

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0176

IN RE TERM OF PARENTAL RIGHTS AS TO H.F.

Appellate Case Information

Case Filed: 7-Sep-2023

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. CODY F., Appellant

(Litigant Group) CODY F.

- Cody F.

Attorneys for: Appellant Cody F.

Chad Joshua Winger, Esq. (AZ Bar No. 22767)

(Litigant Group) RACHEL H. [Dismissed per 02/06/2024 Order]

- Rachel H.

Side 2. DEPARTMENT OF CHILD SAFETY, H.F., CHEROKEE NATION, Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

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

(Litigant Group) H.F.

- H. F.

Attorneys for: Appellee Child

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

(Litigant Group) CHEROKEE NATION

- Cherokee Nation of Oklahoma

CASE STATUS

Jul 9, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MOH, B8015JD202104060, 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, July 24, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

Petition for Review to ASC due Due By: Thursday, August 8, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

CASE DECISION

09-Jul-2024 MEMORANDUM DECISION

Andrew Jacobs.....Author
Jennifer Perkins.....Concur
David Weinzweig.....Concur

Filed: 09-Jul-2024 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed

33 PROCEEDING ENTRIES

- 1. 7-Sep-2023 FILED: Notice of Appeal from Mohave County Superior Court filed 08/22/2023 (Rachel H.)
2. 7-Sep-2023 FILED: Notice of Appeal from Mohave County Superior Court filed 08/23/2023 (Cody F.)
3. 7-Sep-2023 FILED: E-Record on Appeal: B8015JD202104060 Instrument/Minute Entries: Combined Digital Exhibits: Hearing Date: 08/04/2023 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11; G1
4. 12-Sep-2023 FILED: Appellate Clerk Notice (606(b))

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0176****IN RE TERM OF PARENTAL RIGHTS AS TO H.F.****33 PROCEEDING ENTRIES**

5. 13-Sep-2023 FILED: Reporter's Transcript - 06/08/2023 - Severance Trial (Dawn M. Duffey)
6. 13-Sep-2023 FILED: Reporter's Transcript - 08/04/2023 - Severance Trial (Dawn M. Duffey)
7. 13-Sep-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
8. 13-Sep-2023 FILED: Notice of Appearance; Certificate of Service (Appellant Cody F.)
9. 19-Sep-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)
10. 20-Sep-2023 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ staying this appeal until 11/20/2023. FURTHER ORDERED: re-vesting 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 11/20/2023. FURTHER ORDERED: the stay will be lifted automatically on 11/21/2023, 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
11. 5-Oct-2023 FILED: Notice of Appearance; Certificate of Service (Appellant Rachel H.)
12. 16-Nov-2023 FILED: Status Report Concerning Resolution of Disclosure Issue; Certificate of Service; Minute Entry for 9/28/23 Dependency Review Hearing (Appellee DCS)
13. 21-Nov-2023 ORDERED: Continuing the stay in this appeal until 12/20/2023, to allow the superior court to reappoint counsel (or appoint new counsel) for appellants and to have counsel notify appellants of their right to seek relief based on the nondisclosed documents and determine whether the nondisclosed documents would have affected the termination order. FURTHER ORDERED: By 12/18/2023, the Department of Child Safety shall file a status report updating the court about the stay, unless before that date a party files a motion to continue the stay that describes the status of the superior court proceedings. Hon David B Gass - Author
14. 18-Dec-2023 FILED: Status Report Concerning Disclosure Issue; Certificate of Service (Appellee DCS)
15. 18-Dec-2023 ORDERED: Continuing the stay of this appeal until 01/17/2024. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 01/17/2024. FURTHER ORDERED: The stay will be lifted automatically on 01/18/2024, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Barbara Vidal Vaught ProTem Judge - Author
16. 20-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (B8015JD202104060)
17. 17-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (B8015JD202104060)
18. 17-Jan-2024 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Directing the clerk of this court to issue the notice of completion. Patrick Philippe Lacroix ProTem Judge - Author
19. 17-Jan-2024 FILED: Notice of Completion of Record
20. 23-Jan-2024 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant Cody F.)
21. 23-Jan-2024 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant Cody F.) = GRANTED. Due date EXTENDED from Tuesday, 02-06-2024 to Thursday, 03-07-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
22. 5-Feb-2024 FILED: Notice of No Opening Brief; Certificate of Service (Appellant Rachel H.)
23. 6-Feb-2024 ORDERED: Dismissing Rachel H.'s appeal. Patrick Philippe Lacroix ProTem Judge - Author
24. 7-Mar-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Cody F.)
25. 26-Mar-2024 FILED: Motion for Procedural Order: DCS's Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee DCS)
26. 26-Mar-2024 ORDERED: Motion for Procedural Order: DCS's Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Wednesday, 03-27-2024 to Tuesday, 04-16-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
27. 16-Apr-2024 FILED: Appellee Department of Child Safety's Answering Brief; Appellee Department of Child Safety's Certificate of Compliance; Certificate of Service (Appellee DCS)
28. 26-Apr-2024 CLNDR: CONFERENCE, Department B, 6-4-24, CONFERENCE ROOM.
29. 1-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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33 PROCEEDING ENTRIES

- 30. 2-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (B8015JD202104060)
- 31. 9-Jul-2024 MEMORANDUM DECISION (Affirmed) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur
- 32. 9-Jul-2024 FILED: Decision Distribution Notification
- 33. 9-Jul-2024 FILED: Notice of Juvenile Rule 609