)
14.	9-May-2023	FILED: Appellant's Notice: No Reply Brief; Appellant's Certificate of Service- No Reply Brief (Appellant)
15.	30-May-2023	CLNDR: CONFERENCE, Department B, 7-5-23, CONFERENCE ROOM.
16.	31-May-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
17.	9-Jun-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD41139)
18.	30-Aug-2023	ORDERED: Setting oral argument in this matter on Tuesday, 09/26/2023, at 10:15 a.m. in Courtroom 1, State Courts Building, 1501 W. Washington St., Phoenix, AZ. Attached to this order is a Return Receipt for Oral Argument. Please complete and file this document with the Court of Appeals Clerk's Office no later than one week before the scheduled argument. Hon Michael J Brown - Author
19.	31-Aug-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Suzanne Sanchez on 08/31/2023 (Appellant)
20.	6-Sep-2023	FILED: Memorandum: Judge Gass for Judge Paton (Chief Judge Gass)
21.	15-Sep-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Dawn Williams on 08/30/2023 (Appellee DCS)
22.	18-Sep-2023	FILED: DCS's Notice of Appearance; DCS's Certificate of Service for Notice of Appearance (Appellee DCS)
23.	26-Sep-2023	FILED: Sign-in Sheet/Case is Under Advisement as of (09/26/2023)
24.	23-Oct-2023	FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
25.	24-Oct-2023	ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ staying this appeal until 12/26/2023. 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 12/26/2023. FURTHER ORDERED: the stay will be lifted automatically on 12/27/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Hon Michael J Brown - Author
26.	30-Oct-2023	FILED: Stipulated Motion to Lift Stay (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
27.	30-Oct-2023	ORDERED: Lifting the stay of this appeal. Hon Michael J Brown - Author
28.	27-Feb-2024	MEMORANDUM DECISION (Jurisdiction Revested, Appeal Stayed Until 3/28/24) Hon Michael J Brown - Author; Hon David B Gass - Concur; Hon Andrew M Jacobs - Dissent [Amended per 03/04/2024 Order]
29.	27-Feb-2024	FILED: Decision Distribution Notification
30.	28-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD41139)
31.	4-Mar-2024	ORDERED: The clerk's office, by interlineation, shall amend the Order Staying The Appeal And Revesting Jurisdiction In The Superior Court For A Limited Purpose And For A limited Time ("Order"), which was filed on February 27, 2024, by (1) inserting the word "court" in paragraph 4, line 2, between "superior" and "recognized," and (2) changing the word "have" in paragraph 9, line 7, to "has". The balance of the Order filed on February 27, 2024, remains the same. Hon Michael J Brown - Author
32.	11-Mar-2024	FILED: Appellant's Motion to Vacate Stay Order; Appellant's Certificate of Service for Motion to Vacate Stay Order (Appellant)
33.	13-Mar-2024	ORDERED: Appellant's Motion to Vacate Stay Order (Appellant) = DENIED/ including appellant's request for the court to disregard Judge Brooks's 02/27/2024 order. In so ordering, the court corrects an error in the motion's first footnote. Appellant says Judge Brooks now sits on the Arizona Court of Appeals, Division One. He does not. Judge Brooks continues to sit on the Maricopa County Superior Court, but he no longer handles a juvenile court caseload. Judge Jacobs would have denied the motion as moot. Hon Michael J Brown - Author