

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0116

IN RE TERM OF PARENTAL RIGHTS AS TO W.M.

Appellate Case Information

Case Filed: 17-May-2023

Case Closed:

Dept/Composition

Department A

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

Side 1. MICHELLE M., Appellant

(Litigant Group) MICHELLE M.

- Michelle M.

PRO SE

Advisory Counsel for: Appellant Michelle M.

Robert Ian Casey, Esq. (AZ Bar No. 29813)

(Litigant Group) RYAN B. [Dismissed per 11/28/2023 Order]

- Ryan B.

Side 2. DEPARTMENT OF CHILD SAFETY, W.M., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

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

(Litigant Group) W.M.

- W. M.

Attorneys for: Appellee Child

Bobbie Shin, Esq. (AZ Bar No. 30041)

CASE STATUS

Apr 30, 2024.....Decision Rendered

PREDECESSOR CASE(S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH B8015JD202004032 Termination of Parental Rights		Rick A Williams, Authoring Judge of Order		

2 OPEN DUE DATES

Notice of Intent to File Petition for Review Due

Due By:

Wednesday, May 15, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon James B Morse Jr. - Concur

Petition for Review to ASC due

Due By:

Thursday, May 30, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon James B Morse Jr. - Concur

CALENDAR

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

Mixed

CASE DECISION

30-Apr-2024 MEMORANDUM DECISION

Angela Paton.....Author
Michael Catlett.....Concur
James Morse.....Concur

Filed: 30-Apr-2024

Mandate:

Decision Disposition

Affirmed

35 PROCEEDING ENTRIES

- 17-May-2023 FILED: Notice of Appeal from Mohave County Superior Court filed 05/03/2023
- 17-May-2023 FILED: E-Record on Appeal: B8015JD202004032
Instrument/Minute Entries: Combined
Digital Exhibits: Hearing Date: 03/31/2023 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11 E12 E13 E14 E15 E16 E17 E18 E19 E20 E21 E22 E23 E24 E25 E26 E27 E28 E29 E30 E31 E32 E33 E34 E35 E36 E37 E38 E39 E40; G1 G2

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0116****IN RE TERM OF PARENTAL RIGHTS AS TO W.M.****35 PROCEEDING ENTRIES**

3.	22-May-2023	FILED: Appellate Clerk Notice (606(b))
4.	25-May-2023	FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
5.	25-May-2023	FILED: Notice of Appearance; Certificate of Service (Appellant Ryan B.)
6.	1-Jun-2023	FILED: Extension Request (Court Reporter Kimberly Faehn)
7.	1-Jun-2023	FILED: Notice of Appearance; Certificate of Service (Appellant Michelle M.)
8.	5-Jun-2023	ORDERED: Extension Request (Court Reporter Kimberly Faehn) = GRANTED. Due date EXTENDED from Friday, 06-02-2023 to Monday, 07-03-2023 (Transcript for 03/31/2023). Amber E Pershon ProTem Judge - Author
9.	4-Jul-2023	FILED: Reporter's Transcript - 03/31/2023 - Contested Severance Trial (Kimberly M. Faehn)
10.	5-Jul-2023	FILED: Notice of Completion of Record
11.	13-Jul-2023	FILED: Request for Extension of 20 Days to File (Ryan B.'s) Opening Brief; Certificate of Service (Appellant)
12.	14-Jul-2023	ORDERED: Request for Extension of 20 Days to File (Ryan B.'s) Opening Brief (Appellant Ryan B.) = GRANTED. Due date EXTENDED from Tuesday, 07-25-2023 to Monday, 08-14-2023. The court will not grant any further extension absent extraordinary circumstances. Barbara Vidal Vaught ProTem Judge - Author
13.	25-Jul-2023	FILED: Notice of Avowal in Lieu of (Michelle M.'s) Opening Brief Opening Brief (sic); Certificate of Service (Appellant Michelle M.)
14.	26-Jul-2023	ORDERED: Granting appellant's extension request. Appellant Michelle M. may file an opening brief on or before 08/10/2023. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances. See Ariz. R.P. Juv. Ct. 607(e)(3). If appellant Michelle M. does not timely file an opening brief, the court will dismiss her appeal based on counsel's notice under Rule 607(e)(4). FURTHER ORDERED: Robert I. Casey 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 Robert I. Casey as advisory counsel for appellant. Amber E Pershon ProTem Judge - Author
15.	8-Aug-2023	FILED: Returned US Mail, Order Extending Time to File Opening Brief and Designating Counsel as Advisory Only, dated 07/26/2023, addressed to Michelle M, Return to Sender, Wrong Address
16.	10-Aug-2023	FILED: Appellant (Michelle M.)'s Pro Se Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Michelle M.)
17.	13-Aug-2023	FILED: Rule 607 Notice of No Opening Brief (as to Ryan B.); Certificate of Service (Appellant Ryan B.)
18.	14-Aug-2023	FILED: Appellant's (Michelle M.) Amended Pro Se Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Michelle M.)
19.	14-Aug-2023	FILED: Motion for Procedural Order Accepting (Michelle M.'s) Amended Opening Brief; Certificate of Service (Appellant Michelle M.)
20.	14-Aug-2023	ORDERED: Granting appellant's extension request. Appellant Ryan B. may file an opening brief on or before 08/29/2023. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances. See Ariz. R.P. Juv. Ct. 607(e)(3). Appellant must state his current mailing address in his opening brief. If appellant does not timely file an opening brief, the court will dismiss this appeal based on counsel's notice under Rule 607(e)(4). FURTHER ORDERED: Chad J. Winger 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 Chad J. Winger as advisory counsel for appellant. FURTHER ORDERED: Advisory counsel shall provide appellant with a copy of this order. Amber E Pershon ProTem Judge - Author
21.	15-Aug-2023	ORDERED: Motion for Procedural Order Accepting (Michelle M.'s) Amended Opening Brief (Appellant Michelle M.'s) = GRANTED/ accepting the amended opening brief filed on 08/14/2023. FURTHER ORDERED: The answering brief shall be due on 09/05/2023. FURTHER ORDERED: Directing the clerk of this court to reference this order in the electronic case management system. Amber E Pershon ProTem Judge - Author
22.	5-Sep-2023	FILED: Appellee Department of Child Safety's Answering Brief (As to Appellant Michelle M.); Appellee Department of Child Safety's Certificate of Compliance; Certificate of Service (Appellee DCS)
23.	5-Sep-2023	FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for Procedural Order); Certificate of Service (Appellee DCS)

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24. 6-Sep-2023 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ staying this appeal until 11/06/2023. FURTHER ORDERED: revesting jurisdiction in the Mohave 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 11/06/2023. FURTHER ORDERED: the stay will be lifted automatically on 11/07/2023, 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 all pending briefing deadlines. No briefs will be due until further order. Amber E Pershon ProTem Judge - Author
25. 6-Nov-2023 ORDERED: Continuing the stay of this appeal until 12/06/2023. FURTHER ORDERED: Appellee DCS shall file in this court a status report by 11/16/2023, explaining the status of the superior court proceedings and the steps DCS has taken to address 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 12/06/2023. FURTHER ORDERED: The stay will be lifted automatically on 12/07/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Amber E Pershon ProTem Judge - Author
26. 8-Nov-2023 FILED: Status Report Concerning Resolution of Disclosure Issue; Certificate of Service; Order (Appellee DCS)
27. 9-Nov-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Appellant Ryan B. may file his opening brief on or before 11/20/2023. FURTHER ORDERED: If any party wishes to appeal the superior court's 10/27/2023, ruling, they must file a timely notice of appeal in accordance with Arizona Rule of Procedure for the Juvenile Court 603(a). If appellant Michelle B. wishes to move this court to supplement the opening brief or any party wishes to supplement the record on appeal based on the 10/27/2023, ruling, they must do so by 11/20/2023. Amber E Pershon ProTem Judge - Author
28. 13-Nov-2023 FILED: Certified Copy - Mohave County Superior Court, filed 10/27/2023, re: Order
29. 28-Nov-2023 ORDERED: Dismissing Ryan B.'s appeal. Barbara Vidal Vaught ProTem Judge - Author
30. 5-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (B8015JD202004032)
31. 12-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (B8015JD202004032)
32. 26-Feb-2024 CLNDR: CONFERENCE, Department A, 4-16-24, CONFERENCE ROOM.
33. 30-Apr-2024 MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon James B Morse Jr. - Concur
34. 30-Apr-2024 FILED: Decision Distribution Notification
35. 30-Apr-2024 FILED: Notice of Juvenile Rule 609