

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUELA HERNANDEZ,

Petitioner

vs.

EIGHTH JUDICIAL DISTRICT
COURT JUDGE; THE HONORABLE
ROBERT W. TEUTON, DISTRICT
COURT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

Supreme Court No. —

District Court No. J-14-

Electronically Filed
Jun 26 2014 02:10 p.m.
332774-01
Tracie K. Lindeman
Clerk of Supreme Court

**APPENDIX TO PETITION FOR WRIT OF MANDAMUS
OR, IN THE ALTERNATIVE, WRIT OF PROHIBITION**

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the ____ day of June 2014 a copy of the Appendix Petition for Writ of Mandamus or, in the Alternative, Writ of Prohibition was served as follows:

BY ELECTRONIC FILING TO

Jin Kim, Esq.
District Attorney's Office
601 N. Pecos
Las Vegas, NV 89101

BY HAND DELIVERY TO

The Honorable Robert Teuton
601 N. Pecos
Las Vegas NV 89101

/s/ABIRA GRIGSBY

An employee of the Special
Public Defender

EIGHTH JUDICIAL DISTRICT COURT

Alvin D. Quinn

CLERK OF THE COURT

FAMILY DIVISION - JUVENILE

CLARK COUNTY, NEVADA

In the Matter of:
ANALIA HERNANDEZ
Date of Birth: 10.03.2011 Age: 2 yrs. 08 months

CASE NO.: J-14-332774-PC
DEPT. NO.: JUVENILE
COURTROOM: D

KELSSY HERNANDEZ
Date of Birth: 10.14.12 Age: 15 months

Natural Mother's Name: Manuela Hernandez

Natural Father's Name: William Troilo-Laszlo

PROTECTIVE CUSTODY FINDINGS AND ORDER

This matter having come before the Court on February 6, 2014, for a protective custody hearing pursuant to NRS 432B.470 and NRS 432B.480. Present in Court for the hearing were Joanna Watts of the Department of Family Services, Deputy District Attorney Felicia Quinlan, and William Troilo-Laszlo, and based on the statements made and the report that was submitted:

THE COURT FINDS that the mother of the child(ren) is Manuela Hernandez.

THE COURT FURTHER FINDS that the above-named father is not listed on the child's(ren's) birth certificate(s).

THE COURT FURTHER FINDS that notification of this protective custody hearing to the mother, Ms. Hernandez, was made by:

☒ personal service of written notice; natural mother is in custody and was not present due to a conflicting court hearing.

THE COURT FURTHER FINDS that:

☒ an inquiry was made into whether the Indian Child Welfare Act applies to this family and natural father denied that there is any Native American heritage.

1 **THE COURT FURTHER FINDS** that Mr. Troilo-Laszlo has been advised of his right to be
2 represented by an attorney and his right to present statements regarding the protective custody of the
3 child(ren).

4 **THE COURT FURTHER FINDS** that natural mother has not been advised of her right to be
5 represented by an attorney and her right to present statements regarding the protective custody of the
6 child(ren) because she were not present at the hearing.

7 **THE COURT FURTHER FINDS** there is reasonable cause to believe that it would be contrary
8 to the welfare of the children to remain at their home. Specifically, the Court finds that there are concerns
9 of physical abuse of children. Kelssy presented for medical intervention with the babysitter for bruising
10 on her face. She has significant bruising. The babysitter brought Kelssy to the hospital at 12:02.

11 She said the stepfather dropped her off at 10:15am and said the bruising was the result of fighting with
12 the two year old sister. The babysitter called mom and said she needed to be seen by the doctor. Mom
13 said she couldn't leave work and said Kelssy fell off the bed yesterday, causing the bruising to her face.
14 Dr. Ceti was consulted and stated that the injuries are not consistent with the story. The babysitter said
15 this is her third time watching the child and she has never seen any concerning marks on her. The
16 previous time she watched her was on 1-31-14. A CAT scan has been done and a skeletal survey-no
17 results yet.
18

19 **THE COURT FURTHER FINDS** the child(ren) were placed in protective custody on 2.4.14.

20 **THE COURT FURTHER FINDS** that

21 X the children remain with Gradys Escoto, maternal grandmother pending a disposition by the
22 Court

23 **THE COURT FURTHER FINDS** that it is in the best interest of the subject minors to be
24 placed together pursuant to NRS 432B.550.

25 **THE COURT FURTHER FINDS** that the Clark County Department of Family Services
26 provide for the placement, care and supervision of the above-named subject minor(s).
27
28


1 **THE COURT FURTHER FINDS** that the following reasonable efforts have been made to
2 prevent the removal of the child(ren): A Safety and Risk assessment has been completed. (Active Efforts
3 - 25 USC 1912(d))

4 **THE COURT FURTHER FINDS** that visitation between Ms. Hernandez and Mr. Troilo-
5 Laszlo with the child(ren) shall be supervised by the Department of Family Services and Child Haven.

6 **IT IS FURTHER ORDERED** that the Special Public Defender be appointed to represent the
7 natural mother, Manuela Hernandez and Denise Gallagher, Esq., be appointed to represent the
8 natural/putative father, William Troilo-Laszlo.

9 **IT IS FURTHER ORDERED** that a PLEA/REVIEW is set for February 20, 2014 at 9:00 a.m.
10 in Courtroom 23.

11 Dated: February 6, 2014.


ROBERT W. TEUTON, ABUSE/NEGLECT
DISTRICT JUDGE-JUVENILE DIVISION

12
13 **CERTIFICATE OF SERVICE**

14
15
16 I hereby certify that on the above stamped date, I placed a copy of the foregoing in the folder(s)

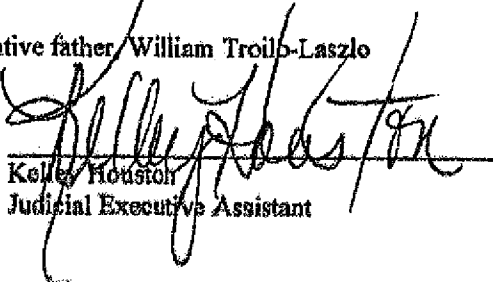
17 of Attorney(s):

18 Felicia Quinlan, DDA

19 Special Public Defender, attorney for natural mother, Manuela Hernandez

20 Denise Gallagher, Esq. attorney for natural/putative father, William Troilo-Laszlo

21 in the Office of the Clerk of the Court.


Kelley Houston
Judicial Executive Assistant

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION - JUVENILE
CLARK COUNTY, NEVADA**


CLERK OF THE COURT

In the Matter of Children:

ANALIA HERNANDEZ **DOB: 10-03-2011**

KELSSY HERNANDEZ **DOB: 10-14-2012**

Minors Under 18 Years of Age.

COURT CASE NO.: J-14-332774-U1

UNITY CASE # 1381751

DEPT.: FAMILY JUVENILE

COURTROOM: HM KURTZ - #14

PETITION: 1 - PHYSICAL

ABUSE/NEGLECT

PLEA: 02-20-2014 AT 9:00 A.M.

PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **1064 SIERRA VISTA, LAS VEGAS, NEVADA 89169.**

MOTHER:	MANUELA HERNANDEZ	DOB: 05-05-1993
FATHER:	WILLIAM TROILO-LASZLO (KELSSY)	DOB: 07-13-1992
FATHER:	ISRAEL PIZZARO-ULLAURI (ANALIA)	DOB: 06-03-1990
BOYFRIEND:	JONATHAN BALDERAS	DOB: 09-09-1993

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MANUELA HERNANDEZ. The father is WILLIAM TROILO-LASZLO. JONATHAN BALDERAS is a person regularly found in the home;

(b) On or about February 4, 2014, subject minor KELSSY HERNANDEZ, (hereinafter "KELSSY"), presented at Sunrise Children's Hospital with multiple injuries, to-wit: diffuse bruising to the cheeks of the face that were red and purple in color; swelling to the left cheek; diffuse bruising to the entire forehead exhibiting purple, yellow, and brown colors; red bruising to inside the pinna; linear and superficial scratch

marks on shoulders and back; inner surface of the lower lip is purple and/or red with contusion; and purple bruise to the dorsal foot. Dr. Sandra Cetl noted that KELSSY's contusions to the face, forehead, and ears are too numerous and diffuse to count. KELSSY's injuries were such that they could not have been sustained without negligence, or a deliberate but unreasonable act, or a failure to act by the persons responsible for his care and welfare pursuant to NRS 432B.450;

(c) MANUELA HERNANDEZ (hereinafter "MANUELA") failed to protect KELSSY from physical abuse as described in paragraph "b", and/or lacks protective capacity, as demonstrated by MANUELA leaving the subject minors in the care of JONATHAN BALDERAS (hereinafter "JONATHAN") despite observing and or/knowning JONATHAN slapped each subject minor twice in the face on or about January 3, 2014. See NRS 432B.020, NRS 432B.090;

(d) MANUELA's engagement in acts constituting domestic violence, as the victim as well as the perpetrator, affects her ability to provide care, safety and well being for the subject minors, to-wit: MANUELA reports that WILLIAM TROILO-LASZLO (hereinafter "WILLIAM") had been violent towards her and that ANALIA witnessed the domestic violence which has resulted in ANALIA having nightmares. MANUELA also perpetrated domestic violence against WILLIAM on or about December 2013 resulting her arrest and incarceration. See NRS 432B.020, 432B.140, 432B.330; 432B.157;

(e) MANUELA physically abused the subject minors resulting in injuries as described in paragraph "b" as to KELSSY. See NRS 432B.090;

(f) MANUELA is unable to provide for the care, control, supervision, or other care necessary for the welfare of the subject minors due to her incarceration, to-wit: on or about January 4, 2014, MANUELA was arrested and incarcerated for Child Abuse and Neglect. NRS 432B.330;

(g) MANUELA and JONATHAN medically neglected the subject minors, to-wit: on or about January 3, 2014, MANUELA and JONATHAN observed bruising to KELSSY but failed to seek medical attention for the subject minor. See NRS 432B.140;

(h) MANUELA and JONATHAN did not provide a medically consistent explanation for the injuries sustained by KELSSY;

(i) JONATHAN physically abused the subject minors resulting in injuries as described in paragraph "b" as to KELSSY, and he further

admitted to slapping both subject minors twice in the face. See NRS 432B.090;

(j) JONATHAN is unable to provide for the care, control, supervision, or other care necessary for the welfare of the subject minors due to his incarceration, to-wit: on or about January 4, 2014, JONATHAN was arrested and incarcerated for Child Abuse and Neglect. NRS 432B.330;

(k) WILLIAM's engagement in acts constituting domestic violence as the perpetrator and as the victim affects his ability to provide care, safety and well being for the subject minors, to-wit: MANUELA reports that WILLIAM had been violent towards her and that ANALIA witnessed the domestic violence which has resulted in ANALIA having nightmares. MANUELA also perpetrated domestic violence against WILLIAM on or about December 2013 resulting MANUELA's arrest and incarceration. See NRS 432B.020, 432B.140, 43B.330; 432B.157;

(l) WILLIAM's abuse of drugs affects his ability to provide care for KELSSY to-wit: WILLIAM admits to methamphetamine use. NRS 432B.140;

(m) ISRAEL PIZZARO-ULLAURI does not provide for the care, control, supervision, or subsistence of ANALIA. NRS 432B.140;

(n) The subject minors are in need of protection in accordance with NRS 432B and as a result of the abuse/neglect described above;

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children;

I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18th day of February, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: 

Deputy District Attorney
Petitioner

UNITY Doc.
JKim/pf
CPS 5 and under B
PC Held
Removal Date: 02-04-2014

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**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION - JUVENILE
CLARK COUNTY, NEVADA**


CLERK OF THE COURT

In the Matter of Children:

ANALIA HERNANDEZ	DOB: 10-03-2011	COURT CASE NO.: J-14-332774-U1
		UNITY CASE # 1381751
KELSSY HERNANDEZ	DOB: 10-14-2012	DEPT.: FAMILY JUVENILE
		COURTROOM: JUDGE TEUTON - #11
Minors Under 18 Years of Age.		AMD PETITION: 1 - PHYSICAL
		ABUSE/NEGLECT
		R&D: 3-31-2014 AT 10:00 A.M.

AMENDED PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **1064 SIERRA VISTA, LAS VEGAS, NEVADA 89169.**

MOTHER:	MANUELA HERNANDEZ	DOB: 06-05-1993
FATHER:	WILLIAM TROILO-LASZLO (KELSSY)	DOB: 07-13-1992
FATHER:	ISRAEL PIZZARO-ULLAURI (ANALIA)	DOB: 06-03-1990
BOYFRIEND:	JONATHAN BALDERAS	DOB: 09-09-1993

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MANUELA HERNANDEZ. The father is WILLIAM TROILO-LASZLO. JONATHAN BALDERAS is a person regularly found in the home;

(b) On or about February 4, 2014, subject minor KELSSY HERNANDEZ, (hereinafter "KELSSY"), presented at Sunrise Children's Hospital with multiple injuries, to-wit: diffuse bruising to the cheeks of the face that were red and purple in color; swelling to the left cheek; diffuse bruising to the entire forehead exhibiting purple, yellow, and brown colors; red bruising to inside the pinna; inner surface of the lower lip

is purple and/or red with contusion. Dr. Sandra Cetl noted that KELSSY's contusions to the face, forehead, and ears are too numerous and diffuse to count. KELSSY's injuries were such that they could not have been sustained without negligence, or a deliberate but unreasonable act, or a failure to act by the persons responsible for his care and welfare pursuant to NRS 432B.450;

(c) MANUELA HERNANDEZ (hereinafter "MANUELA") failed to protect KELSSY from physical abuse as described in paragraph "b", and/or lacks protective capacity, as demonstrated by MANUELA leaving the subject minors in the care of JONATHAN BALDERAS (hereinafter "JONATHAN") despite observing and or/knowning JONATHAN slapped each subject minor twice in the face on or about January 3, 2014. See NRS 432B.020, NRS 432B.090;

(d) MANUELA's engagement in acts constituting domestic violence, as the victim as well as the perpetrator, affects her ability to provide care, safety and well being for the subject minors;

(e) JONATHAN medically neglected the subject minors, to-wit: on or about January 3, 2014, JONATHAN observed bruising to KELSSY but failed to seek medical attention for the subject minor. See NRS 432B.140;

(f) JONATHAN did not provide a medically consistent explanation for the injuries sustained by KELSSY;

(g) JONATHAN physically abused the subject minors resulting in injuries as described in paragraph "b" as to KELSSY, and he further admitted to slapping both subject minors twice in the face. See NRS 432B.090;

(h) WILLIAM's engagement in acts constituting domestic violence as the perpetrator and as the victim affects his ability to provide care, safety and well being for the subject minors, to-wit: MANUELA reports that WILLIAM had been violent towards her and that ANALIA witnessed the domestic violence which has resulted in ANALIA having nightmares. MANUELA also perpetrated domestic violence against WILLIAM on or about December 2013 resulting MANUELA's arrest and incarceration. See NRS 432B.020, 432B.140, 43B.330; 432B.157;

(i) WILLIAM's abuse of drugs affects his ability to provide care for KELSSY to-wit: WILLIAM admits to methamphetamine use. NRS 432B.140;

(j) The subject minors are in need of protection in accordance with NRS 432B and as a result of the abuse/neglect described above;

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children.

I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of March, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: 

Deputy District Attorney
Petitioner

UNITY Doc.
JKim/pf
CPS 6 and under B
PC Held
Removal Date: 02-04-2014

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FILED

APR 25 2014

CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

JUVENILE DIVISION

CLARK COUNTY, NEVADA

In the Matter of Children:) CASE NO. J-14-332774-U1
)
ANALIA HERNANDEZ) DEPT. D
DOB: 10-03-2011)
)
KELSSY HERNANDEZ) SEALED
DOB: 10-14-2012)
)
Minors Under 18 Years of Age.)
_____)

BEFORE THE HONORABLE ROBERT W. TEUTON, DISTRICT COURT JUDGE

TRANSCRIPT RE: DISPOSITION HEARING

MONDAY, MARCH 31, 2014

1 APPEARANCES:

2 For the State of Nevada: JIN KIM, ESQ.
3 Deputy District Attorney
4 Juvenile Division
5 601 North Pecos Rd.
6 Las Vegas, Nevada 89101
7 (702) 455-5320

8 The Natural Mother: MANUELA HERNANDEZ
9 For the Natural Mother: ABIRA GRIGSBY, ESQ.
10 Deputy Special Public Defender
11 601 North Pecos Rd.
12 Las Vegas, Nevada 89101
13 (702) 455-6265

14 The Father: WILLIAM TROILO (Not Present)
15 For the Father: DENISE A. GALLAGHER, ESQ.
16 8961 W. Sahara Ave., #102
17 Las Vegas, Nevada 89117
18 (702) 240-4447

19 Also Present: CHANDLER LEVRICH
20 Department of Family Services
21 JONATHAN BALDERAS
22
23
24

1 LAS VEGAS, NEVADA

MONDAY, MARCH 31, 2014

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 10:34:30.)

4 THE COURT: Okay. We're on the record in Case Number
5 332774.

6 Appearances, please.

7 MR. LEVRICH: Chandler Levrich, DFS.

8 MS. KIM: Jin Kim on behalf of State.

9 MS. GRIGSBY: Good morning, Your Honor. Abira Grigsby,
10 Bar Number 10308, appearing for Manuela Hernandez who is
11 present.

12 THE COURT: All right. And you, Sir, are Jonathan
13 Balderas?

14 MR. BALDERAS: Yes, Sir.

15 THE COURT: All right. Let me start with you, Mr.
16 Balderas. Did you receive a copy of the report and the
17 proposed case plan?

18 MR. BALDERAS: Yes, Your Honor.

19 THE COURT: All right. Do you have any issues with
20 either one?

21 MR. BALDERAS: I haven't had a chance to go through the
22 disposition report. I was just actually going through the
23 case plan while I was outside waiting.

24 THE COURT: All right. I've got a question about the

1 case plan as to Mr. Balderas. The first objective is that
2 he'll meet Kelssy and Analia's needs. We're -- he's not
3 related to either child biologically, correct?

4 MS. KIM: He -- no, Your Honor. My understanding is he
5 is likely somebody who may be involved and remain involved
6 with Ms. Hernandez who is potentially pregnant with his child.
7 So he may -- that part that does cause me some concern. If
8 they are going to remain an intact couple, and -- The Court
9 can strike that.

10 We just want to ensure that he has awareness,
11 protective capacity in terms of being responsible for their
12 physical care and well being and medical needs. I'd submit
13 that to The Court. We just want to ensure that his case plan
14 is thorough. And that if Ms. Hernandez stays in a
15 relationship with Mr. Balderas, that he complies with the case
16 plan as to these children. So that if she's going to reunify
17 and he's going to remain in their lives, that he completes all
18 aspects of it. But I'd submit to The Court about Mr. Balderas
19 being responsible for them going to --

20 THE COURT: A pediatrician.

21 MS. KIM: Yes.

22 THE COURT: Medicaid.

23 MS. KIM: Absolutely.

24 THE COURT: I mean, he can't even apply for Medicaid --

1 MS. KIM: No.

2 THE COURT: -- for these kids.

3 MS. KIM: Um-hmm (in the affirmative). And the -- he
4 does need to address his -- the forthright manner. The most
5 important measurement for success would be comprehensively,
6 convincingly in a forthright manner addressing the
7 precipitating risk factors and triggers --

8 THE COURT: Right.

9 MS. KIM: -- and sequence of the events. But as for the
10 other steps, I agree.

11 THE COURT: Okay. All right. Well let's get it on the
12 table. Are you -- do the two of you intend to remain as a
13 couple?

14 MS. HERNANDEZ: No.

15 MR. BALDERAS: No, not until we find out the paternity of
16 the other kid. But for right now as of right now we're not
17 together. She's staying at my apartment. I'm paying
18 everything else for her. And I'm just bouncing off from house
19 -- from my parents' house, family members' house, friends'
20 house. I actually have a job offer to go to Salt Lake City
21 which I was supposed to leave a week and a half ago, but I
22 waited till this court date. And I still got to go talk to my
23 lawyer from the criminal case about this case, but the
24 criminal court.

1 THE COURT: Who's your lawyer?

2 MR. BALDERAS: I don't know on (sic) the top of my head.
3 I have -- I've got paperwork and -- downstairs in the car in
4 the parking lot.

5 THE COURT: Is it a public defender?

6 MR. BALDERAS: No, it's from Half Price Lawyers. He's a
7 hired lawyer.

8 THE COURT: All right. All right.

9 Okay. And it's a child -- the unborn child is
10 yours, then you will continue your relationship?

11 MR. BALDERAS: Yes.

12 THE COURT: Is that right?

13 MS. HERNANDEZ: We'll have to figure out patern -- the
14 paternity test. Because if it's his, he's gonna have to be
15 involved in some way or how like -- as well as the other
16 fathers. So we're trying to manage something where he will be
17 involved and try to figure out from there to see if we can
18 work as a couple. If not, then there's no way or form that we
19 will be a couple.

20 THE COURT: All right.

21 MS. KIM: Regarding Mr. Balderas' case plan, Judge, I'd
22 ask The Court to add one more component. I'd ask for a mental
23 health or cognitive eval. During his closing statement, Mr.
24 Balderas represented that he -- when he becomes angry he

1 blacks out. He has episodes of blacking out and he hasn't
2 been on his medication for a while.

3 THE COURT: Is that right?

4 MR. BALDERAS: Yes, Sir.

5 THE COURT: All right. Well I'm tempted to strike the
6 objective about meeting Kelssy and Analia's needs.

7 MS. KIM: Judge, I would -- in Objective 1, long as we
8 keep the measurement for success -- Court's indulgence. Which
9 objective would that be, 1?

10 THE COURT: Yeah, it's the very first objective on --

11 MS. KIM: Yeah. We keep that objective, the
12 comprehensively convincingly address those factor. But the
13 action steps, he does need to complete individual or group.

14 THE COURT: Are we on the same one? Are we on the same
15 objective?

16 MS. KIM: Court's indulgence. Oh, Manuela. I apologize.
17 Yes, that one -- medical, education. Yes, the whether or
18 not...

19 (MS. KIM AND MR. LEVRICH TALK AMONGST THEMSELVES.)

20 THE COURT: I mean, you could amend it to if they remain
21 as an intact couple to assist her in obtaining these things.
22 But he's got no legal obligation to secure pediatric care or
23 he is, I think, barred from applying for Medicaid. Or SNAP.

24 MS. KIM: Yes, Your Honor.

1 THE COURT: All right. So why don't we -- I mean, I just
2 as soon strike the whole obj -- that very first objective as
3 to Mr. Balderas in so far as these two children are concerned.
4 Obviously, you'll have those obligations if the unborn child
5 is yours. But the child is yet unborn so we're not yet
6 involved.

7 As to the objective concerning physical abuse issues
8 as an offending person, The Court is going to adopt that as
9 well as the parenting issues and the substance abuse testing.
10 I am going to also include another requirement as requested by
11 the District Attorney that you complete -- what sort of
12 testing did you want?

13 MS. KIM: Cognitive and mental health eval. We're not
14 sure what the blackouts are regarding. I'd like a
15 psychological eval, Judge, if The Court will submit it.

16 THE COURT: All right.

17 Okay, so whether or not you -- the two of you
18 maintain a relationship -- and I understand it's somewhat
19 dependent upon the parent -- the paternity of the unborn
20 child, The Court is gonna order that you undergo a cognitive
21 mental health evaluation to try to determine what the source
22 of your blackouts are and your anger. Whether it's these
23 children, the unborn child or some future child, we want to
24 make sure that your issues get appropriately addressed so that

1 what happened in this case doesn't happen again. All right.
2 With that understanding, the case plan as to Mr. Balderas will
3 be adopted.

4 Okay. Ms. Grigsby, as to your client, have you had
5 a chance to review the --

6 MS. GRIGSBY: Yes, Judge. Okay, with the objective with
7 the non-offending parenting classes. Then after that it's
8 anger management and DV is the one after the anger management.
9 I don't see why he's going to have to do both. Usually, DV
10 was what was alleged in the petitions. Though I think the DV
11 is appropriate, I don't know why she would need to do anger
12 management as well.

13 MS. KIM: In speaking with Mr. Chandler, Natural Mother
14 has represented when she gets angry she, quote, whales on her
15 boyfriend, Mr. Balderas. Domestic violence whereas it would
16 assess her and her needs, she can come back as a perpetrator
17 or a victim or both. So we're not sure what the assessment
18 will essentially state.

19 THE COURT: Right.

20 MS. KIM: And I don't believe domestic violence always is
21 -- or will necessarily be appropriate to address her specific
22 anger management issues.

23 MS. GRIGSBY: So we do anger management and not the
24 domestic violence.

1 MS. KIM: The domestic --

2 MS. GRIGSBY: What we're talking about as far as DV with
3 Mr. Balderas, then we're saying that it's not --

4 MS. HERNANDEZ: No, it's actually with Troilo.

5 THE COURT: No, I think she indicated her DV was with...

6 MS. HERNANDEZ: William Troilo.

7 THE COURT: Was with William.

8 MS. HERNANDEZ: The father of Kelssy.

9 THE COURT: Yeah.

10 MS. GRIGSBY: Okay. So if we're talking about that DV,
11 we can't say she needs -- DV is the issue. But she needs DV
12 and anger management. It should be one or the other.

13 MS. KIM: Not necessarily.

14 THE COURT: Well I don't know. I mean, domestic violence
15 really deals more with the -- interrelationship between people
16 at the same level. And the assessment may come back that
17 she's more of a victim than an enabler by failing to respond
18 appropriately, and she needs DV counseling to address that
19 issue rather than as a perpetrator. I tend to agree a little
20 bit if she's found to be a perpetrator of DV rather than a
21 victim of DV in that as a perp, the anger issues -- anger
22 management would be -- would seem likely be addressing both at
23 the same time.

24 I think the real concern here though is that if

1 she's got an anger management issue it may be directed towards
2 an adult at the present time. But it may also end up being
3 directed at a child in the future. And I don't know that that
4 necessarily -- I mean, it really sounds like we may need more
5 of an assessment first and then a series of appropriate
6 interventions, DV and perhaps anger management being an
7 appropriate intervention either in connection with that or in
8 connection with her parenting abilities. I just don't know
9 how we write a case plan that is contingent on so many
10 options.

11 MS. GRIGSBY: Well -- so are you saying if she does the
12 DV assessment, it comes back that she needs counseling as a
13 perpetrator, then she doesn't need an assessment for the anger
14 management?

15 THE COURT: Wouldn't those two be the same counseling
16 track?

17 MS. KIM: The DV assessment will essentially, as The
18 Court noted, focus on her relationship skills. Here, the DV
19 relationship was with Mr. Troilo, our -- and whereas I
20 understand what Ms. Grigsby's saying, well isn't DV always
21 anger related. Again, it would -- I think the domestic
22 violence aspect would not necessarily address her anger
23 management which are two separate and asides. We have two
24 different relationship where she responds similarly. However,

1 the DV -- impulse control would be more akin to the anger
2 management which would -- the domestic violence may give her
3 coping skills as a perpetrator and a victim. But the impulse
4 control/anger management would potentially address other
5 aspects that we're not aware of in terms of why she reacts the
6 way she does.

7 THE COURT: All right.

8 MS. KIM: I'd submit it to The Court on that.

9 THE COURT: All right. What's the underlying conduct
10 that the anger management objective --

11 MS. KIM: She rep --

12 THE COURT: -- is supposed to address?

13 MS. KIM: She represented to Mr. Chandler that she gets
14 so angry she explodes and then whales on Mr. Balderas. Again,
15 what that impulse control may be regarding, domestic violence
16 may be able to address that if we incorporate that into the
17 assessment or the referral for DV.

18 THE COURT: Why don't we do this? Why don't we do a DV
19 assessment. And if, as a result of that assessment, they
20 think she needs anger management skills, then we'll kick in
21 the anger management as a secondary service requirement. But
22 make it contingent upon some assessment that it's needed.
23 Does that make sense?

24 MS. KIM: Yes, Your Honor.

1 Judge, I would ask to add a component of one,
2 resolving any criminal matters because she will -- she does
3 have a criminal case pending.

4 MS. GRIGSBY: It's in there.

5 MS. KIM: It's in there; I apologize. And to truthfully
6 and honestly engage with the caseworker or DFS, my concern
7 here is Ms. Hernandez -- or Mr. Balderas is representing that
8 they're no longer an intact couple. However, after the trial
9 on this matter -- although the natural mother had already
10 admitted to the allegation and gone to her visit an hour or so
11 after the -- her visit. When we came out she was still
12 waiting for Mr. Balderas. And, moreover, in the -- she has
13 this history of not exactly being forthright.

14 Part of her allegation criminally is that she lied
15 to the police officer about Mr. Balderas' acts. So we do need
16 her to be forthright and honest. We haven't had a whole lot
17 of that in this case thus far. So we would ask for that as an
18 objective also. Cooperation and honesty.

19 MS. GRIGSBY: Judge, I'm really not sure how you -- how
20 that would be a component of a case plan. How do you enforce
21 that? I guess that's my issue. How do you enforce that?

22 MS. KIM: Well, understanding that if she is being
23 dishonest about her ongoing relationship with Mr. Balderas and
24 what her intent there is, then that is a failure on her part

1 to be forthright and honest with the Department. How are we
2 to help the family when she is not being truthful?

3 MS. GRIGSBY: Well, here's my concern. How does that
4 relate to the safety of the children?

5 MS. KIM: Mr. Balderas has been found to be a danger to
6 the children.

7 MS. GRIGSBY: But if he does his case plan, she does her
8 case plan, how are we going to determine that he's -- because
9 these -- the case plans are designed to address the safety
10 concerns that brought the children into the care of the --
11 brought them into these courtrooms. If both parents -- well
12 not parents -- but if both parties addressed their case plans,
13 where's the safety concern?

14 MS. KIM: Well if you can perfunctorily perform the case
15 plan, that if you're not truly engaging in honest and changing
16 behavior by being forthright about where your current status
17 is, obviously it affects the safety of the children.

18 This case came in because the babysitter brought the
19 child in, who was abused. Natural Mom lied to CPS and to the
20 police about knowing about the abuse, until it was revealed to
21 her, wait a minute, Mr. Balderas just confessed to CPS and the
22 police that he abused Kelssy in front of the natural mother,
23 in which she said, yeah okay I lied because I didn't want him
24 to go to jail and to have the children removed.

1 She has a history of this. In the domestic violence
2 with Mr. Troilo, when the police became involved, Natural Mom
3 initially lied and told the police, hey he attacked me. And
4 when they confronted her with the fact that he's the one with
5 the injury, she's like, okay I lied, that's not exactly how it
6 happened. She has this history of not being forthright and
7 her being honest. She can do all the case plan. She can do
8 the parenting. But it doesn't necessarily mean that she will
9 actually change or show the protective capacity that she
10 needs. Mr. Balderas has been found to be a danger, has hurt
11 Kelssy. So we do need her to be honest about what her status
12 is with Mr. Balderas at all time.

13 MS. GRIGSBY: And, Judge, I don't think that's --

14 THE COURT: Okay.

15 MS. GRIGSBY: -- that's something you put in a case plan.

16 THE COURT: Okay. Well I just penned something out.
17 It's kind of implicit in everything we do that people are
18 gonna be honest and truthful. You know, given the represented
19 facts of this case, the fact that the mother has not always
20 done so, I'm gonna make a explicit statement of what's, I
21 think, implied in all sorts of human conduct. And I'm going
22 to amend -- the objective, Ms. Hernandez, will cooperate with
23 the Department of Family Services. The second action step
24 currently reads:

1 (Reading from document) Ms. Hernandez will have met
2 with assigned caseworker as needed (end).

3 I'm gonna add to that sentence: And provide
4 truthful and accurate information regarding her lifestyle as
5 it relates to safety of the children.

6 So the -- kind of the bottom line is, if she omits
7 to tell the worker something that's important to the safety
8 such as Mr. Balderas is living with her or some other
9 perpetrator is living with her, if she fails to disclose that
10 fact, then it'd be a violation of that action step. Kind of
11 the bottom line, Ms. Hernandez, is we want to get out of your
12 life, but we want to make sure your children are safe.

13 MS. HERNANDEZ: Understandable.

14 THE COURT: And if you're doing something that is
15 jeopardizing their safety, we need to know about it --

16 MS. HERNANDEZ: Yeah.

17 THE COURT: -- so that you can be appropriately
18 counseled.

19 MS. HERNANDEZ: I have a quick question towards that as
20 well. Mr. Balderas here, he is the only one that gives me
21 rides to where I have to go. He's the one that takes me to
22 the places where I have to go. Is that a concern right now
23 that he is the one paying for my bills, doing everything for
24 me for the child, that he's still is not sure if it's his or

1 not. Is that a concern right now or how is his...

2 THE COURT: Well, in so far as it pertains to you, I
3 guess not. If the children were around, it would be a
4 problem. And it will be a problem upon birth if he's, in
5 fact, found to be the father.

6 MS. HERNANDEZ: Okay.

7 MS. GRIGSBY: And, Judge, I have one last thing regarding
8 the case plan.

9 THE COURT: All right.

10 MS. GRIGSBY: The last action step to the objective that
11 Ms. Hernandez will cooperate with the Department of Family
12 Services.

13 THE COURT: Right. Submit to drug testing?

14 MS. GRIGSBY: It says, Ms. Hernandez will submit to drug
15 testing. There were no allegations in the petition regarding
16 substance abuse. Also, she took a drug test. She's been
17 clean. So this does not relate in any way to the safety of
18 the children when she's tested clean. There are no
19 allegations. There's no nexus between what they're asking her
20 --

21 THE COURT: All right, I get it. I get it.

22 MS. GRIGSBY: -- to do and the petition.

23 THE COURT: What's the reason for the drug testing?

24 MR. LEVRICH: Your Honor, she is habitually in the

1 presence of people that are using drugs, and the fact that she
2 may not be an ongoing and continuous user does bring up the
3 possibility that she may be nevertheless an infrequent user.
4 So that -- she has submitted to drug testing. I intend to
5 continue drug testing to make sure that she is drug free. And
6 all this does is in her benefit create -- create evidence that
7 she is not using.

8 Ultimately, it works into her benefit for her to
9 cooperate. Likewise, if I am testing her regularly and she is
10 -- and she does show positive, it gives us the option of
11 referring for an assessment.

12 MS. GRIGSBY: And, Judge, that's a huge intrusion on her,
13 requiring her to drug test when she -- there are no
14 allegations in the petition regarding drug use. She's never
15 shown that she's used by testing clean. That one test was
16 even intrusive enough. But now we're gonna have her randomly
17 drug test just because we think she may test positive? That's
18 ridiculous.

19 MS. KIM: I appreciate Mr. -- I understand DFS's concern
20 here given Natural Mom's association with Mr. Hernandez, who
21 is testing positive. Perhaps we can just modify that to
22 ensure that the subject minors will not be around Mr. --

23 THE COURT: Well I was gonna modify it by imposing a
24 reasonable belief standard that she'll submit to drug testing

1 if there's reason to believe that she is using non-prescribed
2 controlled substances.

3 MS. KIM: Fair enough, Your Honor. Thank you.

4 THE COURT: See if she's got the protection that she'd
5 otherwise have, but it's not -- you can't just arb --

6 MS. GRIGSBY: Well, Judge, I think it should be more than
7 reasonable belief.

8 THE COURT: I'm sorry?

9 MS. GRIGSBY: There should be probable cause to give her
10 a drug test.

11 THE COURT: Well, this isn't a criminal proceeding. I
12 think reasonable belief --

13 MS. GRIGSBY: Will she still have her Constitutional
14 rights?

15 THE COURT: First of all, he's not gonna be able to call
16 her up and say you've got twenty-four hours to submit to a
17 test. That's pretty intrusive given the facts here. If he's
18 meeting with her and she's got slurred speech or she's
19 otherwise exhibiting that she's under the influence of some
20 controlled substance, I'm not gonna require him to go get a
21 warrant. That's good enough for me to say, submit to a drug
22 test.

23 So it's kind of a half way between not doing
24 anything and doing something if it's deemed appropriate at the

1 time.

2 MS. GRIGSBY: Well, Judge, if I could just have written
3 findings on that, please.

4 THE COURT: I'm sorry?

5 MS. GRIGSBY: If I could have written findings on that
6 objective requiring --

7 THE COURT: Yeah, I just changed the objective. You can
8 do what you want.

9 MS. GRIGSBY: Okay.

10 THE COURT: So that'll be submit to drug testing if
11 there's reason to believe that she is under the influence of a
12 non -- actually, under the influence of a controlled
13 substance.

14 All right?

15 MS. KIM: Thank you. And we do have one update on
16 placement.

17 THE COURT: All right, hold on before you go there. With
18 that I am -- I guess, number one, I am making the children
19 wards of The Court.

20 MS. KIM: Thank you.

21 THE COURT: With legal and physical custody placed in the
22 Department of Family Services. I'm adopting the case plans as
23 amended today in court.

24 All right. Update on placement.

1 MS. KIM: On March 27th we came before Hearing Master
2 Kurtz on placement issue. Kelssy Hernandez, the biological
3 father, Mr. Troilo, has placement of Kelssy and he was given
4 further proceedings. However, the oldest child, Analia, whom
5 Mr. Troilo is not the biological father of, we -- the hearing
6 master ordered placement of Analia with Mr. Troilo because
7 fictive kin. And we wanted -- the siblings would be
8 preferable to be placed together. The mat -- Mr. Troilo's
9 mother had her old substantiated counts, and we couldn't do
10 it. And the hearing master overrode that.

11 At the time there -- we were not aware that Mr.
12 Troilo tested positive. He was tested in February and his
13 results came back just too high. It's like sixty-two hundred.
14 It's -- sixty-five hundred is what the report shows. Anyway,
15 he would be fictive kin as to Analia, and I think had the
16 department as well as Hearing Master Kurtz were aware how high
17 Mr. Troilo's drug results were. I don't think --

18 THE COURT: From his hair?

19 MS. KIM: Yes, in his hair. I don't think The Court
20 would have approved. At that hearing the natural mother was
21 not opposed to Analia being placed with her sibling Kelssy
22 with Mr. Troilo. But we explained subsequently that -- with
23 that result from Mr. Troilo we -- the Department cannot place
24 the siblings together. We are monitoring to see if Mr.

1 Troilo's results come down, what that -- with the hair. We
2 are looking for a steep decline and a steady decline.

3 THE COURT: Sure.

4 MS. KIM: We might revisit it as a sibling placement
5 potentially as a fictive. But currently, Judge, Hearing
6 Master Kurtz nor, I don't think, Ms. Hernandez was aware of
7 the level of drugs in Mr. Troilo's hair.

8 THE COURT: All right, hold on. All right. So the
9 original petition as well as the amended petition both recite
10 that William's use of drugs affects his ability to provide
11 care for Kelssy. He admits to methamphetamine use. So we're
12 not surprised that he had tested positive for methamphetamine.

13 MS. KIM: He was given further proceedings. And at that
14 --

15 THE COURT: No I understand all that. I'm just saying
16 hair is residual use. It's generally an indication of --

17 Oh, just in time, Ms. Gallagher.

18 MS. GALLAGHER: Yeah, I didn't realize you were gonna be
19 talking about placement. I had another ten o'clock hearing.
20 So maybe you can catch me up.

21 THE COURT: They're asking that Analia be removed from
22 your client's --

23 MS. GALLAGHER: Actually, she was never placed. But the
24 -- but Hearing Master Kurtz --

1 THE COURT: Ordered it.

2 MS. GALLAGHER: -- approved. Yes, approved placement.
3 His further proceedings are that he admitted that he had used
4 prior. And his further proceedings are that he has to remain
5 drug free as per the Department. And his urine was clean I
6 understand. So I think that that is in line with what he
7 said, and that it was approval for placement based on those
8 facts. So I had asked Mr. Levrich if he had tested him again
9 to make sure that he had not used recently. And he hadn't
10 yet, but I don't think my client has violated his further
11 proceedings. And I think he was very honest with the
12 Department, and we got approval to place her even based on
13 those facts.

14 MS. KIM: We're not saying he's in violation --

15 MS. GALLAGHER: Right.

16 MS. KIM: -- of his further proceedings. Mr. Troilo's
17 the one who was honest about his drug use --

18 MS. GALLAGHER: Right.

19 MS. KIM: -- and that's how he alleged it.

20 MS. GALLAGHER: Right.

21 MS. KIM: And he believe that -- we believed that it
22 deserves the benefit of his negotiations as far as complying
23 with the -- with DFS. Our concern here is, prior to going
24 before the hearing master on placement, we were not aware how

1 high his hair levels were. Whereas with Kelssy, he's the bio
2 father. He has those rights, and he was given the benefit of
3 the further proceeding. As a fictive kin, his level of drugs
4 in his hair just cannot make him amenable.

5 THE COURT: Yeah, see I don't understand. I mean, I
6 understand you're making a distinction between --

7 MS. KIM: Um-hmm (in the affirmative).

8 THE COURT: -- placement with a biological relationship
9 exists and placement with fictive kin.

10 MS. KIM: Um-hmm (in the affirmative).

11 THE COURT: But if it's the safety of the child, does the
12 biological relationship make that child more safe than if
13 there wasn't one?

14 MS. KIM: It would be DFS policy. Judge, it's one thing
15 when we have narrowly tailored expectations of the natural
16 father of his biological rights to his child. But in terms of
17 fictive kin, it'd be no different than a foster placement. We
18 cannot consider placing Analia with essentially stranger -- a
19 non-family placement when that factor is present. One, it was
20 one thing where we overlooked the CANS history of the -- Mr.
21 Troilo's mother who lives in that residence. But the double
22 concern of maternal grand -- Mr. Troilo's mother's CANS
23 history in conjunction with --

24 THE COURT: Well the CANS history was administratively

1 substantiated slap to the face twenty years ago?

2 MS. GALLAGHER: Twenty years ago.

3 MS. KIM: There are CANS history. Again, that was again
4 overridden by Hearing Master Kurtz.

5 THE COURT: Yeah.

6 MS. KIM: But at that time we had not had the results of
7 Mr. Troilo. Now we have two safety concerns in that of, the
8 CANS which was overridden by Hearing Master. But now the
9 substance abuse -- the substance in his hair would be
10 something that the Department essentially cannot be -- abide
11 by.

12 THE COURT: Well I -- I understand. But quite frankly if
13 it's one, two or fifteen, if the probative value of those
14 concerns is not that paramount, it doesn't make any
15 difference.

16 MS. KIM: And I do -- I would object that -- in that this
17 is to -- again, whereas safety concerns regarding Kelssy with
18 the natural father has something that he can work on his case
19 plan regarding Analia because this is not his biological
20 child.

21 Judge, I would ask that we hold off. We're not
22 saying this placement cannot be. We still want to keep the
23 siblings together or try to place them together. But we're
24 gonna have a subsequent test to see if there's decline. This

1 is something that the Department cannot do currently. And
2 we're asking The Court work with us and that Mr. Troilo
3 understands. I believe Chandler's spoken with Mr. Troilo
4 about the concerns and as well as Ms. Gallagher. It's not
5 affecting his placement of Kelssy. But however if --

6 THE COURT: All right. All right, I'm gonna -- I'm not
7 gonna change it. I may modify what Hearing Master Kurtz did
8 and just state that Analia may continue to reside with fictive
9 kin William, so long as William continues to reside with his
10 parents and so long as the drug testing of William reflects
11 any urine test is negative for controlled substances and that
12 his hair tests remain at the same or lower levels --

13 MS. GALLAGHER: Okay.

14 THE COURT: -- over time.

15 MS. GALLAGHER: Thank you, Your Honor.

16 THE COURT: All right.

17 MS. KIM: Kelssy's --

18 THE COURT: Well --

19 MS. KIM: Analia's not placed currently.

20 MS. GALLAGHER: Well then they never -- you never flip --

21 THE COURT: Followed through.

22 MS. GALLAGHER: It was approval, but they never moved her
23 in because they found out about the drug test.

24 THE COURT: Right.

1 MS. KIM: We were waiting for your Court's ruling.
2 MS. GALLAGHER: Correct.
3 MS. KIM: So --
4 THE COURT: Okay. That's --
5 MS. KIM: Judge, we will do another -- currently,
6 Analia's not placed. We're gonna do another urine test. So
7 if my understanding is clear, if Mr. Troilo submits to a UA
8 and it's clean and his hair remains or declines --
9 THE COURT: It's consider --
10 MS. KIM: -- then placement is appropriate.
11 THE COURT: Yeah, I just said the same or declining.
12 MS. KIM: Okay, same.
13 THE COURT: And it -- it can't be the same.
14 MS. KIM: Thank you.
15 THE COURT: So long as the hair testing is consistent
16 with no new use.
17 MS. GALLAGHER: Okay.
18 MS. KIM: And then the child can be placed. Thank you.
19 THE COURT: Then the child can be placed.
20 MS. KIM: Thank you.
21 MS. GALLAGHER: Okay.
22 THE COURT: All right. We good?
23 MS. KIM: Thank you.
24 THE COURT: So we need a review date?

1 MS. KIM: Please.

2 THE COURT: I've got a February 4th removal. So --

3 THE CLERK: August 8. August 8 at one-thirty in
4 Courtroom 14.

5 THE COURT: It's gotta be before August 4th. Is February
6 4th --

7 THE CLERK: Oh, I'm sorry, Judge. August 4th.

8 THE COURT: Okay.

9 THE CLERK: I'm reading it. August 4th at one-thirty in
10 Courtroom 14. Yes.

11 THE COURT: That's the review date. August 4th, one-
12 thirty, Courtroom 14.

13 When are you due?

14 MS. HERNANDEZ: Excuse me?

15 THE COURT: What's your due date?

16 MS. HERNANDEZ: July 27th. But then I went to the
17 ultrasound and they told me August 3rd. So we're in between
18 the (laughing).

19 THE COURT: Well it would be nice to find out before we
20 come back whether or not the present child is --

21 MS. HERNANDEZ: Uh-huh (in the affirmative).

22 THE COURT: -- Balderas'.

23 (THE MARSHAL HANDS DOCUMENTS TO MS. HERNANDEZ AND MR.
24 BALDERAS.)

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MR. BALDERAS: Thank you.

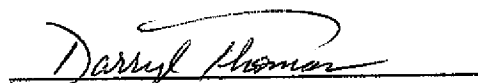
MS. HERNANDEZ: Thank you.

THE COURT: Ms. Kim, do you want these?

(THE PROCEEDING ENDED AT 11:06:22.)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the digital proceedings in the above-entitled case to the best of my ability.


DARRYL THOMAS,
Transcriber II

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CLERK OF THE COURT

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION - JUVENILE**
9 **CLARK COUNTY, NEVADA**

10 In the Matter of:
10 ANALIA HERNANDEZ
11 Date of Birth: 10-08-2011
11 A Minor, 2 Years and 05 Month(s) of Age

COURT CASE NO.: J-14-332774-
U1
DEPT.: FAMILY JUVENILE

12 KELSSY HERNANDEZ
13 Date of Birth: 10-14-2012
14 A Minor, 1 Years and 05 Months of Age

15 **CASE PLAN**

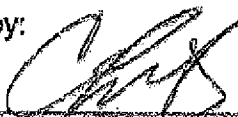
16 Date of Hearing: 03-31-2014

17 Time of Hearing: 10:00 AM

18 Courtroom: JUDGE TEUTON - #11

19 **CASE PLAN:** Please see Attachment: Manuela Hernandez

20
21 Submitted by:



22
23 CHANDLER LEVRICH
24 CASE MANAGER
25 DEPARTMENT OF FAMILY SERVICES

26 DATE: 03-31-2014

27 Hay servicios gratis de ayuda con otros idiomas. Para pedir un intérprete, llame por favor al Coordinador
de Servicios de Intérpretes al 671-4578.

28 Free language assistance services are available. To request an interpreter, please call the Language
Assistance Coordinator at 671-4578.

Case Plan Information

Case: 1381751 - HERNANDEZ, MANUELA, E.	Opened Date: 09-12-2012	Closed Date:
Status: Draft	Effective: 03-31-2014	Review Due: 10-30-2014
Author: LEVRICH, CHANDLER	Approved:	Court Approved:
Plan Created: 03/28/2014 17:36:24	Plan Last Modified: 03/28/2014 17:36:24	Court Case: J-14-332774-U1

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1921993 - HERNANDEZ, ANALIA, I.	Reunification	02-04-2015	N
1982426 - HERNANDEZ, KELSSY	Reunification	02-04-2015	N

**For Permanency Goal A, the undersigned caseworker has determined that 'without the preventive services described in this Case Plan, the child(ren) are at imminent risk of removal and placement into foster care.' **

Assessment Summary**1. Describe the parent's perception of his/her problems and service needs.**

Participant: HERNANDEZ, MANUELA, E.

Ms. Hernandez needs to address non-offending parent physical abuse classes, demonstration of protective capacity, anger management classes domestic violence classes, needs to address her legal matters, and to cooperate with DFS.

2. Describe the strengths of the family and child(ren) that will help the family achieve their permanency goal.

Ms. Hernandez loves her children, is pregnant again and wants to create a stable home for her children. Her children are attached to her.

3. Describe assessed safety and/or risk factors identified with each parent. (Ensure these services are included in the Case Plan.)

Participant: HERNANDEZ, MANUELA, E.

Ms. Hernandez has a lack of protective capacity and has diminished the abuse that Mr. Balderras inflicted on KELSSY as a result of him not liking KELSSY'S natural father. Ms. Hernandez is in need of non-offending parent physical abuse therapy. Ms. Hernandez needs to demonstrate her protective capacity, and address her anger management. She will have to address her domestic violence and her legal matters. In cooperating with DFS, she will submit to drug testing and if positive, will have to submit to substance abuse assessment.

4. A history of services offered or provided to the family to prevent removal. If services were not provided, state why.

Referrals were made to non-offending parents classes, drug tests were given, the children were placed into foster care and then KELSSY was placed with her natural father.

Objective: MS. HERNANDEZ WILL ADDRESS HER PHYSICAL ABUSE ISSUES AS A NON-OFFENDING PARENT.**Measurement for Success:**

Ms. Hernandez will thoroughly, comprehensively, convincingly, and in a forthright manner, address the precipitating risk factors, triggers, and sequence of antecedent events which led to the physical abuse sustained by KELSSY, and actively participate in the development of a safety plan to prevent recurrence

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. Hernandez will have completed an assessment to determine her need for individual and/or group counseling to address the issues of protective capacity	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will follow any and all recommendations of the assessment	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will attend individual and/or group counseling, with a provider approved by DFS, to identify the cause of the traumatic non-accidental injuries inflicted to KELSSY as well as the precipitating factors, risk factors, triggers, coping and parenting skills deficits which caused same.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will consistently demonstrate the acquisition and application of a safe, non-abusive parenting philosophy and practice, enhanced knowledge of age appropriate expectations and behavior of children, parenting competencies and increased protective capacity to ensure the safety of the children.	HERNANDEZ, MANUELA, E.	03-31-2014		

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Ms. Hernandez will show empathy for the injuries the children suffered and not minimize the abuse	HERNANDEZ, MANUELA, E.	03-31-2014		
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Objective: MS. HERNANDEZ WILL ADDRESS HER DOMESTIC VIOLENCE ISSUES SO THAT DOMESTIC VIOLENCE NO LONGER OCCURS.

Measurement for Success: Ms. Hernandez is able to verbalize to the case manager and other family supports the underlying reasons why domestic violence has occurred. She is able to verbalize the affects of physical and emotional domestic violence on her children at CFTs.

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. Hernandez will complete an intake assessment for domestic violence and follow the recommendations of the therapist. This assessment will include any secondary referral for anger management if determined necessary.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will participate in additional therapy/individual counseling if it is determined by the therapist including anger management.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will sign a release of information form in order for DFS to obtain treatment information and report it to the Court	HERNANDEZ, MANUELA, E.	03-31-2014		

Objective: MS. HERNANDEZ WILL ADDRESS LEGAL MATTERS.

Measurement for Success: Ms. Hernandez has refrained from criminal activity and addressed legal matters. Ms. Hernandez has shown that she is refraining from criminal arrests. Ms. Hernandez will have shown that she has refrained from criminal offenses that impair her ability to protect and supervise her children.

Objective Completion Result:

Action Step	For	Start	Target	Result
While the case is open, DFS will not receive any new reports of law enforcement engagement that result in or place the subject minors at risk of harm or in danger.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will cooperate with law enforcement regarding her charges of domestic violence.	HERNANDEZ, MANUELA, E.	03-31-2014		

Objective: MS. HERNANDEZ WILL COOPERATE WITH THE DEPARTMENT OF FAMILY SERVICES

Measurement for Success: Ms. Hernandez has allowed the Department of Family Services to conduct home visits, announced and unannounced. All documentation has been provided to the Department of Family Services as requested. Release of information forms have been signed for all service providers. Ms. Hernandez has maintained regular contact with the Department of Family Services and participated in Child and Family Team meetings.

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. Hernandez has signed a Release of Information form for all service providers and allowed DFS to obtain information on treatment progress.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will have met with assigned caseworker as needed and will provide truthful and accurate information regarding her lifestyle as it relates to the safety of the children.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez has notified DFS of any change of phone number, address or household composition within 24 hours of the change having taken place.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will allow DFS to enter home and inspect for safety of child at announced and unannounced visits.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will participate in Child and Family Team meetings as scheduled.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will submit to drug testing if there is reason to believe that she is under the influence of	HERNANDEZ, MANUELA, E.	03-31-2014		

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controlled substances, and if positive at any time, will submit to a substance abuse assessment and follow recommendations.

Objective: MS. HERNANDEZ WILL ADDRESS HER PARENTING ISSUES.

Measurement for Success:

Ms. Hernandez will demonstrate new learned parenting skills during visitation or during home visits by the case manager. Visitation has occurred on a regular basis. Ms. Hernandez will be observed to respond appropriately through both verbal and non-verbal communication to her children during visitation and during home visits. Ms. Hernandez refers to her children in positive terms. Ms. Hernandez will respond positively and actively participates to services her children are involved in.

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. Hernandez will be able to discuss the needs and abilities of her children with the Department and other service providers.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will regularly attend visitation and have positive reports from visitation supervisors if at the visitation center.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will enroll in parenting courses through a DFS approved provider.	HERNANDEZ, MANUELA, E.	03-31-2014		
Ms. Hernandez will display appropriate parenting skills and techniques during her supervised visitations.	HERNANDEZ, MANUELA, E.	03-31-2014		

Child: 1921993 - HERNANDEZ, ANALIA, I.

Permanency Goal for this child: Reunification

Target Date: 02-04-2015

Concurrent Goal: Adoption

Placement: Licensed foster home

1. Describe the adjustment of the child to placement

Is adjusting to placement but is missing her sister.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, mental health, behavioral or educational needs have been identified for this toddler at this time. ANALIA is being monitored for emerging issues and is receiving regular medical care.

3. What services are in place to ensure the above needs are met?

Regular Medicaid is provided and she is being assessed for services as appropriate.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Medicaid is provided as well as regular case management provided by the Case manager who visits monthly.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Through monthly home visits, medical record ordering and by attending CFTs and TTMs.

6. Is this child placed in a NRS432B.3905 compliant placement? Yes If not, explain why.

Child: 1982426 - HERNANDEZ, KELSSY

Permanency Goal for this child: Reunification

Target Date: 02-04-2015

Concurrent Goal: Permanent Placement with a fit and willing relative

Placement: Natural father

1. Describe the adjustment of the child to placement

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KELSSY has been placed with her natural father. She is well adjusted to him and the home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Mr. Troilo-Laszlo needs to apply for Nevada Medicaid, if he hasn't already done so.

3. What services are in place to ensure the above needs are met?

Through monthly in home visits with the child and caretaker to monitor services and to provide referrals as necessary.

4. Describe the services provided to the caregiver to address the specific needs of the child.

In home case management and case monitoring on an ongoing basis and for redetermination of needed services and referrals.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Through in home visits, ordering medical records and reevaluating needs and referring for services.

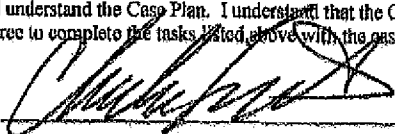
6. Is this child placed in a NRS432B.3905 compliant placement? Yes. If not, explain why.

Education Information

Child	Current Grade	Started	Completed	Likely Graduation	School
1921993 - HERNANDEZ, ANALIA, I.					Not of school age
1982426 - HERNANDEZ, KELSSY					Not of school age

This case plan is a collaborative effort between the family and the child welfare agency to discuss the circumstances that led to your child(ren)'s removal and the goals that are necessary for you to maintain your child(ren) in the home or to safely return your child(ren) to your home.

I have read and understand the Case Plan. I understand that the Case Plan is a living document which is subject to revision based on any risk and safety factors not previously identified. I agree to complete the tasks listed above with the case manager from the Clark County Department of Family Services (DFS).



DFS Permanency Worker



DFS Supervisor

Participant	Role	Signature
1921993 - HERNANDEZ, ANALIA, I.	Child	
1982426 - HERNANDEZ, KELSSY	Child	
1921989 - HERNANDEZ, MANUELA, E.	Parent	

In-Home Case:

☐ Please be advised that while you are entering into this agreement voluntarily, there are circumstances that result in harm to a child presented by both federal law and state law that may require the Clark County Department of Family Services to initiate legal proceedings to find a home for your children outside of your care.

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

☐ If you do not take the Action Steps and meet your Objectives that are stated in the case plan or follow through with the services offered and provided, DFS may take actions to protect and remove the child(ren) from your care and place them in foster care.

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

☐ This case plan will be reviewed every 30 days. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

Out of Home Case:

☐ The Adoption and Safe Families Act (ASFA) requires that all children in foster care must have a court approved permanency plan within 12 months after removal from the home. A court approved permanency plan will meet a child's basic health and safety needs in one of the following ways: Maintaining the children in the home/preventing removal, Reunification, Adoption, Legal Guardianship, Permanency placement with a relative, Other Planned Permanent Living Arrangement (OPPLA). As stated in the NRS 432B.590 if a child has been placed outside his home and has resided outside his home pursuant to that placement for 14 months of any 20 consecutive months, the best interest of the child must be presumed to be termination of parental rights and placement for adoption. The 14th month from the most recent removal is ____/20____ (month/year).

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

☐ Substantial achievement of these objectives identified in the case plan may not prevent a court from terminating your parental rights based on the legal factors, such as abandonment, neglect, parental unfitness or unreasonable risk of harm to the child. In addition the District Attorney's office or the Department of Family Services may request a waiver of reasonable efforts by the court based on the above plus the occurrence of previous adjudication and/or termination of parental rights by the court.

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

☐ This case plan will be reviewed with the family every 90 days, prior to reunification, or at the time the permanency goal(s) has changed. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.

Parent Initials: _____ Worker Initials: _____ Date Initialed: ____/____/____

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Location : Family Courts Images Help

REGISTER OF ACTIONS

CASE NO. J-14-332774-U1

Hernandez, Manuela Elvira, Mother

Case Type: Juvenile Protection - Under 6

Date Filed: 02/19/2014

Location: Family Juvenile

Cross-Reference Case Number: J332774

UNITY Case Number: 1381751

PARTY INFORMATION

		Lead Attorneys
Father	Balderas, Jonathan DOB: 09/09/1993	
Father	Pizzaro-Ullauri, Israel DOB: 08/03/1990	
Father	Troilo-Laszlo, William DOB: 07/13/1992	Denise A Gallagher, ESQ Court Appointed 702-240-4447(W)
Juvenile Subject Minor	Hernandez, Analia DOB: 10/03/2011	
Juvenile Subject Minor	Hernandez, Kelsey DOB: 10/14/2012	
Mother	Hernandez, Manuela Elvira DOB: 05/05/1993	Special Public Defender Court Appointed
State of Nevada	State of Nevada	Steven B Wolfson Retained 702-455-5320(W)

EVENTS & ORDERS OF THE COURT

03/13/2014 Adjudicatory Trial (1:30 PM) (Magistrate Kurtz, Thomas G.)
Parents

Minutes

03/13/2014 1:30 PM

- (Analia and Kelsey Hernandez) Department of Family Services (DFS) represented by Joanna Watts. Ms. Kim stated Mother will enter a plea of ADMITTED with the STANDARD STIPULATION to the following; allegation "B" - the second sentence will be STRICKEN from the Petition, allegation "C" shall remain, allegation "D" a portion of the language will be STRICKEN from the petition as stated on the record by counsel, allegation "E" will be STRICKEN as to Mother, allegation "F" will be STRICKEN as to the Mother, allegation "G" - the allegations as to Mother will STAND, allegation "H" - will be STRICKEN as to Mother. As to Mr. Lazlo, allegations "K" and "L" will be STRICKEN and the Petition will be DISMISSED as to Mr. Lazlo with a FURTHER PROCEEDINGS in 120 days. Father will be required to do a substance abuse assessment as well as a domestic violence assessment and follow all recommendations. As to Mr. Pizzaro-Ullauri, the State has attempted to serve him and as he has not appeared today the State is requesting to go forward with the prove-up as to Mr.

Pizzaro-Ullauri. Court canvassed the Mother and Mr. Lazlo. Court explained their rights. Court ACCEPTED Mother's ADMITTED plea as to Amended Petition 1. Court explained the Further Proceedings to Mr. Lazlo and notified him that a court date will be set in 120 days to see if he has complied with the requirements and that if he has, the allegations against him will be Dismissed from the Petition. Ms. Gallagher requested the matter be set for a Status Check regarding placement as her client's mother would like to be placement but she has a very, very old substantiation against her and the Department is staffing the request for placement with the paternal grandmother due to this old substantiation. Court asked Mr. Balderas if he was ready to enter a plea. Mr. Balderas stated he feels he should have counsel appointed as he cannot represent himself. Court noted counsel has been offered to him at which time he stated he would retain his own counsel. This matter is set for trial and will go forward today. Opening statements waived. Witnesses sworn and testified. The Court heard testimony from State's witnesses; Renee Ramirez, Jonathan Balderas, and DFS caseworker, Joanna Watts. Closing argument by Ms. Kim. Ms. Kim asked the court to substantiate the Petition as to Mr. Balderas. Following testimony, COURT FINDS, State has met its burden of proof by a preponderance of the evidence and FOUND Petition 1 to be True as to Mr. Balderas. COURT RECOMMENDED, subject minors ADJUDICATED Abuse/Neglected Children and placed under the jurisdiction of the Dependency Court and that legal custody is placed with the Clark County Department of Family Services. Matter set for DISPOSITION as to Mother and Mr. Balderas, FURTHER PROCEEDINGS as to Mr. Lazlo, and STATUS CHECK regarding placement with the paternal grandmother.

Parties Present

Return to Register of Actions

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