

Arizona Supreme Court
Civil Petition for Review - Juvenile

CV-23-0280-PR

IN RE TERM OF PARENTAL RIGHTS AS TO S.C.

Appellate Case Information

Case Filed: 16-Nov-2023

Case Closed:

Dept/Composition

Side 1. PRISCILLA C., HAROLD C., Appellant
(Litigant Group) PRISCILLA C.

• Priscilla C.

Attorneys for: Appellant

Suzanne W Sanchez, Esq. (AZ Bar No. 14091)

(Litigant Group) HAROLD C.

• Harold C.

Attorneys for: Appellant

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

Side 2. DEPARTMENT OF CHILD SAFETY, S.C., Appellee
(Litigant Group) DEPARTMENT OF CHILD SAFETY

• Department of Child Safety

Attorneys for: Appellee

Joshua C Smith, Esq. (AZ Bar No. 30229)

Kristin K. Mayes, Esq. (AZ Bar No. 022584)

(Litigant Group) S.C.

• S. C.

Guardian Ad Litem for Minor Child

Amanda Adams, Esq. (AZ Bar No. 22505)

CASE STATUS

Nov 16, 2023....Awaiting Petition for Review

Nov 16, 2023....Pending

PREDECESSOR CASE (S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-JV 23-0099					
↻ MAR	JD39828	Termination of Parental Rights		Jacki Ireland, Authoring Judge of Order Comments: (none)		

7 PROCEEDING ENTRIES

- 16-Nov-2023 FILED: Appellant Father Harold C.'s Motion to Stay or Extend Deadline for Filing Petition for Review to Allow Additional Superior Court Proceedings (Motion for Procedural Order); Certificate of Service (Appellant Harold C.)
- 22-Dec-2023 On November 16, 2023, Appellant filed "Appellant Father Harold C.'s Motion to Stay or Extend Deadline for Filing Petition for Review to Allow Additional Superior Court Proceedings (Motion for Procedural Order)." Upon consideration,

IT IS ORDERED granting the motion and staying the deadline to file a petition for review pending further order of the Court.

IT IS FURTHER ORDERED parties shall file a status report with the Court every 60 days starting from the date of this order. The parties shall notify the Court within fifteen days of the resolution of this matter in the lower court. (Hon. Kathryn H. King)
- 16-Feb-2024 FILED: Status Report Concerning Resolution of Disclosure Issue; Certificate of Service; Exhibit A (Appellee DCS)
- 20-Feb-2024 FILED: Child's Status Report; Certificate of Service (Appellee S.C.)
- 22-Apr-2024 FILED: Status Report Concerning Resolution of Disclosure Issue; Certificate of Service; Exhibits to Status Report Concerning Resolution of Disclosure Issue (Appellee DCS)
- 22-Apr-2024 FILED: Child's Status Report; Certificate of Service (Appellee S.C.)

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7 PROCEEDING ENTRIES

7. 22-Apr-2024 On October 19, 2023, the Court of Appeals issued a Memorandum Decision affirming the severance of the parents' parental rights as to the child, S.C.
- On November 16, 2023, Father filed in this Court "Appellant Father Harold C.'s Motion to Stay or Extend Deadline for Filing Petition for Review to Allow Additional Superior Court Proceedings (Motion for Procedural Order)." The motion stated that the Department of Child Safety (DCS), through its attorney, had informed father's attorney that twelve portal documents still needed to be disclosed in the trial court, that the trial court would be handling the disclosure issue, and that DCS had no objection to extending the time for filing a petition for review with the Arizona Supreme Court until the disclosure was made.
- On December 22, 2023, this Court issued an order granting the motion and staying the deadline to file a petition for review pending further order of this Court. The order required the parties to file a status report with the Court every 60 days starting from the date of the order. Additionally, the parties were required to notify the Court within fifteen days of the resolution of the discovery matter in the lower court.
- On January 18, 2024, the Superior Court, after a Report and Review Hearing, noted that "all portal documents have been released and disclosed in this matter." At a subsequent hearing on February 1, 2024, the Superior Court set a deadline of February 12, 2024 for Father to file a notice "as to whether or not Father believed[d] the portal documents would have affected the outcome of the case." On February 12, 2024, counsel for Father filed a notice with the Superior Court reflecting that Father still intended to pursue legal action pertaining to the late portal disclosure.
- On February 16, 2024, this Court received a "Status Report Concerning Resolution of Disclosure Issue" from DCS, indicating that, because there did not appear to be a final resolution regarding the portal disclosure issue, maintaining the stay for Father to file his petition for Review was appropriate.
- However, on February 20, 2024, this Court received a "Child's Status Report," noting that, although the discovery matter was still pending in the juvenile court, the Child requested that the Court continue the stay for no more than sixty days pending further motion by Father establishing why the stay should continue beyond that time.
- On April 18, 2024, the Superior Court held a Report and Review hearing at which Father did not appear. The Superior Court, Judge Marvin Davis, ordered Father to file any legal action regarding the disclosure of portal documents by the following day, April 19, 2024.
- On April 22, 2024, this Court received from DCS a "Status Report Concerning Resolution of the Disclosure Issue" stating that it did not appear that Father had filed any document to address the portal disclosure issue, nor had he appeared for related hearings. As a result, the portal disclosure issue remained unresolved.
- The same day, April 22, 2024, this Court received a "Child's Status Report," stating that, under the circumstances, the Child requested that this Court set a deadline for filing a petition for review. DCS contended that "the Child deserves permanency and should not have to wait further."
- Father having failed to meet the February 12, 2024 deadline for showing that the portal documents would have affected the outcome of the case, and the April 19, 2024 deadline for filing any legal action regarding the disclosure of portal documents, upon consideration,
- IT IS ORDERED lifting the stay on the deadline for filing a Petition for Review in this case, which shall be 5:00 pm on May 22, 2024. No additional extensions of the deadline for filing the Petition for Review shall be granted absent extraordinary circumstances. (Hon. John R. Lopez IV)