

2022 MAY 31 PM 3:43

1 Ewing Redmond Samuels

2 ADO # 317774

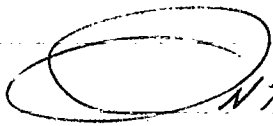
3 ASPE - TULSON - WINCHESTER

4 10002 South Wilmot Road

5 P.O. Box 24461

6 Tucson, Arizona 85731

7 In Propria Persona



8  
9 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

10 IN AND FOR THE COUNTY OF MARICOPA

11  
12 STATE OF ARIZONA,

13 Plaintiff

14 vs.

15 EWING REDMOND SAMUELS,

16 Defendant

Case No. CR-2016-113647-001

17 MOTION FOR JUDICIAL NOTICE

(Ariz. R. Evid. R. 201)

18 PROOF AND EVIDENCE OF FRAUD,

19 KIDNAPPING, AND CRIMINAL CONSPIRACY

20 BY THE STATE OF ARIZONA

21 Pursuant to Ariz. R. Evid. R. 201, Defendant, Ewing Redmond Samuels, In Propria Persona,  
22 hereby notifies the Court of incontrovertible material facts with PROOF AND EVIDENCE OF FRAUD,  
23 KIDNAPPING AND CRIMINAL CONSPIRACY BY THE STATE OF ARIZONA. The Court must take  
24 judicial notice of adjudicative facts that are "not subject to reasonable dispute because it can be  
25 accurately and readily determined from sources whose accuracy cannot reasonably be questioned." The  
26 Defendant is entitled to be heard on the propriety of taking judicial notice and the nature of  
27

the fact to be noticed." This motion is made in support of the following memorandum of points and authorities

### MEMORANDUM OF POINTS AND AUTHORITIES

01. State action, regarding the events of March 23, 2016 and evidenced in Case No. GD32360 and Case No. CR-2016-113647-001, gives proof of fraud, kidnapping, criminal conspiracy, and deprivation of rights under color of law.

02. State action, according to Black's Law Dictionary, is "Anything done by a government; esp., in constitutional law, an intrusion on a person's rights (esp. civil rights) either by a governmental entity or by a private requirement that can be enforced only by governmental action (such as a racially restrictive covenant, which requires judicial action for enforcement.)"

03. Fraud, according to Black's Law Dictionary, is "1. A knowing misrepresentation or knowing concealment of a material fact made to induce another to act to his or her detriment. 2. Fraud is usu. a tort, but in some cases (esp. when the conduct is willful) it may be a crime. 3. A reckless misrepresentation made without justified belief in its truth to induce another person to act. 4. A tort arising from a knowing or reckless misrepresentation or concealment of material fact made to induce another to act to his or her detriment. 5. Unconscionable dealing; esp., in contract law, the unfair use of the power arising out of the parties' relative positions and resulting in an unconscionable bargain."

04. Kidnapping, according to Black's Law Dictionary, is "The crime of seizing and taking away a person by force or fraud, usu. to hold the person prisoner in order to demand

something from his or her family, employer, or government."

05. Criminal Conspiracy (Title 18 U.S.C.S. § 238) - "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go... on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured. They shall be fined under this title or imprisoned not more than ten years, or both; and if... such acts include kidnapping... they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

06. Deprivation of Rights Under Color of Law (Title 18 U.S.C.S. § 242) - "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being so alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and... if such acts include kidnapping or an attempt to kidnap... shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death."

07. Prosecutor who, while acting within scope of duties in initiating and prosecuting case, willfully deprives accused of his constitutional right is subject to criminal punishment under 18 USC § 242. Imbler v. Pachtman, 401 U.S. 99, 96 S.Ct. 984, 47 L.Ed.2d 128 (1976).

RESPECTFULLY SUBMITTED on this 13th day of May, 2022.

*[Handwritten Signature]*

NOTARY PUBLIC

*[Handwritten Signature]*

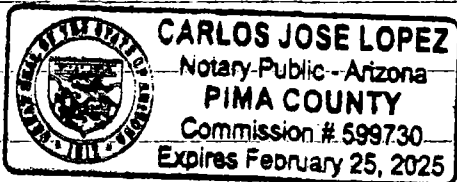
EDWARD REDMOND SAMUELS

05/13/2022

DATE

5/13/2022

DATE



1 Superior Court of Missisipi County

2 Case No. CR-2016-113677-001

3  
4 EXHIBIT - 01  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

MICHAEL K. JEANES, CLERK  
BY *A. Rodini* DEP  
FILED

2016 MAR 24 PM 1:36

1 MARK BRNOVICH  
2 Attorney General

3 HILLARY RYAN  
4 Assistant Attorney General  
5 State Bar No. 030059  
6 CFP/PSS  
7 P.O. Box 6123-040A  
8 Phoenix, AZ 85005  
9 (602) 542-1645  
10 PSSDurango@azag.gov

11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 In the matter of:

15 ELI SAMUELS  
16 d.o.b. 08/20/2010

17 Person(s) under 18 years of age.

No. \_\_\_\_\_ **JD 3 23 6 0 -**

**DCS'S OUT OF HOME DEPENDENCY  
PETITION AND PETITION FOR  
PATERNITY AND/OR CHILD  
SUPPORT**

(Honorable \_\_\_\_\_)

18  
19 Petitioner, the Department of Child Safety (DCS or the Department), by and  
20 through undersigned counsel, hereby alleges:

21 **I.**

22 **Jurisdiction**

23 The Juvenile Court has exclusive original jurisdiction over dependency matters  
24 pursuant to A.R.S. § 8-202(B). The Superior Court has original jurisdiction in  
25 proceedings to establish paternity pursuant to A.R.S. § 25-801.  
26

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**II.**  
**Venue**

Venue in this county is proper pursuant to A.R.S. §§ 8-206(A) and 25-802 as Maricopa County is the residence of the child and/or the acts of dependency are alleged to have occurred in Maricopa County.

**III.**  
**Identity of Child, Placement and Applicability of the Indian Child Welfare Act**

A. ELI SAMUELS:

1. ELI SAMUELS is a male child whose date of birth is August 20, 2010.
2. ELI SAMUELS is a dependent child within the provisions of A.R.S. § 8-201(14).
3. ELI SAMUELS is currently placed in a licensed foster home through DCS.
4. Upon information and belief, ELI SAMUELS is not an Indian child as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(4).

**IV.**  
**Parties**

A. LISA PERSON

1. Upon information and belief, the mother of the child is LISA PERSON, whose date of birth is April 30, 1979.
2. Her address is 801 Arbor Way, Barstow, California 92311-5718.

B. Upon information and belief, the following male individual is alleged to be the father of the child who is the subject of this Petition:

1 1. EWING SAMUELS, whose date of birth is AUGUST 10, 1978, is the  
2 father of ELI SAMUELS. His address is unknown.  
3

4 V.  
5 Temporary Custody

6 Upon information and belief the child was taken into temporary physical custody  
7 on March 21, 2016 at 1:50 p.m.  
8

9 VI.  
10 Allegations

11 A. Upon information and belief, the DCS alleges that the child is dependent due to  
12 abuse or neglect as to LISA PERSON.

13 1. Mother is unwilling or unable to provide proper and effective parental care  
14 and control due to abandonment. Mother has failed to maintain a normal  
16 parent-child relationship. She was granted reasonable parenting time rights  
16 via court order in FC2014-004740, but has failed to establish a visitation  
17 plan or exercise those rights. She has not seen the child in excess of six (6)  
18 months and her current whereabouts are unknown.  
19

20 2. Mother is unwilling or unable to provide proper and effective parental care  
21 and control due to failure to meet the child's basic needs. Mother is not  
22 providing any food, clothing, shelter or medical care.  
23

24 B. Upon information and belief, the DCS alleges that the child is dependent due to  
25 abuse or neglect as to EWING SAMUELS.  
26

27 1. EWING SAMUELS was married to LISA PERSON.  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. EWING SAMUELS has established his paternity of ELI SAMUELS. See FC2014-004740.
3. EWING SAMUELS does have an order granting him custody of ELI SAMUELS. See FC2014-004740.
4. EWING SAMUELS does not have a child support order as to ELI SAMUELS.
5. Father is unwilling or unable to provide proper and effective parental care and control due to domestic violence. Father engaged in an altercation with his significant other's son. The dispute escalated into a physical fight and Father shot his significant other's son. The child was present in the home when the shooting occurred and was found crying and traumatized. Father and his significant other appear to have a domestic violence history and Father was asked to leave the residence the night prior to the incident by the police. The child disclosed that Father and his significant other engage in domestic violence and that Father and his significant other's son want to kill each other. There is an criminal investigation being conducted by Phoenix Police Department and Father has been arrested on multiple counts including child endangerment.

**VII.**  
**Facts Supporting Contrary to the Welfare of the Child Finding**

Continuation of the child in the home would be contrary to the child's welfare. The finding is supported by the following facts and the above listed allegations, incorporated herein: Father shot his significant other's son in an altercation with the child

1 present in the home. The child was found crying and traumatized. Father has been  
2 arrested and is currently in jail on multiple charges, including child endangerment.  
3  
4 Mother's whereabouts are currently unknown.

5 **VIII.**

6 **Facts Supporting Reasonable Efforts Finding**

7 It is further requested that the Court find, based upon the verified allegations of the  
8 petition, that it was reasonable to make no efforts to maintain the child in the home. The  
9 finding is supported by the following facts: efforts were not made due to the severity of  
10 the domestic violence, the fact that the child was present at the time of the occurrence,  
11 and the fact that a criminal investigation was taking place and Father was going to be with  
12 the police for hours to be questioned.  
13  
14

15 **IX.**

16 **Facts Supporting Relative or Non-Relative Placement**

17 The Department has made attempts to identify and assess placement with the  
18 child's grandparent or extended family. Placement of the child with a relative or another  
19 member of the child's extended family is not in the child's best interest because DCS was  
20 not able to have contact with Father at the time of removal due to an ongoing criminal  
21 investigation. DCS has attempted to contact the child's aunt, but she has not responded to  
22 date. Father has provided the contact number to a cousin, but the cousin has not yet  
23 agreed to be placement. The child's current placement is the least restrictive consistent  
24 with the needs of the child.  
25

26 //

27 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**X.**

**Financial Responsibility for the Support of the Child**

The parent(s) should pay an appropriate amount as determined by law for the care, maintenance and support of the child while in care pursuant to A.R.S. §§ 8-241, 8-243 and 8-243.01.

**XI.**

**Authority to Consent to Treatment**

As legal custodian of ELI SAMUELS and in furtherance of A.R.S. § 8-512 and the DCS's obligation, if any, to provide behavioral health or medical services to a child in the DCS's legal custody, the DCS requests permission to consent to necessary medical care and treatment including general anesthesia and surgical procedures.

**XII.**

**Education**

With regard to possible special education issues of any child named herein who is not placed with a parent, or for any child subsequently removed from a parent(s) physical custody, the DCS hereby requests an order providing that:

1. In the event a public education agency or Arizona early intervention provider advises DCS that it needs to locate a parent of any child named in this petition to serve as the Individuals With Disabilities Education Act (IDEA) parent for that child and a parent can no longer be located by DCS;  
or

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. In the event the parent or legal counsel for the parent tells the public education agency, or DCS/its legal counsel that the parent will not serve as the IDEA parent for the child named in this petition; or
3. If the parent is subject to a no contact order as to this child; or
4. If a public education agency or an Arizona early intervention provider following reasonable efforts to try and get a parent to respond to its requests to act as the IDEA parent for a child named in this petition, fails to obtain a response or any cooperation of a parent, an adult relative, stepparent, or foster parent with whom the child lives (but not staff of a group home or other residential facility) shall have authority to serve as the IDEA parent.

The IDEA parent represents the child's special education interests under Parts B or C of the IDEA. The purpose of such representation is to ensure that a child with a suspected/known disability receives prompt assessment and evaluation for eligibility for early intervention services or appropriate educational services, which may include special education and related services designed to meet the child's unique needs.

**REQUEST FOR RELIEF**

Based upon the foregoing allegations, immediate action is required.

WHEREFORE, the DCS requests this Court find and/or order that:

1. The Juvenile Court has jurisdiction over the subject matter and, after proper service on the parents and/or guardians, the persons before this Court;
2. Venue is proper in this county;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Continuation of the child in the home would be contrary to the welfare of the child;
4. it was reasonable for the DCS to make no efforts to maintain the child in the home;
5. The Department made attempts to identify and assess placement with a grandparent or extended family and such a placement is not in the child's best interest at this time;
6. ELI SAMUELS is not an Indian child as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(4);
7. The child is a temporary ward of the Court, placed in the care, custody and control of the DCS, 1717 West Jefferson, Phoenix, Arizona 85007, and;
  - a. Placing the child in the physical custody of DCS;
  - b. Authorizing DCS to consent to evaluation and treatment for medical and dental care upon recommendation of a health care provider, including general anesthesia, surgical procedures, blood transfusions, pelvic examinations and testing for the Human Immunodeficiency Virus (HIV); and
  - c. Authorizing DCS and the child's placement to consent to education and social activities on behalf of the child;
8. A Preliminary Protective Hearing be set pursuant to A.R.S. § 8-824, an Initial Dependency Hearing pursuant to A.R.S. §§ 8-842 and 8-843, a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Publication Hearing, and a Permanency Hearing pursuant to A.R.S. § 8-862;

9. The matter be assigned to the Court-Appointed Special Advocate (CASA) Program to determine if it is appropriate for the assignment of an advocate;

10. The matter be assigned to the Foster Care Review Board (FCRB) to perform the duties required by statute;

11. All persons are prohibited from removing the child from the State of Arizona without prior written approval of the DCS;

12. Any judgment and orders for the care, paternity, custody, support or such other relief, as the child's welfare and the interests of the State may require under the provisions of Title 8 and Title 25 of the Arizona Revised Statutes;

13. The parent(s) or legal guardian(s) shall provide the DCS Child Safety Worker or its attorney with a recent educational history (including the name(s) and location(s) of the school(s) each child named in the Petition recently attended and the grade in which each child was most recently enrolled.) The parent(s) or legal guardian(s) shall also provide or confirm the date of birth of each child named in the Petition;

14. An individual other than a biological or adoptive parent is authorized to act as the IDEA parent under the circumstances delineated herein;

15. All medical, dental and mental health providers, health plans, Regional Behavioral Health Authorities (RBHAs), as well as other Health Insurance Portability and Accountability Act (HIPAA) covered providers who have

1 provided any services to the child, make available to any guardian ad litem  
2 for the child and/or attorney for the child the various medical, dental,  
3 mental health, genetic and other health care records of the child;  
4

5 **16. The parent, guardian or Indian custodian be advised as follows;**

6 **a. Failure to appear without good cause may result in a finding that**  
7 **the parent, guardian or Indian custodian has waived his/her**  
8 **legal rights and admitted the allegations in the dependency**  
9 **petition;**  
10

11 **b. That hearings may go forward in his/her absence and may result**  
12 **in an adjudication of dependency, permanent guardianship or**  
13 **termination of parental rights based upon the record and**  
14 **evidence presented to the Court, as well as an order of paternity,**  
15 **suspension or termination of an existing current child support**  
16 **order, custody, or change of custody in a consolidated family law**  
17 **matter and an order for child support if paternity has been**  
18 **established;**  
19

20 **c. Proceedings for permanent guardianship pursuant to A.R.S. §§**  
21 **8-871 and 8-872 or proceedings for termination of parental**  
22 **rights pursuant to A.R.S. § 8-533 may be initiated based upon**  
23 **the grounds set forth in statute or for failure to participate in**  
24 **reunification services; and**  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

d. **If a child is under three years of age, within six months after removal from the home, the Court will determine whether the parent, guardian or Indian Custodian has substantially neglected or willfully refused to participate in reunification services offered by the DCS; admonish the parent, guardian or Indian Custodian that substantially neglecting or willfully refusing to remedy the circumstances that cause a child to be in an out-of-home placement, including refusing to participate in reunification services, is a ground for termination of parental rights; and**

17. The parent(s) or legal guardian(s) provide to this Court, as required by A.R.S. § 8-841(D)(5), at the Preliminary Protective Hearing and/or the Initial Dependency Hearing: the names, type of relationship, and all available information necessary to locate persons related to the child or who have a significant relationship with the child. Persons related to the child include the child's grandparents, great-grandparents, brothers or sisters of whole or half-blood, aunts, uncles and first cousins. If the parent(s) or legal guardian(s) do not have sufficient information available to locate a relative or person with a significant relationship with the child, the parent or guardian must inform this Court of this fact. The parent(s) or legal guardian(s) must inform the DCS immediately if the parent(s) or




1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

guardian(s) becomes aware of information related to the existence or location of a relative or person with a significant relationship with the child.

18. Notice is given that under the Arizona Rules of Family Law Procedure 5.1(E), during any dependency/guardianship proceeding in the juvenile division, the assigned juvenile division may suspend, modify, or terminate a child support order for current support if the parent entitled to receive the child support no longer has legal or physical custody of the child, and, except in Title IV-D cases may make appropriate orders regarding any past due support or child support arrears. The assigned juvenile division may direct that the wage assignment be quashed or modified.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of March, 2016.

MARK BRNOVICH  
Attorney General

  
HILLARY RYAN  
Assistant Attorney General



1 ORIGINAL of the foregoing filed  
2 this 24 day of March, 2016, with:

3 Clerk of the Court  
4 Maricopa County Superior Court  
5 Juvenile Division/Durango Facility  
6 3131 West Durango  
7 Phoenix, AZ 85009-6292

8 Copy of the foregoing hand-delivered  
9 this 24 day of March, 2016, to:

10 Honorable \_\_\_\_\_  
11 Maricopa County Superior Court  
12 Juvenile Division/Durango Facility  
13 3131 West Durango  
14 Phoenix, AZ 85009-6292

15 Copies of the foregoing mailed  
16 this 24 day of March, 2016, to:

17 Foster Care Review Board  
18 1601 W. Washington, Suite 128  
19 Phoenix, Arizona 85007

20 Charise Cruz  
21 Child Safety Worker  
22 Site Code: 015A

23   
24 \_\_\_\_\_  
25 PP/Samuels/CC/HDM#4984959  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General  
  
HILLARY RYAN  
Assistant Attorney General  
State Bar No. 030059  
CFP/PSS  
P.O. Box 6123-040A  
Phoenix, AZ 85005  
(602) 542-1645  
PSSDurango@azag.gov

Attorneys for the Department of Child Safety

MICHAEL K. JEANES, CLERK  
BY *m. Perez* DEP  
M. PEREZ FILED

16 MAR 25 PM 4:57

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In the matter of:

ELI SAMUELS  
d.o.b. 08/20/2010

No. JD32360

**ORDER SETTING HEARINGS ON  
DEPENDENCY PETITION AND  
TEMPORARY ORDERS**

Person(s) under 18 years of age.

(Honorable \_\_\_\_\_)

Upon a verified petition alleging the child to be dependent and that the interests of the child requires immediate action:

IT IS ORDERED setting a Preliminary Protective Conference for the 30 day of Martin, 2016, at 9:15 A.m., to be held at Maricopa County Superior Court, ~~3131 West Durango, Phoenix, Arizona 85009~~ OR X 125 West Washington Street, Phoenix, Arizona 85003, before the Facilitator \_\_\_\_\_.

IT IS FURTHER ORDERED setting a Preliminary Protective Hearing for the 30 day of March, 2016, at 10:30 A.m., to be held at Maricopa County Superior Court, ~~3131 West Durango, Phoenix, Arizona 85009~~ OR X 125 West

1 Washington Street, Phoenix, Arizona 85003, before the Honorable

2 Judge Martin.

3  
4 IT IS FURTHER ORDERED setting an Initial Dependency Hearing for 30 day of

5 March, 2016, at 10:30 A.m., to be held at Maricopa County Superior Court,

6 ~~3131 West Durango, Phoenix, Arizona 85009~~ OR  125 West Washington

7 Street, Phoenix, Arizona 85003, before the Honorable Judge Martin.

8  
9 IT IS FURTHER ORDERED setting a Publication Hearing for the \_\_\_ day of

10 \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_.m., to be held at Maricopa County Superior Court,

11 \_\_\_ 3131 West Durango, Phoenix, Arizona 85009 OR \_\_\_ 125 West Washington

12 Street, Phoenix, Arizona 85003, before the Honorable \_\_\_\_\_.

13  
14 IT IS FURTHER ORDERED setting a Permanency Hearing for 16 day of

15 February, 2017, at 9:00 A.m., to be held at Maricopa County Superior Court,

16 ~~3131 West Durango, Phoenix, Arizona 85009~~ OR  125 West Washington

17 Street, Phoenix, Arizona 85003, before the Honorable Judge Martin.

18  
19 IT IS ORDERED that, pending the hearing, ELI SAMUELS is made a temporary  
20 ward of the Court, committed to the legal care, custody and control of the Department of  
21 Child Safety (DCS or the Department) and placed in the physical custody of DCS.

22  
23 IT IS FURTHER ORDERED that, pursuant to Rule 3, R.P.J.C., this matter be  
24 referred to the CASA Program Coordinator to determine the appropriateness of an  
25 appointment of an advocate for the child.

26  
27 IT IS FURTHER ORDERED that the Foster Care Review Board review this  
28 matter within six months of out-of-home placement and at least every six months

1 thereafter as long as the child remains in out-of-home care to determine what efforts have  
2 been made by the DCS to carry out the plan for permanent placement. The review period  
3 for out-of-home placement includes time the above-named child has been in voluntary  
4 out-of-home placement.  
5

6 IT IS FURTHER ORDERED that no person shall remove or cause the removal of  
7 the child from the State of Arizona without prior written approval of DCS.  
8

9 IT IS FURTHER ORDERED that DCS is authorized to consent for the child to  
10 leave the jurisdiction of the Court for travel within the United States for a period not to  
11 exceed thirty days.  
12

13 IT IS FURTHER ORDERED that the parent(s) or legal guardian(s) provide the  
14 DCS child safety worker or its attorney with a recent educational history (including the  
15 name(s) and location(s) of the school(s) the child named in the Petition recently attended  
16 and the grade in which the child was most recently enrolled). The parent(s) or legal  
17 guardian(s) shall also provide or confirm the date of birth of the child named in the  
18 Petition.  
19

20 IT IS FURTHER ORDERED that in the event of any of the following  
21 circumstances, a relative, stepparent or foster parent with whom the child lives (but not  
22 staff of a group home or other residential facility) shall have authority to act as the IDEA  
23 parent:  
24

- 25 1. Neither the public education agency, an early intervention provider or DCS  
26 can locate the parent;  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 2. The parent or legal counsel for the parent tells the public education agency, DCS or one of its attorneys that the parent will not act as the IDEA parent;
- 3. There is a no contact order against the parent as to the child in issue; or
- 4. The public education agency or Arizona early intervention provider has made reasonable attempts to get a parent to respond to its requests to act as the IDEA parent and fails to obtain a response or any cooperation from the parent.

IT IS FURTHER ORDERED that any Regional Behavioral Health Authority (RBHA), health plan, medical, dental or mental health provider/professional, hospital, clinic, laboratory, pharmacy, medical facility or other health care provider that has provided or is providing treatment or services to ELI SAMUELS shall, upon written request, provide the child's guardian ad litem and/or the child's attorney with copies of paper and electronic medical, health, dental, mental health, genetic test, communicable disease (including HIV-related information) records of this child in DCS's legal custody. The records may be provided in any medium that is acceptable to the entity or individual providing the records. RBHAs are to provide the child's guardian ad litem and/or the child's attorney with the names of any service providers for the child. All individuals and entities covered by this Order are also permitted to speak with the child's guardian ad litem and/or the child's attorney. The child's guardian ad litem and/or child's attorney shall not request records as to this child after the period of representation in this matter ends.

1 IT IS FURTHER ORDERED that the parent(s) or legal guardian(s) provide to this  
2 Court, at the Preliminary Protective Hearing and/or the Initial Dependency Hearing: the  
3 names, type of relationship, and all available information necessary to locate persons  
4 related to the child or who have a significant relationship with the child. Persons related  
5 to the child include the child's grandparents, great-grandparents, brothers or sisters of  
6 whole or half-blood, aunts, uncles and first cousins. If the parent(s) or legal guardian(s)  
7 do not have sufficient information available to locate a relative or person with a  
8 significant relationship with the child, the parent or guardian must inform this Court of  
9 this fact. The parent(s) or legal guardian(s) must inform the DCS immediately if the  
10 parent(s) or guardian(s) becomes aware of information related to the existence or location  
11 of a relative or person with a significant relationship with the child.  
12  
13  
14

16 **FAILURE TO COMPLY WITH THESE ORDERS MAY RESULT**  
16 **IN THE COURT FINDING YOU IN CONTEMPT OF COURT**

17 IT IS FURTHER ORDERED that in furtherance of A.R.S. § 8-512 and the DCS's  
18 obligation, if any, to provide medical, behavioral health or other services to a child in the  
19 DCS's legal custody, the DCS is authorized to consent to evaluation and treatment for  
20 medical and dental care upon recommendation of a health care provider, including  
21 general anesthesia, surgical procedures, blood transfusions, pelvic examinations and  
22 testing for the Human Immunodeficiency Virus (HIV).  
23

24 IT IS FURTHER ORDERED that DCS and the placement shall have authority to  
25 consent to all social and authorized educational activities for ELI SAMUELS.  
26

27 THE COURT FINDS, based upon the verified allegations of the Petition that  
28 continuation of the child in the home would be contrary to the welfare of the child. This



1 finding is supported by the following facts: Father shot his significant other's son in an  
2 altercation with the child present in the home. The child was found crying and  
3 traumatized. Father has been arrested and is currently in jail on multiple charges,  
4 including child endangerment. Mother's whereabouts are currently unknown.  
5

6 THE COURT FURTHER FINDS, based upon the verified allegations of the  
7 Petition, that it was reasonable to make no efforts to maintain the child in the home. This  
8 finding is supported by the following facts: efforts were not made due to the severity of  
9 the domestic violence, the fact that the child was present at the time of the occurrence, the  
10 fact that a criminal investigation was taking place and Father was going to be with the  
11 police for hours to be questioned.  
12  
13

14 THE COURT FURTHER FINDS, based upon the verified allegations of the  
15 Petition, that The Department made attempts to identify and assess placement with a  
16 grandparent or extended family and it is not in the child's best interest because DCS was  
17 not able to have contact with Father at the time of removal due to an ongoing criminal  
18 investigation. DCS has attempted to contact the child's aunt, but she has not responded to  
19 date. Father has provided the contact number to a cousin, but the cousin has not yet  
20 agreed to be placement. The child's current placement is the least restrictive consistent  
21 with the needs of the child.  
22  
23

24 **You are hereby advised that your failure to appear without good cause may**  
25 **result in a finding that you waived your legal rights and have admitted the**  
26 **allegations in the Petition. In addition, if you fail to appear without good cause, the**  
27 **hearings may go forward in your absence and may result in an adjudication of**  
28

1 dependency, termination of your parental rights or the establishment of a  
2 permanent guardianship based upon the record and evidence presented to the  
3 Court, as well as an order of paternity, suspension or termination of an existing  
4 current child support order, custody, or change of custody in a consolidated family  
5 law matter and an order for child support if paternity has been established. You  
6 are also advised that if a child is under three years of age, within six months after  
7 removal from the home, the Court will determine whether you have substantially  
8 neglected or willfully refused to participate in reunification services offered by the  
9 DCS. In addition, you are hereby advised that substantially neglecting or willfully  
10 refusing to remedy the circumstances that cause your child to be in an out-of-home  
11 placement, including refusing to participate in reunification services, is a ground for  
12 termination of parental rights.  
13  
14  
15

16 APPOINTMENT OF COUNSEL – CHILD

17  IT IS FURTHER ORDERED appointing Brenna Durkin, as  
18  Guardian ad Litem for the child; and appointing \_\_\_\_\_,  
19 as  counsel for the child.  
20

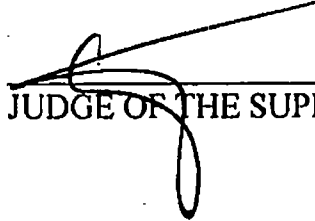
21 APPOINTMENT OF COUNSEL – OTHER PARTIES

22  IT IS FURTHER ORDERED assigning Lincoln Green, as  
23 counsel for LISA PERSON pending the decision of the Court at the hearing. The  
24 determination of appointment of counsel may require the completion of a financial  
25 affidavit.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
16  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS FURTHER ORDERED assigning Brian Salata, as  
counsel for EWING SAMUELS pending the decision of the Court at the hearing. The  
determination of appointment of counsel may require the completion of a financial  
affidavit.

DATED this 24 day of March 2016.

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

# NOTICE OF COURT CONFERENCE AND HEARING

SUPERIOR COURT OF ARIZONA  
Maricopa County, Juvenile Division

MICHAEL K. JEANES, CLERK  
BY *m. Perez* DEP  
M. PEREZ FILED

NOTICE TO: (name & address)

Ewing Samuels  
Address Unknown

16 MAR 25 PM 4:57

(relationship to children):

Father

In the Matter of: juvenile(s) name(s)

Case No. JD32360

Eli

**WARNING:** THIS IS AN IMPORTANT NOTICE FROM THE COURT. READ IT CAREFULLY AND FOLLOW DIRECTIONS. IF YOU DO NOT COME TO THE MEETING AND THE COURT HEARING, THE COURT CAN MAKE A DECISION ABOUT YOU AND YOUR CHILD (REN) AND AN ORDER COULD BE ENTERED AGAINST YOU. IF YOU FAIL TO ACTIVELY PARTICIPATE IN THE COURT PROCEEDINGS AND IN YOUR CASE PLAN YOUR PARENTAL RIGHTS COULD BE TERMINATED.

- 1. INFORMATION ABOUT YOUR COURT HEARING:**
- The Court will hold a **PRELIMINARY PROTECTIVE CONFERENCE AND HEARING** in this case because a dependency petition has been filed. This court proceeding may last for several hours. Plan to come about 30 minutes early to be sure you find parking and the correct room at the courthouse.

*You may request that your court hearing be open to the public.*

### YOUR COURT HEARING WILL BE HELD AS FOLLOWS:

<input type="checkbox"/> <b>SOUTHEAST COURT FACILITY</b> 1810 S. Lewis, Mesa, AZ 85210 (602) 506-2544 Court Administration		<input type="checkbox"/> <b>DURANGO COURT FACILITY</b> 3131 W. Durango, Phoenix, AZ 85009 (602) 506-4533 Court Administration		<input checked="" type="checkbox"/> <b>OLD COURTHOUSE</b> 125 W. Washington, Phoenix AZ 85003 (602) 372-1680 Court Administration	
Judge / Commissioner:		Judge / Commissioner:		Judge / Commissioner: <u>Martin</u>	
Date	Time	Date	Time	Date	Time
				3/30/16	9:15/10:30AM

- 3. WHAT HAPPENS AT COURT AND WHO MAY ATTEND:**  
Before the Preliminary Protective Hearing, you will participate in a meeting that will be held at the court to discuss the protection of the child (ren), placement, visitation and services to be provided. Family members or others who have an interest in the welfare of the child (ren) may attend this meeting.

- 4. IF YOU CANNOT AFFORD AN ATTORNEY TO REPRESENT YOU:**  
You should be represented by an attorney at this hearing. If you cannot afford an attorney, the Court will decide if you qualify financially for a court appointed attorney, and you might be required to contribute to the cost of your attorney. A lawyer has been conditionally appointed to represent you, but you **MUST COMPLETE** the attached Financial Affidavit to see if you are eligible for a court-appointed attorney. If you plan to hire your own attorney at your own expense, he or she should attend the court conference and hearing with you.

- The attorney assigned to represent you is (name) \_\_\_\_\_ of the Maricopa County Office of the Legal Defender, (602) 506-5800.
- The attorney assigned to represent you is (name) \_\_\_\_\_ of the Maricopa County Office of the Legal Advocate, (602) 506-5379.
- The attorney assigned to represent you is (name) Brian Salata and his/her phone number is: 480-345-4162.

**CALL THE LAWYER WHO HAS BEEN CONDITIONALLY APPOINTED AS SOON AS YOU CAN SO THAT YOU AND THE LAWYER CAN TALK ABOUT YOUR CASE AND BE PREPARED FOR THE COURT MEETING AND COURT HEARING.**

# NOTICE OF COURT CONFERENCE AND HEARING

SUPERIOR COURT OF ARIZONA  
Maricopa County, Juvenile Division

MICHAEL K. JEANES, CLERK  
BY *m. Perez*  
M. PEREZ FILED

16 MAR 25 PM 4:56

NOTICE TO: (name & address)

Lisa Person

801 Arbor Way, Barstow, CA 92311

(relationship to children):

Mother

In the Matter of: juvenile(s) name(s)

Case No. JD32360

Eli

**WARNING:** THIS IS AN IMPORTANT NOTICE FROM THE COURT. READ IT CAREFULLY AND FOLLOW DIRECTIONS. IF YOU DO NOT COME TO THE MEETING AND THE COURT HEARING, THE COURT CAN MAKE A DECISION ABOUT YOU AND YOUR CHILD (REN) AND AN ORDER COULD BE ENTERED AGAINST YOU. IF YOU FAIL TO ACTIVELY PARTICIPATE IN THE COURT PROCEEDINGS AND IN YOUR CASE PLAN YOUR PARENTAL RIGHTS COULD BE TERMINATED.

**1. INFORMATION ABOUT YOUR COURT HEARING:**

2. The Court will hold a **PRELIMINARY PROTECTIVE CONFERENCE AND HEARING** in this case because a dependency petition has been filed. This court proceeding may last for several hours. Plan to come about 30 minutes early to be sure you find parking and the correct room at the courthouse.

*You may request that your court hearing be open to the public.*

**YOUR COURT HEARING WILL BE HELD AS FOLLOWS:**

<input type="checkbox"/> <b>SOUTHEAST COURT FACILITY</b> 1810 S. Lewis, Mesa, AZ 85210 (602) 506-2544 Court Administration	<input type="checkbox"/> <b>DURANGO COURT FACILITY</b> 3131 W. Durango, Phoenix, AZ 85009 (602) 506-4533 Court Administration	<input checked="" type="checkbox"/> <b>OLD COURTHOUSE</b> 125 W. Washington, Phoenix AZ 85003 (602) 372-1680 Court Administration
Judge / Commissioner:	Judge / Commissioner:	Judge / Commissioner: <u>Martin</u>
Date	Time	Date
		3/30/16
		Time
		9:15/10:30AM

**3. WHAT HAPPENS AT COURT AND WHO MAY ATTEND:**

Before the Preliminary Protective Hearing, you will participate in a meeting that will be held at the court to discuss the protection of the child (ren), placement, visitation and services to be provided. Family members or others who have an interest in the welfare of the child (ren) may attend this meeting.

**4. IF YOU CANNOT AFFORD AN ATTORNEY TO REPRESENT YOU:**

You should be represented by an attorney at this hearing. If you cannot afford an attorney, the Court will decide if you qualify financially for a court appointed attorney, and you might be required to contribute to the cost of your attorney. A lawyer has been conditionally appointed to represent you, but you **MUST COMPLETE** the attached Financial Affidavit to see if you are eligible for a court-appointed attorney. If you plan to hire your own attorney at your own expense, he or she should attend the court conference and hearing with you.

- The attorney assigned to represent you is (name) \_\_\_\_\_ of the Maricopa County Office of the Legal Defender, (602) 506-5800.
- The attorney assigned to represent you is (name) \_\_\_\_\_ of the Maricopa County Office of the Legal Advocate, (602) 506-5379.
- The attorney assigned to represent you is (name) Lincoln Green and his/her phone number is: 602-252-5504.

**CALL THE LAWYER WHO HAS BEEN CONDITIONALLY APPOINTED AS SOON AS YOU CAN SO THAT YOU AND THE LAWYER CAN TALK ABOUT YOUR CASE AND BE PREPARED FOR THE COURT MEETING AND COURT HEARING.**

C2C

FILED  
 3-30-16 10:59am  
 MICHAEL K. JEANES, Clerk  
 By A. Salata  
 Deputy

FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA  
 IN MARICOPA COUNTY**

PETITIONER:       DCS       GAL       Other

In the Matter of:

Name	Date of Birth
Eli Samuels	8/20/10
Person(s) under 18 years of age	

Case No.: **JD32360**

**PRELIMINARY PROTECTIVE ORDER AND  
 ORDER SETTING COURT HEARINGS**

\_\_\_\_\_  
 Judge Daniel Martin  
 Judge/Commissioner

**APPEARANCES**

Per the attached sign-in sheet.

**ORDERS**

The Court has considered the stipulation of the parties and/or evidence presented and ORDERS AS FOLLOWS:

- A. **ICWA** The Court finds, based upon the assertions of the parties, that the Indian Child Welfare Act (ICWA)
- DOES apply     DOES NOT apply     MAY apply, though it has yet to be determined

B. **APPOINTMENT OF COUNSEL**

Party	Party Name	Attorney Name	Appointed
MOTHER *	Lisa Person	Lincoln Green, ATTY	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		, GAL	<input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER *	Ewing Samuels	Brian Salata, ATTY	<input type="checkbox"/> Yes <input type="checkbox"/> No
		, GAL	<input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER *			<input type="checkbox"/> Yes <input type="checkbox"/> No
		, GAL	<input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER *			<input type="checkbox"/> Yes <input type="checkbox"/> No
		, GAL	<input type="checkbox"/> Yes <input type="checkbox"/> No
CHILD(REN)	Eli Samuels	Brenna Durkin, GAL	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
CHILD(REN)			<input type="checkbox"/> Yes <input type="checkbox"/> No
CHILD(REN)			<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER *			<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER			<input type="checkbox"/> Yes <input type="checkbox"/> No

\* The appointment of counsel is subject to reimbursement and dependent on the submission of a financial affidavit.

**C. SERVICE OF PROCESS**

		Accepts	Waives	Not Complete
MOTHER	Lisa Person	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FATHER	Ewing Samuels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FATHER		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FATHER		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OTHER		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OTHER		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**D. PATERNITY**

<b>Father's Name:</b> Ewing Samuels		<b>Relevant Child(ren):</b> Eli Samuels	
Paternity has been Established <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Is willing to sign an Affidavit of Paternity <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Is Ordered to Submit to Testing <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Father's Name:</b>		<b>Relevant Child(ren):</b>	
Paternity has been Established <input type="checkbox"/> Yes <input type="checkbox"/> No		Is willing to sign an Affidavit of Paternity <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Is Ordered to Submit to Testing <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Father's Name:</b>		<b>Relevant Child(ren):</b>	
Paternity has been Established <input type="checkbox"/> Yes <input type="checkbox"/> No		Is willing to sign an Affidavit of Paternity <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Is Ordered to Submit to Testing <input type="checkbox"/> Yes <input type="checkbox"/> No	

**E. CONTESTED ISSUES**

Yes    No

		Temporary Custody	Parenting Time	Services	Other
Mother	Lisa Person	No	No	No	Yes
Father	Ewing Samuels				
Father					
Father					
Other					
Other					

Contested issue(s) is / are as follows:

Mother, Lisa Person, will enter denial and request a pretrial conference.

**F. TEMPORARY CUSTODY FINDINGS**

- The Court has received and reviewed the following documents:
  - Dependency Petition       DCS Report dated 3/25/16 including attachments
  - Other: \_\_\_\_\_
- The Court determines that DCS has identified a proposed case plan for services pursuant to ARS §8-824.

Continued Temporary Custody (*choose only one*)

- Is **clearly necessary** to prevent abuse or neglect pursuant to A.R.S. § 8-825.
- Is **NOT clearly necessary** to prevent abuse or neglect and the child(ren) should be returned to: \_\_\_\_\_
- Other: \_\_\_\_\_

- THE COURT FINDS THAT** the Department of Child Safety has made reasonable efforts to prevent removal of the child from the home or that it was reasonable to make no efforts to maintain the child in the home.
- THE COURT FINDS THAT** it is contrary to the welfare of the child(ren) to be returned to or placed in the custody of the parent/guardian for the following reasons:  
based on the allegations in the verified petition filed 3/24/16 and court report dated 3/25/16
- The Court finds DCS has made active efforts in accordance with ICWA standards.
- The Court has heard qualified expert testimony and finds by clear and convincing evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful; and that continued custody of the child(ren) by the parents, guardian or Indian Custodian is likely to result in serious emotional or physical damage to the child(ren) (25 USC §1912).
- Pursuant to ARS §8-829(A)(2), the Court finds that DCS has made attempts to identify and assess placement with the child(ren)'s grandparent or another member of the child(ren)'s extended family including a person who has a significant relationship with the child.
- Pursuant to ARS §8-824(G), the Court finds that DCS has made reasonable efforts to place a child with siblings and if that is not possible, to maintain frequent visitation or other ongoing contact between all siblings.

**G. PHYSICAL CUSTODY**

- IT IS ORDERED** that the child(ren) remain(s) a ward of the court in the legal care, custody and control of the Department of Child Safety. It is further ordered that the child(ren) is/are placed:
  - as set forth in the Petition and Temporary Custody Order
  - as set forth below.

Child's Name	In the Physical Custody** of:
Eli Samuels	Licensed Kinship



IT IS FURTHER ORDERED that the child(ren) shall remain in the physical custody of the person(s) or entity named above until otherwise ordered by the Court; and that DCS shall not move the child(ren) to a different placement without prior court approval except in case of emergency, in which event DCS shall inform the Court and seek Court approval within 10 days after moving the child(ren).

\*\*Pursuant to ARS §8-514.05(C), the placement is authorized to consent to routine medical treatments, dental procedures, social and educational activities, and psychological/ psychiatric evaluations and therapy for the child(ren).

\*\*Pursuant to ARS §8-513(A)(2), Department of Child Safety is authorized to consent to travel within the U.S. for a period not to exceed 30 days.

H. PARENTING TIME

IT IS ORDERED that parenting time shall be at the discretion of DCS.

IT IS ORDERED that parenting time shall be as follows:  
Mother: Pending results of a psychological consultation - a minimum of once per week for two hours, supervised by DCS or its designee.

IT IS ORDERED that \_\_\_\_\_ shall have no contact of any kind, including but not limited to personal contact, contact by telephone, or by letter or message with \_\_\_\_\_ pending further order of this court.

IT IS FURTHER ORDERED that \_\_\_\_\_ neither allow or facilitate any contact of any kind, including but not limited to personal contact, contact by telephone, or contact by letter or message between \_\_\_\_\_ and the child, pending order of this court.

IT IS FURTHER ORDERED that parents shall attend all of the children's medical appointments.

I. **SERVICES TO BE PROVIDED**

MOTHER:     Lisa Person      **C2C**

Services Requested/Offered	Agreed Upon	
<input type="checkbox"/> Parent Aide Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Parenting Classes through the community.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychological Evaluation and Reasonable Recommendations of Evaluation/Assessment ....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychiatric Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Counseling: Family therapy if appropriate.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Assessment/Treatment TERROS Families First with recommendations.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Substance Abuse Testing : rule out UA.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Transportation as needed, as requested.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Interstate Compact on Placement of Children referral .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for Domestic Violence Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

C2C		
<input type="checkbox"/> Referral for Dependency Treatment Court	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for C2C Clinical Intake	<input type="checkbox"/> Yes	<input type="checkbox"/> No

FATHER:     Ewing Samuels      **C2C**

Services Requested/Offered	Agreed Upon	
<input type="checkbox"/> Paternity Testing .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Parent Aide Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Parenting Classes through the community.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychological Evaluation and Reasonable Recommendations of Evaluation/Assessment ....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychiatric Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Counseling: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Assessment/Treatment TERROS Families First with recommendations.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Testing random UAs.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Transportation as needed, as requested.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Interstate Compact on Placement of Children referral .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for Domestic Violence Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

C2C		
<input type="checkbox"/> Referral for Dependency Treatment Court	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for C2C Clinical Intake	<input type="checkbox"/> Yes	<input type="checkbox"/> No

FATHER: \_\_\_\_\_

Services Requested/Offered	Agreed Upon
<input type="checkbox"/> Paternity Testing .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Parent Aide Services .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Parenting Classes .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Psychological Evaluation and Reasonable Recommendations of Evaluation/Assessment ....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Psychiatric Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Counseling: .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Assessment/Treatment .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Testing .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Transportation .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Interstate Compact on Placement of Children referral .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referral for Domestic Violence Services .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Other:	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>C2C</b>	
<input type="checkbox"/> Referral for Dependency Treatment Court	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referral for C2C Clinical Intake	<input type="checkbox"/> Yes <input type="checkbox"/> No

FATHER: \_\_\_\_\_

Services Requested/Offered	Agreed Upon
<input type="checkbox"/> Paternity Testing .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Parent Aide Services .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Parenting Classes .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Psychological Evaluation and Reasonable Recommendations of Evaluation/Assessment ....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Psychiatric Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Counseling: .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Assessment/Treatment .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Testing .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Transportation .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Interstate Compact on Placement of Children referral .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referral for Domestic Violence Services .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Other:	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>C2C</b>	
<input type="checkbox"/> Referral for Dependency Treatment Court	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referral for C2C Clinical Intake	<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER: \_\_\_\_\_

Services Requested/Offered	Agreed Upon	
<input type="checkbox"/> Parent Aide Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Parenting Classes .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychological Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Psychiatric Evaluation and Reasonable Recommendations of Evaluation/Assessment .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Counseling: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Assessment/Treatment .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Substance Abuse Testing .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Transportation .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Interstate Compact on Placement of Children referral .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for Domestic Violence Services .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Paternity testing .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**C2C**

<input type="checkbox"/> Referral for Dependency Treatment Court	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral for C2C Clinical Intake	<input type="checkbox"/> Yes	<input type="checkbox"/> No

CHILD(REN): Eli Samuels  C2C

Services Requested/Offered	Agreed Upon	
<input checked="" type="checkbox"/> Rapid Response with reasonable recommendations .....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Birth to 5 Assessment /ASQ.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority).....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Comprehensive Medical and Dental Plan .....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral to Arizona Early Intervention Program .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Clothing Allowance and Standard Allowances.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Child Care as needed, as requested.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Independent Living .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Other: Individual counseling. Family counseling if recommended.....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

CHILD(REN): \_\_\_\_\_  C2C

Services Requested/Offered	Agreed Upon	
<input type="checkbox"/> Rapid Response with reasonable recommendations .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Birth to 5 Assessment /ASQ.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> RBHA Referral (Regional Behavioral Health Authority) .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Comprehensive Medical and Dental Plan .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referral to Arizona Early Intervention Program .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Clothing Allowance .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Child Care .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Independent Living .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other: .....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

J. **SERVICES ORDERED**

The Court orders the parties to participate in the services agreed upon in section I above.

The Court orders the following (additional) services:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

K. **DEPENDENCY ADJUDICATION & DISPOSITION FINDINGS**

**PLEA:**

The dependency is contested by: Lisa Person  
and the parties request that a  mediation  pre-trial conference be set.

\_\_\_\_\_ stipulates to the dependency based upon:

\_\_\_\_\_ denies the allegations and submits the issues of  
dependency to the court based upon: based on the allegations in the verified petition filed  
3/24/16 and court report dated 3/25/16

\_\_\_\_\_ is/are in agreement with the in-home intervention.

**ADJUDICATION FINDINGS:**

The Court confirms that Lisa Person has met with  
counsel and has been advised regarding trial rights pursuant to ARS §8-843(A).

Mother Lisa Person has entered  
an  admission  denial and submission  no contest plea.

The Father Ewing Samuels has entered  
an  admission  denial and submission  no contest plea.

The Father \_\_\_\_\_ has entered  
an  admission  denial and submission  no contest plea.

The Father \_\_\_\_\_ has entered  
an  admission  denial and submission  no contest plea.

\_\_\_\_\_ has entered  
an  admission  denial and submission  no contest plea.

The Court determines that the plea of the parent(s) was/were made knowingly, intelligently and  
voluntarily.

The Court having considered the verified  petition,  amended petition,  DCS reports dated 3/25/16  \_\_\_\_\_ and all information presented and finds by a preponderance of the evidence that:

The Court has exclusive jurisdiction over the subject matter pursuant to ARS §8-802 and venue is appropriate in Maricopa County pursuant to ARS §8-206.

The Petitioner is authorized to initiate this dependency proceedings pursuant to Title 8 ARS §8-201 et seq., ARS §8-501 et seq. and ARS §8-802 et seq.

The child(ren)  is/are  is not/are not dependent as defined in ARS §8-201 as to

- Mother, Lisa Person
- Father, Ewing Samuels
- Father, \_\_\_\_\_
- Father, \_\_\_\_\_
- Other, \_\_\_\_\_

**DISPOSITION:**

This order serves as a proposed disposition. The **CASE PLAN** is: Family Reunification. Services to be provided include those listed in sections I and J, and: \_\_\_\_\_

The Court orders the following child(ren) Eli Samuels \_\_\_\_\_ be made a ward(s) of the Court as a dependent child(ren) as to  Mother  Father \_\_\_\_\_ and placed in accordance with this Order.

The Court finds after consideration of the health and safety of the child(ren), the goal of placement and the services offered to the family and the children(ren), that the goal of the case plan is appropriate at this time.

If the child(ren) is/are an Indian child, the Court finds the child was placed pursuant to the standards of ICWA, 25 USC §1915.

**L. DISCLOSURE PURSUANT TO R.P.J.C. 44 (A), (B) (1)**

The parties agree to conduct mutual disclosure pursuant to Rules of Procedure for the Juvenile Court.

The parties agree to conduct mutual disclosure as follows: \_\_\_\_\_

**M. ADDITIONAL COURT ORDERS**

DCS agrees to substitute in as petitioner.

DCS agrees to act as co-petitioner.

**FORM 1 – Notice to Parent in Dependency Action** was read to Mother in open Court on this date. She/He indicates that she/he understands her/his rights and a copy of the Form 1 was provided through her/his counsel.

**IT IS ORDERED** filing the original verification.

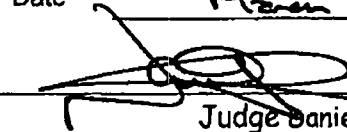
**IT IS ORDERED** father, Ewing Samuels (DOB 8/10/78. MCSO Booking #T258368), appear telephonically for the Initial Dependency Hearing.

**N. FUTURE HEARINGS**

Type of Hearing	Date	Time	Before Judge / Commissioner
Initial	4/20/16	8:30 AM	Judge Martin
Publication			
Temporary Custody			
Adjudication			
Disposition			
Mediation			
Pre Trial Conference	4-20-16	8:30 AM	Judge Martin
Permanency Planning 0-2			
Permanency Planning 3-17	2/16/17	9:00 AM	Judge Martin
Report & Review			
IHI Report & Review			
IHI Final Review			

**O. HEARINGS TO BE VACATED**

Type of Hearing	Date	Time	Before Judge / Commissioner
Initial	3/30/16	10:30 AM	Judge Martin

Date March 30, 2016  
  
 Judge Daniel Martin  
 of the Superior Court

**WARNING: YOUR FAILURE TO APPEAR AT THESE HEARINGS AND TO ACTIVELY PARTICIPATE IN THESE COURT PROCEEDINGS AND IN THE CASE PLAN MAY RESULT IN THE CHILD(REN) BEING ADJUDICATED DEPENDENT WITH CONTINUED COMMITMENT TO THE CARE, CUSTODY AND CONTROL OF THE DEPARTMENT OF CHILD SAFETY AND COULD RESULT IN FURTHER PROCEEDINGS FOR PERMANENT GUARDIANSHIP PURSUANT TO A.R.S. §8-871 ET SEQ. OR TERMINATION OF YOUR PARENTAL RIGHTS PURSUANT TO §8-533 ET SEQ.**





3-30-16 FILED 10:59am  
MICHAEL K. JEANES, Clerk  
By [Signature]  
Deputy

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY JUVENILE COURT**

In the Matter of:

Case No: JD 32360

Samuels

**PARENTS' FINANCIAL AFFIDAVIT  
TO DETERMINE ELIGIBILITY FOR A COURT  
APPOINTED ATTORNEY**

Mother  Father  Other (explain) \_\_\_\_\_

INSTRUCTIONS: Complete this form with information about your financial circumstances, so that the Court can decide if you can afford to pay an attorney in your court case, or if an attorney should be appointed for you by the Court. If the Court appoints an attorney you might be ordered to pay some of the cost of the lawyer. You may also hire your own lawyer at your own expense, but you must do so BEFORE the Court Conference and Hearing date indicated on the Notice from the Court.

BRING THIS FORM WITH YOU TO COURT.

GENERAL INFORMATION:

- Name: Lisa Person Phone #: 725-200-7810
- Relationship to the Other Parent:  Now Married  Divorced  Never Married  
 Other (explain): \_\_\_\_\_
- How much can you afford to pay monthly for lawyer fees? : 0

INCOME:

- Are you now receiving financial assistance, such as Temporary Assistance to Needy Families (TANF), food stamps, social security disability (SSI), from any government agency?  
 No  Yes If so, what type of government benefits? \_\_\_\_\_
- Occupation: Unemployed
- Employer: N/A How long: N/A

INCOME	Monthly	ASSETS	Total Value (minus amount owed)
Employment Income:	<u>N/A</u>	Cash you have:	<u>0</u>
Child/Spousal Support Income:	<u>400.00</u>	Home:	<u>N/A</u>
Benefits Income:	<u>920.00</u>	Automobile/Car:	<u>N/A</u>
Additional Income:	<u>0</u>	Additional Assets:	<u>N/A</u>
Monthly Income Total:	<u>1320.00</u>	Total Assets:	<u>0</u>

EXPENSES:

SUPPORT OBLIGATIONS	Monthly	HOUSEHOLD/AUTO	Monthly
Child/Spousal Support:	<u>0</u>	Rent/Mortgage:	<u>800.00</u>
Child Care:	<u>0</u>	Utilities:	<u>75.00</u>
Medical Expenses:	<u>0</u>	Auto/Insurance/Gas:	<u>127.00</u>
Additional Expenses:	<u>\$100.00</u>	Additional Expenses:	<u>100.00</u>
Monthly Support Total:	<u>\$100.00</u>	Total Expenses:	<u>1000.00</u>

HOW MANY PERSONS ARE YOU SUPPORTING? 4

I affirm under penalty of perjury that I have completed this Financial Affidavit, and I have truthfully and completely provided information about my financial resources. I understand that the Court may require me to provide further details about my financial circumstances in order to assess my ability to pay for costs of attorney services.

Signature: [Signature]  
Print Name: LISA PERSON

Date: 3/30/16  
Address: 9901 W. Sahara Ave Las Vegas, NV 89117

Case Name:

Samuels

FILED  
3-30-16 10:59am  
MICHAEL K. JEANES, Clerk  
By [Signature]  
Deputy

Case Number: JD

32360

### FORM 1

## NOTICE TO PARENT IN DEPENDENCY ACTION

You are a party in a dependency case. If the Court determines that your child is dependent, then the Court will make decisions about the care and custody of your child until you demonstrate that you are able to do so. Except as otherwise provided by law, court hearings relating to dependent children are open to the public. You may request that the hearings be closed, and the Court may order them closed for good cause. If you cannot be reunited with your child within legal time frames, the Court may terminate your parental rights and your child may be adopted, or the Court may appoint a permanent guardian for your child. As a parent or Indian custodian in a dependency case, your legal rights include:

1. The right to counsel, including court appointed counsel if you are indigent;
2. The right to trial by the Court on the allegations in the dependency petition;
3. The right to cross-examine witnesses who are called to testify against you; and
4. The right to use the process of the court to compel the attendance of witnesses.

As part of this case, there will be additional court hearings. You are required to attend all court hearings. If you cannot attend a court hearing, you must prove to the Court that you had good cause for not attending. If you fail to attend the Pre-trial Conference, Settlement Conference, or Dependency Adjudication Hearing without good cause, the Court may determine that you have waived your legal rights and admitted the allegations in the dependency petition. The Court may go forward with the Dependency Adjudication Hearing in your absence and may rule that your child is dependent based on the record and evidence presented. You must also actively participate in reunification services if they are offered to you. Substantially neglecting or wilfully refusing to remedy the circumstances that cause your child to be in an out-of-home placement, including refusing to participate in reunification services, will be grounds for terminating your parental rights to your child. If you do not participate in reunification services or fail to attend further proceedings without good cause, the Court may terminate your parental rights or appoint a permanent guardian for your child. The Court will presumed that you understand the contents of this notice unless you tell the Court at today's hearing that you do not understand this notice.

**Next Hearing:**

**Date & Time:**

**Judicial Officer:**

- Initial Dependency Hearing
- Mediation
- Pre-Trial Conference
- Dependency Adjudication Hrg
- Disposition Hearing
- Review Hearing
- Permanency Hearing

\_\_\_\_\_

4-20-16 @ 8:30AM

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Judge Daniel G. Martin  
(To Be Determined)  
Judge Daniel G. Martin  
Judge Daniel G. Martin  
Judge Daniel G. Martin  
Judge Daniel G. Martin  
Judge Daniel G. Martin

At Old Court House 125 West Washington, Phoenix AZ 85003, Courtroom 303

My signature confirms that I have received a copy of this document on this date.

[Signature]  
Parent Signature

Lisa PERSON  
Printed Name

3/30/16  
Date

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

FILED  
3-30-16 10:59am  
MICHAEL K. JEANES, Clerk  
By A. Samuels  
Deputy

VERIFICATION

1  
2 STATE OF ARIZONA )  
3 ) ss.  
4 COUNTY OF MARICOPA )

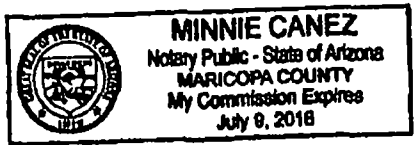
JD 32360  
Samuels

5  
6 I, Laura Pederson, being duly sworn, upon oath depose and say:

7 I am an employee of the Petitioner, the Department of Child Safety, and I have  
8 been authorized to make this verification on its behalf. I have read the foregoing Petition  
9 and believe upon information and belief that the contents thereof are true and correct.

10  
11 Laura Pederson  
12 Signature of Laura Pederson  
13 DCSUS  
14 Title

15  
16 SUBSCRIBED and SWORN to before me this 24 day of March, 2016.



17  
18  
19 [Signature]  
20 Notary Public

21 PP/Samuels/CC/HDM#4984959

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

3/30/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
A. Sotelo  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

LISA PERSON  
9901 W SAHARA AVE  
LAS VEGAS NV 89117

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
OFFICE OF PUBLIC DEFENSE  
SERVICES JUVENILE  
DCS CASEWORKER SECTION 01

PRELIMINARY PROTECTIVE HEARING  
INITIAL DEPENDENCY HEARING  
DEPENDENCY CONTESTED BY MOTHER

10:49 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Preliminary Protective Hearing and Initial Dependency Hearing  
on a dependency petition filed 3/24/2016.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

3/30/2016

Present: Assistant Attorney General Elizabeth Overholt, counsel for the Department; Brenna Durkin, guardian ad litem for the child; Lincoln Green, counsel for the mother; DCS Child Safety Specialist Charise Cruz; Office of Child Welfare Investigator Edwin Wangler; and the mother, Lisa Person.

The Court is advised of the results of the Preliminary Protective Conference.

LET THE RECORD REFLECT that the child's guardian ad litem has submitted an A.R.S. § 8-221(J) Compliance Report.

Based on the mother's financial affidavit,

THE COURT FINDS that the mother is eligible for court-appointed counsel.

IT IS ORDERED appointing Lincoln Green as counsel to represent the mother, Lisa Person, in all further proceedings in this matter.

No attorney fees will be assessed to the mother.

IT IS ORDERED affirming the appointment of Brenna Durkin as guardian ad litem for the child, Eli Samuels, in all further proceedings in this matter.

Service is accepted and defects are waived by the mother.

THE COURT FINDS that service is complete as to the mother.

THE COURT FINDS that this matter is not subject to the Indian Child Welfare Act of 1978.

The mother contests the allegations of the petition and requests to set this matter for Pretrial Conference. The mother waives Mediation.

IT IS ORDERED entering a denial to the petition on behalf of the mother.

Form I, Notice to Parent in Dependency Action, is reviewed by the Court and provided to the mother. The mother indicates an understanding of same.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

3/30/2016

IT IS ORDERED setting this matter for Pretrial Conference as to the mother, in conjunction with the previously set Initial Dependency Hearing as to the father,

on 4/20/2016  
at 8:30 AM  
before Honorable Daniel G Martin  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington St., Phoenix, AZ 85003

LET THE RECORD REFLECT that the original of Form I is signed by the mother this date and submitted to the Court for filing. A copy is returned to the mother.

IT IS ORDERED authorizing the mother to appear telephonically for the Pretrial Conference by calling this Court's division at 602-372-2925.

IT IS ORDERED settling and approving the Preliminary Protective Order and Order Setting Court Hearings signed by the Court this date.

IT IS ORDERED that services, placement of the child, and visitation shall occur as indicated in the Preliminary Protective Order signed by the Court this date.

10:59 a.m. Court adjourns.

Filed:

Verification  
Preliminary Protective Order and Order Setting Court Hearings  
Parents' Financial Affidavit to Determine Eligibility for a Court-Appointed Attorney  
Form I, Notice to Parent in Dependency Action

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

3/30/2016

THE COURT FINDS that the Department of Child Safety has made reasonable efforts to prevent the removal of the child from the home and that continuation in the home would be contrary to the welfare of the child, or that it was reasonable to make no efforts to maintain the child in the home.

NOTICE

If a party fails to appear for the Pretrial Conference, the failure to appear may be deemed as an admission to all the facts in the petition and the Court may proceed to an adjudication of the ultimate issues.

If the petitioner fails to appear, the failure to appear may be deemed as a failure to prosecute and this matter may be dismissed.

If a party or a party's attorney fails to obey a pretrial order, fails to appear at a Pretrial Conference, is substantially unprepared to participate in the Conference, or fails to participate in good faith, the Court, upon motion or on its own initiative, may make such orders with regard to such conduct as are just, including among others, any of the orders provided in Rule 44 of the Rules of Procedure for the Juvenile Court.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work towards the return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

3/30/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
A. Sotelo  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 01  
JUDGE DANIEL MARTIN

TELEPHONIC APPEARANCE ORDER-MCSO INMATE

Pursuant to the Court's Order of 3/30/2016,

IT IS ORDERED that the Maricopa County Sheriff's Office shall make arrangements for inmate **Ewing Redmond Samuels, D.O.B. 8/10/1978, Booking Number T258368**, to have telephone access and to appear telephonically for the purpose of a hearing

on 4/20/2016  
at 8:30 AM  
before Honorable Daniel G. Martin

The telephone call shall be placed by the Maricopa County Sheriff's Office to:

**Honorable Daniel G. Martin at 602-372-2925**



FILED

4/15/2016 9:52 AM

MICHAEL K. JEANES, CLERK

By: S. Waters

Deputy

IN THE MATTER OF:  
ELI SAMUELS

\_\_\_\_\_  
\_\_\_\_\_

JD32360  
(case number)

**NOTICE OF  
RETURNED MAIL**

THE MINUTE ENTRY DATED: 03/30/2016

ADDRESSED TO: LISA PERSON  
(person or agency)

WAS RETURNED TO THE CLERK'S OFFICE BY THE U.S. POST OFFICE:

AND REMAILED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WAS UNDELIVERABLE WITH NO FORWARDING ADDRESS AVAILABLE

Docket Code: NOTMAIL

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
E. d'Entremont  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 01  
JUDGE DANIEL MARTIN

TELEPHONIC APPEARANCE ORDER-MCSO INMATE

Pursuant to the Court's Order of 4/20/2016,

IT IS ORDERED that the Maricopa County Sheriff's Office shall make arrangements for inmate **Ewing Redmond Samuels, DOB 8/10/1978, Booking # T258368**, to have telephone access and to appear telephonically for the purpose of a hearing

on 5/9/2016  
at 10:00 AM  
before Honorable Daniel G Martin

The telephone call shall be placed by the Maricopa County Sheriff's Office to:

**Honorable Daniel G. Martin at 602-372-2925**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
E. d'Entremont  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

EWING SAMUELS  
NO ADDRESS ON RECORD

FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 01  
OFFICE OF PUBLIC DEFENSE  
SERVICES JUVENILE

PRETRIAL CONFERENCE HEARING AS TO MOTHER  
DEPENDENCY ADJUDICATION SET

INITIAL DEPENDENCY HEARING AS TO FATHER  
DEPENDENCY CONTESTED

8:37 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Pretrial Conference regarding the mother, Lisa Person, and Initial Dependency Hearing regarding the father, Ewing Samuels, on a dependency petition filed on 3/24/2016.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

Present: Assistant Attorney General Sean Campbell, appearing for Elizabeth Overholt; DCS Child Safety Specialist Charise Cruz; Brenna Durkin, guardian ad litem for the child; Lisa Person, the mother, appearing telephonically; Lincoln Green, Jr., counsel for the mother, appearing telephonically; Ewing Samuels, the father, appearing telephonically; and Brian Salata, proposed counsel for the father.

**The Court proceeds first with the Pretrial Conference.**

The mother continues to contest the allegations of the petition and requests to set this matter for Dependency Adjudication.

IT IS ORDERED setting this matter for **Dependency Adjudication** regarding the mother

on 8/8/2016  
at 3:30 PM to 5:00 PM  
before Honorable Daniel G Martin  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

IT IS ORDERED that the mother appear in person for the Dependency Adjudication on 8/8/2016.

THE COURT FINDS extraordinary circumstances that warrant the setting of the Dependency Adjudication beyond 90 days from the date of service based on the congestion of the Court's calendar.

8:42 a.m. The mother and Mr. Green are excused, disconnect, and no longer appear telephonically.

**The Court proceeds next with the Initial Dependency Hearing.**

Pending receipt of the father's financial affidavit,

IT IS ORDERED provisionally appointing Brian Salata as counsel to represent the father in all further proceedings in this matter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

The Department indicates that it has been unable to serve the father with the dependency petition as of yet. The father informs the parties that he is currently in the custody of the Maricopa County Sheriff's Office at Lower Buckeye Jail.

The Department provides counsel for the father with a copy of the dependency petition. Service is accepted by counsel for the father.

THE COURT FINDS that service is complete as to the father.

IT IS ORDERED affirming the Court's prior finding that this matter is not subject to the Indian Child Welfare Act of 1978.

Form I, Notice to Parent in Dependency Action is read to the father. The father indicates an understanding of same.

Counsel for the father is directed to forward two copies of the Form I to his client with instructions to return one copy to counsel to file with the court.

IT IS ORDERED entering a denial to the allegations in the dependency petition on behalf of the father.

IT IS ORDERED setting this matter for **Pretrial Conference** regarding the father

on 5/9/2016  
at 10:00 AM  
before Honorable Daniel G Martin  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

IT IS ORDERED that the father may appear telephonically at the Pretrial Conference on 5/9/2016, should he remain in the custody of the Maricopa County Sheriff's Office. (A separate Telephonic Appearance Order minute entry will be issued regarding this order.)

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

8:51 a.m. Court adjourns.

Later:

Counsel for the father is directed to forward a copy of Parent's Financial Affidavit to Determine Eligibility for a Court-Appointed Attorney to his client with instructions to return the completed Affidavit to counsel to file with the court.

The Court urges counsel and the parties to meet and confer in an effort to resolve the issues in dispute without the need for the above contested hearing.

All parties are informed that any party may file lists of witnesses and exhibits no later than thirty (30) days prior to the first day of trial. Supplemental lists of witnesses and exhibits may be filed no later than twenty (20) days prior to the trial start date. Those lists are to include the name, address and telephone number of all persons who will be called to testify at a contested hearing along with a meaningful summary of each person's testimony and copies of each exhibit that will be offered into evidence.

Objections shall be due in writing ten (10) days prior to the trial start date. Those not being objected to in writing are, in fact, waived.

Any pretrial motions shall be filed five (5) days in advance.

**All exhibits shall be provided to the Clerk of Court to be marked at least two (2) business days before the beginning of the adjudication.**

**All exhibits twenty (20) pages in length or longer SHALL be Bates-stamped.**

**Counsel and/or self-represented parties are ordered to provide one additional copy of ALL exhibits to the Court for the Court's reference and use during the adjudication.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/20/2016

IT IS ORDERED, pursuant to Arizona Revised Statutes, that any and all schools, school districts and personnel thereof shall fully cooperate with juvenile probation officers, DCS child safety specialists, and attorneys or guardian ad litem or Court appointed special advocates representing a child in a dependency or delinquency action by allowing access by them to all educational records of the child, including but not limited to records pertaining to school, attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with them to assist them in the preparation, implementation, and completion of a rehabilitation and treatment plan for the child.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

FILED  
5:10:10 @ 4:50pm  
MICHAEL K. JEANES, Clerk  
By: S. Cruzmendi  
Deputy

1 MARK BRNOVICH  
2 Attorney General

3 ELIZABETH OVERHOLT  
4 Assistant Attorney General  
5 State Bar No. 007472  
6 CFP-PSS  
7 P.O. Box 6123-700A  
8 Phoenix, AZ 85004  
9 (602) 774-9000  
10 PSSDurango@azag.gov

11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 In the Matter of:

15 JD 32360

16 ELI SAMUELS  
17 d.o.b. 08/20/2010

18 **DCS'S DEPENDENCY INITIAL  
19 DISCLOSURE STATEMENT**

20 Person(s) under 18 years of age.

21 (Honorable DANIEL G. MARTIN)

22 The Department of Child Safety (DCS or the Department), by and through  
23 undersigned counsel, hereby submits its initial disclosure statement pursuant to Rule  
24 44(B)(2), Arizona Rules of Procedure for the Juvenile Court, (ARPJC). The Department  
25 will supplement its disclosure statement pursuant to Rule 44(F) ARPJC and Rule 26,  
26 Arizona Rules of Civil Procedure, as new information is discovered.

27 **I. Uncontested Issues of Fact Deemed Material**

28 A. The child's name and date of birth is ELI SAMUELS, whose date of birth is  
AUGUST 20, 2010.

B. The child was taken into temporary custody on March 21, 2016.



1 C. The child lives in MARICOPA County, Arizona and/or the allegations arose in  
2 MARICOPA County, Arizona and this court has jurisdiction over this matter.

3  
4 D. LISA PERSON is the natural mother of the child.

5 E. EWING SAMUELS, is the natural father of the child, as paternity has been  
6 established.

7 F. The Indian Child Welfare Act does not apply.

8  
9 G. The Department has made reasonable efforts to prevent removal.

10 **II. Contested Issues of Fact Which May Be Material or Applicable**

11 Whether the allegations in the Dependency Petition are true and whether the mother  
12 is willing and/or able to effectively parent the child.

13 **III. Contested Issues of Law Which May Be Material or Applicable**

14 Whether the child is a dependent child as defined by A.R.S. § 8-201(14) et seq.

15 **IV. Witnesses**

16  
17 1. CHARISE CRUZ  
18 DCS Child Safety Worker  
19 2120 N CENTRAL AVE  
20 PHOENIX, AZ 85004  
21 602-340-1086 P  
ChariseCruz@azdes.gov

22 2. LAURA PEDERSON  
23 DCS Child Safety Worker  
24 2120 N CENTRAL AVE  
25 PHOENIX, AZ 85004  
26 602-532-4023 P  
LPederson@azdes.gov

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 3. THOMAS ARSENEAU  
DCS Ongoing Child Safety Worker  
290 E. LaCANADA  
AVONDALE, AZ 85323  
632-932-8042 P  
TArseneau@azdes.gov
  
- 4. ROSANNA MENDOZA  
DCS Ongoing Child Safety Worker Supervisor  
290 E. LaCANADA  
AVONDALE, AZ 85323  
632-932- 8045P  
RMMendoza@azdes.gov
  
- 5. EDWARD WANGLER  
OCWI Worker  
2120 N CENTRAL AVE  
PHOENIX, AZ 85004  
602-527-4047 P  
EWangler@azdes.gov

Expected to testify to the allegations of dependency petition, the matters contained in the court reports, the services offered to the family, the family's participation in those services, and the continuing need for DCS involvement. They will also testify to their observations, recommendations and conclusions including the child's present well being and what is in the best interest of the child. They will also testify to statements of the parents, observations regarding the parent/child relationship, the ability of the parents to provide proper and effective parental care and control, and any other relevant matters.

- 6. LISA PERSON  
Mother c/o Lincoln Green, Jr., Esq.  
lincoln\_jd@hotmail.com

Expected to testify to the allegations of the dependency petition, her current willingness and ability to provide proper parental care and control, and any other relevant matters.

- 7. EWING SAMUELS  
Father Brian Salata, Esq.  
Salatalaw@gmail.com

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Expected to testify to allegations of the dependency petition, his current willingness and ability to provide proper parental care and control, and any other relevant matters.

8. FOSTER PARENTS/PLACEMENT  
Confidential

Expected to testify regarding the child's best interests and their willingness to provide a permanent home for the child.

9. DETECTIVE MILLER  
Phoenix Police Department  
620 West Washington St  
Phoenix, AZ 85003

Expected to testify to the investigation conducted in this matter, statements of the report, the contents of the Phoenix Police Department Report #DR2016-00000522371, and any other relevant matters.

10. The Department gives notice that it intends to introduce evidence of the child's statements regarding abuse or neglect, pursuant to Arizona Rules of Evidence 807, Arizona Rules of Procedure for the Juvenile Court 45(E), and A.R.S. § 8-237.

11. Counsel reserves the right to call any witness listed by any other party.

Exhibit List

1. All Child Safety Worker reports, supplements, addendums, with all attachments; and all correspondence reflecting remedial services offered to the family.

2. All reports and records from all service providers, physicians, health care professionals, hospitals, clinics, laboratories, pharmacies, medical facilities, or any other health care provider that has provided or is providing treatment or services to the mother.




1           1.     It is requested that this Court take judicial notice of any order, plea  
2 agreement, judgment of guilt and sentencing and other documents and reports included in  
3 the Maricopa County Superior court files CR2016-113647-001, *State v. Ewing Samuels*.

4  
5           2.     The Department reserves the right to supplement this disclosure statement  
6 and list of witnesses/exhibits should discovery provide additional relevant exhibits or the  
7 name of additional witnesses whose testimony may be material and relevant in this matter.

8  
9           3.     If a party objects to the admission of an exhibit, the party shall file a notice  
10 of objection and the specific grounds for each objection and provide a copy of the notice to  
11 all parties and the court within ten (10) days of receipt of the list of exhibits. Specific  
12 objections or grounds not identified in the notice of objection shall be deemed waived,  
13 unless otherwise ordered by the court. Rule 44(B)(2)(e), Ariz.R.Juv.P.  
14

15                               RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of MAY, 2016.

16  
17                               MARK BRNOVICH  
18                               Attorney General

19                                 
20                               ELIZABETH OVERHOLT  
21                               Assistant Attorney General

1 ORIGINAL of the foregoing filed  
2 this 10 day of MAY, 2016, with:

3 Clerk of the Court  
4 Maricopa County Superior Court  
5 Juvenile Division/Durango  
6 3131 West Durango Street  
7 Phoenix, Arizona 85009

8 COPY of the foregoing hand-delivered  
9 this 10 day of MAY, 2016, to:

10 Honorable Daniel G. Martin  
11 Maricopa County Superior Court  
12 Juvenile Division/Durango  
13 125 W. Washington  
14 Phoenix, AZ. 85003-2243

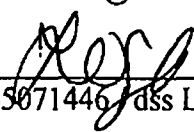
15 COPIES of the foregoing mailed  
16 this 11 day of MAY, 2016, to:

17 Brenna Durkin Farrell, Esq.  
18 3370 N. Hayden Rd., #123-101  
19 Scottsdale, AZ 85251-6632  
20 [brennadurkinlaw@gmail.com](mailto:brennadurkinlaw@gmail.com)  
21 Guardian Ad Litem

22 Brian Salata, Esq.  
23 4635 South Lakeshore Drive  
24 Suite #203  
25 Tempe, AZ 85282  
26 [Salatalaw@gmail.com](mailto:Salatalaw@gmail.com)  
27 Attorney for Father

28 Lincoln Green, Jr., Esq.  
29 Law Office Of Lincoln Green Jr., P.C  
30 40 N. Central Ave. Ste 1400  
31 Phoenix, AZ 85004  
32 [lincoln\\_jd@hotmail.com](mailto:lincoln_jd@hotmail.com)  
33 Attorney for Mother

34 THOMAS ARSENEAU  
35 Child Safety Worker  
36 Site Code: C136  
37 [tarseneau@azdes.gov](mailto:tarseneau@azdes.gov)

38   
#5071446 dss LO/Samuels DXT

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

5/9/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 01

**PRETRIAL CONFERENCE HEARING/CONTINUED**

10:02 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Pretrial Conference regarding the father, Ewing Samuels, on a dependency petition filed 3/24/2016.

Present: Assistant Attorney General Sean Campbell, appearing for Elizabeth Overholt; Brenna Durkin, guardian ad litem for the child; and Brian Salata, counsel for the father.

The Court notes that the DCS child safety specialist is not present. No good cause having been shown for her failure to appear, the Court proceeds in her absence.

The Court notes that the father is not present.

Counsel for the father advises the Court that he believes his client may have been recently released from custody and requests the Court reset the matter in order to confirm the father's whereabouts.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

5/9/2016

Discussion is held.

IT IS ORDERED that the Department and/or counsel for the father confirm whether the father has been released from custody prior to the next hearing.

IT IS ORDERED resetting this matter for **Continued Conference - Pretrial - Contested Dependency** regarding the father, Ewing Samuels

on 6/16/2016  
at 9:30 AM  
before Honorable Daniel G Martin  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

IT IS ORDERED that the DCS child safety specialist be present at the next hearing.

IT IS ORDERED continuing the child, Eli Samuels, as a temporary ward of the Court, committed to the care, custody and control of the Department of Child Safety.

10:06 a.m. Court adjourns.

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

6/16/2016

HONORABLE DANIEL G. MARTIN

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 07

**PRETRIAL CONFERENCE HEARING  
CONTESTED DEPENDENCY HEARING SET AS TO FATHER**

9:44 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Pretrial Conference regarding the father, Ewing Samuels, on a dependency petition filed 3/24/2016.

Present: Assistant Attorney General Elizabeth Overholt; DCS Child Safety Specialist Thomas Arseneau; Brenna Durkin, guardian ad litem for the child; Brian Salata, counsel for the father; and Ewing Samuels, the father.

The father, Ewing Samuels, continues to contest the allegations of the petition.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

6/16/2016

IT IS ORDERED setting this matter for **Dependency - Adjudication** regarding the father in conjunction with the already scheduled **Dependency - Adjudication** regarding the mother

on 8/8/2016  
at 3:30 PM  
before Honorable Daniel G Martin  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

IT IS ORDERED continuing the child, Eli Samuels, as a temporary ward of the Court, committed to the care, custody and control of the Department of Child Safety.

The Court urges counsel and the parties to meet and confer in an effort to resolve the issues in dispute without the need for the above contested hearing.

All parties are informed that any party may file lists of witnesses and exhibits no later than thirty (30) days prior to the first day of trial. Supplemental lists of witnesses and exhibits may be filed no later than twenty (20) days prior to the trial start date. Those lists are to include the name, address and telephone number of all persons who will be called to testify at a contested hearing along with a meaningful summary of each person's testimony and copies of each exhibit that will be offered into evidence.

Objections shall be due in writing ten (10) days prior to the trial start date. Those not being objected to in writing are, in fact, waived.

Any pretrial motions shall be filed five (5) days in advance.

**All exhibits shall be provided to the Clerk of Court to be marked at least two (2) business days before the beginning of the adjudication.**

**All exhibits twenty (20) pages in length or longer SHALL be Bates-stamped.**

**Counsel and/or self-represented parties are ordered to provide one additional copy of ALL exhibits to the Court for the Court's reference and use during the adjudication.**

9:47 a.m. Court adjourns.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

6/16/2016

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

*Michael K. Jeanes*  
FILED

16 JUL 26 PM 12:59

1 Brian R. Salata, Esq.  
2 State Bar No. 012566  
3 4635 S. Lakeshore Dr.  
4 Tempe, Arizona 85282  
5 480-345-4152  
6 SalataLaw@gmail.com  
7 Attorney for Father

IN THE SUPERIOR COURT  
MARICOPA COUNTY, ARIZONA

7 In the Matter of:

8 Case No. JD32360

9 ELI SAMUELS,  
10 DOB: 08/20/10

**FATHER'S AMENDED RULE 44 (B)  
DISCLOSURE STATEMENT**

11 Person under the age of 18.

Honorable Daniel Martin

12  
13  
14 COMES NOW Father, Ewing Samuels, pursuant to *Arizona Rules of Procedure for the*  
15 *Juvenile Court*, Rule 44 (B) and hereby discloses the following witnesses and exhibits:

16  
17 **I. Expected Trial Witnesses**

18 A. Ewing Samuels, Father

19 Father is expected to testify to any and all matters relevant to this action.

20 B. Any witnesses noticed by Petitioner or GAL and any necessary rebuttal witnesses.

21 C. Father reserves the right to supplement his Disclosure Statement as new information  
22 is provided or discovered, or otherwise made known, pursuant to Rule 44(F), *Arizona*  
23 *Rules of Procedure for Juvenile Court*.

24 D. Father reserves the right to call any witness disclosed by another party in this action,  
25 including any witnesses subsequently removed from a disclosure statement previously or  
26 eventually submitted by any party in this matter.

27 **II. Expected Trial Exhibits**

28 A. Any and all documentary evidence or exhibits as they become available and  
disclosed in supplementary notice, including but not limited to:

1. Nurturing Parents- Certificate of Completion.
2. Colorado Technical University Enrollment Verification.
3. Any and all documents disclosed by the State or the GAL.

**III. Uncontested Issues of Law and Fact**

- A. Eli Samuels was born on August 20, 2010 and is the natural child of Ewing Samuels.
- B. The child resides in Maricopa County, Arizona and this Court has jurisdiction over this matter.
- C. The Indian Child Welfare Act does not apply to this matter.

**IV. Contested Issues of Law and Fact**

- A. Whether the child is dependent pursuant to ARS §8-201.

Respectfully submitted this 26<sup>th</sup> day of July, 2016.

Law Office of Brian R. Salata, PLLC

By:   
Brian R. Salata, Attorney at Law

1 Original of the foregoing  
hand delivered/mailed this 26<sup>th</sup> day  
2 of July, 2016 to:

3 Clerk of the Superior Court  
3131 W. Durango  
4 Phoenix, Arizona 85009

5 Copies of the foregoing  
6 delivered/mailed/mailed this 26<sup>th</sup> day  
7 of July, 2016 to:

8 The Honorable Daniel Martin  
Maricopa County Superior Court  
9 Juvenile Division, Old Court House  
125 W. Washington Street  
10 Phoenix, Arizona 85003

11 Elizabeth Overholt  
12 Assistant Attorney General  
1275 W. Washington St.  
13 Phoenix, Az 85007

14  
15 Brenna Durkin  
16 Old Court House Mail Folder  
GAL for the child

17  
18  
19 By: 

MICHAEL K. JEANES: CLERK  
BY  
DEP

*Ally*  
FILED

16 JUL 26 PM 12:59

1 Brian R. Salata, Esq.  
2 State Bar No. 012566  
3 4635 S. Lakeshore Dr.  
4 Tempe, Arizona 85282  
5 480-345-4152  
6 SalataLaw@gmail.com  
7 Attorney for Father

IN THE SUPERIOR COURT  
MARICOPA COUNTY, ARIZONA

7 In the Matter of:

Case No. JD32360

8  
9 ELI SAMUELS,  
10 DOB: 08/20/16

**FATHER'S OBJECTIONS TO  
STATE/DEPARTMENTS WITNESSES  
AND EXHIBITS**

11  
12 Person under the age of 18.

Honorable DANIEL MARTIN

13  
14 COMES NOW the Father, Ewing Samuels, by and through undersigned counsel, hereby  
15 offers the following objections to any and all witnesses disclosed by the Department of Child  
16 Safety in the above captioned matter as follows:

17 **I. WITNESSES**

18 A. Father objects to the witnesses disclosed by the Department of Child Safety (if  
19 any) to the extent that that their testimony may be hearsay, irrelevant, lack  
20 foundation, or otherwise be inadmissible.

21 **II. EXHIBITS**

22 A. Father objects to any evidence or exhibits that the Department of Child Safety  
23 may present based upon hearsay, relevance, lack of foundation or that the exhibit  
24 is otherwise inadmissible.

25 Respectfully submitted this 26<sup>th</sup> day of July, 2016.

26 Law Office of Brian R. Salata, PLLC

27 By:   
28 Brian R. Salata, Attorney at Law

1 Original of the foregoing  
2 hand delivered/mailed this 26<sup>th</sup> day  
of July, 2016 to:

3 Clerk of the Superior Court  
4 3131 W. Durango  
Phoenix, Arizona 85009

5  
6 Copies of the foregoing  
delivered/mailed/mailed this 26<sup>th</sup> day  
7 of July, 2016 to:

8 The Honorable Daniel Martin  
9 Maricopa County Superior Court  
Juvenile Division, Old Court House  
10 125 W. Washington Street  
Phoenix, Arizona 85003

11 Elizabeth Overholt  
12 Assistant Attorney General  
13 1275 W. Washington St.  
Phoenix, Az 85007

14  
15 Brenna Durkin  
16 Old Court House Mail Folder  
GAL for the child

17  
18  
19 By: 



ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

MICHAEL K. JEANES, CLERK  
BY

*A. Rodini*  
FILED

2016 AUG 12 PM 2: 10

Review Information

Presiding Juvenile Court Judge: Colleen McNally

Judge: Daniel G Martin

County: Maricopa

FCRB Review Date: 08-05-2016

Court Hearing Date: 08-08-2016

Board #: MC55

FCRB Case Name: Samuels

Program Specialist: Angela Tapia

Next Review Date: 02-03-2017

Child Information

Name: Eli Samuels

Birth Date: 08-20-2010

Initial Placement Date: 03-21-2016

Age: 5

Current Placement Date: 03-28-2016

JD Number: 32360

Permanent Plan: Return to parent

Legal Status: Temporary Ward

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

---

FINDINGS AND RECOMMENDATIONS

1. Reasonable efforts, or active efforts in an ICWA case, were made to prevent the removal of the child(ren) from the home and that continuation therein would be contrary to the welfare of the child(ren).  
Yes

**Finding Comments:**

None

2. The Board makes a determination that continuation of the child(ren) in out-of-home placement is necessary.  
Yes

**Finding Comments:**

None

3. The Board makes a determination that the placement(s) is/are safe, appropriate and least restrictive.  
Yes

**Finding Comments:**

None

4a. The Board makes a determination that there is an appropriate permanency goal for each child.  
Yes

**Finding Comments:**

None

4b. The Board makes a determination that there is appropriate written documentation, which outlines tasks for each participant.  
No

Eli

The case plan does not state the tasks to be performed.

**Finding Comments:**

None

○ ○

**ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS**

---

5. The Board makes a determination that each case participant is following the tasks outlined in the case plan.  
No

Eli                      The Parents are not contacting the Agency and/or their whereabouts are unknown.  
Eli                      The Parents are not participating in services.

**Finding Comments:**  
These elements pertain to the biological mother.

6. The Board makes a determination that progress is being made toward establishing permanency for the child(ren).  
No

Eli                      The parent(s) is not participating in services.

**Finding Comments:**  
This element pertains to the biological mother.

7. At the time of the review, the Board makes a determination that the established target date for the completion of the permanency goal is REALISTIC.  
No

Eli                      The Agency's established target date is unrealistic for the needs of the child and/or family.

**Finding Comments:**  
None

8. The Board recommends that a judicial determination be made that reasonable efforts, or active efforts in an ICWA case, are being made by the Agency to implement the permanency plan for the child(ren).  
Yes

**Finding Comments:**  
None

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

---

9. The child(ren)'s education and/or services to address developmental needs are being implemented successfully.

Yes

**Finding Comments:**

None

10. The Board makes a determination that there are significant service gaps or system problems.

No

**Finding Comments:**

None

○ ○

**ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS**

---

**Reports Considered:**

Initial Report, 3/25/16; Case Plan, 4/27/16; Court Minute Entries, 6/16/16, 5/9/16, 4/20/16, 3/30/16;  
Dependency Petition, 3/24/16

**Parties Present at Review:**

Parent, Father, Biological for Eli  
Thomas Arseneau, Case Manager for Eli

**According To:**

**Parent**

**Biological Father**

1. He is complying with his case plan tasks.
2. He wants to reunify with Eli.
3. He does not have contact with Eli due to a no contact order.
4. He worries about Eli constantly.
5. He is not receiving regular updates regarding Eli's care.
6. He has stable housing.
7. The biological mother has never actively parented Eli.
8. He is required to wear an ankle monitor.
9. He participates in parenting classes.
10. He completed a psychological evaluation.
11. He has been fully compliant with the police investigation.
12. The Agency has not pursued relative placements for Eli.

**Thomas Arseneau**

**Case Manager**

1. Eli resides in a kinship foster placement.
2. Eli struggles with boundary issues.
3. The foster parents are able to redirect Eli's behaviors, as needed.
4. Eli receives case management services with the behavioral health provider.
5. He is pursuing trauma counseling for Eli.
6. Eli has a CFT in place.
7. The biological father is complying with his case plan tasks.
8. The biological father participates in masters' level counseling.
9. The biological father completed a psychological evaluation.
10. The biological mother resides out of state.
11. The biological mother is not participating in services.
12. The biological mother has not maintained regular contact with him.
13. The biological mother must complete a psychological evaluation.

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

---

**Observation/Concerns & Review Board Recommendations:**

1. The Board is concerned about achieving permanency for Eli. The Board notes the following:

- Eli is under the age of seven and deserves permanency in a stable home environment.
- The biological father's criminal charges are pending.
- The biological mother is not participating in services.

Therefore, the Board recommends that:

- The biological father continue to comply with his case plan tasks.
- The case manager continue his efforts to locate the biological mother and provided her with needed services.

2. The Board is concerned that the case plan goal target date is unrealistic for the needs of the family.

Therefore, the Board recommends that the case manager identify a realistic target date, document it in the next progress report and send a copy to the FCRB.

**Pursuant to A.R. S. 8-515.03, the Agency must respond, within 10 day of receipt, to accept or decline FCRB recommendations made specifically to case managers and/or the Agency. Please email responses to [RPTFCRB@courts.az.gov](mailto:RPTFCRB@courts.az.gov) referencing the FCRB number, review date and child(ren) name. Please title the subject line as Agency 10 Day Response.**

**Administrative Notes:**

None

cc:

Attorney General - Attorney  
Brenna Durkin Esq. - Guardian Ad Litem For Eli  
Brian R Salata - Attorney Father, Biological  
Parent Father, Biological For Eli  
Judge Daniel Martin - Court  
Lincoln Green - Attorney Mother, Biological  
Parent Mother, Biological For Eli  
Placement Mother, Foster For Eli  
Rosanna Mendoza - Case Manager Supervisor  
Thomas Arseneau - Case Manager For Eli

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

AUG 16 2016

JD32360

8/8/2016

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

DCS - PSRT - DISTRICT 1  
FOSTER CARE REVIEW BOARD  
DCS CASEWORKER SECTION 07

**CONTESTED DEPENDENCY HEARING  
DEPENDENCY FOUND**

Prior to the hearing commencing, Petitioner's Exhibits 1 through 5 are marked for identification.

3:37 p.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Contested Dependency Hearing regarding the mother, Lisa Person, and the father, Ewing Samuels, on a dependency petition filed 3/24/2016.

Present: Assistant Attorney General Elizabeth Overholt; DCS Child Safety Specialist Thomas Arseneau; Brenna Durkin, guardian ad litem for the child; Lincoln Green, counsel for the mother; Lisa Person, the mother (telephonically); Brian Salata, counsel for the father; Ewing Samuels, the father; and a family friend.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

8/8/2016

The mother, Lisa Person, and the father, Ewing Samuels, wish to deny the allegations in the petition, but submit the issue of dependency to the Court for determination.

The mother and the father advise the Court that the contemplated waiver is not the result of any force, threats or promises.

THE COURT FINDS that the mother and the father understand their rights and have knowingly, intelligently, and voluntarily chosen to waive their right to contest the allegations of the dependency and submit the issue to the Court.

Upon motion of counsel for the Department,

Petitioner's Exhibit 1 is admitted into evidence.

Based on the verified dependency petition and Exhibit 1,

THE COURT FINDS, pursuant to the Rules of Procedure for the Juvenile Court, that the allegations of the petition are true by a preponderance of the evidence and the child is dependent as to the mother, Lisa Persons, and the father, Samuel Ewing, as defined by the Arizona Revised Statutes.

The Court proceeds to Disposition Hearing at this time with respect to the mother and the father.

The case plan is family reunification.

The Department is anticipating submitting an Interstate Compact on the Placement of Children (ICPC) packet to place the child with the mother in Las Vegas, Nevada.

The guardian ad litem is concerned because the mother has not had contact with the child in several years.

Services to be offered to the mother include a rule-out urinalysis test, community-based parenting education classes, and parent aide services in Nevada.

Counsel for the mother requests a service letter be sent to his client so the mother will have an address to send cards, gifts, and letters for the child. The mother is also requesting telephonic contact with the child.



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

8/8/2016

The Department will check with the placement regarding supervising telephone calls.

The guardian ad litem is requesting contact between the mother and the child be in a therapeutic setting.

The guardian ad litem requests the mother reinstate contact by sending letters and pictures through the DCS child safety specialist.

IT IS ORDERED that the Department provide therapeutic visitation between the mother and child upon recommendation of the child's therapist.

Services for the father include a psychological evaluation, individual counseling, community-based parenting classes, a parent aide, and a case aide to supervise visitation (two hours one time per week).

Counsel for the father advises the Court that the criminal court has left the issue of visitation between the father and the child to this Court and requests the current kinship placement and the paternal great-aunt be approved as safety monitors to supervise additional visits. The father is also requesting the paternal great-aunt be considered as a placement for the child.

The Department does not object to the current placement supervising visits for the father and will conduct a background check on the paternal great-aunt as a safety monitor as well as a possible placement for the child.

THE COURT FINDS that the services are necessary and reasonable.

IT IS ORDERED approving the case plan and services as outlined.

IT IS ORDERED making Eli Samuels a ward of the Court as a dependent child committed to the care, custody and control of the Department of Child Safety.

THE COURT FINDS that there is a need for out-of-home care based upon the information presented, foster care being necessary to protect the child's welfare.

IT IS ORDERED reassigning this matter to the Foster Care Review Board to review this matter at least every six months as long as the child remains in out-of-home care to determine what efforts have been made by the Department of Child Safety to carry out the plan for permanent placement.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

8/8/2016

THE COURT FINDS that the Department of Child Safety has made reasonable efforts to prevent the removal of the child from the home and that continuation in the home would be contrary to the welfare of the child, or that it was reasonable to make no efforts to maintain the child in the home.

IT IS ORDERED setting this matter for **Dependency - Uncontested Report & Review**

on 12/8/2016  
at 11:00 AM  
before Honorable Jeanne Garcia  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

4:14 p.m. Court adjourns.

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

The DCS child safety specialist shall provide a report to the Court and the parties at least fifteen (15) days prior to the hearing which shall address:

1. The placement of the child;
2. The services being provided to the child and family;
3. The progress the parties have made in achieving the case plan goals; and
4. Whether the child continues to be dependent.

Any party seeking an evidentiary hearing on any issue shall file a motion requesting that the matter be set for a contested hearing. The motion shall identify the issues to be litigated, the names and addresses of all witnesses and the estimated time the parties will need to present evidence. The Court may reset the matter or proceed with the hearing as scheduled.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

8/8/2016

IT IS ORDERED, pursuant to Arizona Revised Statutes, that any and all schools, school districts and personnel thereof shall fully cooperate with juvenile probation officers, DCS child safety specialists, and attorneys or guardian ad litem or Court appointed special advocates representing a child in a dependency or delinquency action by allowing access by them to all educational records of the child, including but not limited to records pertaining to school, attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with them to assist them in the preparation, implementation, and completion of a rehabilitation and treatment plan for the child.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

8/12/16  
DATE

Jeanne Garcia  
HONORABLE JEANNE GARCIA

FILED

SUPERIOR COURT OF  
MARICOPA COUNTY

8-24-16 9:06 AM  
Michael K. Jeanes, Clerk

EXHIBIT WORKSHEET

By: C. Caroten  
Deputy Clerk

Under Advisement: N

Hearing Officer: Judge Jeanne Garcia

Case Number(s): JD32360

Hearing Type(s): CONTESTED DEPENDENCY

Hearing Date: 8/8/2016

In the Matter of:

ELI SAMUELS

JUV

BRENNA DURKIN

DCS

PET

ELIZABETH M OVERHOLT

LISA PERSON

RESM

LINCOLN GREEN

EWING SAMUELS

RESF

BRIAN RICHARD SALATA

Ex #	ID	Off'd	In Evidence	Exhibit Description	Released
1	PET	PET	8/8/2016	REPORT TO THE JUVENILE COURT FOR PRELIMINARY PROTECTIVE HEARING AND/OR INITIAL DEPENDENCY HEARING DATED 3/25/2016	
2	PET			PHOENIX POLICE DEPARTMENT INCIDENT REPORT NUMBER 201600000522371	Y
3	PET			CR2016-113647-001 RECORDS RE: FATHER	Y
4	PET			CALIFORNIA CPS RECORDS	Y
5	PET			FC2014-004740 RECORDS	Y

Received By: Carol A Caroten

Date: 8-24-16

Processed By: Carol A Caroten

Date: 8-24-16

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

EXHIBIT/RECORD RELEASE FORM

IN THE MATTER OF:

Eli Samuels

Case No. JP 32360

Order made releasing the following items:

PET

Exhibits 2-5

Permanent Release

Temporary Release, to be returned on: \_\_\_\_\_

Released to (please print): E.M. Overholt Date: 8/8/16

~~Returned by (please print): E.M. Overholt Date: 8/8/16~~ *dlw*

Signature of Recipient

E.M. Overholt

Printed Name/Title

On behalf of A AG.

Dawn Wood

Signature of Deputy Clerk (upon release)

\_\_\_\_\_  
Signature of Deputy Clerk (upon return)

MICROFILMED BY L. K. JEANES, CLERK DEP  
*J. Chaidez*  
J. CHAIDEZ, FILED

16 OCT 27 AM 11:18

1 MARK BRNOVICH  
2 Attorney General

3 ELIZABETH M. OVERHOLT  
4 Assistant Attorney General  
5 State Bar No. 007472  
6 CFP/PSS  
7 P.O. Box 6123-700A  
8 Phoenix, AZ 85004  
9 (602) 542-1645  
10 PSSDurango@azag.gov

11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
13  
14 IN AND FOR THE COUNTY OF MARICOPA

15 In the matter of:

No. JD32360

16 ELI SAMUELS  
17 d.o.b. 8/20/2010

**DCS'S MOTION TO FILE CRIMINAL  
HISTORY RECORD INFORMATION  
UNDER COURT SEAL**

18 Person under 18 years of age.

(Honorable Jeanne Garcia)

19 The Department of Child Safety (DCS or the Department), by and through  
20 undersigned counsel, hereby requests an order that the criminal history record  
21 information regarding TERESE WILSON, potential placement, be filed under court seal.

22 This information was obtained for the purposes of anticipation of placement.

23 A.R.S. § 41-1750(G)(13) authorizes DCS to obtain criminal history record  
24 information "for the purpose of evaluating the fitness of custodians or prospective  
25 custodians of juveniles including parents, relatives and prospective guardians."

26 Likewise, A.R.S. § 41-1750(G)(22) authorizes DCS to obtain criminal history record  
27

28


1 information "for the purposes of investigating or responding to reports of child abuse,  
2 neglect or exploitation."

3  
4 However, A.R.S. § 41-1750(Q)(3) provides that secondary dissemination of  
5 criminal history record information is prohibited unless authorized by law. Because  
6 there is no provision which authorizes DCS to secondarily disseminate criminal history  
7 record information to other parties in this proceeding, DCS requests that the criminal  
8 history record information attached hereto for the Court's consideration regarding  
9 placement be filed under seal.  
10

11 The positions of the parties were not requested as the procedures for disclosure  
12 and use of criminal history record information are established pursuant to statute.

13  
14 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of October 2016.

15 MARK BRNOVICH  
16 Attorney General

17   
18 ELIZABETH M. OVERHOLT  
19 Assistant Attorney General  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Original of the foregoing motion filed, this 27 day of October, 2016, with:

2 Clerk of the Court  
3 Maricopa County Superior Court  
4 Juvenile Division/Durango Facility  
5 3131 West Durango  
6 Phoenix, AZ 85009-6292

6 Copy of the foregoing hand-delivered, this 27 day of October, 2016, to:

7 Honorable Jeanne Garcia  
8 Maricopa County Superior Court  
9 125 W. Washington Street  
10 Phoenix, AZ 85003


10 Copies of the foregoing mailed, this 27 day of October, 2016, to:

11 Brenna Durkin Farrell, Esq.  
12 3370 N. Hayden Rd #123-101  
13 Scottsdale, AZ 85251  
14 [brennadurkinlaw@gmail.com](mailto:brennadurkinlaw@gmail.com)  
15 Guardian ad Litem for the Child

16 Lincoln Green, Jr., Esq.  
17 Law Office Of Lincoln Green Jr., P.C  
18 40 N. Central Ave. Ste 1400  
19 Phoenix, AZ 85004  
20 [Lincoln.green@azbar.org](mailto:Lincoln.green@azbar.org)  
21 Attorney for the Mother

22 Brian Salata, Esq.  
23 4635 South Lakeshore Drive, Suite #203  
24 Tempe, AZ 85282  
25 [Salatalaw@gmail.com](mailto:Salatalaw@gmail.com)  
26 Attorney for the Father

27 Thomas Arseneau  
28 [TArseneau@azdes.gov](mailto:TArseneau@azdes.gov)  
Child Safety Worker

26  
27   
28 AMR /JD32360 / HDM# 5396337



*J. Chaidez*

J. CHAIDEZ, FILED

16 OCT 27 AM 11:18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General

ELIZABETH M. OVERHOLT  
Assistant Attorney General  
State Bar No. 007472  
CFP/PSS  
P.O. Box 6123-700A  
Phoenix, AZ 85004  
(602) 542-1645  
PSSDurango@azag.gov

Attorneys for the Department of Child Safety

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In the Matter of:

No. JD32360

ELI SAMUELS  
d.o.b. 8/20/2010

**DCS'S MOTION FOR CHANGE IN  
PHYSICAL CUSTODY OF ELI  
SAMUELS TO TERESE WILSON**

Person under 18 years of age.

(Honorable Jeanne Garcia)

The Department of Child Safety (DCS or the Department), by and through undersigned counsel, hereby requests the Court order that the child remain a ward of the Court in the legal care, custody, and control of the DCS; that the child be placed in kinship foster care with TERESE WILSON and that TERESE WILSON, as the physical custodian(s) and DCS, be authorized to consent to all social and authorized educational activities for the child. The proposed placement is the least restrictive consistent with the needs of the child.

As a legal custodian of ELI SAMUELS, and in furtherance of A.R.S. § 8-512 and the DCS's obligation, if any, to provide behavioral health, medical or dental services to

1 children in the DCS's legal custody, the DCS requests authority to consent to evaluation  
2 and treatment for medical and dental care upon recommendation of a health care  
3 provider, including general anesthesia, surgical procedures, blood transfusions, pelvic  
4 examinations and testing for the Human Immunodeficiency Virus (HIV).  
5

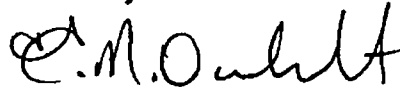
6 It is further requested that the DCS be authorized to consent for the child to travel  
7 within the United States for a period not to exceed thirty days.  
8

9 The reasons for this motion are set out in the attached report to the Court, dated  
10 October 17, 2016.

11 Under Arizona Rules of Procedure for the Juvenile Court, 46(A), all counsel have  
12 been notified of this Motion. Brenna Durkin Farrell, Esq., Guardian ad Litem, is in  
13 agreement with this Motion. Brian Salata, Esq., Attorney for the Father, has no objection  
14 to this Motion. Lincoln Green, Jr., Esq., Attorney for the Mother has not responded as of  
15 this date.  
16

17 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of October, 2016.  
18

19 MARK BRNOVICH  
20 Attorney General

21   
22 ELIZABETH M. OVERHOLT  
23 Assistant Attorney General  
24  
25  
26  
27  
28

1 Original of the foregoing filed, this 27 day of October, 2016, to:

2 Clerk of the Court  
3 Maricopa County Superior Court  
4 Juvenile Division/Durango Facility  
5 3131 West Durango  
6 Phoenix, AZ 85009-6292

6 Copy of the foregoing hand-delivered, this 27 day of October, 2016, to:

7 Honorable Jeanne Garcia  
8 Maricopa County Superior Court  
9 125 W. Washington Street  
10 Phoenix, AZ 85003

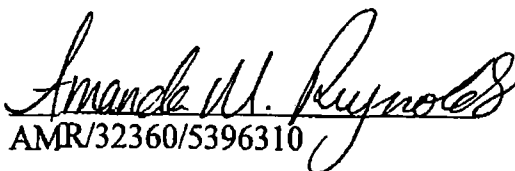
10 Copies of the foregoing mailed, this 27 day of October, 2016, to:

11 Brenna Durkin Farrell, Esq.  
12 3370 N. Hayden Rd #123-101  
13 Scottsdale, AZ 85251  
14 [brennadurkinlaw@gmail.com](mailto:brennadurkinlaw@gmail.com)  
15 Guardian ad Litem for the Child

16 Lincoln Green, Jr., Esq.  
17 Law Office Of Lincoln Green Jr., P.C  
18 40 N. Central Ave. Ste 1400  
19 Phoenix, AZ 85004  
20 [Lincoln.green@azbar.org](mailto:Lincoln.green@azbar.org)  
21 Attorney for the Mother

22 Brian Salata, Esq.  
23 4635 South Lakeshore Drive, Suite #203  
24 Tempe, AZ 85282  
25 [Salatalaw@gmail.com](mailto:Salatalaw@gmail.com)  
26 Attorney for the Father

27 Thomas Arseneau  
28 [TArseneau@azdes.gov](mailto:TArseneau@azdes.gov)  
Child Safety Worker

  
AMR/32360/5396310

**Addendum Report To Juvenile Court**

**Maricopa County**

**Dated: 10/17/16**

**Court Case Number: JD32360**

**I. PRESENT SITUATION:**

Current placement for Eli Samuels cannot care for the child anymore, due to financial hardship. Eli's Great Aunt, Terese Wilson, has been identified as the new prospective placement. DPS checks have been run on Ms. Wilson, and other adults in the household. There are no criminal concerns as to the DPS checks. A home study has also been completed and Ms. Wilson is recommended to be the new placement.

**II. RECOMMENDATIONS:**

**A. AGENCY:**

It is respectfully recommended that \_\_\_\_\_ remain a ward(s) of the court, committed to the care, custody and control of the Arizona Department of Child Safety.

**B. CASE PLAN:**

It is respectfully recommended that \_\_\_\_\_ remain a ward(s) of the court, committed to the care, custody and control of the Arizona Department of Child Safety.

**C. FINANCIAL:**

It is respectfully recommended that beginning (date) \_\_\_\_, the parents listed below be assessed the following amounts on a monthly basis per child as the contribution towards the cost of foster care:

(parent name) \_\_\_\_\_ be assessed \$ \_\_\_\_\_ monthly for each of the following children: \_\_\_\_\_

(parent name) \_\_\_\_\_ be assessed \$ \_\_\_\_\_ monthly for each of the following children: \_\_\_\_\_

(parent name) \_\_\_\_\_ be assessed \$ \_\_\_\_\_ monthly for each of the following children: \_\_\_\_\_

(parent name) \_\_\_\_\_ be assessed \$ \_\_\_\_\_ monthly for each of the following children: \_\_\_\_\_

(parent name) \_\_\_\_\_ be assessed \$ \_\_\_\_\_ monthly for each of the following children: \_\_\_\_\_

**D. REASONABLE EFFORTS FINDINGS:**

It is respectfully recommended that the Court find that the agency has made reasonable efforts in this case.

Respectfully Submitted: \_\_\_\_\_

DCSS

Name/Title: Thomas Arseneau, DCSS  
ARIZONA DEPARTMENT OF CHILD SAFETY  
Telephone Number: 623-932-8042  
Date: 10/14/16

Approved by: \_\_\_\_\_

Name/Title: Rosanna Mendoza, DCSPS  
ARIZONA DEPARTMENT OF CHILD SAFETY  
Date: 623-932-8045

Page 2 Addendum Report To Juvenile Court  
Case Name: SAMUELS, EWINGID: 525468

Case Name: UNKNOWN CASE NAME ID: 999999999

**HOME STUDY**  
**October 11, 2016**

**DCS SPECIALIST**

Thomas Arseneau

**DCS SUPERVISOR**

Rosanna Mendoza

**CASE NAME**

Ewing Samuels

**CASE ID**

525468

**IN THE INTEREST OF:**

Eli Samuels

**DOB:**

[REDACTED]

**Relationship to Person Assessed:** Great nephew

**DEMOGRAPHICS OF PERSON ASSESSED**

**Complete Name:**

Terese Wilson

**Date of Birth:**

[REDACTED]

**Age:**

49 years old

**Place of Birth:**

Belize

**Race and Ethnicity:**

Hispanic

**Additional Information:**

Ms. Wilson reported she is a U.S. Citizen

**DEMOGRAPHICS OF OTHERS IN HOUSEHOLD**

**Complete Name:**

Marie Gallego

**Date of Birth:**

[REDACTED]

**Age:**

83 years old

**Place of Birth:**

Belize

**Race and Ethnicity:**

African American, Hispanic and Caucasian

**Relationship to Person Assessed:**

Mother

**Complete Name:**

Terrence Wilson

**Date of Birth:**

[REDACTED]

**Age:**

18 years old

**Place of Birth:**

[REDACTED] Arizona

**Race and Ethnicity:**

African American

**Relationship to Person Assessed:**

Son

**MAILING AND LOCATIONAL ADDRESS**

[REDACTED]

**TELEPHONE NUMBERS WITH AREA CODE**

**Cell:**

[REDACTED]

**Emergency Contact:** Ashlyn Wilson

[REDACTED]

## **TRIBAL MEMBERSHIP OF CAREGIVER, CHILD, AND CHILD'S PARENTS**

There is no Native American tribal membership reported among the caregivers, the child, or the child's parents.

## **CONTACTS**

- 09/23/2016 Family Support Specialist (FSS) left a voice message for Ms. Terese Wilson.
- 09/26/2016 FSS left a voice message for Ms. Wilson.
- 09/27/2016 FSS made telephonic contact with Ms. Wilson; scheduled home study for September 29, 2016 at 4:00 pm.
- 09/27/2016 FSS emailed Ms. Wilson a list of items in preparation for the home study.
- 09/27/2016 FSS emailed Department of Child Safety (DCS) Specialist and DCS Supervisor.
- 09/29/2016 FSS completed home study with Ms. Wilson and completed one reference interview.
- 10/03/2016 FSS left voice message for three references.
- 10/05/2016 FSS spoke with one additional reference.

## **MOTIVATION**

Ms. Terese Wilson and the assigned FSS Nicole Dupuis participated in the home study interview. Ms. Wilson identified Eli Samuels as her paternal great nephew.

Ms. Wilson identified Eli's mother as "Alisa". She was unsure of her last name. Ms. Wilson explained "Alisa" is "not in the picture" and they have no contact with her. Ms. Wilson identified Eli's father as her nephew, Ewing Samuels. Ms. Wilson stated she speaks with Mr. Samuels often and described their relationship as "close". She noted she is like a "big sister" to Mr. Samuels.

Ms. Wilson noted she has been involved in Eli's life since birth. She shared Eli has never lived in her home; however she stated "I saw him often enough for him to be attached to me."

Ms. Wilson explained DCS became involved with Eli after Mr. Samuels "got into some legal trouble". Ms. Wilson reported Mr. Samuels had full custody of Eli because his mother abandoned him. Ms. Wilson shared she is unsure of the details of Mr. Samuels' legal trouble.

## **EXPERIENCE WITH CHILDREN**

Ms. Wilson explained she would make a good caregiver for Eli because "I love kids and they make me happy."

Ms. Wilson explained she does not foresee any challenges caring for Eli.

Ms. Wilson has raised three children:

Ashlyn Wilson is 22 years old and is currently residing in [REDACTED] Arizona. Ms. Wilson shared Ms. Ashlyn Wilson attends [REDACTED] and is employed part time at [REDACTED]. She described Ms. Ashlyn Wilson as "super easy going" and shared they have a close relationship.

Marissa Wilson is 20 years old and attends [REDACTED]. Ms. Wilson shared Ms. Marissa Wilson resides on campus and is employed with [REDACTED]. Ms. Wilson described Ms. Marissa Wilson as "uptight and punctual" and shared they have an excellent relationship.

Terrence Wilson is 18 years old and resides in the home. Ms. Wilson shared Mr. Terrence Wilson attends [REDACTED] and works as a [REDACTED]. Ms. Wilson mentioned she has a "good bond" with her son.

#### **OTHER HOUSEHOLD MEMBERS**

Ms. Marie Gallego is 83 years old and is Ms. Wilson's mother. She has lived in the home since August of 2016. Ms. Wilson mentioned Ms. Gallego is suffering from memory loss and cannot live on her own. She noted DCS is aware of Ms. Gallego's presence in the home.

#### **DISCIPLINE TECHNIQUES**

Ms. Wilson shared she utilizes re-direction, time out and communication as forms of discipline with children. She noted she plans to use the same discipline with Eli.

This FSS explained to Ms. Wilson that per Department of Child Safety, physical discipline cannot be used with children who are dependents of the court. She stated that she understood this policy and agreed to comply. This FSS also provided Ms. Wilson with a copy of the Department of Child Safety disciplinary guidelines for her to review.

#### **WILLINGNESS AND ABILITY TO CARE FOR CHILD**

Ms. Wilson shared she is willing to care for Eli "forever". She mentioned she is willing to adopt Eli.

Ms. Wilson explained as far as she is aware, Eli is healthy.

Ms. Wilson stated she will seek medical care for Eli if he becomes injured or ill. She explained she will take Eli to [REDACTED] if there is a medical emergency. This FSS informed Ms. Wilson that Eli will have medical coverage through Comprehensive Medical and Dental Program (CMDP) as long as he is a dependent of the Juvenile Court.

Ms. Wilson is able to provide transportation for Eli. Ms. Wilson reported she has a valid Arizona driver's license which expires on [REDACTED] (verified). Ms. Wilson noted she has automobile insurance through [REDACTED].



Ms. Wilson stated Eli will attend [REDACTED] She stated she will ensure he attends school daily. Ms. Wilson mentioned Eli is not receiving any special education services that she is aware of; however, she is willing to seek any services if needed.

**Finances and Employment**

<b>Ms. Wilson</b>	
Employer's Name:	[REDACTED]
Employer's Address:	[REDACTED] Arizona
Date of Employment:	5 years
Job Title:	Teacher
Full time or Part time:	Full time
Days and Hours:	Varies
<b>Net Take Home Pay:</b>	\$4,200.00
Verified (yes or no):	Yes
Other Income (SSI, VA, SS Retirement, TANF)	[REDACTED] (part time job) \$240.00
<b>Total Monthly Income:</b>	\$4,440.00

<b>Monthly Expenses</b>	<b>Amount paid</b>
Rent:	\$1,000.00
Utilities:	\$ 500.00
Phone/cable/internet:	\$ 200.00
Car payment:	\$ 277.00
Car insurance:	\$ 160.00
Gasoline and Maintenance:	\$ 240.00
Groceries and household supplies:	\$ 300.00
Child Support:	N/A
Child Care:	N/A
<b>Total:</b>	\$2,677.00

Total income	\$4,440.00
Total expenses	\$2,677.00
Remainder	\$1,763.00

Ms. Wilson stated her income is adequate to provide for the needs of Eli.

This FSS explained the daily clothing and personal allowance payments for unlicensed relative placements. This FSS also explained that the family may be eligible for financial assistance through the Department of Economic Security. This FSS additionally provided Ms. Wilson with a folder containing community resource information to assist the family.

### **Health and Psychological**

Ms. Wilson reported she and Mr. Terrence Wilson are healthy and are not prescribed any medications.

Ms. Wilson stated Ms. Marie Gallego is suffering from memory loss and recently had surgery on her arms. She is prescribed the following medications: [REDACTED] and [REDACTED]

Ms. Wilson stated none of the adults in the home have any substance abuse, alcohol abuse or domestic violence history.

### **Team Member Participation**

Ms. Wilson remarked she is willing to attend case plan staffings, Foster Care Review Board hearings and court hearings. She commented that she is willing to support visitation or contact plans with Eli's parents and extended family members in compliance with the DCS case plan. She confirmed she is willing and able to enforce the safety plan implemented by DCS. Ms. Wilson continued that she is willing to cooperate with DCS and the case plan.

### **COMMUNITY AND FAMILY SUPPORT SYSTEMS**

Ms. Wilson reported her mother resides in the home and her father is deceased. Ms. Wilson shared she also has nine siblings, one of whom resides in [REDACTED]. Ms. Wilson described her relationship with her family as "close".

Ms. Wilson stated she will request assistance from her sister in California if she is in need of assistance. Ms. Wilson shared her family is supportive regarding Eli's placement in her home.

### **MARRIAGES OR RELATIONSHIPS**

Ms. Wilson reported she is legally married to Mr. Pete Wilson; however they are separated. She mentioned she has been married for 24 years and separated for the past four years. Ms. Wilson reported she and Mr. Wilson have three children in common; Ashlyn, Marissa and Terrence.

### **HOME**

Ms. Wilson has lived in her house for one and a half years. She described her neighborhood as "quiet". The home has three bedrooms, two bathrooms, a kitchen, dining room, family room, living room, laundry area and a two car garage.

**The home contains an unfenced swimming pool which poses a significant safety risk for child due to his young age. A discussion was held with caregiver regarding this matter. Ms. Wilson has installed three locks on the door that leads to the back yard and an alarm that sounds when the door is opened. One of the locks and the alarm are positioned over 5 feet high on the door.**

Ms. Wilson stated she has one dog; a Chow and German Shepard Mix. She noted the dog is current on vaccinations and has been exposed to children.

**Ms. Wilson reported there are no guns or firearms located in the home.**

Ms. Wilson stated her home is equipped with working smoke detectors located in the kitchen and bedrooms. She reported she owns a fire extinguisher located in the laundry room. This FSS observed that Ms. Wilson stores her toxic cleaning supplies under the kitchen sink and her medications in a high kitchen cabinet; both cabinets have a magnetic child safety lock that requires a key.

Ms. Wilson reported the following as the sleeping arrangements: Ms. Wilson shares the master bedroom with Ms. Gallego, Mr. Terrence Wilson has a bedroom of his own, and the third bedroom furnished with a queen bed will be Eli's bedroom.

The home was observed to be clean and well-maintained at the time of the home assessment interview.

Per the Department of Child Safety (DCS), a Home Study Checklist for Kinship Foster Caregiver Household form was completed. Ms. Wilson's home was in compliance with and met the requirements of the safety checklist.

#### **REFERENCES**

This FSS requested the family provide four references, the family provided four references. This FSS attempted to contact all four and was able to speak with two references. Both references have been to the caregiver's home and reported it was in good/clean condition. The references described Ms. Wilson in a positive manner, stating she "loves kids" and "has experience as a mother and teacher". In regard to discipline, one reference reported they have observed her talk to the children about their behavior when necessary. Neither reference reported having any concerns regarding Ms. Wilson's ability to care for Eli.

#### **FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECKS**

The referral from the Department of Child Safety indicated that a criminal history check was completed on September 21, 2016.

Ms. Wilson stated none of the adult household members have any criminal history or contact with law enforcement.

This FSS provided Ms. Wilson with a Self Disclosure Statement for Kinship Foster Caregiver Household form for her to complete and return to the Department of Child Safety. This FSS also informed the provider she will be required to be fingerprinted.

#### **DEPARTMENT OF CHILD SAFETY RECORDS CHECK**

The referral from the Department of Child Safety indicated a Child Safety check was completed on September 21, 2016.

Ms. Wilson reported none of the adults in the home have been reported to DCS.

#### **COURT ACTION**

Ms. Wilson reported no prior court involvement for any of the adults in the home.

#### **CHILD CARE AND TEMPORARY CARE**

Ms. Wilson reported she does not plan to utilize child care for Eli. She noted she is a teacher so while she is at work, Eli will also be in school.

#### **FAMILY FOSTER HOME LICENSING**

This FSS discussed the foster care licensing process with Ms. Wilson and provided her with information on this process. She mentioned she is not interested in pursuing licensure.

#### **EVALUATION**

Ms. Wilson identified Eli Samuels as her paternal great nephew. Ms. Wilson explained she has experience caring for children as evidenced by raising three children of her own.

Based upon the financial information provided by Ms. Wilson, she is able to meet her monthly household expenses.

This FSS observed the home to be clean and organized at the time of this home assessment interview.

Ms. Wilson expressed her willingness to cooperate with DCS, the DCS case-plan and any visitation outlined by DCS. Ms. Wilson confirmed she is willing to care for Eli on a long term basis. Ms. Wilson also agreed to seek any medical or supportive services for Eli as needed.

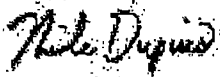
This FSS spoke to two references who described Ms. Wilson in a positive manner, stating she "loves kids" and "has experience as a mother and teacher". The references were both supportive Eli's placement with Ms. Wilson.

**RECOMMENDATION:**

Southwest Human Development recommends the placement of **Eli Samuels** in the care of **Ms. Terese Wilson**.

This recommendation is being made without knowledge of the criminal background or DCS history of the caregiver or any other adult who resides in the home with the exception of information that was verbalized to the Family Support Specialist during the home study interview.

**Respectfully Submitted:**



Nicole Dupuis  
Family Support Specialist  
Southwest Human Development  
Office: (602) 266-5976  
Fax: (602) 266-6652  
Email: NDupuis@swhd.org

**Approved By:**



Sarah Brothers  
Manager  
Kinship Care and Adoptions

Dated: 10/11/2016

MICHELLE A. JEANES, CLERK  
BY *J. Oviedo* DEP  
@ OVIEDO FILED

2016 NOV -7 PM 2: 16

1 MARK BRNOVICH  
2 Attorney General

3 ELIZABETH M. OVERHOLT  
4 Assistant Attorney General  
5 State Bar No. 007472  
6 CFP/PSS  
7 P.O. Box 6123-700A  
8 Phoenix, AZ 85004  
9 (602) 542-1645  
10 PSSDurango@azag.gov

11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 In the Matter of:

No. JD32360

15 ELI SAMUELS  
16 d.o.b. 8/20/2010

**ORDER FILING CRIMINAL  
HISTORY RECORD  
INFORMATION UNDER COURT  
SEAL**

17 Person under 18 years of age.

(Honorable Jeanne Garcia)

18 Upon motion of the Department of Child Safety, and good cause appearing,  
19

20  
21 IT IS ORDERED filing criminal history record information regarding TERESE  
22 WILSON, potential placement, under court seal.

23  
24  
25 IT IS FURTHER ORDERED that the contents of the criminal history record  
26 information remain confidential. No other person may view the information, unless  
27 he/she files a motion and obtains permission from this Court to unseal the Court's copy  
28

1 of the records, view the records, and then reseals those records. Any party viewing  
2 criminal history record information must protect it from secondary dissemination.  
3

4 DATED: November 3, 2016.

5 Jeanne Garcia  
6 JUDGE OF THE SUPERIOR COURT

7 HON. JEANNE GARCIA  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DISTRIBUTION NOTICE FOR: ORDCRHIST - ORDER FILING CRIMINAL HISTORY RECORD  
INFORMATION UNDER COURT SEAL (FILED 11/7/2016) - DOCKET ID: 153930356

CASE NO: JD32360

CASE NAME: ELI SAMUELS

ENDORSEMENTS:

ELIZABETH M OVERHOLT

BRENNA DURKIN

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

DCS SPECIALIST - SOUTHWEST REGION

FOSTER CARE REVIEW BOARD

JUVENILE COURT ADMINISTRATION - DUR

NOTDISTJD



*L. Arizmendy*

L. ARIZMENDY, FILED

16 NOV 15 PM 4:53

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General

ELIZABETH M. OVERHOLT  
Assistant Attorney General  
State Bar No. 007472  
CFP/PSS  
P.O. Box 6123-700A  
Phoenix, AZ 85004  
(602) 542-1645  
PSSDurango@azag.gov

Attorneys for the Department of Child Safety

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In the matter of:

No. JD32360

ELI SAMUELS  
d.o.b. 8/20/2010

**DCS'S MOTION TO FILE CRIMINAL  
HISTORY RECORD INFORMATION  
UNDER COURT SEAL**

Person under 18 years of age.

(Honorable Jeanne Garcia)

The Department of Child Safety (DCS or the Department), by and through undersigned counsel, hereby requests an order that the criminal history record information regarding TERENCE WILSON and MARIE GALLEGO, potential placement, be filed under court seal. This information was obtained for the purposes of anticipation of placement.

A.R.S. § 41-1750(G)(13) authorizes DCS to obtain criminal history record information "for the purpose of evaluating the fitness of custodians or prospective custodians of juveniles including parents, relatives and prospective guardians." Likewise, A.R.S. § 41-1750(G)(22) authorizes DCS to obtain criminal history record

1 information "for the purposes of investigating or responding to reports of child abuse,  
2 neglect or exploitation."

3  
4 However, A.R.S. § 41-1750(Q)(3) provides that secondary dissemination of  
5 criminal history record information is prohibited unless authorized by law. Because  
6 there is no provision which authorizes DCS to secondarily disseminate criminal history  
7 record information to other parties in this proceeding, DCS requests that the criminal  
8 history record information attached hereto for the Court's consideration regarding  
9 placement be filed under seal.  
10

11 The positions of the parties were not requested as the procedures for disclosure  
12 and use of criminal history record information are established pursuant to statute.  
13

14 RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of November 2016.

15 MARK BRNOVICH  
16 Attorney General

17 *Elizabeth M. Overholt* for  
18 ELIZABETH M. OVERHOLT  
19 Assistant Attorney General  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Original of the foregoing motion filed, this 15<sup>th</sup> day of November, 2016, with:

2 Clerk of the Court  
3 Maricopa County Superior Court  
4 Juvenile Division/Durango Facility  
5 3131 West Durango  
6 Phoenix, AZ 85009-6292

7 Copy of the foregoing hand-delivered, this 15<sup>th</sup> day of November, 2016, to:

8 Honorable Jeanne Garcia  
9 Maricopa County Superior Court  
10 125 W. Washington Street  
11 Phoenix, AZ 85003

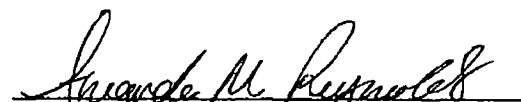
12 Copies of the foregoing mailed, this 16<sup>th</sup> day of November, 2016, to:

13 Brenna Durkin Farrell, Esq.  
14 3370 N. Hayden Rd #123-101  
15 Scottsdale, AZ 85251  
16 [brennadurkinlaw@gmail.com](mailto:brennadurkinlaw@gmail.com)  
17 Guardian ad Litem for the Child

18 Lincoln Green, Jr., Esq.  
19 Law Office Of Lincoln Green Jr., P.C  
20 40 N. Central Ave. Ste 1400  
21 Phoenix, AZ 85004  
22 [Lincoln.green@azbar.org](mailto:Lincoln.green@azbar.org)  
23 Attorney for the Mother

24 Brian Salata, Esq.  
25 4635 South Lakeshore Drive, Suite #203  
26 Tempe, AZ 85282  
27 [Salatalaw@gmail.com](mailto:Salatalaw@gmail.com)  
28 Attorney for the Father

Thomas Arseneau  
[TArseneau@azdes.gov](mailto:TArseneau@azdes.gov)  
Child Safety Worker

  
AMR / JD32360 / HDM# 5396337

MICHAEL K. JEANES, CLERK  
BY *H. Bawon* DEP.

FILED

16 NOV 28 PM 3: 54

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General

ELIZABETH M. OVERHOLT  
Assistant Attorney General  
State Bar No. 007472  
CFP/PSS  
P.O. Box 6123-700A  
Phoenix, AZ 85004  
(602) 542-1645  
PSSDurango@azag.gov

Attorneys for the Department of Child Safety

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In the Matter of:

No. JD 32360

ELI SAMUELS  
d.o.b. 8/20/2010

**ORDER FOR CHANGE IN PHYSICAL  
CUSTODY OF ELI SAMUELS TO  
TERESE WILSON**

Person under 18 years of age.

(Honorable Jeanne Garcia)

Upon <sup>unopposed</sup> motion of the Department of Child Safety (DCS or the Department), and  
good cause appearing,

IT IS ORDERED that the child remain a ward of the Court in the legal care,  
custody, and control of the DCS.

IT IS FURTHER ORDERED that said child be placed in kinship foster care with  
TERESE WILSON and that TERESE WILSON, as the physical custodian(s) and DCS,  
are authorized to consent to all social and authorized educational activities for the child.

The proposed placement is the least restrictive consistent with the needs of the child.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS FURTHER ORDERED that, as legal custodian of ELI SAMUELS, and in furtherance of A.R.S. § 8-512 and the DCS's obligation, if any, to provide medical, dental and behavioral health services to children in the DCS's legal custody, the DCS is authorized to consent to evaluation and treatment for medical and dental care upon recommendation of a health care provider, including general anesthesia, surgical procedures, blood transfusions, pelvic examinations and testing for the Human Immunodeficiency Virus (HIV).

IT IS FURTHER ORDERED that the DCS is authorized to consent for the child to travel within the United States for a period not to exceed thirty days.

DATED: November 22, 2016.

Jeanne Garcia  
Honorable Jeanne Garcia

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General

ELIZABETH M. OVERHOLT  
Assistant Attorney General  
State Bar No. 007472

MICHAEL M. JEANES, CLERK  
BY: *n. Baum* DEP.  
FILED  
16 NOV 28 PM 3: 54

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MARK BRNOVICH  
Attorney General

ELIZABETH M. OVERHOLT  
Assistant Attorney General  
State Bar No. 007472  
CFP/PSS  
P.O. Box 6123-700A  
Phoenix, AZ 85004  
(602) 542-1645  
PSSDurango@azag.gov

Attorneys for the Department of Child Safety

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In the Matter of:

No. JD32360

ELI SAMUELS  
d.o.b. 8/20/2010

**ORDER FILING CRIMINAL  
HISTORY RECORD  
INFORMATION UNDER COURT  
SEAL**

Person under 18 years of age.

(Honorable Jeanne Garcia)

Upon motion of the Department of Child Safety, and good cause appearing,

IT IS ORDERED filing criminal history record information regarding TERENCE  
WILSON and MARIE GALLEGO, potential placement, under court seal.

IT IS FURTHER ORDERED that the contents of the criminal history record  
information remain confidential. No other person may view the information, unless  
he/she files a motion and obtains permission from this Court to unseal the Court's copy

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

of the records, view the records, and then reseals those records. Any party viewing criminal history record information must protect it from secondary dissemination.

DATED: November 22, 2016.

Jeanne Garcia  
JUDGE OF THE SUPERIOR COURT

HON. JEANNE GARCIA



FILED  
2016 NOV 28 PM 3:54  
MICHAEL K. JEANES, Clerk  
By C. Minero  
Deputy  
FOR CLERK'S USE ONLY

IN THE MATTER OF:

Case Number: JD32360

ELI SAMUELS

## Sealed Document Coversheet

The document indicated below has been filed as a sealed document in this case

- REPMENTORG**  
Original Mental Competency Report Sealed
- REPMENTCOPY**  
Copy of Mental Competency Report Sealed
- REPMENTEXC**  
Excised Mental Competency Report
- REPRESTOREORG**  
Original Restoration Report Sealed
- REPRESTORECOPY**  
Copy of Restoration Report Sealed
- REPRESTOREXC**  
Excised Restoration Report Sealed

- MINUTE ENTRY**  
Date:
- OTHER:**
- REPCHSEAL**  
Criminal History Report for: TERENCE WILSON

Dr.  
Date of Report:

2016 NOV 28 pm 3:55 FILED  
MICHAEL K. JEANES, Clerk  
By C. Minero  
- Deputy  
FOR CLERK'S USE ONLY

IN THE MATTER OF:

Case Number: JD32360

ELI SAMUELS

## Sealed Document Coversheet

The document indicated below has been filed as a sealed document in this case

- REPMENTORG**  
Original Mental Competency Report Sealed
- REPMENTCOPY**  
Copy of Mental Competency Report Sealed
- REPMENTEXC**  
Excised Mental Competency Report
- REPRESTOREORG**  
Original Restoration Report Sealed
- REPRESTORECOPY**  
Copy of Restoration Report Sealed
- REPRESTOREXC**  
Excised Restoration Report Sealed

- MINUTE ENTRY**  
Date:
- OTHER:**
- REPCHSEAL**  
Criminal History Report for: MARIE GALLEGO

Dr.  
Date of Report:

DISTRIBUTION NOTICE FOR: ORDCPC - ORDER FOR CHANGE IN PHYSICAL CUSTODY (FILED  
11/28/2016) - DOCKET ID: 154127067

CASE NO: JD32360

CASE NAME: ELI SAMUELS

ENDORSEMENTS:

ELIZABETH M OVERHOLT

BRENNA DURKIN

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

DCS SPECIALIST - SOUTHWEST REGION

FOSTER CARE REVIEW BOARD

JUVENILE COURT ADMINISTRATION - DUR

NOTDISTJD

DISTRIBUTION NOTICE FOR: ORDCRHIST - ORDER FILING CRIMINAL HISTORY RECORD  
INFORMATION UNDER COURT SEAL (FILED 11/28/2016) - DOCKET ID: 154147189

CASE NO: JD32360

CASE NAME: ELI SAMUELS

ENDORSEMENTS:

ELIZABETH M OVERHOLT

BRENNA DURKIN

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

DCS SPECIALIST - SOUTHWEST REGION

FOSTER CARE REVIEW BOARD

JUVENILE COURT ADMINISTRATION - DUR

NOTDISTJD

FILED  
12-8-2010 11:22am  
MICHAEL K. JEANES, Clerk  
By D. Wood  
Deputy

1 MARK BRNOVICH  
2 Attorney General

3 ELIZABETH M. OVERHOLT  
4 Assistant Attorney General  
5 State Bar No. 7472  
6 CFP/PSS  
7 P.O. Box 6123-700A  
8 Phoenix, AZ 85004  
9 Telephone: 602-774-9000

10 Attorneys for the Department of Child Safety

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
12 IN AND FOR THE COUNTY OF MARICOPA

13 In the Matter of:

No. JD32360

14 ELI SAMUELS, D.O.B. 8/20/10,  
15 Person(s) under 18 years of age.

**ASFA FINDINGS RE: REASONABLE  
EFFORTS TO FINALIZE THE  
PERMANENCY PLAN**

(Honorable Jeanne Garcia)

17  
18 Upon Motion of the Department of Child Safety (DCS or the Department) and  
19 good cause appearing; as well as the matters presented in all DCS Court Reports and at  
20 all hearings conducted in this case; and pursuant to 45 C.F.R. § 1356.21(b)(2) and  
21 A.R.S. §§ 8-829 and 8-862(B)(2) THIS COURT HEREBY FINDS that the DCS has  
22 made reasonable efforts to finalize the permanency plan(s) currently in effect for the  
23 child/ren.  
24

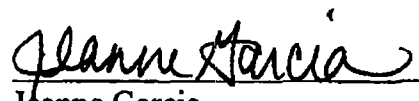
25 The Department, in order to finalize the permanency plan(s) has offered, made  
26 referrals for, provided, and/or requested the following services:

- 27  Adoption Services  
28  Allowances and Subsidies  
 Behavioral Health Assessment and/or Treatment

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- Case Management Services
- Child Care
- Developmental Disabilities Services
- Early Childhood Assessment and Services
- Medical and Dental Services
- Parent Aide/Parenting Services
- Parent Locate Services
- Placement Services
- Substance Abuse Assessment and/or Treatment
- Transportation Services
- Visitation Services
- Young Adult Services

DONE IN OPEN COURT this 8 day of December, 2016.

  
\_\_\_\_\_  
Jeanne Garcia  
Judge of the Superior Court

DEC 20 2016 8:00 AM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

12/8/2016

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS SPECIALIST - SOUTHWEST  
REGION  
JUDGE GARCIA

**REPORT AND REVIEW HEARING**

11:07 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Report and Review Hearing.

Present: Assistant Attorney General Elizabeth Overholt; DCS Child Safety Specialist Angeline Reeve, appearing for Thomas Arseneau; Brenna Durkin, guardian ad litem for the child; Lincoln Green, counsel for the mother; Brian Salata, counsel for the father; and Ewing Samuels, the father.

Counsel for the mother advises the Court that the mother is no longer wishing to participate in services and would not be calling in to participate in today's hearing.

63

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

12/8/2016

The Court notes that the mother is not present. No good cause having been shown for her failure to appear, the Court proceeds in her absence.

The Court has read and considered the DCS child safety specialist's report dated 12/5/2016.

The case plan is family reunification.

The Court summarizes the report.

The Department advises the Court that the Interstate Compact on the Placement of Children (ICPC) was denied by Nevada due to the mother's lack of submission of a urinalysis test. Based upon the mother's communication with her counsel, the Department will not be resubmitting the ICPC referral for the mother.

The Court is advised that the referral for a bonding assessment between the father and the child was submitted on 12/5/2016 and until the Department receives proof that the father was turned down for services through AHCCCS, the referral for family counseling will not be submitted.

Counsel for the father advises the Court that the father has been the child's primary parent and there is no need for a bonding assessment. Counsel expects the father's pending criminal matter to possibly go away. The father will do any service requested by the Department; however, he is concerned regarding wasting the Department's resources.

Discussion is held.

Based on the matters presented,

IT IS ORDERED affirming the case plan of family reunification.

THE COURT FINDS that the child continues to be dependent according to the statutes.

IT IS ORDERED that the above-named child remain a ward of the Court in the legal care, custody and control of the Department of Child Safety.

IT IS ORDERED affirming current legal custody and placement orders.



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

12/8/2016

THE COURT FINDS that there is a need for out-of-home care based upon the information presented, foster care being necessary to protect the child's welfare.

IT IS ORDERED reassigning this matter to the Foster Care Review Board to review this matter at least every six months as long as the child remains in out-of-home care to determine what efforts have been made by the Department of Child Safety to carry out the plan for permanent placement.

THE COURT FINDS that the Department of Child Safety has made reasonable efforts to finalize the permanency plan for the child.

Counsel for the Department having submitted ASFA Findings, and there being no objection.

IT IS ORDERED adopting same and signing the formal, written Order this date.

IT IS ORDERED setting this matter for **Dependency - Uncontested Report & Review** with the already scheduled **Dependency - Permanency Planning/Age 3-17 Years**

on 2/16/2017  
at 9:00 AM  
before Honorable Jeanne Garcia  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ. 85003

11:22 a.m. Court adjourns.

Filed:

ASFA Findings Re: Reasonable Efforts to Finalize the Permanency Plan

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

12/8/2016

be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

The DCS child safety specialist shall provide a report to the Court and the parties at least fifteen (15) days prior to the hearing which shall address:

1. The placement of the child;
2. The services being provided to the child and family;
3. The progress the parties have made in achieving the case plan goals; and
4. Whether the child continues to be dependent.

Any party seeking an evidentiary hearing on any issue shall file a motion requesting that the matter be set for a contested hearing. The motion shall identify the issues to be litigated, the names and addresses of all witnesses and the estimated time the parties will need to present evidence. The Court may reset the matter or proceed with the hearing as scheduled.

IT IS ORDERED, pursuant to Arizona Revised Statutes, that any and all schools, school districts and personnel thereof shall fully cooperate with juvenile probation officers, DCS child safety specialists, and attorneys or guardian ad litem or Court appointed special advocates representing a child in a dependency or delinquency action by allowing access by them to all educational records of the child, including but not limited to records pertaining to school, attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with them to assist them in the preparation, implementation, and completion of a rehabilitation and treatment plan for the child.

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

12-16-16  
DATE

Jeanne Garcia  
HONORABLE JEANNE GARCIA

1 MARK BRNOVICH  
2 Attorney General

3 ELIZABETH M. OVERHOLT  
4 Assistant Attorney General  
5 State Bar No. 7472  
6 CFP/PSS  
7 P.O. Box 6123-700A  
8 Phoenix, AZ 85004  
9 Telephone: 602-774-9000

10 Attorneys for the Department of Child Safety

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF MARICOPA

13 In the Matter of:

No. JD32360

14 ELI SAMUELS, D.O.B. 8/20/10,

**ASFA FINDINGS RE: REASONABLE  
EFFORTS TO FINALIZE THE  
PERMANENCY PLAN**

15 Person(s) under 18 years of age.

(Honorable Jeanne Garcia)

16  
17  
18 Upon Motion of the Department of Child Safety (DCS or the Department) and  
19 good cause appearing; as well as the matters presented in all DCS Court Reports and at  
20 all hearings conducted in this case; and pursuant to 45 C.F.R. § 1356.21(b)(2) and  
21 A.R.S. §§ 8-829 and 8-862(B)(2) THIS COURT HEREBY FINDS that the DCS has  
22 made reasonable efforts to finalize the permanency plan(s) currently in effect for the  
23 child/ren.  
24

25 The Department, in order to finalize the permanency plan(s) has offered, made  
26 referrals for, provided, and/or requested the following services:

- 27  
28  Adoption Services  
 Allowances and Subsidies  
 Behavioral Health Assessment and/or Treatment

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- Case Management Services
- Child Care
- Developmental Disabilities Services
- Early Childhood Assessment and Services
- Medical and Dental Services
- Parent Aide/Parenting Services
- Parent Locate Services
- Placement Services
- Substance Abuse Assessment and/or Treatment
- Transportation Services
- Visitation Services
- Young Adult Services

DONE IN OPEN COURT this 16 day of February, 2017.

Jeanne Garcia  
Jeanne Garcia  
Judge of the Superior Court

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS SPECIALIST - SOUTHWEST  
REGION  
JUDGE GARCIA

**TELEPHONIC APPEARANCE ORDER-MCSO INMATE**

Pursuant to the Court's Order of 2/16/2017,

IT IS ORDERED that the Maricopa County Sheriff's Office shall make arrangements for inmate **Ewing Redmond Samuels, DOB 8/10/1978, Booking #T337776**, to have telephone access and to appear telephonically for the purpose of a hearing

on 4/20/2017  
at 9:00 AM  
before Honorable Jeanne Garcia

The telephone call shall be placed by the Maricopa County Sheriff's Office to:

Honorable Jeanne Garcia at 602-372-0610

FEB 24 2017 8:00 AM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
DCS SPECIALIST - SOUTHWEST  
REGION  
JUDGE GARCIA

**REPORT AND REVIEW HEARING  
PERMANENCY PLANNING HEARING**

9:20 a.m. This matter is digitally recorded in Courtroom 303.

This is the time set for Report and Review and Permanency Planning Hearing.

Present: Assistant Attorney General Elizabeth Overholt; DCS Child Safety Specialist Thomas Arseneau; Brenna Durkin, guardian ad litem for the child; Brian Salata, counsel for the father; and Lincoln Green, counsel for the mother.

The Court notes that the mother is not present. No good cause having been shown for her failure to appear, the Court proceeds in her absence.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

The Court is advised that the father is now incarcerated and no telephonic order was issued for him to participate telephonically in today's hearing.

THE COURT FINDS that good cause exists for the father's failure to appear for today's hearing.

IT IS ORDERED waiving the presence of the father for today's hearing.

LET THE RECORD REFLECT the child's guardian ad litem has submitted an A.R.S. § 8-221(J) Compliance Report.

The Court has read and considered the DCS child safety specialist's addendum report dated 2/14/2017.

The case plan is family reunification.

The Court summarizes the report, which is corrected to note that Father has been convicted.

The Department is concerned because the father is now in custody and facing sentencing. The child is really bonded with the father, who was participating in services. The Department may be looking for a more permanent placement for the child.

The Court is advised that a CFT has been scheduled and the CFT and the DCS child safety specialist will be working with the placement to ensure the child is transported to his therapy and other appointments. The child is exhibiting behaviors in placement and at school since the father was incarcerated. The DCS child safety specialist will explore the possibility of an Individualized Education Plan (IEP) for the child.

The guardian ad litem requests the Department schedule a Team Decision Making (TDM) meeting to discuss the best case plan after the father's sentencing occurs.

Counsel for the mother advises the Court that he will contact his client to discuss case plan options.

Discussion is held.

Based on the matters presented,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

IT IS ORDERED affirming the case plan of family reunification at this time.

THE COURT FINDS that the child continues to be dependent according to the statutes.

IT IS ORDERED that the above-named child remain a ward of the Court in the legal care, custody and control of the Department of Child Safety.

IT IS ORDERED affirming current legal custody and placement orders.

THE COURT FINDS that there is a need for out-of-home care based upon the information presented, foster care being necessary to protect the child's welfare.

IT IS ORDERED reassigning this matter to the Foster Care Review Board to review this matter at least every six months as long as the child remains in out-of-home care to determine what efforts have been made by the Department of Child Safety to carry out the plan for permanent placement.

THE COURT FINDS that the Department of Child Safety has made reasonable efforts to finalize the permanency plan for the child.

Counsel for the Department having submitted ASFA Findings, and there being no objection,

IT IS ORDERED adopting same and signing the formal, written Order this date.

IT IS ORDERED setting this matter for **Dependency - Uncontested Report & Review**

on 4/20/2017  
at 9:00 AM  
before Honorable Jeanne Garcia  
at the Maricopa County Superior Court  
Old Courthouse, Courtroom 303  
125 W. Washington, Phoenix, AZ 85003

IT IS ORDERED that the mother may appear telephonically for the next hearing. The party is advised to call this division at (602) 372-0610.

Upon request of counsel for the father,



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

IT IS ORDERED that the father, <sup>✓</sup>**Ewing Redmond Samuels, DOB 8/10/1978, Booking#T337776**, may appear telephonically for the next hearing (a separate minute entry will be issued).

9:34 a.m. Court adjourns.

Filed:

ASFA Findings Re: Reasonable Efforts to Finalize the Permanency Plan

This Courtroom utilizes an electronic recording system for the Court's record. If a court reporter is needed, a written request must be filed with the Clerk of the Court and a copy provided to the assigned judicial officer at least 72 hours before the commencement of the proceeding.

To order a copy of the audio record on compact disc (CD), please call Juvenile Court Administration (Durango facility - 602-506-4533/Southeast facility - 602-506-2544). There will be a fee of \$30 for each copy of the Superior Court proceedings. All copies will be provided using Court-supplied media. Hearing request forms are available at the Juvenile Clerk of Court.

The DCS child safety specialist shall provide a report to the Court and the parties at least fifteen (15) days prior to the hearing which shall address:

1. The placement of the child;
2. The services being provided to the child and family;
3. The progress the parties have made in achieving the case plan goals; and
4. Whether the child continues to be dependent.

Any party seeking an evidentiary hearing on any issue shall file a motion requesting that the matter be set for a contested hearing. The motion shall identify the issues to be litigated, the names and addresses of all witnesses and the estimated time the parties will need to present evidence. The Court may reset the matter or proceed with the hearing as scheduled.

IT IS ORDERED, pursuant to Arizona Revised Statutes, that any and all schools, school districts and personnel thereof shall fully cooperate with juvenile probation officers, DCS child safety specialists, and attorneys or guardian ad litem or Court appointed special advocates representing a child in a dependency or delinquency action by allowing access by them to all educational records of the child, including but not limited to records pertaining to school, attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with them to assist them in the preparation, implementation, and completion of a rehabilitation and treatment plan for the child.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

2/16/2017

WARNING

As a parent, it is your responsibility to cooperate with all services offered, and work toward return of your child. A failure to do so, within a reasonable period of time, may mean losing your child forever through termination of your rights and adoption.

2-21-17

DATE

Jeanne Garcia

HONORABLE JEANNE GARCIA

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

MICHAEL K. JEANES, CLERK  
BY *m. Perez*  
M. PEREZ FILED

Review Information

2017 FEB 27 AM 11:40

Presiding Juvenile Court Judge: Colleen McNally

Judge: Jeanne Garcia

County: Maricopa

FCRB Review Date: 02-03-2017

Court Hearing Date: 02-16-2017

Board #: MC55

FCRB Case Name: Samuels

Program Specialist: Angela Tapia

Next Review Date: 08-04-2017

Child Information

Name: Eli Samuels

Birth Date: 08-20-2010

Initial Placement Date: 03-21-2016

Age: 6

Current Placement Date: 11-22-2016

JD Number: 32360

Permanent Plan: Return to parent

Legal Status: Dependent

**ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS**

---

**FINDINGS AND RECOMMENDATIONS**

1. Reasonable efforts, or active efforts in an ICWA case, were made to prevent the removal of the child(ren) from the home and that continuation therein would be contrary to the welfare of the child(ren).

Yes

**Finding Comments:**

None

2. The Board makes a determination that continuation of the child(ren) in out-of-home placement is necessary.

Yes

**Finding Comments:**

None

3. The Board makes a determination that the placement(s) is/are safe, appropriate and least restrictive.

Yes

**Finding Comments:**

None

4a. The Board makes a determination that there is an appropriate permanency goal for each child.

Yes

**Finding Comments:**

None

4b. The Board makes a determination that there is appropriate written documentation, which outlines tasks for each participant.

Yes

**Finding Comments:**

None

○ ○

**ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS**

---

5. The Board makes a determination that each case participant is following the tasks outlined in the case plan.  
No

Eli                      The Parents are not participating in services and is incarcerated.

**Finding Comments:**  
None

6. The Board makes a determination that progress is being made toward establishing permanency for the child(ren).  
No

Eli                      The parent is incarcerated.

**Finding Comments:**  
None

7. At the time of the review, the Board makes a determination that the established target date for the completion of the permanency goal is REALISTIC.  
No

Eli                      The Agency's established target date is unrealistic for the needs of the child and/or family.

**Finding Comments:**  
None

8. The Board recommends that a judicial determination be made that reasonable efforts, or active efforts in an ICWA case, are being made by the Agency to implement the permanency plan for the child(ren).  
Yes

**Finding Comments:**  
None

9. The child(ren)'s education and/or services to address developmental needs are being implemented successfully.  
Yes

**Finding Comments:**  
None

○ ○

**ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS**

---

10. The Board makes a determination that there are significant service gaps or system problems.

No

**Finding Comments:**

None

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

---

**Reports Considered:**

Progress Report, 12/5/16; Case Plan, 11/6/16; Court Minute Entry, 12/8/16; Court Order, 11/22/16

**Parties Present at Review:**

Placement, Unlicensed, Non-Relative for Eli  
Thomas Arseneau, Case Manager for Eli

**According To:**

**Placement**

**Foster Mother**

1. Eli is doing well in her home.
2. Eli is enrolled in the first grade.
3. Eli struggles with completing his homework assignments.
4. Eli struggles in reading.
5. Eli is a strong speller.
6. Eli participates in counseling.
7. Eli participates in visits with the biological father.
8. Eli becomes depressed when he does not have contact with the biological father.
9. The biological father was found guilty on two counts.
10. The biological father was detained yesterday (February 2, 2017).
11. The biological father will be sentenced on March 3, 2017.
12. Eli does not know that the biological father has been detained.
13. She is willing to be a permanent placement for Eli, if that option becomes available.
14. Eli does not have a relationship with the biological mother.

**Thomas Arseneau**

**Case Manager**

1. Eli receives behavioral health services.
2. Eli participates in family counseling.
3. The foster mother reports that Eli is doing well in her home.
4. The biological father is complying with his case plan tasks.
5. The biological father has been referred for parent aide services.
6. The biological father completed a psychological evaluation.
7. The biological father participates in Masters level counseling.
8. The biological father must self-refer for individual counseling.

ARIZONA SUPREME COURT  
FOSTER CARE REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

---

**Observation/Concerns & Review Board Recommendations:**

1. The Board is concerned about an achieving permanency for Eli. The Board notes the following:
  - The biological father was full engaged in services; however, the father was recently detained yesterday (February 2, 2017).
  - The biological mother is not participating in services.
  - The foster mother reports that the biological mother relinquished her parental rights to Eli.Therefore, the Board recommends that the case manager:
  - Re-evaluated the case plan goal after the biological father's sentencing hearing.
  - Determine if the biological mother relinquished her parental rights to Eli.
  
2. The Board is concerned that the case plan goal target date is unrealistic for the needs of the family. Therefore, the Board recommends that the case manager identify a realistic target date, document it in the next progress report and send a copy to the FCRB.
  
3. The Board commends the foster mother for her care and commitment to Eli.

**Pursuant to A.R. S. 8-515.03, the Agency must respond, within 10 day of receipt, to accept or decline FCRB recommendations made specifically to case managers and/or the Agency. Please email responses to [RPTFCRB@courts.az.gov](mailto:RPTFCRB@courts.az.gov) referencing the FCRB number, review date and child(ren) name. Please title the subject line as Agency 10 Day Response.**

**Administrative Notes:**

None

cc:

Attorney General - Attorney  
Brenna Durkin Esq. - Guardian Ad Litem For Eli  
Brian R Salata - Attorney Father, Biological  
Parent Father, Biological For Eli  
Judge Jeanne Garcia - Court  
Lincoln Green - Attorney Mother, Biological  
Placement Unlicensed, Non-Relative For Eli  
Thomas Arseneau - Case Manager For Eli



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/13/2017

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
D. Wood  
Deputy

IN THE MATTER OF:

ELI SAMUELS  
F1098217  
DOB: 8/20/2010

BRENNA DURKIN

ELIZABETH M OVERHOLT

LINCOLN GREEN JR.

BRIAN RICHARD SALATA

FOSTER CARE REVIEW BOARD  
AZ STATE PRISON - YUMA  
DCS SPECIALIST - SOUTHWEST  
REGION  
JUDGE GARCIA

**TELEPHONIC APPEARANCE ORDER - DOC INMATE**

Pursuant to the Court's Order of 2/16/2017,

IT IS ORDERED the Arizona Department of Corrections shall make arrangements for inmate **Ewing Samuels, DOB 8/10/1978, ADC#317774**, to have telephone access and to appear telephonically for the purpose of a hearing

on 4/20/2017  
at 9:00 AM  
before Honorable Jeanne Garcia

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JD32360

4/13/2017

The telephone call shall be placed by the Arizona Department of Corrections to:

Honorable Jeanne Garcia at 602-372-0610

ADOC is instructed to use the in-state long-distance telephone service when necessary.