

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0058

IN RE DEPENDENCY AS TO S.V. et al.

Appellate Case Information

Case Filed: 2-Mar-2023

Case Closed: 2-May-2024

Decision

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. GABRIELLA P., JOSE V., Appellant

(Litigant Group) GABRIELLA P.

- Gabriella P.

Attorneys for: Appellant Gabriella P.

John L Popilek, Esq. (AZ Bar No. 6947)

(Litigant Group) JOSE V.

- Jose V.

Attorneys for: Appellant Jose V.

Denise Lynn Carroll, Esq. (AZ Bar No. 22138)

Side 2. DEPARTMENT OF CHILD SAFETY, S.V., E.V., I.V., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

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

(Litigant Group) S.V., E.V., I.V.

- S. V.

Attorneys for: Appellee Children

David W Bell, Esq. (AZ Bar No. 13756)

- E. V.

Tiffany Mastin, Esq. (AZ Bar No. 25727)

- I. V.

CASE STATUS

May 2, 2024.....Case Closed

PREDECESSOR CASE(S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JD534301 Dependency		Ashley V Halvorson, Authoring Judge of Order		

CASE DECISION

16-Apr-2024 MEMORANDUM DECISION

Brian Furuya.....Author
Anni Foster.....Concur
Randall Howe.....Concur

Filed: 16-Apr-2024 Mandate: 02-May-2024

Decision Disposition

Affirmed

91 PROCEEDING ENTRIES

- 2-Mar-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/27/2023 and Notification of Notice of Appeal Filed (Gabriella P.)
- 3-Mar-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/27/2023 and Amended Notification of Notice of Appeal Filed (Gabriella P.)
- 3-Mar-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/28/2023 and Notification of Notice of Appeal Filed (Jose V.)
- 8-Mar-2023 FILED: Appellate Clerk Notice (606(b))
- 14-Mar-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee)
- 17-Mar-2023 FILED: Additional Record on Appeal: JD534301
Physical Exhibits
Hearing Date: 06/09/2022 - LIST # 10 11 43 53 58 59 60 in a Manila Envelope

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7. 21-Mar-2023 FILED: E-Record on Appeal: JD534301
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 02/22/2022 - LIST # E1 E2 E3 E4
Hearing Date: 06/09/2022 - LIST # E1 E2 E3 E4 E7 E8 E9 E12 E13 E14 E15 E16 E17 E18 E36 E37 E41 E42 E50 E51 E52 E54 E55 E64 E65 E66 E67 E68 E69 E70 E71 E72 E73 E76 E77 E78 E84 E88 E93 E94 E95
8. 25-Mar-2023 FILED: Court Reporter Jennifer D. Church Request for Extension of Time
9. 27-Mar-2023 FILED: Court Reporter Diane Donoho Request for Extension of Time
10. 27-Mar-2023 FILED: Reporter's Transcript - 09/09/2022 - Contested Dependency Hearing (Kristyn Lobry)
11. 27-Mar-2023 FILED: Reporter's Transcript - 10/12/2022 - Contested Dependency Hearing (Kristyn Lobry)
12. 27-Mar-2023 FILED: Reporter's Transcript - 10/18/2022 - Contested Dependency Hearing (Tara Kramer)
13. 27-Mar-2023 FILED: Reporter's Transcript - 12/09/2022 - Contested Dependency Hearing (Lori Reinhardt)
14. 27-Mar-2023 ORDERED: Court Reporter Jennifer D. Church Request for Extension of Time = GRANTED/ extending the deadline from 03/29/2023 to 04/28/2023, for court reporter Jennifer D. Church to file the transcript of the proceedings held on 11/09/2022. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
15. 28-Mar-2023 FILED: Court Reporter Kimberly C. McCright Request for Extension of Time
16. 28-Mar-2023 ORDERED: Court Reporter Diane Donoho Request for Extension of Time = GRANTED. Due Dates EXTENDED to 04/28/2023 for Transcripts dated 06/21/2022, 07/11/2022, 07/12/2022, 07/22/2022, 08/29/2022, 10/21/2022. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
17. 29-Mar-2023 ORDERED: Court Reporter Kimberly C. McCright Request for Extension of Time = GRANTED. Due Dates EXTENDED to 04/10/2023 for Transcripts dated 05/16/2022, 06/08/2022, 07/22/2022, 08/24/2022, 10/11/2022, 11/28/2022, 12/15/2022. Amber E Pershon ProTem Judge - Author
18. 29-Mar-2023 FILED: Court Reporter Hope J. Yeager Request for Extension of Time
19. 29-Mar-2023 FILED: Court Reporter Marylynn LeMoine Cotton Request for Extension of Time
20. 30-Mar-2023 FILED: Reporter's Transcript - 10/13/2022 - Contested Dependency Hearing (Jessica L. Wasdyke)
21. 30-Mar-2023 ORDERED: Court Reporter Hope J. Yeager Request for Extension of Time = GRANTED. Due Dates EXTENDED to 04/28/2023 for Transcripts dated 10/14/2022, 11/08/2022. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
22. 30-Mar-2023 ORDERED: Court Reporter Marylynn LeMoine Cotton Request for Extension of Time = GRANTED. Due Dates EXTENDED to 04/28/2023 for Transcripts dated 06/09/2022, 06/13/2022, 06/16/2022, 06/17/2022. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
23. 7-Apr-2023 FILED: Reporter's Transcript - 05/16/2022 - Pretrial Conference Hearing (Kimberly C. McCright)
24. 7-Apr-2023 FILED: Reporter's Transcript - 06/08/2022 - Pretrial Conference Hearing (Kimberly C. McCright)
25. 7-Apr-2023 FILED: Reporter's Transcript - 07/22/2022 (11:37 a.m. to 12:03 p.m.) - Status Conference (Kimberly C. McCright)
26. 7-Apr-2023 FILED: Reporter's Transcript - 08/24/2022 - Contested Dependency Hearing (Kimberly C. McCright)
27. 7-Apr-2023 FILED: Reporter's Transcript - 10/11/2022 - Status Conference (Kimberly C. McCright)
28. 7-Apr-2023 FILED: Reporter's Transcript - 11/28/2022 - Contested Dependency Hearing (Kimberly C. McCright)
29. 7-Apr-2023 FILED: Reporter's Transcript - 12/15/2022 - Contested Dependency Hearing (Kimberly C. McCright)
30. 13-Apr-2023 FILED: Reporter's Transcript-06-21-2022-Trial Day 5 (Diane Donoho)
31. 13-Apr-2023 FILED: Reporter's Transcript-07-11-2022-Trial Day 6 (Diane Donoho)
32. 13-Apr-2023 FILED: Reporter's Transcript-07-12-2022-Trial Day 7 (Diane Donoho)
33. 13-Apr-2023 FILED: Reporter's Transcript-07-22-2022 (1:33 p.m. to 4:42 p.m.) -Trial Day 8 (Diane Donoho)
34. 13-Apr-2023 FILED: Reporter's Transcript-08-29-2022-Trial Day 11 (Diane Donoho)

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35.	13-Apr-2023	FILED: Reporter's Transcript-10-21-2022-Trial Day 16 (Diane Donoho)
36.	17-Apr-2023	FILED: Notice of Appearance; Certificate of Service; Exhibit A (Appellant)
37.	25-Apr-2023	FILED: Reporter's Transcript - 11/09/2022 - Contested Dependency Hearing (Jennifer D. Church)
38.	26-Apr-2023	FILED: Court Reporter Hope Yeager 2nd Request for Extension of Time
39.	27-Apr-2023	ORDERED: Court Reporter Hope Yeager 2nd Request for Extension of Time = GRANTED. Due Dates EXTENDED to 05/17/2023 for Transcripts dated 10/14/2022, 11/08/2022. FURTHER ORDERED: if the transcripts are not filed timely, Hope J. Yeager must appear before this court on Wednesday, 06/07/2023, at 2:30 p.m. to show cause why the court should not impose sanctions until the transcripts are filed. Amber E Pershon ProTem Judge - Author
40.	28-Apr-2023	FILED: Reporter's Transcript - 06/09/2022 - Contested Dependency Hearing (Marylynn LeMoine Cotton)
41.	29-Apr-2023	FILED: Reporter's Transcript - 06/13/2022 - Contested Dependency Hearing (Marylynn LeMoine Cotton)
42.	29-Apr-2023	FILED: Reporter's Transcript - 06/16/2022 - Contested Dependency Hearing (Marylynn LeMoine Cotton)
43.	29-Apr-2023	FILED: Reporter's Transcript - 06/17/2022 - Contested Dependency Hearing (Marylynn LeMoine Cotton)
44.	17-May-2023	FILED: Reporter's Transcript - 11/08/2022 - Dependency Hearing (Hope J. Yeager)
45.	21-May-2023	FILED: Reporter's Transcript - 10/14/2022 - Continued Dependency Hearing (Hope J. Yeager)
46.	23-May-2023	FILED: Notice of Completion of Record
47.	2-Jun-2023	FILED: Motion to Transcribe May 11, 2022 and October 14, 2022 Hearings and Request to Extend Opening Brief Due Date; Certificate of Service (Appellant Gabriella P.)
48.	5-Jun-2023	ORDERED: MOTION TO TRANSCRIBE MAY 11, 2022 AND OCTOBER 14, 2022 HEARINGS and Request to Extend Opening Brief Due Date (Appellant Gabriella P.) = GRANTED/ directing transcript coordinator Carma Umpleby to prepare an original and two copies of the transcripts of the proceedings held on 05/11/2022 and 10/14/2022 at 10:15 a.m., and to provide by 07/05/2023, the copies to all counsel of record and the originals to the clerk of this court, marked for filing in this appeal. FURTHER ORDERED: vacating the opening brief due dates for appellants Gabriella P. and Jose V. No briefs will be due until further order. Amber E Pershon ProTem Judge - Author
49.	8-Jun-2023	FILED: DCS's Notice of Change of Counsel; DCS'S Certificate of Service for Notice of Change of Counsel (Appellee DCS)
50.	28-Jun-2023	FILED: Reporter's Transcript - 05/11/2022 - Evidentiary Hearing (Kimberly C. McCright)
51.	28-Jun-2023	FILED: Reporter's Transcript - 10/14/2022 (10:15 to 10:32 a.m.) - Oral Argument (Kimberly C. McCright)
52.	29-Jun-2023	ORDERED: Appellants Gabriella P. and Jose V. must file their opening briefs on or before 07/31/2023. Amber E Pershon ProTem Judge - Author
53.	25-Jul-2023	FILED: Mother's Motion to Transcribe Hearing of February 22, 2022 and Request to Extend Opening Brief Due Date; Certificate of Service (Appellant Gabriella P.)
54.	26-Jul-2023	ORDERED: Mother's Motion to Transcribe Hearing of February 22, 2022 (Appellant Gabriella P.) = GRANTED/ directing transcript coordinator Carma Umpleby to prepare an original and two copies of the transcript of the proceedings held on 02/22/2022, and to provide by 08/25/2023, the copies to all counsel of record and the original to the clerk of this court, marked for filing in this appeal. FURTHER ORDERED: vacating the opening brief due dates for appellants Gabriella P. and Jose V. No briefs will be due until further order. Amber E Pershon ProTem Judge - Author
55.	10-Aug-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
56.	14-Aug-2023	FILED: Motion to Withdraw as Counsel for Appellees; Certificate of Service (Appellee Children)
57.	17-Aug-2023	ORDERED: Any party still wishing to pursue the appeal must file a notice in this court by 08/28/2023. FURTHER ORDERED: if no notice is filed, the court will dismiss the appeal. If a notice is filed, this court will resolve counsel's motion to withdraw at that time. Hon David B Gass - Author
58.	17-Aug-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
59.	18-Aug-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate Of Service For Notice Of Change Of Counsel (Appellee DCS)
60.	23-Aug-2023	FILED: Mother's Notice of Intent to Continue Appeal and Memorandum Re Lack of Mootness; Certificate of Service (Appellant Gabriella P.)
61.	24-Aug-2023	FILED: Reporter's Transcript - 02/22/2022 - Evidentiary Hearing (Kimberly C. McCright)

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62.	27-Aug-2023	FILED: (Jose V.'s) Notice of Intent to Pursue the Appeal and Memorandum; Certificate of Service; Letter (Appellant Jose V.)
63.	30-Aug-2023	ORDERED: Staying this appeal until 09/29/2023. FURTHER ORDERED: referring the motion to withdraw to the Maricopa County Superior Court and authorizing that court to rule on the motion expeditiously, and if necessary, appoint new appellate counsel for the children. FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 09/29/2023. FURTHER ORDERED: suspending the briefing schedule. No briefs will be due until further order from the court. Hon Randall M Howe - Author
64.	28-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes order entered by the court, filed 09/18/2023; and notice of appointment, filed 09/19/2023) (JD534301)
65.	29-Sep-2023	ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: appellants Gabriella P. and Jose V. must file their opening briefs in this court by 10/19/2023. Amber E Pershon ProTem Judge - Author
66.	13-Oct-2023	FILED: Motion for Order for Extension of Time to File (Jose V.'s) Opening Brief; Affidavit Supporting Motion for Procedural Order; Certificate of Service (Appellant Jose V.)
67.	16-Oct-2023	ORDERED: Motion for Order for Extension of Time to File (Jose V.'s) Opening Brief (Appellant Jose V.) = GRANTED. Due date EXTENDED from Thursday, 10-19-2023 to Thursday, 11-02-2023. Amber E Pershon ProTem Judge - Author
68.	18-Oct-2023	FILED: Mother's Motion to Extend Due Date for Opening Brief for Thirty (30) Days, Until November 20, 2023; Certificate of Service (Appellant Gabriella P.)
69.	18-Oct-2023	ORDERED: Mother's Motion to Extend Due Date for Opening Brief for Thirty (30) Days, Until November 20, 2023 (Appellant Gabriella P.) = GRANTED. Due date EXTENDED from Thursday, 10-19-2023 to Monday, 11-20-2023. Amber E Pershon ProTem Judge - Author
70.	2-Nov-2023	FILED: Appellant Father's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Jose V.)
71.	17-Nov-2023	FILED: DCS's Motion for Leave to File Consolidated Brief and for Extension of Time to File Answering Brief (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
72.	20-Nov-2023	FILED: Appellant Mother's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Gabriella P.)
73.	20-Nov-2023	ORDERED: DCS's Motion for Leave to File Consolidated Brief and for Extension of Time to File Answering Brief = GRANTED. DCS may file a consolidated answering brief by 12/11/2023. Amber E Pershon ProTem Judge - Author
74.	6-Dec-2023	FILED: DCS's Motion for Extension of Time to File Answering Brief (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
75.	7-Dec-2023	ORDERED: DCS's Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 12-11-2023 to Wednesday, 01-10-2024. The court will not grant any further extension absent extraordinary circumstances. Barbara Vidal Vaught ProTem Judge - Author
76.	12-Dec-2023	FILED: Answer Brief of Appellee Children; Certificate of Compliance; Certificate of Service (Appellee Children)
77.	12-Dec-2023	ORDERED: Accepting appellee Children's answering brief filed on 12/12/2023. Barbara Vidal Vaught ProTem Judge - Author
78.	10-Jan-2024	FILED: Motion to Accept Late Filing of Answering Brief; Appellee Child J.H.'s Certificate of Service (Appellee Children)
79.	10-Jan-2024	FILED: Guardian ad Litem's Answering Brief; Guardian ad Litem's Certificate of Compliance; Appellee Child J.H.'s Certificate of Service (Appellee Children)
80.	10-Jan-2024	FILED: Appellee Department of Child Safety's Answering Brief; Department of Child Safety's Certificate of Compliance; Department of Child Safety's Certificate of Service (Appellee DCS)
81.	10-Jan-2024	FILED: DCS's Motion to Exceed Word Limit (Motion for a Procedural Order); Department of Child Safety's Certificate of Service (Appellee DCS)
82.	11-Jan-2024	ORDERED: DCS's Motion to Exceed Word Limit = GRANTED/ accepting DCS's answering brief filed on 01/10/2024. See Arizona Rule of Procedure for the Juvenile Court 607(b). FURTHER ORDERED: Directing the clerk of this court to reference this order in the electronic case management system. Patrick Philippe Lacroix ProTem Judge - Author
83.	11-Jan-2024	ORDERED: Accepting the Guardian Ad Litem's answering brief filed on 01/10/2024. Patrick Philippe Lacroix ProTem Judge - Author
84.	23-Jan-2024	FILED: Mother's Motion to Extend Due Date for Reply Brief for Eleven (11) Days; Certificate of Service (Appellant Gabriella P.)
85.	24-Jan-2024	ORDERED: Mother's Motion to Extend Due Date for Reply Brief for Eleven (11) Days (Appellant Gabriella P.) = GRANTED. Due date EXTENDED from Thursday, 01-25-2024 to Monday, 02-05-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author

Court of Appeals, Division One

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IN RE DEPENDENCY AS TO S.V. et al.

91 PROCEEDING ENTRIES

86.	26-Jan-2024	CLNDR: CONFERENCE, Department E, 3-21-24, CONFERENCE ROOM.
87.	5-Feb-2024	FILED: Appellant Mother's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Gabriella P.)
88.	16-Apr-2024	MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Anni Hill Foster - Concur; Hon Randall M Howe - Concu
89.	16-Apr-2024	FILED: Decision Distribution Notification
90.	16-Apr-2024	FILED: Notice of Juvenile Rule 609
91.	2-May-2024	FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.