

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0069

IN RE TERM OF PARENTAL RIGHTS AS TO C.C. and N.N.

Appellate Case Information

Case Filed: 15-Mar-2023

Case Closed:

Dept/Composition

Department A

Hon. Randall M Howe
Hon. Jennifer M Perkins
Hon. Daniel J Kiley

Side 1. TERESA N., Appellant

(Litigant Group) TERESA N.

- Teresa N.

Attorneys for: Appellant

Thomas A Vierling, Esq. (AZ Bar No. 14286)

Side 2. DEPARTMENT OF CHILD SAFETY, C.C. and N.N., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Thomas K Sanders, Esq. (AZ Bar No. 20659)

(Litigant Group) C.C., N.N.

- C. C.
- N. N.

Attorneys for: Appellee Children

Deanna Sandler, Esq. (AZ Bar No. 24770)

CASE STATUS

Mar 22, 2024....Stayed (until 5/22/24)

Oct 5, 2023.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JS20878	Termination of Parental Rights		Julie Ann Mata, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-23-0266-PR

OPEN DUE DATE

Misc Court Ordered Document due

Due By:

Tuesday, May 21, 2024

[3 extensions]

Re: ORDERED: DCS's Status Report Regarding Stay (Appellee DCS) = GRANTED/ continuing the stay until 05/21/2024. Hon Randall M Howe - Author

CASE DECISION

05-Oct-2023 MEMORANDUM DECISION

Amended Per Order Filed 10-05-2023

Filed: 05-Oct-2023

Mandate:

Daniel Kiley.....Author

Randall Howe.....Concur

Jennifer Perkins.....Concur

Decision Disposition

Affirmed

37 PROCEEDING ENTRIES

1. 15-Mar-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/11/2023 and Notification of Notice of Appeal Filed
2. 21-Mar-2023 FILED: Appellate Clerk Notice (606(b))
3. 27-Mar-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
4. 30-Mar-2023 FILED: E-Record on Appeal: JS20878
Instrument/Minute Entries: Combined
Exhibits: Hearing Date: 10/25/2022 - LIST # E1 E2 E4 E5 E6 E7 E8 E9 E10 E11 E12 E13 E14 E15 E16 E17 E18 E19 E20 E21

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5. 30-Mar-2023 FILED: Additional Record on Appeal: JS20878
Physical Exhibits
Hearing Date: 10/25/2022 - LIST # 23 24 25 26 27 in a Manila Envelope
6. 4-Apr-2023 FILED: Court Reporter Kimberly C. McCright Request for Extension of Time
7. 5-Apr-2023 ORDERED: Court Reporter Kimberly C. McCright Request for Extension of Time = GRANTED. Due Dates EXTENDED to 05/10/2023 for Transcripts dated 10/25/2022, 10/26/2022, 01/26/2023. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
8. 9-May-2023 FILED: Reporter's Transcript - 10/25/2022 - Contested Severance Hearing (Kimberly C. McCright)
9. 9-May-2023 FILED: Reporter's Transcript - 10/26/2022 - Report and Review Hearing; Contested Severance Hearing (Kimberly C. McCright)
10. 9-May-2023 FILED: Reporter's Transcript - 01/26/2023 - Contested Severance Hearing (Kimberly C. McCright)
11. 10-May-2023 FILED: Notice of Completion of Record
12. 30-May-2023 FILED: Appellant Mother's Opening Brief; Certificate of Compliance for Appellant Mother's Opening Brief; Certificate of Service for Appellant Mother's Opening Brief and Certificate of Compliance for Appellant Mother's Opening Brief (Appellant)
13. 13-Jun-2023 FILED: DCS's Motion for Procedural Order for Extension of Time to File Answering Brief; DCS's Certificate of Service (Appellee)
14. 14-Jun-2023 ORDERED: DCS's Motion for Procedural Order for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 06-19-2023 to Monday, 07-10-2023. The court will not grant any further extension absent extraordinary circumstances. Amber E Pershon ProTem Judge - Author
15. 10-Jul-2023 FILED: Appellee Department of Child Safety's Answering Brief; DCS's Certificate of Compliance; Appellee Department of Child Safety's Certificate of Service (Appellee)
16. 10-Jul-2023 FILED: DCS's Motion to Exceed Word Count in Answering Brief (Motion for Procedural Order); (Certificate of Service) (Appellee DCS)
17. 11-Jul-2023 ORDERED: DCS's Motion to Exceed Word Count in Answering Brief (Appellee DCS) = GRANTED/ accepting DCS's answering brief filed on 07/10/2023. Barbara Vidal Vaught ProTem Judge - Author
18. 26-Jul-2023 CLNDR: CONFERENCE, Department A, 9-26-23, CONFERENCE ROOM.
19. 31-Jul-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20. 10-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS20878)
21. 5-Oct-2023 MEMORANDUM DECISION (Affirmed) Hon Daniel J Kiley - Author; Hon Randall M Howe - Concur; Hon Jennifer M Perkins - Concur
22. 5-Oct-2023 FILED: Memorandum Decision Distribution List
23. 5-Oct-2023 FILED: Notice of Juvenile Rule 609
24. 5-Oct-2023 ORDERED: The Clerk of this Court is directed to amend the Memorandum Decision by interlineation as follows: remove the reference to "Julia Ann Mata" and replace with "Julie Ann Mata" on the caption page. FURTHER ORDERED: a copy of this order be sent to each party appearing herein or to the attorney for such party, and to the Honorable Julie Ann Mata, Judge. Hon Daniel J Kiley - Author
25. 19-Oct-2023 FILED: Appellant Teresa N.'s Notice of Intent to File Petition for Review; Certificate of Service for Appellant Teresa N.'s Notice of Intent to File Petition for Review (Appellant)
26. 23-Oct-2023 FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for a Procedural Order); Certificate of Service (Appellee DCS)
27. 24-Oct-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
28. 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. FURTHER ORDERED: staying the mandate in this case. No mandate shall issue until further order. FURTHER ORDERED: affirming the petition for review due date of 11/6/2023. Any requests to extend this due date must be filed in the Arizona Supreme Court. Hon Randall M Howe - Author

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29.	3-Nov-2023	FILED: ASC Order filed 11/03/2023 re: Petition for Review will be due thirty days after the Court of Appeals' stay has been lifted.
30.	26-Dec-2023	FILED: DCS's Motion for Procedural Order Extending Stay of Appeal; DCS's Certificate of Service for Motion for Procedural Order Extending Stay of Appeal (Appellee DCS)
31.	26-Dec-2023	ORDERED: DCS's Motion for Procedural Order Extending Stay of Appeal = GRANTED/ continuing the stay of this appeal until 02/09/2024. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 02/09/2024. FURTHER ORDERED: The stay will be lifted automatically on 02/12/2024, 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 Randall M Howe - Author
32.	8-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS20878)
33.	9-Feb-2024	FILED: DCS's Status Report Regarding Stay; Exhibits A - C (Appellee DCS)
34.	13-Feb-2024	ORDERED: Continuing the stay of this appeal until 03/29/2024. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the superior court's rulings to this court by 03/29/2024. FURTHER ORDERED: DCS shall file in this court a status report by 03/25/2024, explaining the status of the superior court proceedings and the steps DCS has taken to resolve this issue. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 03/29/2024. FURTHER ORDERED: The stay will be lifted automatically on 04/01/2024. Hon Randall M Howe - Author
35.	4-Mar-2024	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
36.	22-Mar-2024	FILED: DCS's Status Report Regarding Stay; Certificate of Service for DCS's Status Report Regarding Stay (Appellee DCS)
37.	22-Mar-2024	ORDERED: DCS's Status Report Regarding Stay (Appellee DCS) = GRANTED/ continuing the stay until 05/21/2024. Hon Randall M Howe - Author