

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0218

IN RE TERM OF PARENTAL RIGHTS AS TO F.H., et al.

Appellate Case Information

Case Filed: 4-Dec-2023

Case Closed:

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. GUADALUPE M., CHRISTOPHER H., Appellant

(Litigant Group) GUADALUPE M.

- Guadalupe M.

PRO SE

Advisory Counsel for: Appellant Guadalupe M.

Edward D Johnson, Esq. (AZ Bar No. 27437)

(Litigant Group) CHRISTOPHER H.

- Christopher H.

Attorneys for: Appellant Christopher H.

Robert D Rosanelli, Esq. (AZ Bar No. 5025)

Side 2. DEPARTMENT OF CHILD SAFETY, F.H., S.H., M.A., A.R., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Amber E Pershon, Esq. (AZ Bar No. 31042)

(Litigant Group) F.H., S.H., M.A., A.R.

- F. H.

Attorneys for: Appellee Children

- S. H.

Melissa McGlothlin, Esq. (AZ Bar No. 26114)

- M. A.

- A. R.

CASE STATUS

Jun 6, 2024.....Decision Rendered

PREDECESSOR CASE(S)

Table with 6 columns: Case No, Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR JD509657 Termination of Parental Rights Joshua D Rogers, Authoring Judge of Order

DESCENDENT CASE(S)

ASC CV-24-0130-PR

2 OPEN DUE DATES

Petition for Review to ASC due

Due By:

Monday, July 8, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur

Petition for Review to ASC due

Due By:

Wednesday, August 7, 2024

[1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur

CASE DECISION

06-Jun-2024 MEMORANDUM DECISION

Cynthia Bailey.....Author
Paul McMurdie.....Concur
Maria Cruz.....Concur

Filed:

06-Jun-2024

Mandate:

Decision Disposition

Affirmed

44 PROCEEDING ENTRIES

1. 4-Dec-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/30/2023 and Notification of Notice of Appeal Filed (Guadalupe M.)

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2. 5-Dec-2023 FILED: Appellate Clerk Notice (606(b))
3. 8-Dec-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/06/2023 and Notification of Notice of Appeal Filed (Christopher H.)
4. 12-Dec-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
5. 19-Dec-2023 FILED: E-Record on Appeal: JD509657
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 06/01/2022 - LIST # E1
Hearing Date: 08/02/2022 - LIST # E1
Hearing Date: 01/04/2023 - LIST # E1 E2 E3
Hearing Date: 09/21/2023 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11 E12 E13 E14 E14 E14 E15 E16
6. 22-Dec-2023 FILED: Reporter's Transcript - 09/27/2023 - Contested Severance Hearing on Motion for Termination of Parent-Child Relationship (Kimberly C. McCright)
7. 22-Dec-2023 FILED: Notice of Completion of Record
8. 29-Dec-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Christopher H.)
9. 10-Jan-2024 FILED: Appellant Guadalupe M.'S Notice of No Opening Brief; Appellant's Certificate of Service (Appellant Guadalupe M.)
10. 10-Jan-2024 ORDERED: Granting, in part, appellant's extension request. Appellant may file an opening brief on or before 01/25/2024. 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 her current mailing address in her opening brief. If appellant 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: Edward D. Johnson 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 Edward D. Johnson as advisory counsel for appellant. Patrick Philippe Lacroix ProTem Judge - Author
11. 16-Jan-2024 FILED: Motion for Procedural Order: DCS's Motion to Vacate and Reset Deadline to File Answering Brief; Certificate of Service (Appellee DCS)
12. 16-Jan-2024 ORDERED: Motion for Procedural Order: DCS's Motion to Vacate and Reset Deadline to File Answering Brief = GRANTED in part and vacating the answering brief due date. No answering briefs will be due until further order. Patrick Philippe Lacroix ProTem Judge - Author
13. 17-Jan-2024 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
14. 24-Jan-2024 FILED: Motion for Extension of Time (to File Opening Brief) (Appellant Pro Per Guadalupe M.)
15. 25-Jan-2024 ORDERED: Motion for Extension of Time (to File Opening Brief) (Appellant Pro Per Guadalupe M.) = GRANTED. Due date EXTENDED from Thursday, 01-25-2024 to Friday, 02-09-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
16. 8-Feb-2024 FILED: Motion for Extension of Time to File (Opening) Brief (Appellant Pro Per Guadalupe M.)
17. 8-Feb-2024 FILED: Motion to Fire Advisory (Counsel) (Appellant Pro Per Guadalupe M.)
18. 9-Feb-2024 ORDERED: Motion for Extension of Time to File (Opening) Brief (Appellant Guadalupe M.) = GRANTED. Due date EXTENDED from Friday, 02-09-2024 to Monday, 03-11-2024. The court will not grant any further extension. If appellant 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: Motion to Fire Advisory (Counsel) = DENIED. Barbara Vidal Vaught ProTem Judge - Author
19. 8-Mar-2024 FILED: Motion for Extension of Time to File (Opening) Brief (Appellant Pro Per Guadalupe M.)
20. 11-Mar-2024 ORDERED: Motion for Extension of Time to File (Opening) Brief (Appellant Pro Per Guadalupe M.) = DENIED. FURTHER ORDERED: The opening brief must be filed by 03/25/2024. If appellant does not timely file an opening brief, the court will dismiss her appeal based on counsel's notice under Arizona Rule of Procedure for the Juvenile Court 607(e)(4). Patrick Philippe Lacroix ProTem Judge - Author
21. 12-Mar-2024 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
22. 25-Mar-2024 FILED: Consent for Electronic Distribution (Appellant Pro Per Guadalupe M.)
23. 25-Mar-2024 FILED: Appellant's Opening Brief (Appellant Pro Per Guadalupe M.)

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Juvenile

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44 PROCEEDING ENTRIES

24. 26-Mar-2024 ORDERED: Appellee DCS may file their consolidated answering brief as to appellant Guadalupe M. and Christopher H. on or before 04/15/2024. Patrick Philippe Lacroix ProTem Judge - Author
25. 15-Apr-2024 FILED: DCS's Motion to Exceed Word Limit; DCS's Certificate of Service (Appellee DCS)
26. 15-Apr-2024 FILED: Appellee Department of Child Safety's Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service (Appellee DCS)
27. 16-Apr-2024 ORDERED: DCS's Motion to Exceed Word Limit (Appellee DCS) = GRANTED/ accepting DCS's answering brief filed on 04/15/2024. See Arizona Rules of Procedure for the Juvenile Court 607(b) and 608(b)(4). FURTHER ORDERED: Directing the clerk of this court to reference this order in the electronic case management system. Patrick Philippe Lacroix ProTem Judge - Author
28. 26-Apr-2024 CLNDR: CONFERENCE, Department C, 5-29-24, CONFERENCE ROOM.
29. 29-Apr-2024 FILED: Appellant's Reply Brief (Appellant Pro Per Guadalupe M.)
30. 29-Apr-2024 FILED: Motion to Stay (the) Appeal (Appellant Pro Per Guadalupe M.)
31. 1-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
32. 9-May-2024 FILED: Rule 60(b) Siting [sic] Newly Found Evidence (Appellant Pro Per Guadalupe M.)
33. 10-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD509657)
34. 20-May-2024 ORDERED: Denying Appellant Guadalupe M.'s Motion to Stay Appeal and Rule 60(b) Siting [sic] Newly Found Evidence as no Rule 60 motion was filed before the superior court. Hon Paul J McMurdie - Author
35. 29-May-2024 FILED: Motion to Stay the Appeal (Appellant Pro Per Guadalupe M.)
36. 6-Jun-2024 MEMORANDUM DECISION (Affirmed) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur
37. 6-Jun-2024 FILED: Decision Distribution Notification
38. 6-Jun-2024 FILED: Notice of Juvenile Rule 609
39. 6-Jun-2024 ORDERED: Motion to Stay the Appeal (Appellant Pro Per Guadalupe M.) = DENIED/ as no Rule 60 motion was filed before the superior court. Hon Cynthia J Bailey - Author
40. 8-Jun-2024 FILED: Notice of Intent to File Petition for Review; Certificate of Service (Appellant Christopher H.)
41. 21-Jun-2024 FILED: Notice of Intent to File Petition for Review (Appellant Pro Per Guadalupe M.)
42. 21-Jun-2024 FILED: Courtesy Copy - Maricopa County Superior Court, filed 06/12/2024, re: Minute Entry (Appellant Pro Per Guadalupe M.)
43. 21-Jun-2024 FILED: Letter from ASC dated 06/21/2024 re: Deficient Motion for Extension of Time to File Petition for Review (Appellant Pro Per Guadalupe M.)
44. 25-Jun-2024 FILED: ASC Order filed 06/25/2024 re: extending time for filing Petition for Review to 08/07/2024 (Appellant Pro Per Guadalupe M.)