

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 22 2015 01:29 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

JESUS FAZ, JR,)	
)	
Appellant,)	Case No. 67063
)	
vs.)	
)	
WASHOE COUNTY DEPT)	
OF SOCIAL SERVICES,)	
)	
Respondent.)	
_____)	

Appeal from Order Terminating Parental Rights from the
Family Division of the Second Judicial District Court of the State of Nevada
The Honorable Deborah Schumacher

JOINT APPENDIX – VOLUME II

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1 IN THE FAMILY DIVISION OF THE
2 SECOND JUDICIAL DISTRICT COURT OF THE
3 STATE OF NEVADA, COUNTY OF WASHOE
4 THE HONORABLE DEBORAH SCHUMACHER, DISTRICT JUDGE
5

6 In the matter of parental
7 rights as to:

8 MARIA FAZ,
9 MICHAEL FAZ, and
10 NATHANIEL FAZ,

Minor Children.

Case No. FV11-02393

Dept. No. 2

11 TRANSCRIPT OF PROCEEDINGS
12

13 BENCH TRIAL

14 AUGUST 11, 2014

15 APPEARANCES:

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1 RENO, NEVADA, MONDAY, AUGUST 11, 2014, 9:00 A.M.

2 --o0o--

3
4 THE COURT: FV11-02393.

5 MR. MARTIN: Thank you, your Honor. Good
6 morning.

7 Is there usually a light on?

8 THE COURT: It's on on this side. I looked down
9 to see the same thing. On this bench -- well, there is a
10 red light on this side, but it looks like what's usually
11 on the other side. So I'm going to assume that means all
12 is well.

13 MR. MARTIN: Oh, okay. I just wanted to make
14 sure.

15 THE COURT: Thank you for asking.

16 MR. MARTIN: Thank you, your Honor. Jeff
17 Martin, Washoe County District Attorney's Office. I have
18 Julia Bauer and Michelle Rosencrantz, Washoe County
19 Department of Social Services.

20 MR. ROTH: Good morning, your Honor. I'm Mike
21 Roth and I'm representing Jessie Faz Jr., who is the
22 father of Maria, Nathaniel, and Michael Faz.

23 THE COURT: Ms. Clerk, the one thing I did not
24 think of coming into another department is scratch paper.

1 Normally I have it right in front of me and I do not have
2 it in front of me this morning.

3 This is the time set on the contested
4 termination of parental rights case. And you're welcome
5 to stay seated during this trial or we could find a podium
6 for you, if you wished. Any preliminary matters that
7 folks wish to raise before we get started, please?

8 MR. MARTIN: I have one preliminary matter, I
9 believe, and that is in regards to Penny Faz, the mother
10 in this case. Her counsel and I were able to enter into a
11 stipulation regarding potential relinquishment. This was
12 signed on Friday, and for obvious reasons -- it basically
13 came in the afternoon; so we couldn't get it over to the
14 Department. We were advised that it would be appropriate
15 to present it to you at this point. If I may approach?

16 THE COURT: Yes. Is this -- and I assume you've
17 seen this, sir?

18 MR. ROTH: No, I haven't.

19 THE COURT: Okay. To counsel first, please.

20 I would assume that this is a conditional
21 stipulation, depending on the outcome of this trial?

22 MR. MARTIN: Yes. It's not expressly stated,
23 but it is correct, because her rights would have to be
24 terminated based on testimony before this court, which

1 would not occur --

2 THE COURT: Until that time.

3 MR. MARTIN: Well, some testimony will be
4 presented at this time. Testimony as to best interests
5 could be presented at a later time, and obviously this
6 court would not accept that if the Department were not to
7 prevail today.

8 THE COURT: That's all I need to know. And the
9 reason for my question, Mr. Faz, is usually the Department
10 and certainly myself, if you prevail in this trial,
11 doesn't want to leave the child with one parent's rights
12 intact. It should either be both or neither.

13 Are you an E-filer, sir?

14 MR. ROTH: Yes, I am.

15 THE COURT: Would it be available that way?

16 MR. MARTIN: Well, this has not been signed yet.

17 THE COURT: Oh, it's not? So that's not a
18 stipulation you're filing in.

19 MR. MARTIN: Would you like a copy now or --

20 MR. ROTH: Well, I need a copy for the file. I
21 prefer to have a signed copy. So I'll wait, and an E-file
22 would be fine.

23 THE COURT: All right. And when you have a
24 stipulation like this, Mr. Martin -- normally I don't have

1 you in front of me to ask this question as they come
2 across my desk. When the Court is ordering it, because it
3 says "It is so ordered," what do you think the Court has
4 ordered? What do you think that means?

5 MR. MARTIN: It means the rights and obligations
6 as to the parties is essentially affirmed by the Court.
7 So, in other words, the factual stipulations and -- the
8 Court is adopting the factual stipulations and the
9 affirmative relinquishment within a period of time, in
10 addition to the Department's obligations as well.

11 THE COURT: I'm going to hold on to this. It's
12 possible I might take the last page off and circulate to
13 you a different order that says what you've just said now,
14 because I'm always troubled by -- the prior pages say
15 so-and-so agrees and then the last page just says the
16 Court orders it, but I can't order anyone to agree. I can
17 absolutely order what you just said, what flows from that,
18 but it always worries me a little what this means. So I'm
19 just going to hold on to it. Let's go on with the trial,
20 and if I propose to do that, I will circulate it to you.
21 Otherwise, I'll sign it as it is.

22 MR. MARTIN: Thank you, your Honor.

23 MR. ROTH: While we're on that subject, your
24 Honor -- this would mean, I would think, that there would

1 be some reduction of the evidence that will be presented
2 in this matter -- in particular, that which is concerning
3 Penny Faz. There is no indication that that will be the
4 case and I certainly didn't stipulate to anything one way
5 or the other. I think that goes maybe without saying that
6 if she's not sitting in, that she's waiving her right to
7 present any defense, which I don't see in there.

8 THE COURT: No, it does. She's waiving her
9 right to trial, it includes her right to present evidence,
10 subpoena witnesses, and testify on her own behalf.

11 MR. ROTH: I missed that. All right, thank you.

12 And I notice that she apparently agrees to a
13 default, which I wonder if that is the same as a
14 relinquishment. It would seem to me different.

15 THE COURT: They are different. And I think the
16 Court has to -- and I'm imagining that either now or at a
17 later date, Mr. Martin is going to present evidence,
18 because the Court, nonetheless, has to hear evidence to
19 support the child's best interests. I can't simply take
20 her or anyone else's stipulation. I can ask some evidence
21 of their intent. It's not unimportant, it's quite
22 important, but it's not enough standing alone.
23 Ordinarily, there would be -- either a party would
24 actually relinquish, which didn't happen here, or there'll

1 be a stipulation of this kind and then there'll be an
2 evidentiary presentation to support it.

3 So I'm anticipating, as you say, reduced
4 evidence because she's not presenting any contrary
5 evidence and she's not cross-examining through counsel.
6 So I imagine you're right, that there is a reduction of
7 some kind, but I'm thinking, either now or at a later
8 date, there still would be some evidence based on how
9 these things ordinarily flow.

10 MR. MARTIN: And some evidence will be presented
11 as to Ms. Faz. Again, the issue is -- she is still a
12 party at this point. So I think some evidence will be
13 adduced here and then additional evidence will be adduced
14 at a later date, particularly best interests as well, to
15 insure that if in fact the department does not prevail at
16 trial, obviously her rights would not be involuntarily
17 terminated.

18 THE COURT: And I would think, counsel, that if
19 the agency is saying that it's in the children's best
20 interests that your client's rights be terminated, I
21 imagine they also have to talk about the other parent's
22 rights at least in degree, if they're going to be arguing
23 that this is in the best interests of the children. So I
24 don't think it's irrelevant and I'm going to leave it to

1 Mr. Martin how much he presents today or how much he
2 presents at another time, but this I'm sure of -- this
3 kind of stipulation never turns into a court order
4 terminating someone's rights without an additional
5 evidentiary presentation at some point, of some kind.

6 MR. MARTIN: And I could say on the record, this
7 is not a trick, this is not we're going to try to seek in
8 a termination at a later date. Obviously, we would have
9 to present it to the Court, but that is not the intent of
10 the Department and that is not my intent.

11 THE COURT: And the reason is -- again, I know
12 you're reading it, but the reason the Department operates
13 this way, in my opinion, is it's favorable to the parents
14 not otherwise, because -- and it makes sense from the
15 parents' perspective. Either both parents' rights are
16 going to be terminated or neither. There is no point in
17 leaving the children with the rights of one parent. In my
18 history, there was one case in which the Department took a
19 relinquishment for one parent; the other parent's rights
20 ultimately were not terminated. It left the remaining
21 parent without child support or any of that, and I think
22 they try to be careful to see that that never happens.
23 So when someone wishes not to defend, some sort of
24 stipulation like this comes across my desk and then no

1 further action is taken until the outcome is clear
2 regarding the other parent. And that makes sense to me,
3 again, because it should be an all or -- Mr. Faz, does
4 that puzzle you? Does that not make sense to you? And
5 you have to speak up, but do you want me to try to explain
6 it again?

7 MR. ROTH: I would like to have you explain it
8 for Mr. Faz, please.

9 THE COURT: So in this action, as you know, the
10 agency is seeking to terminate your rights. If they don't
11 succeed, there is no good that would come of, from their
12 perspective anyway -- I don't know how you would feel, but
13 taking their perspective, 'cause they're the petitioner --
14 they're the people asking the Court to do something -- the
15 only reason to do this, from their perspective, would be
16 to find a permanent home for these children. If your
17 rights are not terminated, there's not going to be another
18 permanent home for these children in the sense of an
19 adoption. So what would be the good to the children of
20 terminating Penny Faz's rights if yours remain intact? If
21 they do not succeed in this case, then Mrs. Faz's rights
22 should remain, but Mrs. Faz, with counsel, has decided she
23 does not wish to defend them today, perhaps concluding she
24 can't. I don't know, I have no idea. So the agency --

1 and this is something that happens in many cases, and you
2 obviously have your own case. If you win, nothing will
3 happen with this. Her rights will never be terminated.
4 If you lose and your rights are lost, they will come back
5 with an evidentiary presentation to support her
6 stipulation and then her rights will also be terminated,
7 but it's either going to be both of you or neither of you,
8 because the children's best interests could not be served
9 by having one parent with rights remaining and the other
10 having terminated, with the thought there'll be an
11 adoptive home, because now there would be. Now the
12 children are going to go forward with their biological
13 parents as their parents. So this sets up their ability
14 to have Ms. Faz step aside only if you lose and not step
15 aside if you don't.

16 That's about as clear as I can say it.

17 MR. ROTH: Now, the only objection -- I
18 shouldn't say "only," but one of the objections I would
19 have is that some of the evidence against Mrs. Faz
20 naturally would involve my client in some respects,
21 because of his living with her at that time, but there is
22 some other evidence against Mrs. Faz that I think is
23 prejudicial to Mr. Faz if it is presented and I feel that
24 we have to look at each piece of evidence, I guess, and I

1 will object to it as it comes in.

2 THE COURT: On what basis? I mean --

3 MR. ROTH: Relevance. It's highly prejudicial.

4 THE COURT: You just told me it will reflect
5 poorly on your client. Now, if it's more prejudicial than
6 probative, that's a reasonable objection, but you just
7 said "relevance." If it's relevant to show that your
8 client has -- if it's something that the Department thinks
9 is important and negative, then it's relevant. If it's
10 more prejudicial than probative, I think it doesn't help
11 us to have this discussion in theory. Perhaps we could
12 have an actual objection when there's evidence that you
13 think is that.

14 MR. ROTH: I agree with you, your Honor. It has
15 to be probative, of course, and then you weigh the
16 prejudice against the probative value, but I think there
17 is some evidence that we'll object to.

18 THE COURT: And by all means do and we'll weigh
19 it at the time.

20 Anything else, sir?

21 MR. ROTH: Well, just for the record, I think I
22 would object to the procedure wherein one parent can be
23 granted -- where the termination is ended and my client
24 would win and still there would have to be further action

1 taken. It doesn't make --

2 THE COURT: I'm sorry, say that again.

3 If your client wins, no further action occurs on
4 Mrs. Faz's stipulation. If your client loses, I'm not
5 sure why that would be objectionable to you. It leaves
6 your client in a position with both parents' rights
7 intact, which most parents want. If your client felt
8 differently and wanted Mrs. Faz's rights terminated, he'd
9 have to do that as a private matter, as many people do.
10 But most of the time, a parent in your client's
11 circumstances, in my experience, wishes the other parent's
12 rights also to remain. But the agency is pursuing its
13 end, and if it only terminates one parent's rights, it
14 doesn't move forward to a permanency plan of adoption for
15 the children. There'd be potential harm to the children
16 and no benefit to the children for the Department to
17 terminate only one parent's rights.

18 MR. ROTH: Well, that's the theory.

19 THE COURT: Then explain to me. I'm really not
20 following you.

21 MR. ROTH: Well, it would be in the best
22 interests to return the children to their father if he
23 does win and then have the record indicate that Mrs. Faz's
24 rights had been terminated. My client could then be the

1 father that he wants to be to these children.

2 THE COURT: But let me say, sir, you're not the
3 petitioner. You don't have the right to have the
4 petitioner seek an end that it doesn't choose to seek. If
5 your client wishes to terminate Mrs. Faz's rights down the
6 road, just like this agency is a petitioner, he can
7 petition to do that. But as the defendant in this action,
8 he doesn't have the right to tell the petitioner, "I want
9 you to pursue another party that you're choosing not to
10 pursue." That's not within his rights.

11 MR. MARTIN: Your Honor, I'm prepared to present
12 evidence and testimony as to both parents, and as the
13 petitioner, again, if Mr. Faz prevailed, I would not be
14 seeking the termination of parental rights; and perhaps
15 with that testimony after this proceeding, if Mr. Faz were
16 to prevail, he can do with the transcript testimony as he
17 wishes at that point. I don't know. We've probably spent
18 enough time on this.

19 THE COURT: I think we have. This is not a
20 closed proceeding. If your client wishes to use whatever
21 is presented later, he would be able to.

22 Do you wish to make an opening statement, sir,
23 or anything else preliminarily?

24 MR. MARTIN: If it pleases the Court, I'll go

1 ahead and just make a brief opening statement, and then
2 once Mr. Roth concludes his, then I'll ask to address our
3 exhibits at that time. And I assume you have copies of
4 the Department's exhibits. Right?

5 THE COURT: If this is it, I do.

6 MR. MARTIN: That is it. Thank you, your Honor.

7 what this case is about is Maria, Michael, and
8 Nathaniel, who is seven years old. These children have
9 spent four and a half years in family foster care. What
10 the evidence is going to demonstrate is that these
11 children came into care on January 23rd, 2010, with their
12 older brothers, Jesus -- J.C. -- Angel, and Logan. And
13 the testimony as to the reason these children came into
14 care has, quite frankly, been adjudicated, but this court
15 can also hear from Amanda Seiferd and Katie Erickson,
16 which would also support the allegations in the petition,
17 which were based on Ms. Faz's arrest for methamphetamine;
18 the house was filled with numerous health and safety
19 hazards; the family was about to be evicted; the power was
20 being shut off; there was no appropriate caregivers for
21 the children.

22 THE COURT: Could you remind me, sir, if the
23 parents were living together at the time?

24 MR. MARTIN: They were, your Honor, and

1 unfortunately, the only plan for care-taking of the kids
2 at that point was with Ms. Faz, who was using
3 methamphetamine at that time. And in March of 2010, this
4 court found that all six children were in need of
5 protection due to neglect by both Mr. Faz and Ms. Faz, and
6 that was in addition to a previous foster care stay back
7 in 2005. Again, that will be supported by the pleadings
8 and orders in Case No. JV05-00734.

9 So the children are found in need of protection,
10 and what the evidence is going to show is that Ms. Faz --
11 again, addressing her -- failed to address substance abuse
12 issues. Ms. Faz had been inconsistent with her visits,
13 contacts with the children, was unable to ever meet any
14 basic needs on any level whatsoever, which includes
15 housing, which includes income. Ms. Faz never
16 demonstrated that she could overcome her substance abuse
17 issues. She didn't stay in regular contact with the
18 Department. She had periodic contact, but not anything
19 with any consistency, where she could call and say, "How
20 are the kids doing? I want to know how the kids are
21 doing." Mr. Faz did successfully, after several years,
22 many years, did reunify with J.C., Angel, and Logan. And
23 it is true, the agency subsequently dismissed its custody
24 of these children. However, Mr. Faz, throughout the life

1 of the case, was not able to maintain consistency as to
2 housing, appropriate supervision, the needs of these
3 children. At a certain point, the agency provided
4 financial assistance so Mr. Faz could stay in his
5 apartment, but was unable to come up with a plan for
6 appropriate care and supervision of the children, in
7 addition to the housing being insufficient as it stands.

8 All of these children have extraordinary needs
9 for both services and supervision. They are all on
10 line-of-sight supervision at their foster home.

11 THE COURT: All three of the children subject to
12 this action.

13 MR. MARTIN: All three children subject to the
14 action, your Honor. Not the older three, but the younger
15 three. Despite many, many child-family team meetings,
16 Mr. Faz just did not understand their need for
17 supervision. He did not understand the need for
18 line-of-sight supervision or safety. Maria has been
19 diagnosed with chronic post-traumatic stress disorder,
20 generalized anxiety/depressive disorder, as well as child
21 sexual abuse; and those issues have been diagnosed by Dr.
22 Aberasturi and Danielle Osier-Tatar. And Michael and
23 Nathaniel do have special emotional and educational needs
24 as well. Michael is diagnosed with adjustment disorder.

1 Nathaniel has adjustment disorder, reactive attachment
2 disorder, struggles with emotional regulation, impulse
3 control, and aggression. And again, all of these children
4 require line-of-sight supervision; not just any
5 supervision, but express need for line-of-sight
6 supervision. And unfortunately, over the last four and a
7 half years, Mr. Faz has been unable to meet those needs,
8 to understand Maria's needs in regard to sexual abuse.

9 And all of these kids are addressing their past
10 trauma and receive psychiatric services through Jennifer
11 McKay. They were receiving clinical services from
12 Danielle Osier-Tatar, who was their therapist until very
13 recently. I believe Michael and Nathaniel are on IEP's at
14 school. But the Department's position is that at four and
15 a half years, it's time for permanency for these kids.
16 They desire a permanent home. Social Services is in the
17 process of locating a permanent home. From December to
18 March -- from December 2013 to March 2014, Social Services
19 did receive over a hundred inquiries from families that
20 were interested in adopting these children. The
21 recruitment was put on hold while the agency explored a
22 placement request through the Interstate Compact for the
23 Placement of Children with a paternal relative in Texas.
24 Unfortunately, that ICPC has been denied several times.

1 So the agency has again restarted recruitment; not looking
2 for a home for the kids, but the perfect home -- not
3 perfect home, but the home that's going to best match
4 their therapeutic needs, their educational needs, their
5 emotional needs, and give them that sense of permanency,
6 give them a permanent family at this point. We can't just
7 keep these kids in foster care for four and a half years,
8 in addition to the previous times, over five years of
9 their lives in family foster care. These kids need
10 permanency, and the Department is in support of permanency
11 and they're going to ask that this court free these
12 children for adoption.

13 THE COURT: Sir, do you wish to make or reserve
14 an opening today?

15 MR. ROTH: I would like to make an opening --

16 THE COURT: Please go ahead.

17 MR. ROTH: -- at this time, your Honor, if I may.

18 The thing that I agree with Mr. Martin on is
19 that these kids do need a permanent residence, a place to
20 go that's permanent. Of course, I'm suggesting that be
21 with their father, Mr. Faz, who has had to struggle for a
22 period of time, but has continued to climb -- rather
23 slowly, but he's still climbing and gaining the knowledge
24 and the background that he needs to be a parent to all of

1 these children.

2 The drug use that Mrs. Faz -- it was referred to
3 that she had at the time in 2010, I believe it was, and
4 the dirty house, those are things of the past. Although
5 they were certainly cause for this court to get involved,
6 their relevance, I think, today is rather minute, because
7 my client does not reside with Ms. Faz anymore -- Mrs.
8 Faz -- and he does have a home that's inspected every once
9 in a while that apparently is acceptable and it's clean.
10 He is taking good care of these children, and they're the
11 ones that he has in his supervision at this time and he's
12 doing that appropriately from all indications that we can
13 have. So I believe that those initial issues should not
14 be made a part of the decision in this matter.

15 The children, Michael and Nathaniel and Maria,
16 do have special needs. There's no question about it. And
17 it isn't that my client disagrees or he doesn't understand
18 that. He does. I think that there is -- he felt left out
19 to some extent, because he wasn't always informed until
20 things had taken place afterwards. So he would be
21 amenable to other ideas for improving the therapy that
22 these three children need. He has not closed his mind in
23 that regard.

24 There was also reference to Mr. Faz and his lack

1 of supervision. He does continue to work, and he does now
2 have a family member, an older child, who can help in the
3 supervision of these children. And you are aware, of
4 course, Mr. Faz's criminal case. I just bring that up
5 because I, again, don't think that that is something that
6 needs to go into great discussion or evidence in this
7 matter, because, as you recall, that was changed to a
8 gross misdemeanor, and because of that, Mr. Faz was able
9 to get housing and that made it a lot better.

10 As far as my client's not being able to handle
11 the special needs of Maria, Nathaniel and Michael, I would
12 point out that Angel and Logan -- but specifically
13 Angel -- had some very deep special needs and my client
14 has been able to understand and to help Angel with all the
15 therapy and medical attention that he needs. He had a
16 very serious operation and had to be transported to
17 Stanford Medical Center. My client was there with him and
18 participated in all that, the transportation back and
19 forth, as well as visitation and then rehabilitation and
20 recuperation when Angel was back home.

21 My client loves his kids; he loves all six of
22 them, and he understands that they do have special needs.
23 He's willing to work with them. He doesn't always agree
24 with everything. He's not maybe a model parent, but he is

1 a good parent, and his ideas are maybe a little different
2 than some of the people at Social Services. He might be
3 more of a man's man than they would like to see in regard
4 to the children, but, nevertheless, I think he is well
5 qualified and he is a good father.

6 I won't recite the law; this isn't the time for
7 that, because that'll be reserved for closing arguments,
8 but I'm sure you're not only well aware of the law, but
9 I'm assuming you're pretty well aware of all the facts in
10 this case too, because you've been associated with this
11 matter for the whole time, as far as I recall, at least
12 longer than I have.

13 THE COURT: I would tell you, though, just so
14 everybody is clear: If there are things that you believe
15 I know that are important to you, they need to be
16 presented here, because any decision I make will truly
17 depend on what was presented in this trial and not things
18 that are pulled from the juvenile case. So if I can't --
19 when I'm making a finding of fact in the final decision,
20 if I can't find it in the evidence presented here, even
21 if I know it to be true, it will not be part of that
22 decision. So do take care. If there's something you want
23 me to know, be sure you let me know.

24 MR. ROTH: Thank you, your Honor.

1 THE COURT: Okay. Thank you, sir.

2 Mr. Martin?

3 MR. MARTIN: Thank you, your Honor. I'd just
4 like to address the exhibits briefly, and we were going to
5 request -- I would like to request the admission of
6 Exhibits A through C, which are the birth certificates.
7 I will concede they're not certified copies. We don't
8 normally do that; but if counsel doesn't have an
9 objection, I would request --

10 THE COURT: Have you gone through exhibits yet?

11 MR. MARTIN: I provided him with a copy of the
12 exhibit book. I attempted contact to try to go through
13 our exhibits, but was unable to contact Mr. Roth before
14 the trial.

15 THE COURT: So A through C are the children's
16 birth certificates, and Mr. Martin is asking if you had
17 any objection, Mr. Roth.

18 MR. ROTH: I do not have any objection to the
19 birth certificates being admitted as evidence here.

20 THE COURT: A through C admitted by stipulation.

21 MR. MARTIN: I'm going to request the admission
22 of Exhibits D through PP, and those are the findings and
23 orders from the -- and the petition orders and pleadings
24 in the juvenile dependency case, which is JV05-00734.

1 THE COURT: So petition orders.

2 MR. MARTIN: That is correct.

3 THE COURT: Which should not be hearsay
4 documents, then, the way he's describing them. So the
5 question on the table is, take a look at D through PP and
6 let me know if you have a legal objection.

7 MR. ROTH: Your Honor, D would seem to be a
8 minute order, I think. Isn't that superseded by the
9 order, then, itself?

10 MR. MARTIN: It is the Master's recommendations
11 and order for protective custody in this case.

12 THE COURT: And it wouldn't be superseded by
13 anything in that case, if that's what it is. The order of
14 provision -- the district court order of provision should
15 be at the bottom of that document.

16 MR. MARTIN: Your Honor, I do note, looking at
17 the pleadings and orders, there is a case plan and service
18 agreement, which is Exhibit I, which technically doesn't
19 fall under any of the categories that we discussed. I'm
20 willing to just -- because I'm not going to get into the
21 initial case plan and service agreement. So --

22 THE COURT: I know that counsel can't hear you;
23 he's talking to his client.

24 Mr. Faz, Mr. Martin indicated "I" is a case

1 plan, and so saying that they are orders, D through PP
2 with the exception of "I," which he's indicating is not;
3 it's a case plan. So when you're ready, anything else
4 that we ought to note specially?

5 MR. MARTIN: No. I believe everything
6 through --

7 THE COURT: PP, you told me initially.

8 MR. MARTIN: I believe through GGG are all
9 pleadings and orders from concurrent criminal cases. Two,
10 as Mr. Roth noted, were as to Mr. Faz's criminal case,
11 which was, as he correctly stated, pled down to a gross
12 misdemeanor, and there are 2007, 2008 cases as to Mrs. Faz
13 as well.

14 THE COURT: All right. So to give Mr. Faz --
15 we'll pause to give Mr. Faz's counsel a moment to take a
16 look at those things. Let me know what your answer is as
17 to objections when you're ready.

18 MR. ROTH: Your Honor, we've had an opportunity
19 to review those documents and we will stipulate to their
20 admission through --

21 THE COURT: E through PP, sir?

22 MR. ROTH: Through where?

23 THE COURT: Double P.

24 MR. ROTH: No.

1 THE COURT: Then tell me clearly what you are
2 saying.

3 MR. ROTH: I was thinking you were talking about
4 the orders. Right?

5 THE COURT: "I" is a case plan. All the rest, I
6 understand to be orders of some kind.

7 MR. ROTH: Through PP?

8 THE COURT: Yes.

9 MR. ROTH: All right. Yes, that'll be fine.

10 THE COURT: And then with respect to "I", the
11 initial case plan, you are including or not including that
12 in your stipulation?

13 MR. ROTH: We will include that.

14 THE COURT: All right. E through PP admitted by
15 stipulation.

16 Mr. Martin?

17 MR. MARTIN: Thank you, your Honor. I think
18 those are the only exhibits that I will address at this
19 time.

20 THE COURT: Okay.

21 MR. MARTIN: Your Honor, and if I may, our first
22 witness is Amanda Seiferd, and I believe she's available
23 by telephone.

24 THE COURT: All right.

1 (Whereupon witness appeared telephonically.)

2 THE COURT: Good morning. This is Deborah
3 Schumacher, the judge in this case. Ms. Seiferd, are you
4 there?

5 THE WITNESS: Hello.

6 THE COURT: Are you able to hear me, Ms.
7 Seiferd?

8 THE WITNESS: Yes, I am.

9 THE COURT: You're able to hear me all right?

10 THE WITNESS: I can.

11 Can you hear me?

12 THE COURT: Yes, ma'am.

13 This is Deborah Schumacher, the judge in the
14 case. Your voice is being heard in the courtroom on the
15 speakerphone system. This is the Faz trial and you've
16 been called as a witness by Washoe County Social Services.
17 So their lawyer, Mr. Martin, is here and Mr. Faz's lawyer,
18 Mr. Roth, is also here. Are you prepared to get started,
19 ma'am?

20 THE WITNESS: Yes, I am.

21 THE COURT: Mr. Martin, would you like to have
22 her sworn?

23 MR. MARTIN: I would, your Honor. Thank you.

24 THE COURT: Odd as it is, ma'am, would you be so

1 kind as to stand where you are and raise your right hand
2 to be sworn? Let me know when you're ready.

3 THE WITNESS: I'm ready.

4 (Witness sworn.)

5 THE COURT: Thank you so much.

6 Go ahead, Mr. Martin.

7 DIRECT EXAMINATION

8 BY MR. MARTIN:

9 Q Good morning, Ms. Seiferd. Could you please
10 state your name and spell your last name for the record?

11 A Amanda Seiferd, S-E-I-F-E-R-D.

12 Q And did you -- where are you currently employed?

13 A I started my own private practice therapy
14 agency, Caldrose Therapeutic Services.

15 Q And where is that located?

16 A In Denver, Colorado.

17 Q And how long have you been working in that
18 capacity?

19 A I started three months ago, and prior to that, I
20 was working for a different private practice agency.

21 Q And what did you do for them?

22 A I was and still am a child and family therapist.
23 I primarily work with kids in foster care, providing
24 psychotherapy and trauma-focused therapy.

1 Q And where were you working before that?

2 A At the Washoe County Department of Social
3 Services.

4 Q And when you worked for the Department, did you
5 go by another name?

6 A I did. My last name was Crutcher,
7 C-R-U-T-C-H-E-R.

8 Q And how long were you employed by the Washoe
9 County Department of Social Services?

10 A A little over five years.

11 Q And in what capacity were you employed by the
12 Department?

13 A I was a senior social worker at the end. I did
14 investigations or assessments.

15 Q And so what did you do practically, day to day,
16 as an assessment worker for the Department?

17 A I responded to and investigated reports of abuse
18 and neglect.

19 Q And how long did you say you'd been an
20 assessment worker with the Department?

21 A Five years, plus a year internship.

22 Q In that capacity, did you have any specialized
23 training in terms of risk and safety assessments?

24 A I did.

1 Q What types of training did you have?
2 A There's a lot to list, but learning how to
3 assess for risk and safety, doing assessments for sexual
4 abuse, physical abuse, forensic interviewing. All kinds
5 of --
6 Q That's okay.
7 And what is your education?
8 A I have a Bachelor's degree in social work and a
9 Master's degree in clinical social work.
10 Q And when did you get your Bachelor's degree?
11 A In 2006.
12 Q And when did you get your Master's degree?
13 A 2012.
14 Q And were you employed by the Department as an
15 assessment worker in July of 2009?
16 A Yes, I was.
17 Q Did you come to investigate a case involving
18 Jessie and Penny Faz?
19 A Yes, I did.
20 Q And when did that investigation occur?
21 A I'm sorry, my phone cut out.
22 Q When did that investigation occur?
23 A It happened on July 18th, 2009.
24 Q How did that investigation come about?

1 A The Washoe County Department of Social Services
2 received a referral that Maria, who was five years old at
3 the time, had been molested by her 15-year-old
4 step-brother, Timothy, and that he had been incarcerated
5 prior to the incident and was on probation, and his
6 incarceration and probation was for having intercourse
7 with their family dog and he was on, like I said,
8 probation for --

9 MR. ROTH: Your Honor, I have to object to this
10 testimony at this point.

11 THE COURT: On what basis? No speaking
12 objections in this trial, please. Objection, legal basis.

13 MR. ROTH: That it is not set forth in the
14 petition, the amended petition for termination of parental
15 rights as a point that will be discussed.

16 THE COURT: Mr. Martin? Outside the scope of
17 the petition.

18 MR. MARTIN: Your Honor, I believe it is, and I
19 believe it's relevant towards the therapeutic issues of
20 the kids, the previous investigations --

21 THE COURT: You're saying it's relevant to their
22 therapeutic needs and, therefore, their best interests?

23 MR. MARTIN: Yes, your Honor.

24 THE COURT: Objection is overruled. Continue,

1 please.

2 THE WITNESS: Okay. So was it for me to
3 continue?

4 MR. MARTIN: That's okay.

5 THE COURT: Mr. Martin's going to pose another
6 question, ma'am.

7 BY MR. MARTIN:

8 Q And did you in fact investigate that referral?

9 A I did investigate that.

10 THE COURT: I'm sorry, did you say you did or
11 did not?

12 THE WITNESS: I did investigate it, on
13 July 20th.

14 BY MR. MARTIN:

15 Q And did you meet with the family in the course
16 of that investigation?

17 A I did meet with the family.

18 Q Was that a home visit, a telephone call? What
19 did that look like?

20 A It was a home visit with the family.

21 Q And what was the -- based on that home visit,
22 what was the household composition?

23 A It was comprised of Penny, Jessie, J.C., Maria,
24 Logan, Angel, Nathaniel, and Michael. And there were

1 occasional visits by Jessie's two older children, Kimberly
2 and Cory, but they didn't live there.

3 Q And you met with the family regarding the
4 allegations. Correct?

5 A Yes, I did.

6 Q And what did they indicate to you at that time?

7 A They indicated that --

8 MR. ROTH: I'm sorry, your Honor. I would like
9 to know who "they" are.

10 THE COURT: Exactly. I agree with that
11 objection.

12 Sustained. Rephrase your question.

13 BY MR. MARTIN:

14 Q Did you speak to Mr. Faz and Mrs. Faz in the
15 home?

16 A Yes, I did.

17 Q And you discussed the allegations, correct?

18 A I did.

19 Q Do you recall who responded to your questions?
20 Was it mostly Mrs. Faz, Mr. Faz?

21 A It was mostly Mrs. Faz, but I did speak to
22 Mr. Faz about them as well.

23 Q And they were present in the room together?

24 A I believe so.

1 Q And so what did they indicate to you --

2 THE COURT: Not "they." One by one.

3 MR. MARTIN: Okay.

4 BY MR. MARTIN:

5 Q So what did Mrs. Faz indicate to you at that
6 time?

7 A She reported to me that she was very upset that
8 this had happened to her daughter. She reported to me
9 that she had suffered from abuse her as a child as well,
10 so this was bringing back a lot of stress and trauma for
11 her, and that she was just really upset with Timothy about
12 having this happened. I spoke to them, both Mrs. Faz and
13 Mr. Faz, about him being on probation for -- the terms of
14 his probation were that he be supervised by an adult at
15 all times when he was around children that were younger
16 than him, and they had left him without adult supervision.
17 And when I spoke to them about that being a problem, they
18 didn't see a problem with it. They said that their older
19 children --

20 MR. ROTH: Again, your Honor, I don't know who
21 "they" is.

22 THE COURT: Objection, then, basis.

23 MR. ROTH: Objection, your Honor. I can't tell
24 who she's talking about.

1 THE COURT: All right. If you could be also
2 specific when you say "they." The gentleman who's Mr.
3 Roth represents one of the two and it's important for him
4 to know who you're talking about.

5 THE WITNESS: Okay. It's just hard to do this
6 over the phone.

7 THE COURT: Or if you mean -- and I want to say,
8 I have great sympathy for how hard this is over the phone
9 to understand what's happening. So please be patient.
10 But if you specifically mean that they both said
11 something, just make that very clear.

12 THE WITNESS: Okay, I understand. So --

13 THE COURT: You were talking about speaking, I
14 think you said, to Mr. Faz about the probation
15 requirements of his son Timothy.

16 THE WITNESS: Yes.

17 THE COURT: So please pick up from there.

18 THE WITNESS: So I was speaking to Mr. Faz about
19 the requirements of his probation, and he did not indicate
20 to me that it was a problem. He didn't think that it was
21 a problem that he had left his children with -- or all of
22 the children without an adult supervisor.

23 //

24 BY MR. MARTIN:

1 Q Okay. After that conversation, did you have any
2 additional safety concerns about that home at that time?
3 Or let me -- did you have any additional safety concerns
4 about the family after that conversation with Mr. and Mrs.
5 Faz?

6 A I did have concerns with the family at that time
7 because of Mrs. Faz's allegations of meth use previously.
8 And so I spoke to Mrs. Faz about how she was going to
9 manage her cravings or her addiction with all the current
10 stressors that had just happened with her daughter, and
11 she indicated to me that her daughter was -- she needed
12 her to be strong and to be sober and so she didn't have
13 intentions to use. So I was concerned about that and I
14 was also concerned about the conditions of the home.

15 Q And what was the condition of the home?

16 A They were just uncleanly and unkempt and there
17 were some health and safety hazards. I did speak to them
18 about cleaning it up, and there were also -- the kids were
19 a little bit rambunctious and kind of out of control. So
20 I wasn't able to interview a couple of them, because their
21 behavior was a little bit rowdy.

22 Q Did you receive any subsequent referrals or
23 reports regarding the family?

24 A I did.

1 Q And when was that?

2 A On July 23rd of 2009.

3 Q So what was that -- what was your understanding
4 of the referral that was made?

5 THE COURT: Excuse me, Ms. Seiferd. What was
6 the date for the one you just finished testifying about?
7 I don't think I wrote it down. Your investigation that
8 you just finished testifying about was when?

9 THE WITNESS: July 18th, 2009.

10 THE COURT: Thank you very much. Go ahead,
11 ma'am. You were saying July 23rd.

12 THE WITNESS: July 23rd. The referral was that
13 there had been an incident of domestic violence between
14 Mrs. Faz and Mr. Faz and that Mrs. Faz was using meth.

15 BY MR. MARTIN:

16 Q And you investigated that referral?

17 A It was coded as an information and referral and
18 possibly a voluntary case.

19 Q But did you make any family contacts after you
20 received that report?

21 A Yes, I did. I spoke to them in person.

22 Q Okay. And was that -- you said "in person."
23 Was that in the office, in their home?

24 A I believe that was in the home.

1 THE COURT: And, ma'am -- this is the judge
2 again. If at any point you don't know, that is your
3 answer. If you don't recall, then that's your answer.

4 THE WITNESS: Yes, it was by phone. And then I
5 spoke to them in person as well. When I spoke to Mrs. Faz
6 on the phone to discuss the referral incident --

7 BY MR. MARTIN:

8 Q All right, let's back up. So you spoke to Mrs.
9 Faz, correct, in regard to the report?

10 A Correct.

11 Q And so what did she indicate to you at that
12 point?

13 MR. ROTH: Your Honor, I object -- excuse me --
14 on the basis that it is hearsay and it's also immaterial.

15 THE COURT: Hearsay and immaterial, Mr. Martin.

16 MR. MARTIN: Your Honor, we indicated that we
17 were going to present evidence as to Ms. Faz. Ms. Faz is
18 still a party. Anything she says is still the admission
19 of a party opponent.

20 THE COURT: And as to materiality? Because
21 she's still a party, it's still material?

22 MR. MARTIN: It is.

23 THE COURT: And the Court still has to make that
24 decision.

1 MR. MARTIN: That's correct.

2 THE COURT: The objection is overruled.

3 You were saying you made contact by phone with
4 Ms. Faz and I think that's where the objection came in.

5 THE WITNESS: So she reported to me that Mr. Faz
6 was in jail at that time. She was not afraid of him when
7 he was going to get out, as far as another altercation,
8 and she reported that they were arguing and pushing each
9 other and someone else called the police. She admitted to
10 me to using meth on that Tuesday that I spoke to her and
11 that she wanted counseling.

12 BY MR. MARTIN:

13 Q Okay. And were you ever able to make contact
14 with Mr. Faz?

15 THE COURT: Around the same referral?

16 MR. MARTIN: Around the same referral.

17 If you don't know, that's fine.

18 THE WITNESS: No.

19 BY MR. MARTIN:

20 Q And did you conduct another home visit after you
21 received that referral?

22 A Yes, I did.

23 Q And do you recall approximately when that was?

24 A It was on August 6th of 2009.

1 Q And did you speak to Ms. Faz at that time?

2 A I did.

3 Q And was that in the home, out of the home?

4 A I spoke to her outside of her home.

5 Q And what did she tell you, if anything?

6 A Well, she appeared to me that she was under the
7 influence, and so I was talking to her about that. She
8 reported to me that she had been arrested on August 4th of
9 2009 and that she -- prior to her arrest, she had been
10 gone from the home on a meth runner for three days with
11 her friends, and she reported that Mr. Faz knew that she
12 was using and told her not to come home. When she was
13 coming down from using, she was driving back to the house
14 and was pulled over.

15 Q Okay. Did you make any decisions regarding the
16 safety of the children in the home at that time?

17 A I did, due to her self-reported drug use and the
18 home was uncleanly again. I did a safety plan with the
19 family that there would be another adult present to
20 supervise the children and as part of the safety plan, we
21 came up with a plan that the maternal grandmother would
22 come from California and stay with them for -- I don't
23 recall how long -- maybe a month -- in order to supervise
24 them, and that we would try to get her into a drug rehab

1 facility.

2 Q And did you actually -- and at the time you
3 spoke to Mrs. Faz, did you go in the home?

4 A I did.

5 Q And what was the condition of the home at that
6 time?

7 A The house was unkempt and dirty. There were
8 dirty clothes and dirty dishes and the previous night's
9 dinner was still sitting out. And I spoke to both parents
10 about it, and since both of them were home, I said, "This
11 needs to be cleaned up. With both of you being home,
12 there's really no reason for the house to be so dirty,"
13 and -- yeah, that was it.

14 Q And did you have any safety concerns regarding
15 Mr. Faz at that point?

16 A Not a safety concern with him, but just that he
17 had to work to support the family. So he wouldn't have
18 been there to supervise the children in the evenings.

19 Q Did you make any referral for services for these
20 kids?

21 A I did. I made the referral for Maria to have
22 individual counseling to address the molestation incident,
23 and I made a referral for Penny to have counseling with
24 Shirley Luke at the Roberson House, both of them. I also

1 helped Ms. Faz get into a drug rehab facility. I gave her
2 referrals to all of the organizations in the area and
3 helped her get into the one in Carson City.

4 Q Did you receive any subsequent reports on this
5 family?

6 A Yes, I did.

7 Q What was your understanding of the report that
8 was received by the Department?

9 MR. ROTH: Again, your Honor, I think that's a
10 little vague, "the report received by the Department."
11 I'm not sure what report and who authored it.

12 THE COURT: Meaning a report done -- not an
13 authored report, but a report coming in of another
14 investigation. Could you rephrase and also -- I assume
15 you were going to follow up and ask her when, but
16 rephrase. You're not talking about a written report
17 someone created, and I think that might be misleading. So
18 rephrase, please.

19 MR. MARTIN: Okay. Maybe I can phrase it a
20 little more succinctly.

21 BY MR. MARTIN:

22 Q Ms. Seiferd, were you ever assigned to a
23 subsequent investigation of Mr. and Mrs. Faz?

24 A Yes, I was.

1 Q When were you assigned to that investigation?

2 A It was on January 13th of 2010.

3 Q And what was your understanding of the reason
4 for the investigation?

5 A We received a priority two report that was
6 alleging that Ms. Faz appeared to be high while at Sparks
7 Justice Court and she tested positive.

8 Q And did you go over to the Faz residence --

9 A I did.

10 Q -- after you received that report? And when was
11 that?

12 A It was on the same day.

13 Q And was anyone present at the residence?

14 A Yes. Mr. Faz, Nathaniel, and Michael were
15 present.

16 Q And could you describe to us the conditions of
17 the residence?

18 A I observed the house to be very cluttered and
19 dirty and there were a lot of health and safety hazards,
20 things that were causing tripping hazards and dirty
21 clothes laying around, spoiled food, dirty dishes, trash
22 piled up, clutter and broken items on the floor, and the
23 inability to walk through some of the rooms.

24 Q And Mr. Faz was present at the home at that

1 time?

2 A Yes, he was.

3 Q And what did Mr. Faz report to you at that time?

4 A He reported that he and Mrs. Faz had had a fight
5 earlier that day regarding her meth use. Part of the
6 initial allegation was that Ms. Faz said that he was using
7 meth. I spoke to him about that. He said no, he didn't,
8 and he agreed to take a drug test, which was negative. He
9 reported to me that they were being evicted due to
10 nonpayment of their rent for a couple of months and that
11 their power was being turned off for nonpayment.

12 Q And was Mr. Faz working at that time?

13 A I believe he was, but I'm not certain.

14 Q Did he ever indicate what his child care plans
15 were?

16 A He didn't have any long-term ones, and that
17 night Ms. Faz was still incarcerated. So -- oh, to get
18 back to your question, he must've been working, because we
19 were talking about child care. So he said he didn't know
20 exactly who was gonna take care of the kids while he was
21 at work, and then he said that their family friend, Lori,
22 was going to take care of the kids. And I said that Lori
23 was alleged to have a problem with alcohol by both Mrs.
24 Faz and Mr. Faz at some point in my time working with

1 them. So when I asked Mr. Faz about her alcohol use and
2 if she was an appropriate caregiver for his kids, he said
3 that it would be fine, she would be fine that night. So
4 he didn't seem to have any long-term child care plans.

5 Q And why was child care a problem at that point?

6 A Well, if Ms. Faz was incarcerated and actively
7 using meth, she wouldn't have been appropriate, and if
8 Mr. Faz was at work, there wouldn't have been anyone to
9 supervise the young children.

10 Q Okay. What did you do with the children, if
11 anything, at that point?

12 A I placed them into protective custody and took
13 them to Kids Cottage.

14 Q And who were the children that were present at
15 the home?

16 A It was Nathaniel and Michael.

17 Q And did you learn where the other kids were?

18 A They were at school.

19 Q And did you place them as well?

20 A I did. Mr. Faz went to the school with me to
21 help me get them.

22 Q And where were the children placed?

23 A All of them were placed at Kids Cottage.

24 Q And did you ever meet with Mrs. Faz?

1 A I did.

2 Q And where was that?

3 A That was at Washoe County Jail.

4 Q And when did you meet with her?

5 A It was on the 14th of January.

6 Q And how did she appear to you, in terms of her
7 manner or her behavior?

8 A She appeared to me that she had been -- she had
9 behavioral indicators of recent meth use, which according
10 to my training in how to observe that, it was erratic
11 movement of her limbs, the inability to remain still; she
12 was picking at her skin until she was bleeding; she had
13 rapid and tangential speech; she had the inability to
14 remain focused and had rapid shifts in her mood.

15 Q And what did Mrs. Faz indicate to you at that
16 time?

17 A She reported that she and Mr. Faz had had an
18 argument over her meth use and that he had it and wouldn't
19 give it to her. When I asked about the allegation of him
20 using meth, she very clearly stated that he had never used
21 meth and that that was a miscommunication in the report.

22 Q And how long were you the caseworker for this
23 family?

24 A From July of 2009 until February of 2010.

1 Q And what type of assistance did you offer the
2 family during that time?

3 A Assistance as far as referrals or --

4 Q Yes, referrals or services.

5 A So it would've been the counseling at the
6 Roberson House, substance abuse treatment. I gave them
7 assistance through the holidays and offered food vouchers
8 for the holidays, did a safety plan to prevent removal,
9 and I'm guessing that's probably all.

10 Q And did you transfer the case?

11 A I did.

12 Q And when did you transfer the case?

13 A Let's see. February -- the early part of
14 February 2010.

15 Q And to whom did the case transfer?

16 A Katie Erickson.

17 MR. MARTIN: I have no further questions, your
18 Honor.

19 THE COURT: Do you wish to question this
20 witness, Mr. Roth?

21 MR. ROTH: Thank you. Yes, I do, your Honor.

22 CROSS-EXAMINATION

23 BY MR. ROTH:

24 Q Good morning, Ms. Seiferd. I'm Mike Roth and

1 I'm the attorney representing Jessie Faz, and Mr. Faz is
2 sitting here with me, and I have a few questions, if you
3 don't mind, I'd like to ask you.

4 A No, I don't mind.

5 Q On August 6th, 2009, you made a third visit to
6 their home and you had found it again dirty. Do you
7 recall stating that?

8 A Yes, I do.

9 Q And at that time, both Mr. and Mrs. Faz were
10 living in the house or the apartment?

11 A The home, yes.

12 Q The home, all right.

13 After that at any time, did you visit and notice
14 that the house had been cleaned up at all?

15 A Do you mean after August 6th until I transferred
16 the case?

17 Q Well, I guess -- you saw the house was dirty on
18 January 13th. So I guess between August 6th and the 13th
19 of January, did you check up later, just check on its
20 condition?

21 A I was in the home several times in between those
22 two reports, and the time that I noted that the house was
23 very clean and tidy and I had no concerns at all was in
24 October of 2009, and that was after Mrs. Faz had been

1 released from her substance abuse program.

2 Q And it was acceptable at that point?

3 A Yes, it was.

4 Q All right, thank you.

5 You said that Mr. Faz agreed to take a drug test
6 on January 13th, when apparently there was some accusation
7 that he may have been using methamphetamine, and I
8 believe -- did you administer the test?

9 A Personally, I did not administer the test, but I
10 did give him the sheet to go to -- I believe it was Quest.

11 Q Yes. And to your knowledge, the test was
12 negative for any drug use?

13 A Yes.

14 Q That's what you testified to.

15 A I believe so, yes.

16 Q And at that time -- again, January 13th -- Mr.
17 Faz was working. Do you know who he was working for?

18 A In my notes from his previous employment, it had
19 been Whittlesee Taxi. So I don't know if at that point it
20 was the same company. I'm sorry.

21 Q That's all right.

22 Did you check the refrigerator and see if there
23 was enough food -- or the cupboards -- to see if there was
24 enough food for the family?

1 MR. MARTIN: Objection --

2 THE COURT: At what time?

3 MR. ROTH: Yes, I'm sorry. On January 13th,
4 2010.

5 THE WITNESS: Well, that is something that I
6 always did in an investigation, but I did not note it in
7 my notes, and so I can't recall at that point if I did,
8 but based on my work for five years, I would say that I
9 had looked, but I can't say for sure.

10 BY MR. ROTH:

11 Q Do you have any notes regarding the food on
12 August 6th when you visited?

13 A I don't, but I do recall the Faz residence
14 always had a lot of food. They really did have -- that
15 was never a concern that I had for them.

16 Q Thank you.

17 You, at that point, decided that you had to take
18 the children into protective custody for their health and
19 safety, and I understand that Mr. Faz informed you that --
20 or at least he helped you go to the school where some of
21 the children were going to school. Is that correct?

22 A Yes.

23 Q Do you remember what children were at the
24 school?

1 A I'm sorry?

2 Q The names of the children that he helped you
3 with.

4 A It would've been Logan, Maria, and J.C. I hope
5 I'm not missing one, I'm sorry. So Angel, J.C., Logan,
6 and Maria.

7 Q Were they all at the same school, Ms. Seiferd?

8 A I believe that they were.

9 Q The last question I have for you today is the
10 referrals that were offered to Mr. Faz specifically. You
11 mentioned some food vouchers, which applied to both of
12 them. Were there any specific services that were offered
13 to Mr. Faz?

14 A I recall that we invited him to join our case
15 plan meeting, which we would have discussed those
16 services, and he didn't come, but that was after the
17 children were in our custody. And prior to that, he was
18 not -- Ms. Faz was using and was having more issues than
19 he was at that point. So I don't recall giving him direct
20 services or offering him direct services, just more as a
21 family.

22 Q And I didn't catch the name of that organization
23 you invited him to attend or join.

24 THE COURT: She invited him to come to the case

1 plan meeting, I think she said. Is that right, ma'am?

2 THE WITNESS: I did.

3 MR. ROTH: Case plan meeting, all right.

4 Thank you, Ms. Seiferd. I don't have any
5 further questions.

6 MR. MARTIN: No redirect, your Honor.

7 THE COURT: And when you were -- this is the
8 judge again -- when you were speaking when you spelled
9 your name for us, did you say it ended with a T as in Tom
10 or a D as in dog? I couldn't tell.

11 THE WITNESS: D as in dog. It's a hard name
12 over the phone. Sorry.

13 THE COURT: Not the usual spelling, so that's
14 why I asked, to make sure our record is correct.

15 Thank you very much for enduring the awkward
16 experience of appearing by phone. At this point, there
17 are no further questions for you and we'll let you go.

18 THE WITNESS: Okay. Thank you.

19 THE COURT: Thank you, ma'am.

20 THE WITNESS: Okay, bye-bye.

21 THE COURT: Your next witness, Mr. Martin?

22 MR. MARTIN: Katie Erickson, again by telephone.

23 MR. FAZ: Excuse me, your Honor. May I be
24 excused for a second, just to use the restroom?

1 THE COURT: Yes. Before you complete that
2 call -- I realize a trial is stressful, and so would other
3 people like a moment as well? There's some nods "yes."

4 MR. MARTIN: Could I just request that you --
5 because I'm a little behind schedule. So if you could
6 make contact with Ms. Erickson --

7 THE COURT: Yes, we'll make the call and put her
8 on hold and we'll take a short break.

9 MR. MARTIN: Okay, thank you.

10 (Recess taken.)

11 (Whereupon witness appeared telephonically.)

12 THE COURT: Good morning, this is Deborah
13 Schumacher. Ms. Erickson, are you there?

14 THE WITNESS: Yes.

15 THE COURT: Good morning to you.

16 THE WITNESS: Good morning.

17 THE COURT: Your voice is being heard on the
18 speakerphone system in the courtroom, as you've been
19 called as a witness by Washoe County Department of Social
20 Services in the Faz trial. Mr. Martin is here
21 representing the Department. Mr. Roth is here
22 representing Mr. Faz.

23 Are you able to hear me okay?

24 THE WITNESS: Yes.

1 THE COURT: Would you like your witness sworn,
2 Mr. Martin?

3 MR. MARTIN: I would, your Honor. Thank you.

4 THE COURT: And I apologize for the awkwardness
5 of being by phone, but if you would stand and raise your
6 right hand to be sworn, please.

7 (Witness sworn.)

8 THE COURT: Thank you.

9 Go ahead, Mr. Martin.

10 DIRECT EXAMINATION

11 BY MR. MARTIN:

12 Q Could you please state your name and spell your
13 last name for the record.

14 A Katie Erickson, E-R-I-C-K-S-O-N.

15 Q And where are you currently employed?

16 A I am employed for Ramsey County Social Services
17 in St. Paul, Minnesota.

18 Q And what do you do for them?

19 A I'm a child protection worker.

20 Q And what does that entail? What do you do day
21 to day?

22 A I provide case management services to families
23 when their children have been removed from their home in
24 order to either reunify or come up with a different

1 permanency plan for the kids if reunification is not
2 possible.

3 Q And how long have you been employed there?

4 A For two and a half years.

5 Q And where did you work before that?

6 A Washoe County Social Services.

7 Q And what did you do for Washoe County?

8 A I was a permanency worker. So the same job that
9 I'm doing right now with Ramsey County.

10 Q And how long were you employed by the Washoe
11 County Department of Social Services?

12 A For almost three years.

13 Q What's your education?

14 A I have a Bachelor's degree in social work, and
15 I'm currently working on my Master's degree.

16 Q And you're licensed as a social worker?

17 A Yes, in the state of Minnesota, and previously
18 in both Minnesota and Nevada.

19 Q Were you employed by the Department as a
20 permanency worker in January of 2010?

21 A Yes.

22 Q And in that capacity, did you become involved in
23 a case involving Jessie and Penny Faz?

24 A Yes.

1 Q And what was your involvement in the case?

2 A I was the permanency worker on their case.

3 Q And what was your -- how did you initially get
4 involved?

5 A I initially went out on the report with the
6 investigative worker, Amanda Crutcher, and then the case
7 became assigned to me when the children were removed from
8 the parents' care.

9 Q And when did you go out with Amanda Crutcher?

10 A In January of 2010.

11 Q And do you recall where the residence was
12 located?

13 A It was on Wedekind, I believe.

14 Q And do you recall who were the children that
15 were the subject of the report that you, yourself, and
16 Ms. Crutcher were responding to?

17 A It was J.C., Angel, Logan, Maria, Michael, and
18 Nathaniel.

19 Q So what was your first contact with the family?

20 A Responding to the initial report with Amanda
21 Crutcher. We went to the family's home and Mr. Faz was
22 there with Michael and Nathaniel.

23 Q What did you observe when you entered the
24 residence?

1 A Well, the house appeared to be cluttered. There
2 were dirty dishes, there was garbage around the house, old
3 food on the counters and on the floor, dirty clothing and
4 toys and other things around the house.

5 Q And who was present in the residence?

6 A Mr. Faz and Michael and Nathaniel.

7 Q And what did Mr. Faz report to you at that time?

8 A Mrs. Faz was in jail; he had reported that,
9 which we also knew from the report, and that he worked the
10 night shift for a taxi company and there was no one to
11 care for the kids while he worked. We also learned that
12 the family was facing eviction and that the power was
13 gonna be turned off in their home.

14 Q So what did you do when you received that
15 information?

16 A Well, Ms. Crutcher and I assessed the situation
17 and determined that it was unsafe for the children to
18 remain in Mr. and Mrs. Faz's care and they were removed.

19 Q Why did you assess that it was unsafe?

20 A Based on Ms. Faz being incarcerated and not able
21 to care for the kids while Mr. Faz was working and the
22 condition of the home.

23 Q And where were the other -- you mentioned
24 Michael and Nathaniel. Where were the other kids?

1 A They were at school.

2 Q And did you place those children as well?

3 A Yes.

4 Q And where did you place the children?

5 A They all were placed at Kids Cottage.

6 Q And why were they placed at Kids Cottage at that
7 time?

8 A well, based on the ages of the older children,
9 but also because it was a sibling group of six children.
10 In order to place them together, they needed to go to Kids
11 Cottage.

12 Q So you indicated you were assigned to the family
13 as a permanency worker. What was your job as a permanency
14 worker?

15 A To provide services to the family in hopes that
16 reunification could occur.

17 Q So did you offer -- or let me back up. What is
18 a case plan and service agreement?

19 A I'm sorry?

20 Q What is a case plan and service agreement?

21 A It's an agreement with the family that the
22 county develops to address the safety concerns that
23 brought the kids into care. So it lists out services that
24 the parents agree to participate in and any services that

1 the children need also.

2 Q Did you offer Mr. and Mrs. Faz a case plan
3 service agreement?

4 A Yes.

5 Q And when was that?

6 A That was in February of 2010.

7 Q And did you have certain tasks and goals
8 outlined for Mrs. Faz to accomplish?

9 A Mrs. Faz?

10 Q Yes.

11 A Yes.

12 Q And what were those?

13 A She needed to participate in substance abuse
14 treatment, she needed to attend AA meetings, complete
15 random drug tests, and complete a substance abuse
16 evaluation.

17 Q And did you create a case plan and service
18 agreement for Mr. Faz?

19 A Yes.

20 Q And when did you do that?

21 A In February of 2010.

22 Q And what were the things that you asked Mr. Faz
23 to do?

24 A Obtain and maintain some sort of legal

1 employment, obtain and maintain safe and appropriate
2 housing to be able to meet the children's basic needs --
3 so food, clothing, and shelter -- have a safe home for the
4 kids to be in, and also to participate in parenting
5 classes offered at the Children's Cabinet and attend an
6 Effects of Violence in the Home class that was also
7 offered through the Children's Cabinet.

8 Q And when the children were placed in protective
9 custody, did they have any services in place at that time?

10 A Yes. J.C., Angel, Logan, and Maria were already
11 attending counseling with Shirley Luke.

12 Q And were you able to transition them into a
13 family foster home?

14 A Yes.

15 Q And which foster home did they go into?

16 A Jim and Sandy Lorenz.

17 Q And do you recall when they went into that
18 foster home?

19 A In February of 2010.

20 Q Did any of the children have any behavioral
21 issues that you can recall at that time?

22 A Yeah. J.C. and Logan especially had some pretty
23 significant behaviors. They were aggressive, they were
24 violent with their siblings. They had a lot of issues in

1 school with behaviors. Nathaniel and Michael, they had
2 limited behavior issues, but they started to mimic the
3 older kids by acting out in the way that they were. Maria
4 did not really have any behavior issues throughout the
5 time that I had the case.

6 Q So other than the counseling with Shirley Luke,
7 going forward a few months, did these behaviors require
8 that you arrange for any other services for the children?

9 A Yes. So, eventually, the counseling did have to
10 change. What was being provided to them was not enough to
11 address their needs. So they did change counseling to
12 Maple Star, also receiving several social rehab services.
13 That happened through No Child Left Behind. Specifically,
14 Angel, Logan, and J.C. were receiving those services in
15 the school. They also had updated psychiatry
16 appointments, and that was initially recommended for J.C.
17 by Maple Star, but then also to keep their PSR services,
18 they had to have psychiatry appointments about every 90
19 days to continue monitoring the need for services, and
20 that was through No Child Left Behind.

21 Q And did you arrange for any other assessments
22 for J.C.?

23 A Yeah, he did have an assessment with -- it was
24 called a psychosexual evaluation -- with Robert Sorensen,

1 and that was to address any needs for services related to
2 his sexually inappropriate behavior with Maria.

3 Q How frequently did you meet with Mr. Faz in this
4 case?

5 A I can't recall how frequently we met in person,
6 but we did talk on the phone quite often. At least once a
7 month, if not more, talking on the phone.

8 Q Did you talk to him about the children's
9 particular behavioral challenges at that point?

10 A Yes.

11 Q And what was his response?

12 A Mr. Faz didn't necessarily seem to understand --
13 whether it was an unwillingness or just an inability to
14 understand the kids's needs. At one point, Angel did have
15 a brain tumor and had to have surgery, and that had become
16 a concern as well, understanding his medical -- Angel's
17 medical needs and following through with the doctors'
18 recommendation. Mr. Faz and Mrs. Faz were both opposed to
19 the children receiving any sort of psychotropic
20 medication, if that had been recommended, and he really
21 minimized the sexually inappropriate behaviors that J.C.
22 had displayed towards Maria.

23 Q When you started the case, what were the
24 parents' visitation schedule?

1 A Initially, it was unsupervised, and the
2 schedule -- they could arrange it with Kids Cottage while
3 the kids were there, and then it was late evenings and
4 Saturdays when the kids were at the Lorenz foster home.

5 Q And how consistently did the parents visit?

6 A Initially, in the first beginning months of the
7 case, it was consistent.

8 Q And did Mrs. Faz continue her consistent
9 visitation?

10 A She did not, no. Eventually, she no longer
11 contacted the agency, nor did she participate in
12 visitation.

13 Q And I apologize, because I know this has been a
14 long time. Do you recall when Mrs. Faz's visitation kind
15 of tailed off?

16 A I don't recall specifically, but I know it was
17 at some point in 2011.

18 Q And Mr. Faz was pretty consistent?

19 A Yes.

20 Q At some point, did the parents' visitation
21 change? Did you have to pull back at all?

22 A Yeah. Around like August, September of 2010,
23 the visits did have to be changed to supervised, because
24 of some things that had happened -- you know, not

1 protecting the kids, not returning them on time from
2 visits, the kids's behavior changing after visitation, and
3 also Mr. Faz not following the recommendations from
4 Angel's doctors and allowing activities that were not
5 medically approved for Angel to participate in.

6 Q And then going back to Mrs. Faz, did you ever
7 hear from Mrs. Faz requesting visitation after it kind of
8 stopped?

9 A No.

10 Q And I'm just going to briefly go over -- well,
11 how did Ms. Faz do with her tasks in her case plan and
12 service agreement, while you were the caseworker?

13 A She did not complete really any of her tasks.
14 She did complete a couple toxicology screens, but then did
15 not continue completing those. She did not continue on
16 with her substance abuse treatment. She did participate
17 in the treatment with HCPS, but it was not enough to keep
18 her maintaining sobriety, and when she quit contacting the
19 agency, there was no further participation in her case
20 plan. The agency also was really providing reasonable
21 efforts to Mrs. Faz in January of 2011.

22 Q Did Mrs. Faz ever provide you proof of housing
23 or employment?

24 A No.

1 Q Did she keep you apprised of her whereabouts?

2 A No.

3 Q Did you keep her apprised of the children's
4 appointments?

5 A As much as I could. There was not always a
6 phone number or address to reach Mrs. Faz.

7 Q And to your knowledge, how many of the
8 children's appointments did Mrs. Faz attend?

9 A I can't recall how many specifically. I know at
10 the beginning of the case, when the kids initially came
11 into care, she was attending the dental appointments and
12 participating with those, but she did not participate in
13 anything towards the end of the time that I had the case.

14 Q Now, in regard to Mr. Faz, did he complete the
15 Effects of Domestic Violence in the Home class?

16 A He did, yes.

17 Q And he attended a parenting class, correct?

18 A He did not attend any other parenting classes,
19 that I was aware of. The only one that he attended was
20 the Effects of Violence in the Home class.

21 Q And did he stay in regular contact with you?

22 A Yes.

23 Q And to your knowledge, where was Mr. Faz
24 residing, based on his contacts and communications with

1 you?

2 A Well, after being evicted from the home, he was
3 homeless for a period of time and then he obtained a motel
4 room at the Desert Rose Inn, and that is where he had
5 resided the rest of the time that I had the case.

6 Q Do you recall approximately when he -- again,
7 based on your contacts and communications with him, that
8 he moved into the Desert Rose Inn?

9 A I don't recall specifically. I think it was in
10 the fall of 2010 at some point.

11 Q Was that residence sufficient for these kids?

12 A No, it would not have been.

13 MR. ROTH: Objection, your Honor. It's an
14 ambiguous question. How many kids? All of them? And
15 also I would object on the basis that it doesn't matter
16 anymore, because my client doesn't reside at that place.

17 THE COURT: Objection. Relevance and lack of
18 clear question?

19 MR. ROTH: Yes, lack of clear question.

20 MR. MARTIN: I'm willing to rephrase the
21 question, but in terms of the relevance objection, I would
22 say that part of the issue with this case is the length of
23 time these children have been in care. So I think any
24 barriers to reunification as we go along is absolutely

1 relevant to the termination case.

2 THE COURT: I'm going to overrule the relevance
3 objection and let you tell the story for the record, but
4 do -- just for clarity, are we speaking of the children
5 who are the subject of this case or all the children? So
6 if you'd phrase your question to be clear.

7 Please go ahead.

8 BY MR. MARTIN:

9 Q Ms. Erickson, in your experience as a social
10 worker, could you have re-unified -- well, strike that.
11 Was the residence sufficient for reunification with all
12 six children?

13 A No, it was not.

14 Q And why not?

15 A Well, based on the size of the motel room, it
16 would not have been adequate for six children and an
17 adult, but also because of the sexually inappropriate
18 behavior between J.C. and Maria, they needed to have
19 separate bedrooms.

20 Q And so based on your contacts and communications
21 with Mr. Faz, how long did he reside there?

22 A Well, when he initially moved in there around
23 the fall of 2010, and then I left the case, I believe, in
24 the spring or summer of 2011, and he had resided there

1 that whole time.

2 Q Okay. And to your knowledge, did Mr. Faz
3 maintain employment?

4 A He did, yes, for the most part. There was a
5 period of time where he had lost his employment because he
6 was incarcerated, but then he was able to gain his
7 employment back again.

8 Q And do you recall when that was?

9 A That was in the fall of 2010. He had been
10 incarcerated for failure to pay child support on his other
11 children.

12 Q And so you indicated that in the summer of 2010,
13 Mr. Faz reverted to supervised visitation?

14 A Both parents did at that time, yes.

15 Q And how long did it remain supervised while you
16 were the caseworker?

17 A It was supervised for a period of time that
18 summer, and then the parents had started displaying
19 appropriate parenting and understanding of the kids's
20 needs. We did allow it to go back to unsupervised, and
21 then the issues started arising again and the visits
22 returned to being supervised towards the end of 2010, and
23 then the visitation remained supervised throughout the
24 rest of the time that I had the case.

1 Q Did you attend the 12-month permanency hearing
2 in this juvenile dependency case?

3 A I did, yes.

4 Q And what was your recommendation at that time
5 for a permanency plan for all six children?

6 A My recommendation was a concurrent permanency
7 plan, a reunification and termination of parental rights.

8 Q And why did you recommend a concurrent plan?

9 A Well, at that point, Mrs. Faz no longer was
10 working with the agency or working on her case plan. She
11 was not participating in visitation either. And Mr. Faz
12 did not have an adequate home to reunify the kids. We had
13 been trying to work with him, provided a Light of Grant to
14 pay for the deposit on a home, but he had not secured any
15 sort of safe or appropriate housing for all six kids at
16 that point.

17 Q And conversely, did you attend a 15-month
18 permanency hearing in this case?

19 A I did, yes.

20 Q And what were your recommendations for
21 permanency for all six kids at that time?

22 A At that time, it was termination of parental
23 rights. That was my recommendation.

24 Q And why was that your recommendation?

1 A The same reason, for Mrs. Faz not participating
2 in her case plan activities, not maintaining sobriety, not
3 maintaining contact with the agency, visitation with the
4 kids, and Mr. Faz still had yet to obtain appropriate
5 housing, plus all the concerns with his lack of wanting --
6 or unwillingness, inability to understand the special
7 needs that his kids had.

8 Q So could you give us a little bit more detail?
9 what were these children's special behavioral challenges
10 that you observed when you had this case?

11 A With J.C., Logan, and Angel, there were behavior
12 issues, both in school and in the foster home. J.C.'s
13 sexually inappropriate behaviors towards Maria. J.C.,
14 Logan, and Angel all had IEPs in school. They were
15 participating in mental health treatment. Mr. Faz's
16 inability, unwillingness to really understand the mental
17 health needs of the kids, his minimizing of J.C.'s
18 sexually inappropriate behaviors and then also his
19 minimizing of Angel's brain tumor, which resulted in
20 blindness; so following the doctor's recommendations for
21 that.

22 Q And could you summarize the services that you
23 referred these children to while you were their
24 caseworker?

1 THE COURT: Could I interrupt you? I just want
2 to clarify. You said minimizing Angel's brain tumor,
3 which resulted in blindness. It's not clear to me, the
4 way you said that sentence, if the tumor resulted in
5 blindness or Mr. Faz's failure to take appropriate action.
6 So I just thought you ought to clarify what you meant.

7 THE WITNESS: Sure. So the tumor did result in
8 blindness. Initially -- towards the end of the school
9 year in 2010, Angel had started reporting issues with his
10 eyesight, and we had taken him to an eye doctor
11 appointment, which Mr. Faz also attended. Mr. Faz was
12 verbally aggressive with Angel, telling him he can read
13 the letters, making him feel very uncomfortable, and at
14 that point did not want Angel to have eyeglasses for his
15 eyesight. We did allow Angel to go through the summer,
16 because he was not in school, without any follow-up and
17 waited to follow up until the next school year started.
18 Mr. Faz did not attend that next appointment, and at that
19 point, the eye doctor had referred him to a specialist and
20 that's where we learned that it was not Angel's inability
21 to participate in the eye doctor appointment, it was that
22 he had a brain tumor that was causing his eyesight
23 problems, and at that point he had to have surgery.

24 After the surgery, there were recommendations by

1 the doctors and the surgeon that Angel not participate in
2 any sort of physical activity, and Mr. Faz had bought
3 Angel a scooter and was allowing him to ride it, despite
4 the agency saying that was inappropriate and despite the
5 doctor's recommendation that he cannot participate in
6 physical activity. Throughout that time, Mr. Faz
7 continued to minimize or understand the significance of
8 the brain tumor and activities that Angel could not
9 participate in.

10 THE COURT: Go ahead, sir.

11 MR. MARTIN: Okay, thank you.

12 BY MR. MARTIN:

13 Q MS. Erickson, could you summarize the various
14 services that you obtained for these children while you
15 were their caseworker?

16 A Sure. I made referrals for the psychosocial
17 rehab and then basic skills for therapy, for the groups
18 that they participated in in No Child Left Behind, the
19 psychiatry appointments, the psychosexual evaluation for
20 J.C. with Robert Sorensen, also the psychosocial
21 evaluation through Maple Star for J.C., Angel, Logan, and
22 Maria, and medical and dental, following up with all of
23 those appointments.

24 Q How often did you meet with the kids?

1 A Once a month.

2 Q Did you usually meet with them separately or all
3 together?

4 A Separately.

5 Q Why did you meet with them separately?

6 A Well, having all six kids together, it's very
7 hard to have a conversation with them, to keep them on
8 track, to keep them from fighting with each other, keeping
9 their hands to themselves. In order to meet with the
10 kids, I would go to the foster home or meet them somewhere
11 in the community, but only individually talk to the kids
12 one at a time.

13 Q And how long were you the caseworker in this
14 case?

15 A From January 2010, and I believe I had changed
16 position in the summer of 2011. So about a year and a
17 half.

18 Q And did the case transfer to another social
19 worker?

20 A Yes.

21 Q And to whom did it transfer?

22 A To Jacinda Palmer.

23 MR. MARTIN: Okay. I have nothing further, your
24 Honor.

1 THE COURT: Questions, Mr. Roth?

2 MR. ROTH: Thank you, your Honor.

3 CROSS-EXAMINATION

4 BY MR. ROTH:

5 Q Ms. Erickson, I'm Mike Roth and I'm the attorney
6 for Jessie Faz, who is with me in the courtroom today. I
7 have a couple of questions for you.

8 A Okay.

9 Q You mentioned that you visited the home on
10 Wedekind way and I believe that was in January, January
11 13th, 2010. Is that correct?

12 A Yes.

13 Q And at that time, the house was in disarray and
14 not in very good shape, apparently.

15 A Correct.

16 Q At that time, do you know if Mr. Faz was
17 employed?

18 A He was employed, yes.

19 Q Did you know if -- did you check to see if there
20 was adequate food in the pantries or refrigerator?

21 A I don't recall specifically if I looked in the
22 cupboards or refrigerator, no.

23 Q The clothing that the children wore, did that
24 seem adequate for the weather and the -- yes, the weather?

1 A I don't recall.

2 Q Did you accompany Mr. Faz to the school to get
3 the other children, other than Michael and Nathaniel, who
4 I guess were home? Did you accompany Mr. Faz to the
5 school?

6 A I don't believe Mr. Faz was with us. I believe
7 it was just myself and Ms. Crutcher picking up the other
8 four children from school.

9 Q You don't recall him doing that, then.

10 A I don't recall Mr. Faz being there, no.

11 Q He could have, but you just don't recall. Is
12 that right?

13 A Correct.

14 Q At that time, the kids were taken and my client
15 was -- I'm sorry. Let me ask you about the shelter at
16 Wedekind Road. Was it adequate for that number of
17 children?

18 A Their home?

19 Q Yes, on Wedekind Road, on January 10th, 2010.

20 A As far as living space, yes, it would have been
21 adequate for all six children.

22 Q Apparently, the visits were unsupervised for a
23 while, and during that time, Mr. Faz was fairly consistent
24 with the visits?

1 A Correct. Mr. Faz had been consistent with the
2 visits the entire time I had the case.

3 Q Did you ever accompany them on their visits, say
4 to the park or to McDonald's or someplace like that?

5 A Yes, I believe that I did supervise some of the
6 visits.

7 Q And they seemed to go -- how did they go? How
8 do you think the visits went?

9 A I can't recall specifically things that happened
10 during the visits. I know that I helped supervise them,
11 but I can't recall any specifics.

12 Q Which is probably good, I would guess.

13 A I wouldn't say it was good or bad. It was four
14 and a half years ago.

15 Q Certainly if it was bad, you would've made a
16 note of it. Isn't that your job?

17 A Yeah, I would've made a note of it. Whether it
18 was good or bad, I am required to make case notes for
19 every contact I have with the family.

20 Q And you have no notes at this point.

21 A No. I no longer work for Washoe County, so I
22 don't have any of those notes.

23 THE COURT: So -- excuse my interruption. Just
24 for the record, to be clear again. You don't have

1 whatever notes you would have had when you worked for
2 Washoe County. Is that right?

3 THE WITNESS: Correct.

4 THE COURT: So whether you made notes or not,
5 you just simply don't know.

6 THE WITNESS: I know that I would have made
7 notes. I can't recall what I wrote in them.

8 THE COURT: You don't know if you wrote any
9 issues in the visits or you said they were fabulous. You
10 just don't know.

11 THE WITNESS: Correct.

12 THE COURT: Okay. Thank you.

13 Go ahead, Mr. Roth.

14 MR. ROTH: Thank you, your Honor.

15 BY MR. ROTH:

16 Q Then the visits were changed in August of 2010
17 to supervised visits, and that was because of Mr. Faz's
18 lack of understanding of Angel's medical condition or his
19 blindness?

20 A That would've been the second time the visits
21 were changed to supervised. The visits initially were
22 changed to supervised based on not returning the kids at
23 the designated time for visitation, concerns about after a
24 4th of July visit, the kids came back with burns on them

1 from lighting fireworks, the kids talking about -- I
2 believe Michael had talked about Mr. Faz smacking him,
3 just different issues, and the kids having behavior issues
4 after visitation.

5 Q But the visits continued, is that correct, and
6 they were supervised at that time?

7 A Correct.

8 Q So were you the supervising person?

9 A No. I had allowed the foster parents to do the
10 supervision of the visits.

11 Q But the visits continued despite those incidents
12 that you mentioned to me about the 4th of July and the
13 other incident?

14 A Yes, they continued but were supervised.

15 Q During that time, did Mr. Faz complete any of
16 his case plan or -- you said he completed the domestic --
17 the class on domestic violence in the home?

18 A He did do that, yes.

19 Q And what else did you ask him to do?

20 A To obtain and maintain safe and appropriate
21 housing for all of the six children, to attend parenting
22 classes, and to obtain or maintain some sort of legal
23 employment.

24 Q Were you aware of the fact that he had trouble

1 finding suitable housing because of a criminal record?

2 A Yes, I was aware of that.

3 Q And did you know that he subsequently got the
4 felony changed down to a gross misdemeanor?

5 A I was not aware of that. That may have not
6 happened while I was working on the case.

7 Q All right. Let's talk about Angel a little bit.
8 During the time that Mr. Faz was having visitation with
9 Angel, was there, to your knowledge, a medical diagnosis
10 as to what Angel's situation was, his medical problem?

11 THE COURT: At any point, sir, or at a specific
12 point?

13 MR. ROTH: Let's say just prior to the 15-month
14 hearing.

15 THE WITNESS: well, yes, he was diagnosed with a
16 brain tumor.

17 BY MR. ROTH:

18 Q And when did that occur? Do you remember?

19 A That would've been in the fall of 2010.

20 Q And at that point, visitation continued. Is
21 that right?

22 A Correct.

23 Q And at that point, the children were all in
24 foster care. Is that correct?

1 A Correct.

2 Q And at that point, was Angel being sent to the
3 doctor for checkups and visitation with a doctor?

4 A Yes.

5 Q Did Mr. Faz accompany him?

6 A I believe that he did. I know that he did go to
7 California after Angel had the surgery, but I know there
8 was also a point in time where Mr. Faz was not attending
9 the follow-up appointments after the surgery.

10 Q Well, let's go back a ways until close to that
11 15-month hearing. At that time, you say there was a
12 diagnosis of a brain tumor or a tumor in his head that
13 affected his sight. Is that correct?

14 A Yes.

15 Q And at that point, did you think that something
16 should be done besides just checkups?

17 A He did have surgery on his brain tumor. So,
18 yes, I would've agreed with that recommendation of the
19 doctor.

20 Q Well, was Angel returned to Mr. Faz at the time
21 of the surgery?

22 A I'm sorry?

23 Q Hadn't the case concerning Angel been ended and
24 Angel returned to Mr. Faz at the time of Angel's surgery?

1 A No, Angel was not returned to Mr. Faz at the
2 time of his surgery.

3 Q I understand that he may have had more than one
4 surgery. Is that correct?

5 A While I had the case, he only had one surgery.
6 If there was another one after that, I would not be aware
7 of any of that.

8 Q Did the first surgery remove the tumor?

9 A It did not remove the tumor, no.

10 Q So Angel's condition, did it improve after the
11 surgery?

12 A The tumor -- it drained the liquid from the
13 tumor and the tumor had decreased, but because it had been
14 there, it had damaged his eyesight, which caused him to be
15 blind.

16 Q So that happened while Angel was in foster care.

17 A Correct.

18 MR. ROTH: I don't have any further questions.
19 Thank you.

20 THE COURT: Mr. Martin?

21 REDIRECT EXAMINATION

22 BY MR. MARTIN:

23 Q Ms. Erickson, what's a Light of Grant?

24 A It is a grant that helps parents either pay a

1 down payment on their rent or the first month's rent to
2 help them secure housing, if they're unable to make those
3 initial payments themselves.

4 Q And was that part of the assistance that you
5 provided to Mr. Faz while you were the caseworker?

6 A Yes.

7 Q There was also talk where visitation was
8 continuing. To your recollection, what was Social
9 Services' policy about cancelling visits?

10 A About -- I'm sorry.

11 Q I'm sorry, stopping all visits.

12 A It's my understanding that that would have had
13 to been approved by the Court. So if there was any
14 concern that visitation could not continue at all, they
15 would've had to bring that up in one of the court hearings
16 and have a judge approve that.

17 Q So is it unusual to continue visits, even though
18 there may be concerns about what's occurring at the
19 visits?

20 A No, that's not unusual. It would be part of the
21 reasonable efforts that we provide. It would be protocol
22 that if there were concerns, the visits would change from
23 unsupervised to supervised.

24 Q And briefly, based on Angel's medical condition,

1 did you have cause for concern about what was occurring at
2 the unsupervised visits?

3 A Yes, because Mr. Faz was not following the
4 doctor's recommendation for -- Angel could not participate
5 in physical activity and Mr. Faz was not following those
6 recommendations.

7 Q What type of physical activities?

8 A All physical activity. Mr. Faz had bought Angel
9 a scooter and was allowing him to ride a scooter at the
10 skate park without a helmet.

11 MR. MARTIN: I have nothing further, your Honor.

12 THE COURT: Any follow-up, Mr. Roth?

13 MR. ROTH: Just based on that last question by
14 Mr. Martin.

15 RECROSS-EXAMINATION

16 BY MR. ROTH:

17 Q Ms. Erickson, the scooter incident in which
18 Angel apparently was riding a scooter in a park, do you
19 know if anything happened to hurt Angel at that time?

20 A Angel had reported he had fallen off the scooter
21 when he was riding it. So that would be a concern,
22 because he wasn't able to see well. So if he would've hit
23 his head following the surgery, that would be --

24 Q I'm just asking if anything happened along that

1 line. Did he bump his head, did he scrape his knee, break
2 a leg or something like that?

3 A He didn't break a leg, no. He did report
4 falling off the scooter.

5 Q He just fell off and you don't know the extent
6 of the injury because of that.

7 A I don't recall any sort of significant injury,
8 like breaking a leg.

9 MR. ROTH: Thank you. I have nothing further.

10 MR. MARTIN: I have no redirect, your Honor.

11 THE COURT: Ms. Erickson, thank you.

12 THE WITNESS: Thank you.

13 THE COURT: We'll let you go at this point.

14 Mr. Martin?

15 MR. MARTIN: Thank you, your Honor. I'd like to
16 call Tamara Reid.

17 THE COURT: Good morning. And if you would
18 pause to be sworn before you're seated, please.

19 (Witness sworn.)

20 THE COURT: Please be seated. And if you have
21 notes with you, please keep them closed for the moment,
22 and then you may be directed to look at them, or if you
23 need to, let us know, but start out with it closed,
24 please.

1 Mr. Martin.

2 DIRECT EXAMINATION

3 BY MR. MARTIN:

4 Q Good morning. Could you please state your name
5 and spell your last name for the record.

6 A Yes. Tamara Greenman-Reid, spelled
7 G-R-E-E-N-M-A-N, hyphenated, R-E-I-D.

8 Q And are you currently a foster parent?

9 A Yes, I am, a treatment foster parent.

10 Q How long have you been a foster parent?

11 A Almost seven years now in all.

12 Q So what do you mean when you say you're a
13 treatment foster parent?

14 A We've done a program and we get training, real
15 in-depth training on kids who have been traumatized, and
16 right now, we're doing a -- it's called a pilot program
17 and it's Together Facing the Challenge, and it's basically
18 understanding a child's traumas so that you can understand
19 how and what the child's needs are, and it's a certain way
20 to talk --

21 MR. ROTH: Excuse me for interrupting, but I'm
22 offering an objection at this time.

23 THE COURT: Basis.

24 MR. ROTH: I'm certain that this is a program

1 program that's needed and I'm glad that Ms. Reid is taking
2 that program, but I would be more interested in what
3 qualifications she had --

4 THE COURT: The basis for your objection.

5 MR. ROTH: That it's not -- this particular
6 class that she's taking is not relevant to what she knew
7 while she was taking care of the children.

8 THE COURT: Relevance.

9 MR. MARTIN: I think her background as a
10 treatment-level foster parent is absolutely relevant and
11 it's relevant to her experience.

12 THE COURT: I'm not sure what the dates of her
13 care of these children might be, but implied in Mr. Roth's
14 objection to what she's talking about occurred after she
15 had these children. That's what was implied in his
16 objection, and I don't know if that's so. So perhaps you
17 can lay some foundation.

18 MR. MARTIN: Okay.

19 THE WITNESS: I'm licensed by --

20 THE COURT: Excuse me, ma'am. You absolutely
21 may not speak out once you are a witness. So what you
22 just said is stricken. It's not like ordinary
23 conversation where you explaining would be perfectly okay.
24 Please just answer what you're asked. And I apologize for

1 the rudeness of interrupting you.

2 Okay. Go ahead, Mr. Martin.

3 BY MR. MARTIN:

4 Q Are you the foster parents for Maria, Michael,
5 and Nathaniel Faz?

6 A Yes.

7 Q And how long have you been their foster parent?

8 A Just under two years for Maria and Nathaniel.

9 In February of 2015 will be two years for Michael.

10 Q And are you a licensed foster parent?

11 A I am a licensed treatment foster parent. That's
12 what it says on my license.

13 Q And who licenses you?

14 A Kathy Wallace from Washoe County Social
15 Services.

16 Q And what does it mean when you say you're a
17 licensed therapeutic foster parent?

18 A Basically, Koinonia. We are Koinonia foster
19 homes, and they're all treatment-level homes. I don't
20 really know how to explain this. We are trained
21 specifically for traumatized children, to understand them
22 and know how to work with them.

23 Q Do you undergo this training before you're
24 licensed?

1 A Yes, I did.

2 Q So what type of specific training did you have
3 to have to be a licensed therapeutic home?

4 A The trainings that we go to with Koinonia --
5 Koinonia goes to trainings outside of Washoe County and
6 then they bring the training back to Koinonia and teach
7 all of us.

8 Q So is the training in Koinonia ongoing?

9 A Yes, it is. We learn something new all the
10 time.

11 Q Does Koinonia -- and you indicated your license
12 was through the Washoe County Department of social
13 Services. So what is the role of Koinonia in your care of
14 the kids?

15 A They train us, they support us, they are a big
16 help. When we need respite, we go through Koinonia to
17 other foster parents. Basically, my title comes through
18 Koinonia and that's where I got my title from, was the
19 training I received at Koinonia.

20 Q And could you be more specific? What sort of
21 training does Koinonia provide to you on an ongoing --
22 both initially and on an ongoing basis?

23 A Yes. It's specialized parenting skills.

24 Q Specialized in what way?

1 A Specialized in children who have come from hard
2 places, traumatized children, children -- do I need to
3 explain?

4 THE COURT: Just answer until someone stops you,
5 please.

6 THE WITNESS: Okay. Like children who have been
7 sexualized, who have been beaten, who have gone through
8 real bad traumas in their lives. And we're specialized
9 meaning that we receive our training through Koinonia. We
10 go once monthly. We do two to three hours of training
11 once monthly to help us understand, to really understand
12 the child's needs. We're taught special ways to talk to
13 them, like we pre-teach the children. We're taught to
14 pre-teach. They all need to feel stable, safe, and they
15 need a routine. These type of children need to know what
16 to expect at all times. They're in line of sight at all
17 times.

18 THE COURT: Now, you've gone from talking about
19 your generalized training and now I'm not sure if you're
20 talking about -- I'm not asking you to answer me; I'm just
21 saying for Mr. Martin's benefit -- I'm not sure if you're
22 talking about these specific children or all children.

23 So if you'd pose a question, Mr. Martin, please.

24 //

1 BY MR. MARTIN:

2 Q Well, let me back up. What type of services do
3 Maria, Michael, and Nathaniel get in your home, or get
4 generally as a part of the Koinonia umbrella, per se?

5 A They get therapy once a week, an hour for each
6 child, at Koinonia under a therapist. Now it's a
7 different therapist. They also get -- they see Dr. McKay,
8 who is a psychiatrist, through Koinonia. Also through
9 Koinonia, Dr. McKay and Dr. Aberasturi -- they've
10 diagnosed what their special needs are and they are
11 receiving those services right now, like OT for Nathaniel
12 and Michael, and that's occupational therapy.

13 Q I'm sorry, I think the judge and I were speaking
14 at the same time.

15 THE COURT: I just wanted you not to use the
16 abbreviation and you corrected yourself in any event.
17 Okay. Occupational therapy for two of the children, you
18 said. Nathaniel and Michael?

19 THE WITNESS: Yes.

20 THE COURT: I think Mr. Martin's initial
21 question was what services are these children receiving,
22 and I believe you said therapy once a week, psychiatric
23 services with Dr. McKay, occupational therapy for
24 Nathaniel and Michael. Anything else?

1 THE WITNESS: Yes. Speech therapy for Michael
2 and language therapy for Maria, and she has graduated
3 that.

4 BY MR. MARTIN:

5 Q And when did she graduate that?

6 A That was a month ago. Roughly a month ago she
7 graduated.

8 Q And are you aware of what Nathaniel receives
9 occupational therapy for?

10 A Yes, basically to learn where his body's at --
11 it's real hard to explain. I haven't gone in a long time.
12 My husband does that part of it.

13 Q That's okay.

14 And to your knowledge, why does Michael receive
15 occupational therapy?

16 A Basically -- it's hard for me to explain.

17 THE COURT: Is it gross motor, fine motor?

18 THE WITNESS: Gross motor.

19 THE COURT: Both boys, gross motor?

20 THE WITNESS: And fine motor for Michael.

21 THE COURT: Fine motor for Michael.

22 THE WITNESS: Yes.

23 BY MR. MARTIN:

24 Q Could you -- since these kids have been in your

1 home for almost two years, could you just describe them
2 for the Court? I mean, their personalities, their likes,
3 dislikes, that sort of thing.

4 A Question?

5 Q I can't answer a question.

6 A Personalities now, beginning --

7 Q well, let's start when the children were placed
8 in your home. Could you describe what they were like?

9 A Maria -- excuse me -- Maria hated her brothers.
10 She would always say, "I hate my brothers. I hate my dad.
11 I hate being the only girl." To this day, she doesn't say
12 she hates them anymore, but she's come a long way in
13 therapy, and she prefers to be with a girl, with me. She
14 really craves my attention now. She's had many nightmares
15 in the past. She doesn't seem to have them as much
16 anymore. She's very, very smart, fun, charming. She's
17 also very shy, and because of that, she has a hard time
18 making friends her own age. We found out she had been
19 sexually molested by her big brother, J.C., through
20 therapy and what she had explained. When she first went
21 to school in the beginning up at Elmcrest, there was
22 something to do with -- she was wearing a dress and the
23 boys -- she was up high and -- she was unaware of it, but
24 she got in trouble because she was up high and the boys

1 could see her underwear. She plays, she loves to play,
2 and sometimes she's playing so hard that she forgets she
3 has to go to the bathroom. So she wets herself a little
4 bit. Never in bed. Today, she is thriving. To meet
5 friends, we've got her in Girl Scouts. She loves Girl
6 Scouts. In fact, the first meeting is tonight, a Girl
7 Scout meeting.

8 What can I say? She's a wonderful little girl
9 who's been through a lot of trauma and is still fearful.

10 Q Does she ever say what she's fearful of?

11 A Her dad, she's fearful of her dad. That's what
12 she's told me. And she's fearful to be alone with her
13 brother, J.C. When she first came into my house, she was
14 telling me she wanted her hair cut short. "I want my hair
15 cut short like that." There was a girl that came over to
16 her birthday party and it was cut like a bob. And Dad
17 would not let her get her hair cut. He kept saying no,
18 no, no, and about a year later, finally -- I think it was
19 brought up to the social worker and Dad said, "Okay, you
20 can get your hair cut however you want." So on her next
21 visit to Dad, she showed up and she came home crying
22 saying -- I go, "what did your dad think of your hair?"
23 "He said it was ugly," and she was crying and she was
24 really, really hurt.

1 Q Has she posed any special behavioral challenges?

2 A Yes.

3 Q What type of behavioral --

4 A Growling. When she doesn't want to do
5 something, she doesn't want to do it and she'll growl.
6 She's come around. She's turning it around much better
7 nowadays, but she used to growl and go to her room and
8 throw chairs around, mess her room up, tear the drapes off
9 the window and bang on the window, and I would just stand
10 in the hallway just making sure she was okay. And once I
11 seen her start crying on her bed, just crying, real crying
12 out loud. That was like a relief for her, rather than the
13 domestic violence.

14 Q Have you seen improvement in her behavior?

15 A Much improvement. There's still some times that
16 she will growl or maybe stomp to her room, but there's
17 less slamming of doors, there's less -- she doesn't mess
18 her room up and throw chairs and stuff around anymore.
19 She basically will cry real hard once in a while and turn
20 it around quicker.

21 Q Can we get you a glass of water or anything?

22 A I would love a glass of water.

23 Q Tell us about Michael.

24 A Michael, when he first came, he wouldn't use his

1 words. He'd just kind of do this when he didn't want to
2 do something.

3 THE COURT: Can you describe what you're doing?

4 THE WITNESS: Like when -- okay, it's time to
5 take a shower now, and we had pre-taught him and gave him
6 time and said this is what time we're gonna take a shower.
7 And I didn't know what this was; he'd just fold his arms
8 and not say a word and look -- just like this, mad, like
9 I'm looking.

10 THE COURT: But this is a verbal record. When
11 you say, "Just like I'm looking," so you're folding your
12 arms and stiffening your body.

13 THE WITNESS: And crying, with tears in his
14 eyes. He wouldn't talk to me or tell me. I didn't know
15 what to think. In fact, I really thought in the first
16 month that he really needed to be on an IEP, which he was
17 on at school, but I thought there was something really
18 wrong, 'cause he would not use his words.

19 BY MR. MARTIN:

20 Q And by IEP, you mean an individualized education
21 plan.

22 A Yeah, which he was on, but I didn't see how it
23 was improving him. At least at home, he wasn't. He was
24 just scared, I believe. He was scared.

1 Q And have you seen improvement in his behavior?

2 A Yes. All of them, but, yes, I've seen big
3 changes in his behavior. He will use his words with me.
4 And sometimes when he is so super-duper mad -- I recall
5 the last time he got so mad, he was sitting at the
6 breakfast table, getting ready to eat cereal, and my
7 husband said, "Okay, we have to leave in 20 minutes. Eat
8 up." And Nate was sitting on the other side of the long
9 table and Michael just got up and he shoved the table --
10 he was mad and he shoved the table at Nate, making Nate's
11 head hit the chair in the back. Nate was okay, but he
12 stomped to his room screaming and yelling. And we didn't
13 know what was wrong at all, until later that evening he
14 finally told my husband. It was his dad, he was mad at
15 Dad, because the night before that, there was a visit and
16 Dad wouldn't let him play on some electrical thing, but he
17 claimed that's what was wrong with him that whole morning
18 and day.

19 Michael's come a long ways. He disclosed the
20 sexual harassment that he got from J.C. in therapy and he
21 was really hurt that Dad denied it, because he had told --
22 his response was he's told Dad over and over and over
23 again every time it happened, and Dad did nothing but sent
24 J.C. to his room, and now Dad is denying it ever even

1 happened. So he's not validated by Dad and he feels that
2 way. I believe all three of them feel they are not
3 validated as individual kids and what their needs are by
4 their dad.

5 Q Tell us about Nathaniel.

6 A Again, smart, charming, fun. Just very, very
7 hard. When he first came in, he would spin, actually
8 physically spin in circles. Very impulsive, touching
9 everything. You know, at six years old -- well, five when
10 he came in and then six -- I mean, it was like a
11 two-year-old. It brought me back to when my son was two.
12 He was like that, he would just touch things, and we had
13 rules and if it's not yours, don't touch it, but -- you
14 know, all of these kids, if you turn your back, they're
15 touching and they're breaking the rules. They're
16 escalating. Nate can be wonderfully focused and then he
17 can be physical with his brothers and sisters. He's
18 kicked my shins before. He slapped my husband's hand
19 about two weeks ago. And he was shocked, because he was
20 given 20 minutes to pick up his Legos off the floor. It
21 was getting to be bedtime, and 20 minutes later my husband
22 came in and says, "We gotta get this done. Here, let me
23 help you." Nathaniel wasn't putting them away, he was
24 still playing and real focused, and he just -- he came and

1 helped him, but he just slapped his hand. So he's very
2 impulsive physically as well.

3 Q Does he have any other concerning behaviors in
4 the home?

5 A He likes to steal sharp objects and hide them
6 under his pillow, sharp objects like safety pins. He will
7 bend it out so it's just a straight pin. And I've found
8 steak knives from the dishwasher. We lock all our knives
9 up, but somehow he got them. Michael was also doing this
10 kind of stuff. Also, paper clips. During school, right
11 at the end of school, I would find in his pockets -- when
12 I was doing their wash, I would find paper clips that were
13 unraveled to where he would make them straight out into a
14 pokey thing. And pokey sticks. Just weird. And hiding
15 them under their pillows. And it made me think, "what are
16 they afraid of?" Because they don't use that stuff to
17 hurt anybody.

18 Q So Nathaniel's never hurt anybody or anything?

19 A Not with the sharp things, but, yeah, he pushes.

20 THE COURT: You said, though, Michael -- just so
21 the record is clear, they're both putting them under their
22 pillows?

23 THE WITNESS: Yes.

24 THE COURT: Go ahead, Mr. Martin.

1 BY MR. MARTIN:

2 Q Have you seen any improvement with Nate?

3 A Yes, I have, big improvement.

4 Q what types of improvement?

5 A He's thinking before he acts. For instance, I
6 had given the kids some bubbles to go outside and blow
7 bubbles, and Nathaniel brought his in. He was out with my
8 husband. They were outside and I was inside, and he
9 brought his bubbles to me and he said, "will you hang on
10 to these for me, so I don't blow them in the house?" So,
11 in other words, he's slowing down and thinking before he
12 actually does something. For him to do that is amazing,
13 for him to think ahead of time so that he doesn't get in
14 trouble. Blowing bubbles in the house is not allowed,
15 that's why.

16 Q Do these children require any special
17 supervision?

18 A Absolutely.

19 Q what type of supervision?

20 A Line-of-sight supervision. Someone who is calm,
21 with specialized training in how to intervene and help the
22 kids get along together, so that there's no hurting,
23 there's no pushing, hitting, screaming, yelling, so that
24 nothing gets out of hand or nothing escalates.

1 Q Is that a general rule with foster children in
2 your home or just with Michael, Nathaniel, and Maria?

3 A Basically, especially with them, but, yeah, it
4 is a general rule, depending on the type of children you
5 have.

6 Q And since these children have been in your home,
7 have you always been able to give them line-of-sight
8 supervision?

9 A No, not completely 24/7. There's a time that my
10 husband's gone and I need to go to the bathroom or I need
11 to go change, that as soon as I leave that room, I hear
12 screaming and yelling. I don't understand why, but I'll
13 explain to them and I'll pre-teach and I'll say, "Okay, I
14 have to go to the bathroom. Please sit still. Don't
15 fight. No fighting." And as soon as I go, I hear
16 screaming, something's gone wrong, they're fighting about
17 something. And I get out as soon as I can before it
18 escalates into a physical, domestic violent thing, because
19 it can happen. So they're in line of sight, basically,
20 for their safety. And by the way, they like that.

21 MR. ROTH: Your Honor, this is a rather rambling
22 discussion.

23 THE COURT: Right. Please answer the question
24 asked.

1 Next question, please.

2 BY MR. MARTIN:

3 Q Have you ever had instances where you've left
4 the children alone for a few minutes?

5 A Yes.

6 Q And what's occurred during those instances?

7 A There was one time that Michael had Nathaniel on
8 the kitchen floor with his foot. Nathaniel was on the
9 floor. Michael had his foot on him and Nate was bleeding.
10 He was down crying and he was bleeding on the kitchen
11 floor. And what had happened was, his tooth hit his lip
12 and that's why he was bleeding. They had a physical --
13 they fought.

14 Q To your knowledge, as these children's foster
15 parent, they still get visitation. Correct?

16 A Yes.

17 Q Do you folks transport to the Department? Do
18 the parents come to your home? What is your understanding
19 of the visitation, how it is arranged?

20 A There's been many different arrangements, but
21 the present time it's -- my husband brings the children to
22 Washoe County Social Services and they get a two-hour
23 visit once a week with their father.

24 Q And do the children go back to your home after

1 that visit is completed?

2 A Yes.

3 Q How do the children appear after the visits?

4 A I would say eight times out of ten, not good.

5 Q What do you mean by --

6 A Unhappy; they've been hurt either physically or
7 emotionally hurt by something Dad has said to them. One
8 instance is, Nathaniel came home crying -- and my husband
9 actually seen this going on. There's really -- they're
10 supposed to be supervised visits, but there's no one in
11 there. My husband came to pick up the kids at a
12 supervised visit and they were all in the room together
13 alone, and Nate was crying because Dad had done a twist
14 thing, put his head upside down in the legs and just kind
15 of crammed it in so hard. He came home and was still
16 crying about it and tried to explain to me what happened.

17 Q Have the children expressed their feelings about
18 the visits?

19 A They've said in therapy that it feels --

20 Q Any statements to you or your husband in the
21 home.

22 A They like the supervised visits, but it's boring
23 in that room, basically.

24 Q Do the kids talk about their parents?

1 A In the beginning, Maria would talk about fun
2 things she would do with her mom, like they'd do a tea
3 party. She doesn't talk about her mom anymore at all.

4 They don't really talk about them.

5 Q And do you believe these children continue to
6 require line-of-sight supervision?

7 A Yes, I do.

8 Q And why do you believe that?

9 A Number one, they feel safer. They feel safer
10 when they know they are in line of sight. It's like a cop
11 on the road. When a cop's on the road, people slow down
12 and they do what they're supposed to do. When the kids
13 are in line of sight, they feel safer, they feel more
14 stable, they like it. Number two, if they are not in line
15 of sight, I guarantee you something's gonna get escalated
16 and someone's gonna get hurt, emotionally or physically.

17 Q Do you take any special approaches to parenting
18 these children in your home?

19 A Yes, I do.

20 Q What types of approaches do you take with the
21 kids?

22 A Well, I always let them know what the routine
23 is. They need a routine. They need to be pre-taught
24 about what to expect. I don't give them any surprises.

1 If there is a sudden change in something, I go about it in
2 a positive way. Like if we ask them to do something, we
3 don't say, "You need to go do that." We use words like,
4 "I need you to go do this now, it's your time. I need you
5 to do this, I need you to do that." Very special,
6 different than just -- I don't know. It's not how I was
7 raised.

8 MR. MARTIN: I have no further questions, your
9 Honor.

10 THE COURT: Mr. Roth.

11 MR. ROTH: Your Honor, this is the first I've
12 heard this testimony. It wasn't provided on the list of
13 witnesses, the extent of her testimony, and since it's
14 close to the noon hour, I was wondering if I could
15 cross-examine after the noon recess and take it at this
16 time so I can discuss this with my client.

17 THE COURT: That would mean this witness would
18 have to return at 2:00, which is significant. Is that
19 possible for you?

20 THE WITNESS: I can't do it today. I could
21 tomorrow while the kids are in school.

22 MR. ROTH: What I'm suggesting, your Honor, is
23 if I could have about 15 minutes --

24 THE COURT: I can't give you 15 minutes because

1 I can't run into the noon hour, and we start up earlier
2 than you do. We have to take up some uncontested matters
3 before your trial. So I'm a little bit constrained by
4 other matters also.

5 Mr. Martin, your response?

6 MR. MARTIN: Well, I mean, in theory I certainly
7 wouldn't object to Mr. Roth --

8 THE COURT: Would or wouldn't? I didn't hear
9 you.

10 MR. MARTIN: I would not object to his
11 consulting with his client. Again, it comes down to
12 witness availability. I mean, we do have some folks to
13 get to tomorrow morning. We do have some fairly
14 significant therapeutic testimony as well.

15 THE COURT: Take a moment and think about it,
16 think if you can accommodate it.

17 MR. MARTIN: I guess -- because we have Monday,
18 Tuesday, Wednesday, and Thursday, as I recall. I want to
19 make sure that there's enough time for -- we may run over
20 into Wednesday. I want to make sure Mr. Roth has enough
21 time to do whatever he needs to do.

22 THE COURT: And is Thursday all day, Ms. Clerk?
23 Half day. Well, Friday is PC's.

24 MR. ROTH: We're scheduled also for Monday, the

1 18th.

2 MR. MARTIN: That was vacated, I believe.

3 THE COURT: I'm in St. Paul. So I'm quite sure
4 that you're not on Monday. Well, you were scheduled for
5 it. The problem I have is, if we run over and we've got
6 to finish this trial at some other time, it's hard for me
7 to say when that's going to be, given what the calendar
8 looks like. So we can do that -- and I don't mean to be
9 harsh, because I understand the economic reality of these
10 cases, but not having deposed this witness is really the
11 only reason that someone is surprised by what she says,
12 and I appreciate the difficulty in doing that,
13 financially. I absolutely appreciate that, but if you
14 don't depose a witness or you don't otherwise inquire,
15 then you're going to be surprised by what they say, but
16 there are plenty of trial tools.

17 So we'll have you step down. And Mr. Martin,
18 can you confer with her on when she should return?

19 MR. ROTH: Just for the record, I would assume
20 that most of the time when a list of witnesses are given,
21 there's a short summary of what they're supposed to be
22 testifying to, and that was not provided. So that's my
23 objection.

24 THE COURT: Right. I will just say, though,

1 this is the children's current foster parent. Her
2 describing what it's like to foster-parent them would seem
3 logically related to who she is.

4 Please step down and please confer with Mr.
5 Martin before you go about when he wishes you to return,
6 and we don't have to do that on the record.

7 The trial picks up when, please?

8 THE CLERK: 2:00 p.m., same courtroom.

9 THE COURT: Since we are a moving event this
10 week as they reconfigure the system in my department.

11 All right. Thank you all.

12 (Recess taken.)

13 THE COURT: Were we picking up with Ms. Reid?

14 MR. MARTIN: She's out in the hallway, your
15 Honor.

16 MR. ROTH: Your Honor, just a preliminary matter
17 I'd like to bring to the Court's attention.

18 THE COURT: You may. Go ahead with bringing
19 Ms. Reid in while we're talking.

20 MR. ROTH: I had had scheduled downstairs in
21 Master Lu's court a hearing that's set for 3 o'clock.
22 It's an adjudication and a disposition for my client.
23 They were trying to determine whether he is the parent of
24 the child involved, and I don't know what they have, but I

1 don't think it would be very long. I think it may be --
2 but they will probably call, since I informed them that I
3 would be up here and probably unable to be down there for
4 that particular hearing, but it's possible that they may
5 ask, if it's possible, to have a recess for a short period
6 of time.

7 THE COURT: Ms. Reid, thank you for returning.
8 I'm glad it was able to work out in the same day. You
9 remain under oath from this morning. Go ahead and have a
10 seat.

11 And Mr. Roth, when you're ready.

12 MR. ROTH: Thank you.

13 CROSS-EXAMINATION

14 BY MR. ROTH:

15 Q Ms. Greenman-Reid, you've lived in this area for
16 some time, have you?

17 A Yes.

18 Q About how long?

19 A Seven years.

20 Q And during that time, have you always been a
21 therapeutic home?

22 A Yeah, treatment level. We first started with
23 Shaw Foster Homes.

24 Q I see. So approximately seven years that you've

1 been doing this work?

2 A Yes.

3 Q And you've told us a little bit about your
4 training and skills. One thing that I would like to ask
5 you is some questions about the statements that Maria, the
6 daughter, made about her father and her brother and being
7 the only girl there.

8 A Uh-huh.

9 Q I assume that she realized that she needed a lot
10 of attention probably from her father, and since she was
11 the only girl, that maybe she wasn't getting the
12 attention. Do you think that might've been -- she didn't
13 explain that to you or talk to you about that?

14 A No.

15 THE COURT: Be sure to keep your voice up,
16 because we don't record nods. I believe you said "no."

17 THE WITNESS: "No."

18 BY MR. ROTH:

19 Q And then I believe you told us that she made a
20 statement saying, "I hate my father" or "my dad," or
21 something like that.

22 A Yes.

23 Q How many times did that statement get made?

24 A I can't be totally honest about how many times,

1 but I can guess.

2 Q Don't tell us, if you can't -- I don't want you
3 to be even a little bit un-honest.

4 THE COURT: So let me caution you and say we
5 never want you to speculate. If you don't know, it's
6 perfectly appropriate to say that.

7 THE WITNESS: Okay, I don't know.

8 MR. ROTH: You don't know.

9 THE WITNESS: I don't.

10 BY MR. ROTH:

11 Q In your experience as a therapeutic foster mom,
12 have you had other children who expressed dislike for
13 their parents or sibling?

14 A No.

15 Q So you don't know if that's, say, a common thing
16 to happen, where kids say "I hate my mom" or "I hate my
17 dad or my brother"?

18 A To answer that question, I've never heard that
19 from other kids, no. But siblings, yes, between them.

20 Q You're aware that siblings do fight and
21 sometimes make statements that are --

22 A Yes.

23 Q You also told us that Maria said that she
24 thought -- her dad said her hair was ugly when she got the

1 haircut.

2 A Could I rephrase the question?

3 THE COURT: No. Can you answer what was asked?

4 THE WITNESS: Yes, she said that, but not in
5 those words.

6 MR. ROTH: Not in those words.

7 BY MR. ROTH:

8 Q Did she explain to you that her dad liked to
9 have her hair long and that she was a princess and that
10 princesses have long hair?

11 A Yes.

12 Q And did she express the fact that her dad was
13 unhappy when she did get the haircut?

14 A Yes.

15 Q Did she ever say that he said it was ugly?

16 A Yes.

17 Q She said he said -- Mr. Faz said her hair was
18 ugly.

19 A Yes.

20 Q Now, in regard to her brothers, did she change
21 her attitude about that, hating her brothers, at any time?

22 A Yeah, she's come a long ways. Yes, she's
23 changed about the two she's living with.

24 Q You don't know about the other three?

1 A I know that she misses Logan and Angel, and she
2 has mixed feelings about J.C. and she has expressed, "I
3 really miss J.C. and I'd like to talk to him over the
4 phone."

5 Q So it would seem to me that the expression she
6 made about hating her brothers may have been an emotional
7 outburst of a young girl that maybe doesn't really hate
8 her brothers.

9 A Could you ask the question again, please?

10 Q Do you see signs now that she hates her
11 brothers?

12 A No. She's come a long way. No.

13 Q And do you see signs now that she hates her
14 father?

15 A Yes.

16 Q And what would those be, those signs?

17 A Her words.

18 Q What words are those?

19 A "I hate my father. He hurts my feelings."

20 Q She says that constantly or just once in a
21 while?

22 A Once in a while.

23 Q Once in a while, all right.

24 And Maria wants to be a Girl Scout or something

1 of that nature. Is that right?

2 A Yeah.

3 Q Was there some delay in her getting the uniform,
4 the robe or the badge or whatever it is that she needed?

5 A Not the badge, just the uniform.

6 Q And was that something Mr. Faz volunteered to
7 get for her?

8 A Yes, but they were already in process through
9 financial aid. It's a scholarship, and that was being
10 processed.

11 Q And that took about four months, didn't it?

12 A No.

13 Q How long did it take?

14 A About a month.

15 Q During that time, was she going to her Girl
16 Scout meetings?

17 A Yes, she was.

18 Q Now, she hasn't been lately to Girl Scouts, has
19 she?

20 A No, because they don't have them in the summer.
21 Tonight is her first time back and I'm taking her.

22 Q You will take her?

23 A Yes, I take her. It's either me or Katie.

24 Q She has her uniform?

1 A Yes.

2 Q And she'll be ready to go.

3 A Oh, yes.

4 Q In regard to Michael, you say he's come a long
5 way too and that -- at one time, I believe you said that
6 it seemed that Dad didn't pay much attention to the sexual
7 allegations, the complaints that Michael had about some
8 sexual allegations concerning his older brother.

9 THE COURT: So what's your question?

10 BY MR. ROTH:

11 Q Do you remember stating that or something along
12 that? I'm paraphrasing that.

13 A You mean here in the courtroom?

14 Q Yeah.

15 A Yes, I do remember that.

16 Q When were these sexual overtures occurring? Do
17 you know?

18 A It was when they lived with Dad in the house.

19 Q And when was that? Do you know?

20 A I do not know, sir.

21 Q Do you know if Penny was residing at the house
22 at the time?

23 A I do not know.

24 Q And you don't know the year or when that

1 happened?

2 A No, I don't.

3 Q You don't know if Mr. Faz was at work or home?

4 A I don't.

5 Q The physical battle between Nathan and Michael,

6 it was Nathan whose lip was cut?

7 A Yeah.

8 Q Did he have to seek medical attention for that?

9 A No.

10 Q He did not?

11 A No.

12 Q Did you ever get to the bottom of why they were

13 wrestling or fighting?

14 A I believe we did, but I don't recall what it

15 was.

16 Q Was this them playing together where they got

17 too rough or was it one where there was some anger?

18 A There was anger between them, but I was not

19 there. So I don't know what happened.

20 Q Is that the only occasion of them having fights

21 like that?

22 A No.

23 Q And when I say "like that," I mean where there's

24 some physical harm.

1 A No, it's not the only occasion.

2 Q There were other times that they fought and got
3 hurt, one of them got hurt?

4 A Got hurt, but they didn't need medical
5 attention.

6 Q All right.

7 Now, how old are the boys, Nathan and Michael?

8 A Michael is nine, Nathaniel is seven.

9 There was a time we had to take Michael to the
10 emergency room, the time when Dad took them shooting and I
11 guess Logan or Angel had shot a pellet gun or a BB gun at
12 a glass and the glass ricocheted into Michael's eyes and
13 he had bad scratches. So I do remember taking him in just
14 to make sure his eye was okay. I seem to remember doing
15 that.

16 Q Has your association with Mr. Faz been amicable?

17 A Could you explain it in a different way, please?

18 Q Yes. Do you get along with Mr. Faz when you
19 have to interact, like when he comes by the house or --

20 A Yes. He doesn't come by the house, but yes.

21 Q Did you tell Mr. Faz at one time or maybe even
22 several times that the kids look forward to their visits?

23 A Yes.

24 Q All right. And did Mr. Faz provide clothing or

1 gifts for the children?

2 A Yes.

3 Q And was he pretty punctual about his visitation?

4 A Yes. There were a lot of late times, but --

5 Q He was there, though.

6 A Yeah, but we were late a few times as well.

7 Q As far as you could see -- and I assume you
8 probably left the kids and then went back to whatever you
9 had to do, but did you see any interaction between Mr. Faz
10 and the children?

11 A No. My husband's seen most of that. That was
12 when they weren't supervised.

13 Q Mr. Faz bought gifts for the children too,
14 didn't he?

15 A Yes.

16 Q And were some of those gifts like a scooter for
17 the kids? Each one of them had one?

18 A Yes.

19 Q And did you have a policy about not allowing
20 them to use their scooters?

21 A Well, we -- no. We tried to let them use their
22 scooters together, and they would be swinging them in the
23 air real close to one another, and it was unorganized.
24 And so then we had to kind of let each one of them take

1 turns on the scooters, everyone would get turns; or if we
2 were at a park, it was more room, but we had to really
3 watch.

4 Q Were the kids -- were the boys, especially,
5 encouraged to get outside and play catch or football or
6 anything of that nature?

7 A Yes.

8 Q And did they do that at your place?

9 A Oh, yes.

10 Q You have room for that?

11 A Yes.

12 Q You didn't restrict them to stay indoors and
13 build Lego sets or Lego things.

14 A Not restrict them, but if it was too hot out,
15 yeah, we stayed indoors. They have a wonderful bounce
16 house now in the yard. We take them to parks.

17 Q All right. How did the kids express their
18 looking forward to visits when they were visiting their
19 dad?

20 A Well, basically -- they didn't use those words.
21 They would always watch the time and say, "It's 2:00 and
22 we have visit 3:00 to 5:00."

23 Q Was that a pretty regular occurrence?

24 A Yes.

1 MR. ROTH: I don't have any further questions.

2 MR. MARTIN: Just a few questions.

3 REDIRECT EXAMINATION

4 BY MR. MARTIN:

5 Q Did you enroll Maria in the Girl Scouts?

6 A Yes.

7 Q And why did you do that?

8 A Between Koinonia -- Koinonia is basically --
9 we're supervised under them and it was a thing that we
10 all, as a team, came -- I think Dad wanted it and the
11 therapist thought it was great, and we all, as a team,
12 decided that would be the cool thing to do for her.

13 Q Okay. And why did you come to that conclusion?

14 A Because she has a hard time making friends her
15 age. She has no friends her age and we did it for her
16 social life, to get to know some girls her age, to get her
17 out and do something.

18 Q And then line-of-sight supervision -- it's not
19 just these three children, but you've had other children
20 in your home that are under line-of-sight supervision.
21 Correct?

22 A Yes.

23 Q So what's the purpose of line-of-sight
24 supervision, generally?

1 A It is for their safety.

2 Q Is it -- I'm sorry, I don't mean to cut you off.

3 A Well, maybe you should've. It's for their
4 safety, basically to keep them safe. Because of their
5 behaviors, they can get very impulsive and argue, which
6 normal siblings argue, but they can turn into -- they can
7 actually turn into a physical fight or screaming and
8 yelling.

9 Q So would you say line-of-sight supervision is a
10 preventative measure?

11 A Yes, it's to prevent a bad thing happening.

12 MR. MARTIN: I have nothing further, your Honor.

13 THE COURT: Any follow-up?

14 MR. ROTH: No, there isn't, your Honor.

15 THE COURT: Thank you so much for coming back.
16 You are free to go.

17 The witness is excused?

18 MR. MARTIN: The witness is excused. Thank you.

19 THE COURT: The next witness will be?

20 MR. MARTIN: Jacinta Palmer, your Honor.

21 And your Honor, for the record, the matter we
22 discussed before -- Mr. Roth did approach me with his
23 hearing at 3 o'clock. I understand that normally we would
24 take an afternoon break anyway. So I'm not in opposition

1 to taking a break to accommodate his schedule.

2 THE COURT: Okay. Thank you for that courtesy.

3 And let's have the witness sworn, so she can sit
4 down, and then we'll talk about anything else we need to.

5 (Witness sworn.)

6 THE COURT: Go ahead and have a seat.

7 Anything else before you begin to question? I
8 didn't want to cut you off; I just didn't want to leave
9 her standing there. Go ahead, sir.

10 DIRECT EXAMINATION

11 BY MR. MARTIN:

12 Q Good afternoon. Could you state your name and
13 spell your last name for the record.

14 A Jacinta Palmer, P-A-L-M-E-R.

15 Q And where do you work?

16 A I work for Washoe County Social Services, Adult
17 Services, through the Crossroads program currently.

18 Q And what is that?

19 A It's a supportive housing program for adults
20 that are chronically homeless and have substance abuse
21 that they're wanting to address or have mental health
22 issues.

23 Q And how long have you been doing that?

24 A For about approximately 14 months.

1 Q And what did you do before you worked for Adult
2 Services?

3 A I worked for Child Protective Services.

4 Q And what did you do for CPS?

5 A Initially, for the first two and a half years, I
6 worked as an assessment worker/investigator, as they were
7 called back at that time, and then for about 17 years I
8 worked as a permanency worker.

9 Q And what were your duties as a permanency
10 worker?

11 A It was to monitor the case, try to work with the
12 families on permanency, whether that be reunification,
13 whether that be adoption, whether that be independent
14 living for the children. It all varied in trying to get
15 the services that both the parents and the children needed
16 to accommodate those permanency goals.

17 Q And how long, total, did you work for the
18 Department?

19 A For approximately 19, 19 and a half years.

20 Q And what's your educational background?

21 A I have a Bachelor's, with a dual major in
22 psychology and social work.

23 Q And were you employed by the Department as a
24 permanency worker in May of 2011?

1 A Yes.

2 THE COURT: I'm sorry, May of what?

3 MR. MARTIN: 2011.

4 THE COURT: I just didn't hear. Thank you.

5 THE WITNESS: Yes.

6 BY MR. MARTIN:

7 Q And at that time, were you assigned to a case
8 involving Jesus and Penny Faz?

9 A Yes.

10 Q And when were you assigned to the case,
11 approximately?

12 A I don't know the exact date. I do know that it
13 was approximately May 2011, as you stated, but I don't
14 know the exact date.

15 Q Fair enough. And who were the children that
16 were involved in the case when you were assigned?

17 A At that time, there was Jesus C., otherwise
18 known as J.C. Faz, and then there was Logan Faz, Angel
19 Faz, Maria Faz, Michael Faz, and Nathaniel Faz.

20 Q And do you recall how old the children were at
21 that time?

22 A I believe, at that time, J.C. was approximately
23 eleven; the twins were approximately nine; Maria was about
24 seven; I believe Michael was about six, and Nathaniel

1 maybe four.

2 Q And where were the children placed at the time
3 you received the case?

4 A At that time, they were with the Lorenz family.

5 Q And what was your understanding of the reason
6 these children were in foster care?

7 A Because at the time, their mother, Penny Faz,
8 had been arrested for being under the influence of meth
9 and she had already been followed by probation and parole
10 from a DUI charge or conviction that she had in 2010. The
11 house was also found to be unkept and the family had not
12 paid the rent for several months and was then evicted and
13 were living with friends, and the power had been shut off.

14 Q And when you received this case, what was the
15 identified permanency plan for the kids?

16 A Termination of parental rights and adoption.

17 Q And were the children in therapeutic foster care
18 at that point?

19 A No.

20 Q They were in regular family foster care.

21 A They were in a regular foster home that received
22 a special needs rate for the children.

23 Q Tell us a little bit about the children, just
24 generally, to your recollection.

1 A J.C. Faz is a young man now -- he's probably in
2 his adolescence at this point in time -- who liked to joke
3 around at times. He seemed to seek attention for maladies
4 that you weren't sure sometimes that he had or not, just
5 to kind of seek the attention. He enjoyed music and
6 wanted to be able to socialize with other kids, but
7 sometimes he had difficulty with that. He also had
8 difficulty in the past with trying to get aggressive,
9 because his expressive language -- he had expressive
10 language disorders that made it difficult for him to
11 really say what he wanted to say to people, and so he
12 would get in fights and things of that sort. He was a
13 child that was confused and angry, but he could be kind.
14 In one circumstance, he actually -- I fell down when I was
15 over at Kids Cottage and he came and helped pick me up.
16 He was a nice kid.

17 We also then had Logan Faz, who pretty much was
18 focused on video games. He could tell you everything and
19 anything about the video game that he was playing. He at
20 times would talk and be conversive and talk about math and
21 things of that sort, but his general focus was video
22 games. And he didn't have many friends and he felt badly
23 about that, but he and his twin were very close, and
24 sometimes he would bother his twin, Angel, but sometimes

1 he'd be protective of the twin. He was in a social
2 intervention program class, because he had had behavioral
3 issues. He at times would be running out of schools and
4 he'd be throwing chairs and punching people and throwing
5 things. So he had difficulty, but he seemed to settle
6 down a little more once placed in the social intervention
7 program and was found to have attention deficit
8 hyperactivity disorder, and then once he eventually got
9 medicated, he seemed to be able to converse a little more,
10 especially if it was, like, one on one in a car, not
11 looking directly at him and such.

12 Angel was a sweet little boy who had visual
13 impairments. He liked to be kind of the clown to kind of
14 divert people from -- if there was escalations going on,
15 he would try to -- he tried to act like animals to try to
16 get your attention, but most people thought he was sweet
17 and loved him, and he would, like, clown around. And he
18 was working hard, trying to do well in school and be
19 social with most people. He would worry and have
20 difficulty at times throughout the case, because he'd
21 worry about his twin. There was one time during the case
22 where they were not together and they worried about each
23 other, and he especially was always worried, worried about
24 Mom and worried about Dad.

1 We also had Maria, who was your feminine child
2 who loved pink and purple and all the little girly stuff
3 and wanted to have the attention of females. And she
4 loved to read, could read a whole -- anything that you
5 asked her. Like when she was in first grade, I remember
6 her reading to me a lot and always asking if she could
7 read when we'd do visitation. She did present at times
8 with some behaviors that appeared a little more
9 sexualized, and she did express issues as to anger toward
10 her brother J.C., at times wished she didn't have to be
11 with him or visit him, but she tried to accommodate. She
12 seemed closest to her brother who was next in line,
13 Michael, and they would talk and play together, especially
14 when they went into a different school. She seemed to --
15 she adjusted well, she didn't need to have, like, special
16 education during the time period that I had it. She'd
17 need a little help tutoring or something, but nothing that
18 was significant.

19 Michael was a young man who wanted to be liked,
20 but had difficulty with that. He had social issues and
21 expressive language issues and would get really frustrated
22 with school work. It took him hours to try to get that
23 done, and so he would do anything he could just to avoid
24 doing it, but he wanted to be liked and would try to talk

1 and joke around. He was extremely active initially when I
2 met him, when he was -- when they didn't start medication
3 yet. He'd be flying and jumping and moving and touching
4 everything and anything possible that you had. The same
5 goes with the youngest brother, Nathaniel. He was always
6 kind of the baby of the family. He was cute and would
7 seek attention, but he was very impulsive and could be
8 touching anything and had poor boundaries and, later on,
9 started to exhibit some aggressive behavior towards kids
10 at school, staff at school, the foster home. He had
11 difficulty sleeping at night, and he didn't like that
12 feeling of nobody liking him. So he identified that, he
13 recognized that he wanted to be liked, but he couldn't
14 control his impulses.

15 Q So did these kids have specific behavioral needs
16 that needed to be addressed therapeutically?

17 A Yes.

18 Q Could you tell us what those behaviors were?

19 A Like I said, we had J.C. who had more of the
20 history of sexualized behavior with Maria and having some
21 of the inability to converse or expressive language
22 issues, and he'd get frustrated with his homework. He had
23 been, I believe, diagnosed later down the road through the
24 Fetal Alcohol Syndrome Clinic with fetal alcohol -- I

1 think Type 5, but I'm not positive. And he wanted to have
2 friends and tried to seek it, but he wouldn't understand
3 what some people were trying to say to him, and so he'd
4 end up getting in a fight with them. So he needed to
5 be -- first, he needed some medication that had been
6 recommended for him. Initially, that was not approved.
7 The doctor -- Dr. Sorensen, I believe -- was trying to
8 recommend Focalin, but Medicaid would not approve that
9 kind of medication, 'cause it was time-released, and so
10 they had recommended Tenex and that ended up making him
11 extremely aggressive and his body could not handle that
12 medication. So as they tried different kinds of
13 medications and different kinds of behavioral programs, he
14 seemed to improve somewhat. He had difficulty in Reach,
15 where he had been placed, I believe, in June or July of
16 2012, but he stayed there until about September, when they
17 put him in the Northern Nevada Child and Adolescent
18 Services learning home program to try to work on his
19 behaviors and especially with his father, 'cause he was
20 expressing a lot of anger and frustration with his family,
21 with his siblings, was found to be aggressive, doing
22 things to them, or you'd hear from the foster parents that
23 he'd be doing things to them that nobody else could see,
24 that could be dangerous, especially at times to Angel, who

1 was the visually-impaired child.

2 Q So let me -- maybe I should just go from child
3 to child, just to focus this a little bit. What kind of
4 therapeutic interventions did you have to employ as to
5 J.C.?

6 A Well, we did give him -- he had psychosocial
7 rehab skills and he also attended like a pre-adolescent
8 summer camp, and he had the psychiatrist and individual
9 counseling; and then eventually, as we stated, he was
10 going through Reach on the Kids Cottage property, then
11 went through the learning home program, met with Dr.
12 Hargrove for counseling with him and his father to express
13 his issues. He also had had some prior counseling at
14 No Child Left Behind with his father and the family.

15 Q So, basically, those were therapeutic
16 interventions as to J.C.

17 A Yes.

18 Q So were there specific behaviors with Angel that
19 you had to address as his social worker?

20 A Angel was more medical than behavioral, but as
21 we stated, he was -- it was felt that his behaviors would
22 be feeling badly for the twin and kind of just wanting to
23 be around him and always trying to protect him. And while
24 he probably would not have qualified for the learning home

1 generally, it was felt that it was necessary to have him
2 and his twin, Logan, be there, because Logan was
3 experiencing behavioral issues. And he did learn how to
4 communicate better, because he had also had some receptive
5 and expressive language issues, and he also needed to
6 learn Braille through his school and how to walk with a
7 cane and such, because his visual impairment had been
8 affected.

9 Q And when did -- well, let me go to Logan. Did
10 Logan have behaviors, again, that required specific
11 therapeutic intervention?

12 A Yes. Logan required -- he had severe emotional
13 disturbance and the school had to place him into the
14 social intervention program, because he had difficulty --
15 as long as the school and the teachers did not require him
16 to do any school work, he would sit perfectly well in the
17 classroom, but if you required him to do anything, that's
18 when they saw him blowing up, throwing the chairs across
19 the room, running out and running down the street. So
20 he'd have difficulty trying to interact with the students
21 and following directions and so had to be placed into the
22 social intervention program. He also had a psychosocial
23 rehab skills worker for a time period; I believe in June
24 or July of 2012. He was experiencing major depression

1 because of the move from the Lorenz foster home into Kids
2 Cottage and ended up hospitalized at West Hills, because
3 he was again at Kids Cottage throwing chairs and being
4 aggressive towards children and staff and had to be there
5 for approximately a week or so. And then he was placed
6 over at the Northern Nevada Children and Adolescent
7 Services Learning Home around August 7th or 8th of 2012.

8 Q And how long was Angel and Logan at the home?

9 A Let's see here. I'm trying to remember. I
10 don't recall exactly. I believe they stayed till maybe
11 about, approximately, January, February 2013.

12 Q Okay. And then Maria, again, any behaviors or
13 therapeutic interventions?

14 A Well, she was more of the -- we were seeing some
15 pre-sexualized kind of behavior, talking about the boys
16 that she liked. She was found to be at one time -- she
17 was usually -- generally, J.C. and Maria were supposed to
18 be line of sight because of their prior history, and they
19 were caught -- I believe in around January, February, or
20 early part of 2012 -- on the side of the foster home.
21 They were found kissing on the lips. And she'd make
22 comments, I believe, towards Michael, on one occasion at
23 least. So it was felt that -- and she was talking to some
24 of the foster parents' other children, you know, saying

1 she liked them and different things of that sort. So it
2 was felt that she was going to need to have a higher level
3 of care for the line-of-sight supervision.

4 Q Then what about Michael?

5 A Michael had the -- he was a child that initially
6 had an individualized education plan. Then they said he
7 qualified out of it, although we disagreed. We tried to
8 have him assessed for speech and language, but he did
9 not -- we knew that he had been prenatally exposed and we
10 tried to get it through the school, but they said he did
11 not qualify for the speech therapy, the speech and
12 language for an individualized education plan. So later,
13 in the fall or so of 2012, 2013, when he got qualified
14 under other special needs -- because he was then, by that
15 time, on medication for his attention deficit
16 hyperactivity disorder; it allowed him to focus a little
17 better. Because he too was like Logan, where if you
18 didn't force him to do the school work, he was fine. If
19 he could be by himself doing his own thing, he was fine,
20 but you ask him to do anything and he'd become -- either
21 he'd shut down completely and not talk or anything or
22 would act out. He would shut down when he was at foster
23 homes. So having him be able to express what he was
24 feeling was needed through both the learning homes and

1 through the therapeutic and foster home.

2 Q And then what about Nathaniel?

3 A Nathaniel had gotten psychosocial rehab skills.

4 He was supposed to be getting early Head Start. He was

5 found to be real intelligent; he could answer the

6 questions and do the things that would meet his needs for

7 kindergarten, and unfortunately, because there was issues

8 with transportation or such with the Head Start program,

9 he did not go, but he was getting some services over at

10 No Child Left Behind. He, I think, had the psychosocial

11 rehab skills working with him two to three times a week,

12 trying to work on behaviors. She had talked about his

13 academics appearing to be where they probably needed to

14 be, but that his behavior -- he had poor social

15 boundaries, very impulsive and would just go off running

16 and hug somebody that he didn't know, and he would be

17 jumping off things and flying through the room and doing

18 whatever he felt he wanted to do at that very moment.

19 Later, when he went into kindergarten, it was a

20 school that offered free full-day kindergarten. However,

21 he had difficulty managing the full day. You know, within

22 an hour or so, he'd be throwing chairs and they'd have to

23 move all the kids out of the classroom. He'd be hitting

24 and punching the kids and punching the staff and you'd be

1 getting calls from the principal. So they were working on
2 trying to get a plan for him and they were talking with
3 him, as to considering medication and trying to
4 accommodate his behavioral needs.

5 Q All right. When you first received this case,
6 based on your contacts and communications with Mr. Faz,
7 where was he residing?

8 A I believe he was at the Desert Rose Motel.

9 Q Did you ever go out to that residence?

10 A I did.

11 Q And when was that? Do you recall?

12 A I believe it was in 2011. I don't recall if it
13 was the spring or the beginning of the summer. I think I
14 might've gone once or twice. I can't remember if it was
15 once with CASA or such, but -- I mean, the room was clean
16 and it was a general motel room. It appeared to have,
17 like, two beds and it had an enclosed shower/toilet area
18 and then the sink with a mirror, with a wall between the
19 toilet area. He also had like a small little refrigerator
20 and a microwave.

21 Q Is that appropriate for six children?

22 A It'd be challenging, especially with the needs
23 of these children and especially with the issues of the
24 separation needed for J.C. and Maria.

1 Q Okay. And based on your contacts and
2 communications with him, how long did he reside in that
3 one-room motel room?

4 A I believe it was at least a year or so, because
5 he'd already been living there before I came. Truthfully,
6 I know that he was at Desert Rose, and I believe in April,
7 I think he ended up getting arrested for 10 days for the
8 past child support action but was able to go back to the
9 hotel. He then later moved to another hotel, and so he
10 kind of moved back and forth to a couple motels.

11 Q So what were the barriers to reunification at
12 that time?

13 A It would be his ability to get the appropriate
14 housing that would meet the children's needs. So we would
15 talk about maybe, at least, considering -- the best thing
16 would've been like maybe a four-bedroom place and trying
17 to have appropriate supervision. Because he also worked
18 the graveyard shift or a 12-hour shift in the taxi
19 business, and so having somebody who could supervise the
20 children while he's working and being able to have a room
21 where Maria could have her own spot. You'd have to
22 have -- we discussed how he needed the buzzers with J.C.,
23 because of the prior history that he had, and then just
24 kind of watching the other three or four children.

1 MR. MARTIN: And I'm not certain, your Honor --
2 it's almost 3:00.

3 THE COURT: And I wasn't sure whether you wanted
4 to go at 3:00, sir, or you were expecting someone to call.

5 MR. ROTH: Your Honor, the hearing was set for
6 3:00 and I had mentioned to the bailiff there that they
7 could maybe call us and remind us about it, but I know the
8 hearing was set for 3:00. So I'm assuming, since they
9 aren't calling, that they're running late.

10 THE COURT: Is it possible to ask our bailiff to
11 check? Can you check with Master Lu's courtroom? Mr.
12 Roth is expected -- do you know the client name, so he can
13 check?

14 MR. ROTH: Yes, it is Ramirez.

15 THE COURT: So if you could see if they're up
16 soon or -- Were you finished with your questions, or did
17 you want to continue while he checks?

18 MR. MARTIN: I can continue asking questions.

19 THE COURT: Okay. And then just interrupt us,
20 sir, when you have some information for us. Thank you.

21 BY MR. MARTIN:

22 Q Now, when you first received this case, did you
23 have any contact from Mrs. Faz?

24 A Generally, I would have to try to track her

1 down. She never would contact us.

2 Q And how frequently would you make contact with
3 her?

4 A Maybe two -- in the first six months or so, I'd
5 say it was probably two or three times.

6 Q And when you made contact with her, did she ever
7 indicate she was in substance abuse treatment?

8 A No.

9 Q That she had housing for the kids?

10 A No.

11 Q That she had any income?

12 A No.

13 Q Did she ever indicate to you that she was in a
14 position to take the children?

15 A No.

16 Q What was the status of her visitation with the
17 children?

18 A At that time, she was not allowed to have
19 visitation, as had been therapeutically recommended, and
20 she was just having phone contact.

21 Q So did you attend an 18-month review hearing in
22 this case?

23 A Yes.

24 Q And did you make any recommendations as to a

1 permanency plan for these kids?

2 A Termination of parental rights.

3 Q And why did you make that recommendation?

4 A Because at that time Mr. Faz still did not have
5 the housing or the supervision that would be necessary to
6 try to meet the needs. He would be talking about he was
7 trying to get some housing that would be appropriate, but
8 he, at that time, still had not gotten it.

9 Q And were there any other barriers at that point
10 to reunification with his kids?

11 A Understanding what his children's needs were
12 and trying to comply or follow through on some of the
13 recommendations that providers would be suggesting to him
14 therapeutically. At times, he would dismiss what
15 educational providers, therapeutic providers would be
16 saying. It would just generally be what he felt would be
17 right for the children.

18 Q And did Mr. Faz ever acknowledge that any of the
19 children had issues with sexual abuse?

20 A Not at the 18-month, but later down the road, I
21 think approximately around -- between the 30 and 33-month
22 review hearing, when there was more discussion about
23 having found Maria and J.C. kissing in the early part of
24 2012, and also Maria then disclosing that allegedly J.C.

1 had been again inappropriate with her in the fall of 2012.

2 Q What do you mean by "inappropriate"?

3 A Touching her inappropriately.

4 THE COURT: We'll pause, sir.

5 THE BAILIFF: They're ready for Mr. Roth now.

6 THE COURT: Then we will pause at this point.

7 Let the bailiff know when you're ready, sir.

8 MR. ROTH: Thank you very much, your Honor.

9 (Recess taken.)

10 THE COURT: All right, so we're picking up where
11 we left off. I think Mr. Martin wasn't quite finished.

12 MR. MARTIN: No, your Honor.

13 THE COURT: All right. Go ahead, sir.

14 BY MR. MARTIN:

15 Q So when you said J.C. touched Maria
16 inappropriately, what did you mean by "inappropriately"?

17 MR. ROTH: I think that's asked and answered.

18 MR. MARTIN: I don't believe it was.

19 THE COURT: I believe she said in inappropriate
20 places. So if you wish her to be more specific, you can
21 certainly ask that. She did answer that question.

22 BY MR. MARTIN:

23 Q So what did you mean by "inappropriate places"?

24 MR. ROTH: May I have a foundation as to her

1 ability to answer that question, whether that information
2 came from Maria or some other source?

3 THE COURT: Do you know what she meant by that,
4 Ms. Palmer? Do you know what she meant by that more
5 specifically? Do you know, is the question.

6 THE WITNESS: No.

7 BY MR. MARTIN:

8 Q Did Mr. Faz ever acknowledge that any of the
9 children had issues with sexual abuse?

10 A Yes.

11 Q And did you ever discuss that issue with him?

12 A I did. As I said, later as the information was
13 coming through, I actually had given Mr. Faz J.C.'s
14 psychosexual evaluation that had been done in the past,
15 prior to my involvement, as he denied ever having gotten
16 it in the past.

17 Q Did you review it with him?

18 A With what he -- with the questions that he had,
19 yes.

20 Q And what did he indicate to you when you
21 reviewed it with him?

22 THE COURT: "He" being Mr. Faz?

23 MR. MARTIN: Mr. Faz, yeah.

24 THE WITNESS: That he would like to be able to

1 talk to J.C. himself and discuss his son's understanding
2 about sexuality and how to interact with females and not
3 interacting and not touching his sister -- or interacting
4 or kissing his sister was not okay, but also how he should
5 act generally with other females and wanted to have that
6 conversation, because I know for a time period J.C. was
7 not opening up to anybody about it.

8 BY MR. MARTIN:

9 Q Did you supervise any of the visits between
10 Mr. Faz and his children?

11 A I did.

12 Q And why were the visits supervised?

13 A Initially, there was a concern -- when I got
14 involved, I was told that he would escalate in therapeutic
15 settings, because the plan at that time had been adoption.
16 Generally, even when he had visitation, there was
17 questions as to his interaction and appropriate parenting
18 and rough-playing and such. So kind of monitoring how
19 he's doing and then later trying to reassess his ability
20 to be able to reunify with his children.

21 Q Okay. Based on your contacts and communications
22 with Mr. Faz -- and I apologize if you already said
23 this -- how long did he stay at the Desert Rose Inn?

24 A I believe it was at least a year, while I was

1 involved. I don't know if there was a time where he went
2 to the Desert Rose, left the Desert Rose, and went to it
3 again. I don't recall. I know there was a time period
4 where he was at the Desert Rose at the beginning and I
5 know there was a time period when he was at McGregor Inn,
6 and there was a time period he was living with friends.

7 Q And this was over the life of the case?

8 A Yes.

9 Q And you appeared at a 24-month review hearing or
10 a 24-month permanency hearing in this case. Correct?

11 A Yes.

12 Q And what was your recommendation for permanency
13 at that point?

14 A Termination of parental rights.

15 Q And why was that your requested permanency plan
16 for the kids?

17 A Pretty much in the life of the case, he had
18 difficulty trying to get the housing. He would keep
19 telling us that he was going to be getting it, was seeking
20 a larger place, but was unable to get it at that point in
21 time. Plus, trying to work on trying to get the
22 appropriate supervision that would be necessary for the
23 children and their needs and learning about what are the
24 children's needs, because we were then trying to

1 incorporate back into coming to the therapist appointments
2 and coming to the medical appointments and trying to get a
3 little more acquainted again.

4 Q Were those medical and therapeutic appointments,
5 in your estimation as a social worker, were they
6 important?

7 A Yes. with these children, with all their
8 issues, yes.

9 Q How long were the kids in the Lorenz foster
10 home?

11 A I believe approximately two years, two and a
12 half years. From 2010 to 2012, June of 2012.

13 Q And where did they go after that?

14 A They went initially to Kids Cottage.

15 Q And then where did they go from Kids Cottage?

16 A We had -- let's see here. We had Michael and --
17 well, first, we had Logan go to the learning homes and we
18 had Michael and Angel go to the learning homes, and then
19 we had J.C. staying at the Reach program and we had Maria
20 and Nathaniel going to a Koinonia foster home.

21 Q And, eventually, did Michael join the --

22 A After he completed the learning homes, he was
23 introduced into the Koinonia foster home.

24 Q Why was the family -- why did you believe the

1 family learning home was appropriate for Michael?

2 A At that time, he was having difficulty in both
3 school and also at Kids Cottage, where his behaviors were
4 having difficulty trying to complete the work and
5 behaviorally acting out or shutting down, so that he was
6 not talking and interacting, and it was felt, when talking
7 to the therapist, that he might learn some more
8 socialization skills. And we advised Mr. Faz about that
9 and he was in agreement.

10 Q So when you moved them into the Koinonia foster
11 home, who was that foster parent?

12 A I believe it was Lloyd and Tamara Reid.

13 Q And then why was J.C. placed in Reach?

14 A Because of the behaviors, being aggressive both
15 at school and at Kids Cottage, trying to talk about -- we
16 were hoping or trying to see if he'd open up a little bit
17 about the prior sexualized behavior, how to interact
18 appropriately with others, but it was also just being able
19 to function in school and function with other classmates.

20 Q And then Angel and Logan, why were they
21 appropriate for the learning home environment?

22 A Logan more so than Angel, but it was felt that
23 it was necessary to have Angel there with Logan and not
24 separate the twins. And Angel met the criteria enough to

1 be able to go there, to both learn some socialization
2 skills and have parent training available for Mr. Faz to
3 learn how to -- learn what his children's needs were at
4 that point in time, since they had been out of his home
5 for several years.

6 Q And again, we go back to the 33-month permanency
7 hearing. You were in attendance at that hearing?

8 A Yes.

9 Q Again, at 33 months, what were the barriers to
10 reunification?

11 A Can you tell me, when was the time of the
12 33-month?

13 Q Would a court report refresh your memory?

14 A Yes.

15 MR. MARTIN: May I?

16 THE COURT: You may.

17 MR. MARTIN: I'm sorry, I just have to ask you
18 one more question.

19 THE COURT: If you're finished with it, you need
20 to turn it over.

21 THE WITNESS: Okay.

22 BY MR. MARTIN:

23 Q And is your memory refreshed by reviewing that
24 report?

1 A Yes.

2 Q So, at 33 months, what were the barriers to
3 reunification?

4 A At that point in time, he was living with
5 friends. He had left --

6 MR. ROTH: Excuse me, just clarification on who
7 "he" is.

8 THE WITNESS: Excuse me. Mr. Faz had indicated
9 to me that he was going to be turning himself in
10 approximately August 30th to child support, because he had
11 a child support action to deal with, that he was gonna
12 have to serve 30 days in jail. We had discussed that
13 sometimes jails don't keep you that long, but to do what
14 he felt was right. And he was released within five days,
15 but he had already let his residence go at that point in
16 time, so was going to go stay with friends at that time.
17 And then we had him trying to gain the income to figure
18 out where he could live and be able to meet the needs for
19 the children.

20 BY MR. MARTIN:

21 Q And was Mr. Faz receiving any services at that
22 time?

23 A He was beginning to work with Dr. Hargrove with
24 J.C. He had also -- previously in the past, had been

1 doing some family counseling with about four of the kids
2 through No Child Left Behind. He was also talking about
3 wanting to initiate some counseling through Craig Merrill,
4 because, admittedly so, he was feeling depressed about how
5 the case was going and not sure what was happening.

6 Q Did he indicate to you what he felt Craig
7 Merrill was going to address?

8 A His depression and also his feelings of anger
9 towards the agency and the guilt over what he was feeling
10 for the kids and what he's put them through and how do you
11 address it and what do you need to do for it. I believe
12 he also had been talking to me a little bit -- we'd talk
13 about where his money was going to. He'd be talking about
14 how he gambled at times, and so talking about trying to
15 also find some other services or see if we could assist in
16 those services in the future, to help him address that
17 matter.

18 Q And then at that point, how far along was Mrs.
19 Faz in the reunification process?

20 A She was not. She was just doing the phone calls
21 with the children.

22 Q Did you ever reach out to her?

23 A Yes, and she was actually -- I don't recall the
24 exact time, but she actually had come to one of the child

1 and family team meetings that she had been invited to by
2 the therapist, but other than that, she would not call or
3 contact us, other than asking for visitation. And at
4 times, her phone was not working; so we'd have to track
5 her down, try to search for her.

6 Q And again, let's move forward to -- you attended
7 a 36-month permanency hearing?

8 A Yes.

9 Q And what was your recommendation at 36 months?

10 A Termination of parental rights and adoption.

11 Q And why did you make that recommendation?

12 A In October we had an incident, an episode that
13 wasn't substantiated, but Mr. Faz was found to have done
14 like a choke-hold kind of thing while he was at the movies
15 during visitation with J.C., resulting in J.C. passing out
16 and falling and hitting his head and the other children
17 being present during that time period. He denied that he
18 intentionally did those actions, and J.C. disclosed to a
19 therapist that it happened but then would recant, and the
20 other kids would talk about seeing some of that behavior.

21 Q And so what --

22 A No, go ahead.

23 Q And so what progress was Mr. Faz making with
24 housing, if any, at that time?

1 A At that time, he was still looking for a place.
2 He was hoping to get a larger place with his adult son.
3 we were talking to his adult son as a placement option or
4 seeing if he would be -- he later disclosed that the son
5 did not -- their credit history or credit reporting had
6 not been approved. He was also discussing trying to
7 address his prior child support issues, indicating that
8 it'd been addressed, but we did not get the paperwork at
9 that time to confirm that. He was supposed to be getting
10 life insurance on himself for the ex-wife; so that if
11 something happened, it would pay for the prior child
12 support.

13 Q Was that the only issue, his ability to put a
14 roof over their head?

15 A No, no. It's also being able to work with the
16 team who was making recommendations, both in education and
17 therapeutically, and trying to learn the skills that were
18 necessary to kind of de-escalate. Sometimes he would talk
19 about trying to wear the kids down, even though he'd be
20 told that -- like, for instance, with Nathaniel, there was
21 questions of whether Nathaniel had sensory integration
22 issues. So that would escalate him when they would be
23 rough-playing, versus de-escalating him, but he indicated
24 he felt that his methods were effective with his children.

1 Q As their caseworker, what did you see as their
2 supervision needs?

3 A I think that he needed to have a fairly close
4 line of sight for the children, because they'd be all over
5 the place. They would be hitting each other at different
6 times and trying to get their father's attention during
7 the visitation, but you'd have Logan just kind of off by
8 himself and you'd have to be making sure that Angel didn't
9 injure himself because of his visual impairment issues and
10 watching how J.C. was interacting with any of the
11 children. Because sometimes he could be kind-hearted, but
12 other times he would be doing very physically aggressive
13 behaviors that you would hear about but never see. He'd
14 do it in kind of a manner that was not seen until the
15 child would tell you later.

16 Q And at that time, the 36 months, what were the
17 barriers to reunification for Mrs. Faz?

18 A She still did not have an income. She still had
19 not addressed her sobriety. She still had no place to
20 live and did not -- really was not acquainted with the
21 children's needs.

22 Q And how long did you work with the family?

23 A I worked from approximately May of 2011 to about
24 April, May of 2013.

1 Q What is a child and family team meeting?

2 A Excuse me? I'm sorry.

3 Q What is a child and family team meeting?

4 A It's when you invite not only the parents, and
5 depending on the age of the child, you invite the child
6 and the team providers -- that could be the therapists,
7 the school providers, the social workers, the psychosocial
8 rehab skills worker, anybody who is a participant with the
9 child -- to determine what's best for that child and how
10 do you meet those child's needs.

11 Q And did the Department hold those meetings
12 throughout the case?

13 A Yes.

14 Q How frequently?

15 A I think that toward the end, we were holding
16 them monthly, especially, I believe, for Maria and
17 Nathaniel and Michael, because usually at Koinonia they
18 would try to generally have the meetings over at their
19 office. We were also having meetings for each of the
20 separate children, just depending on when you could
21 connect everybody to come to them.

22 Q And who attended these meetings?

23 A Mr. Faz attended any that he was invited to.
24 Ms. Faz, as I stated, only attended one out of the whole

1 time that we had them. I know that we had the therapist
2 for the three younger children when they were at Koinonia.
3 I believe Danielle Osier-Tatar was there. The social
4 workers for Koinonia were present. I'm trying to see here
5 if the children -- we might bring them in real briefly,
6 but they didn't stay for much of it. And we had the
7 school by phone and any therapists that were involved at
8 that moment.

9 Q What types of things did you address at these
10 meetings?

11 A Just what was going on with the children's
12 schooling, what was the permanency plan, how to
13 incorporate the father into participating in some of the
14 counseling, what was their psychiatric needs, how could
15 the consideration of medication be introduced with the
16 kids and his thoughts about it.

17 Q And did Mr. Faz participate in these meetings?

18 A Yes.

19 Q And how was he in discussing his children's
20 special needs at the meetings?

21 A He would listen, but at times he would challenge
22 the providers and question -- at times he had good
23 questions and other times it was just questions that he
24 was not willing to listen to or address or consider.

1 Q Okay. Did you eventually transfer this case?

2 A Yes.

3 Q And when did you transfer it?

4 A I believe it was May 2nd, 2013.

5 Q And to whom did you transfer the case?

6 A It transferred to three separate workers. I
7 think it was Scott for J.C., I believe.

8 Q Scott --

9 A Sheldon, I'm sorry.

10 And I think it was Jennifer McKiernan and Julia.

11 Q And you're referring to Ms. Bauer?

12 A Yes.

13 MR. MARTIN: I have no further questions, your
14 Honor.

15 THE COURT: Mr. Roth.

16 MR. ROTH: Thank you.

17 CROSS-EXAMINATION

18 BY MR. ROTH:

19 Q How are you this afternoon?

20 A Good, thank you.

21 Q Are you enjoying your new assignment dealing
22 with homeless adults?

23 A It's new things every day, new experiences every
24 day.

1 Q I admire your ability to handle those kind of
2 cases.

3 You've known Mr. Faz since you became involved
4 with this case back in 2011, I guess.

5 A Yes.

6 Q And during that time, you had occasion to visit
7 his residence, I believe, the one at the Desert Hills
8 Motel, but there weren't really other places during the
9 time you were supervising this case, that you remember.
10 You mentioned a couple of other places that he possibly
11 could be at, but you didn't seem to be sure of that.

12 A Well, I do recall -- I don't recall the time
13 period, but I do recall visiting his McGregor motel room,
14 because we were talking about visitation for any and all
15 the kids. And I also did, toward the end of the case --
16 so whether it was April, May -- when he was getting the
17 new apartment, I came out there with him to check it out.
18 It was a two-bedroom apartment off of Rock Boulevard or
19 behind Rock Boulevard.

20 Q And did you notice anything like places to
21 provide food, a refrigerator, a microwave? You mentioned
22 you noticed that at Desert Rose Inn.

23 A Yes.

24 Q And was that the same for the other locations?

1 A Yes.

2 Q And did the places seem to be fairly clean? You
3 indicated that Desert Rose was clean.

4 A Yes, each one of them -- you know, motel rooms
5 are small; so trying to fit some of the stuff, but it was
6 appropriate.

7 Q It was small.

8 A Yes.

9 Q At that time, was visitation unsupervised?

10 A Excuse me?

11 Q Referring to the time that he resided at the
12 Desert Rose Motel.

13 A No. They were being generally supervised over
14 at the pizza parlor and at the park and through the foster
15 parents and things of that sort.

16 Q Was there ever a time when the children had an
17 overnight visitation at the Desert Rose?

18 A I don't recall. He never had an overnight
19 visit. He might've had like a couple hours, but during
20 the time period I was involved, he did not have an
21 overnight, that I recall.

22 Q You can't recall at this point.

23 And how about McGregor Inn and the other
24 locations? Do you know if he had visitation with the

1 children at those places?

2 A He had visitation at the McGregor Inn. It would
3 be for a couple hours, but he did not have any kind of
4 overnight visitation. And then sometimes they'd meet at
5 the park and such.

6 Q Probably the biggest issue at this point with
7 you and Mr. Faz was that he didn't have an appropriate
8 place for six children. Am I saying that correctly?

9 A It was one of the issues.

10 Q And perhaps equally so is that you felt he did
11 not have the ability to understand the proper therapy that
12 his children needed to clean up their problems or issues.

13 A He needed to be guided more so on trying to do
14 the appropriate parenting and setting some of the limits.
15 And sometimes, especially with some of the kids that
16 needed -- you know, it would escalate because of the
17 rough-housing or -- for instance, one circumstance I
18 watched him while we were at No Child Left Behind and
19 Angel asked to be swung and hung up. So Mr. Faz actually
20 leaned him over and was kind of swinging him over a
21 concrete sidewalk, even though this was a child that just
22 had had surgery a couple years ago and is supposed to be
23 wearing helmets and things of that sort.

24 Q So it was a matter of your thinking that

1 Mr. Faz's style of parenting was not appropriate?

2 A At times it was appropriate and at other
3 times -- I know that there was times when we'd hear
4 that -- like when he'd be at Kids Cottage, because some of
5 the staff had dealt with him in the past. They said that
6 in June when the kids came, his parenting had improved,
7 but other times he would still kind of push it to the edge
8 and challenge what was happening and not be willing to
9 listen to what either the kids were saying or what other
10 staff members were saying. Because there would be times
11 the kids would be just, like, "Leave me alone," and he
12 would still keep pressing them and poking them till they'd
13 blow.

14 Q Now, the kids, did they express fondness for
15 their father?

16 A Yes.

17 Q Going back to the residence --

18 THE COURT: Excuse my interruption. That was a
19 general question and a general answer. Is there any
20 difference among them, or does the answer "yes" apply to
21 all of them?

22 THE WITNESS: Which part, your Honor?

23 THE COURT: He asked you if the kids expressed
24 fondness for their dad and you answered "yes," and I

1 wondered, did that apply to all of them or would you make
2 a distinction among the kids?

3 THE WITNESS: I mean, they all had an attachment
4 to him, but some would express being frustrated with their
5 father. Like, for instance --

6 THE COURT: I don't mean to ask you a different
7 question, but you would say yes, you thought they were all
8 fond of their dad?

9 THE WITNESS: Yes.

10 THE COURT: All right. Go ahead.

11 MR. ROTH: Thank you, your Honor.

12 //

13 BY MR. ROTH:

14 Q The home that Mr. Faz maintained for some time
15 was obviously not large enough for the children. What
16 were the barriers that he had in getting a different
17 location, a different home?

18 A One would be -- he would indicate that his
19 criminal affected him getting larger housing that he had
20 been considering and, you know, trying to get the income
21 to meet the housing needs, but he talked a lot about his
22 criminal affecting his case, and then you'd have the issue
23 of him kind of going in and out of jail because of his
24 prior child support issues.

1 Q He'd only gone in and out of jail one time,
2 hadn't he?

3 A Twice, at least. April 2011 and I think June --
4 no -- August 30th, 2012.

5 Q He apparently was able to resolve that issue
6 with his back child support.

7 A My understanding was -- toward the end of the
8 involvement that I was involved, yes. My understanding
9 was that he had gotten the paperwork needed to address his
10 child support issues.

11 Q You were aware, of course -- well, let me
12 rephrase that. Are you aware that Mr. Faz was able to
13 have his criminal record modified and mitigation was
14 considered and the criminal charge was lowered from a
15 felony to a gross misdemeanor?

16 A I just recently received that information.

17 Q And that had been one of the barriers for him,
18 of course, to getting a new home or a better home.

19 A Yes.

20 Q So, to the best of your knowledge, that barrier
21 has been lifted?

22 A Yes.

23 Q And to the best of your knowledge, the issue of
24 child support has been lifted.

1 A Yes.

2 Q The issue of getting the apartment and getting
3 the right place to live now for the three children that
4 are involved in this case -- Maria, Nathaniel, and
5 Michael -- is that, in part -- do you know anything about
6 that part, or is that something you don't know because you
7 left this case?

8 A Yes, I've not been involved since that point.

9 Q Did Mr. Faz -- during the time that you were
10 supervising, did he show some abilities to reunify with
11 his children? Did you see some, maybe, growth in his
12 abilities?

13 A Yes, and that's why we had repeatedly talked to
14 him about first integrating his eldest son, J.C., and then
15 seeing how he did to incorporate possibly the twins and go
16 from there.

17 Q So you felt that he could have rehabilitated, he
18 could've understood.

19 A We felt that there was the potential and we were
20 trying to assess that.

21 Q This is not a case where he just doesn't have
22 the ability to parent.

23 A Right.

24 Q Mr. Faz apparently disagreed with several of the

1 recommendations for therapy for his children. Michael was
2 one and maybe Maria. Did he have alternates that he
3 suggested for therapy, alternate ways to handle the
4 situation?

5 A I know that -- well, not for Michael or Maria.
6 I did not hear about any of that at that time.

7 Q For any of the other children?

8 A He would talk about, like for Nathaniel, that
9 they should come and talk to him, versus talking to the
10 providers, that he would address it.

11 Q You mentioned that in the 36-month permanency
12 hearing, there was an issue that came up concerning -- I
13 believe you called it a choking incident at the movies.
14 Did we provide you some information about witnesses who
15 were there at that event and did not verify that that
16 choking took place?

17 A No.

18 Q Do you recall that?

19 A No.

20 Q That incident was never -- I don't like to say
21 "proven," because people always think it has to be beyond
22 a reasonable doubt or something, but what information did
23 you have?

24 A I know that it was unsubstantiated, but I know

1 that the children -- they talked to some of the children
2 who were indicating, but we were understanding that the
3 police also interviewed some of the other people, but I
4 did not -- there was an assessment worker that was
5 investigating into that matter.

6 Q Maybe it was provided to the assessment worker.
7 You had meetings monthly, and I guess they were
8 a team of people who were involved with the therapy for
9 the children and involved with the case.

10 A Yes.

11 Q And you said they were monthly. Was it a
12 different team each month?

13 A No. Generally, it was the same group of people.
14 Sometimes you might incorporate a teacher who wasn't able
15 to come; most of the time, because it fell on her school
16 time, but they would occasionally try to accommodate and
17 get somebody to substitute in, so that they could come and
18 participate or come by phone.

19 Q And how many of these did Mr. Faz attend?

20 A I truthfully don't know the number.

21 Q Was it a lot?

22 A It was a lot, yes.

23 Q And during those meetings, he apparently
24 expressed either disagreement with the therapy or had some

1 other idea on how it should be handled?

2 A Yes.

3 Q And with that information, were you able to work
4 out any kind of a compromise in the way the therapy was
5 handled?

6 A I mean, we asked him to try to talk to the
7 therapeutic provider when he'd have issues, so that he
8 could kind of understand where they were coming from.

9 Q Do you know that he tried to talk to them and
10 they wouldn't talk to him?

11 A I know initially that was the circumstance, but
12 I believe we still encouraged him to try to talk to them
13 and see what was happening. And I know that he would talk
14 to other -- I think he talked to J.C.'s therapist, Dr.
15 Hargrove.

16 Q Is the answer no, then, that your team did not
17 come up with any kind of different approach, one that
18 maybe took into consideration Mr. Faz's objections?

19 A I truthfully don't know.

20 Q But these meetings happened monthly for a lot of
21 years, didn't they?

22 A I believe so, but they were happening toward the
23 end of my involvement in the case.

24 Q I'm not trying to put blame on anybody, but I'm

1 just trying to show that we are not aware of any
2 compromise or suggestion for therapy that might have been
3 able to satisfy Mr. Faz, without having this black and
4 white issue.

5 A I don't recall him asking if there was any other
6 therapist that he could consider or things of that sort,
7 no.

8 Q You are aware that Mr. Faz now has J.C. living
9 with him, and Logan and Angel?

10 A I recently was told that, yes.

11 Q Did you have anything to do with that decision
12 to reunite them with their father?

13 A No.

14 MR. ROTH: Thank you. And I have no further
15 questions.

16 THE COURT: Sir?

17 REDIRECT EXAMINATION

18 BY MR. MARTIN:

19 Q During your tenure as the permanency worker in
20 this case, did you consistently assess Mr. Faz to
21 determine whether reunification with the children could be
22 instituted?

23 A Yes.

24 MR. ROTH: Your Honor, I do not understand the

1 question, "Did you assess Mr. Faz?" I'm not sure that --

2 THE COURT: Can you reword it perhaps?

3 BY MR. MARTIN:

4 Q Since you were the permanency worker assigned to
5 this case as to permanency of these kids, did you look at
6 Mr. Faz, as you were going on, to determine whether or not
7 you could place his children in the home with him?

8 A Yes.

9 Q So you were looking at his circumstances and his
10 housing and everything else.

11 A Yes.

12 Q In terms of the children, when you were looking
13 at him, was it kind of an all-or-nothing deal?

14 A No. I mean --

15 Q In terms of the six -- let me be clear -- in
16 terms of the six children.

17 A Right.

18 No. Initially, it came out as it was all the
19 kids to be reunified, but as we progressed through the
20 case, we were first talking about seeing how he could do
21 with the eldest child, who -- we knew that there were some
22 challenges between the two of them, because they both are
23 very strong-willed, both J.C. and Mr. Faz, and we would
24 discuss as to their abilities to kind of overcome those

1 issues, and then if we could work with him as to the next
2 set of children. Because, also, they were older and more
3 capable of insuring their safety, if physical discipline
4 were to come into play or such.

5 Q So when you were looking at the older
6 children -- you talked about their age and supervision.
7 Was it a different analysis for the older kids than it was
8 the younger kids?

9 A Yes.

10 Q I mean, did the kids have all the exact same
11 needs?

12 A No.

13 Q So what was the advantage to looking at the
14 older children?

15 A Well, initially we looked at J.C., because --
16 one was that he indicated that that's pretty much the only
17 place that he wanted to go. For a little time period, he
18 talked about wanting to be adopted and being away from the
19 whole family, but then he went back and would not work
20 with anyone other than his father and was becoming very
21 resistive to anything through school, through a therapist,
22 and would listen to his father at different times, and
23 Mr. Faz seemed to interact and try to educate his son on
24 certain aspects, and so it was recommended by Dr. Hargrove

1 to kind of look at the two.

2 Q Did the older three require the same level of
3 supervision as Maria, Michael, and Nathaniel?

4 A Different. I mean --

5 Q And what do you mean by "different"?

6 A Well, one is, they're more capable of being --
7 you know, if you're being left alone for an hour or two
8 when you're 14 and you're just in your apartment, that is
9 different than a four- or five-year-old that has also got
10 attention deficit hyperactivity disorder that could place
11 that child in an unsafe situation, versus the older
12 brother, J.C., who -- if he was not around Maria or some
13 of the other kids, then he would be safer and be able to
14 disclose anything that he felt necessary.

15 Q And when you were determining whether or not
16 Mr. Faz had appropriate housing, did the children's level
17 of supervision play a part in your analysis?

18 A Yes.

19 Q How did that play a part in the analysis?

20 A Well, one is the conditions of requiring -- like
21 how many bedrooms are in there and doing the line of sight
22 that was recommended from the therapists and just making
23 sure that the father was able to accommodate that, and he
24 would agree that he'd prefer looking for a three to

1 four-bedroom house. And we talked about even having
2 appropriate people watching the kids, where the older ones
3 are not required to have child care, you know, unless
4 deemed appropriate, where they could go to the Boys and
5 Girls Club, or possibly sometimes there's family, versus
6 the other children that would need to have a more licensed
7 kind of provider, especially if he was working the time
8 shift that he was working, which is difficult to find
9 licensed child care in the graveyard shift.

10 MR. MARTIN: Nothing further, your Honor.

11 THE COURT: Mr. Roth?

12 MR. ROTH: Thank you, your Honor. I will not be
13 asking Ms. Palmer any more questions.

14 THE COURT: Thank you, Ms. Palmer.

15 Sir?

16 MR. MARTIN: I'd like to call Julia Bauer.

17 (Witness sworn.)

18 DIRECT EXAMINATION

19 BY MR. MARTIN:

20 Q Good afternoon. Could you state your name and
21 spell your last name for the record?

22 A Yes, Julia Bauer, B-A-U-E-R.

23 Q And where are you currently employed?

24 A Washoe County Department of Social Services.

1 Q And how long have you worked for the Department?

2 A Since August 2007.

3 Q And what do you do for the Department?

4 A Currently, I'm a senior social worker
5 responsible for training assessment workers.

6 Q And what does that entail day to day?

7 A Investigating allegations of abuse or neglect
8 and training other incoming employees how to do that.

9 Q And how long have you been a trainer?

10 A Since June of this year.

11 Q What did you do before that?

12 A I was a permanency worker with the Department.

13 Q And what did you do as a permanency social
14 worker?

15 A I worked with families who had children in
16 foster care or who were determined to be unsafe in their
17 parents' home. I worked towards reunification in most
18 cases and other permanency plan cases.

19 Q And as a permanency worker, were you assigned to
20 a special unit?

21 A I was, I was assigned to a grant program called
22 Safe FC.

23 Q And what is that program?

24 THE COURT: What does it mean, first of all, for

1 the record?

2 THE WITNESS: It's a safe model, which is a
3 model for assessing safety throughout the life of a case,
4 which was developed by Action for Child Protection, a
5 Child Protective Services organization. The FC stands for
6 family connections, which is a theoretical model for
7 interacting with families and having contact with families
8 throughout the life of a case management.

9 BY MR. MARTIN:

10 Q And how long did you work within that unit?

11 A Just over a year.

12 Q And what kind of education do you have?

13 A I have a Bachelor's degree in sociology and a
14 Master's degree in social work.

15 Q And you've had training in risk safety
16 assessments?

17 A Yes.

18 Q What type of training have you had?

19 A Numerous trainings over the seven years that
20 I've been with the Department, plus two prior years with
21 the Division of Child and Family Services. I've been
22 trained in each of the safety models that we've
23 implemented with the county. I've done trainings with
24 regard to investigating child trauma, forensic

1 interviewing of children, and I also completed extensive
2 training for the Safe FC grant project, specific to that
3 program.

4 Q Were you employed by the Department as a
5 permanency worker in May of 2013?

6 A I was.

7 Q And did you become involved in the case
8 concerning Jessie and Penny Faz?

9 A Yes, I did.

10 Q And who were the children that you received on
11 your caseload?

12 A I was responsible for supervising Maria,
13 Michael, and Nathaniel Faz.

14 Q And how old were they when you received the
15 case?

16 A Nine, eight, and six, I believe.

17 Q And were there other children in the Faz family
18 that Social Services had custody of, to your knowledge?

19 A Yes, there were.

20 Q And who were those children?

21 A Angel, Logan, and J.C.

22 Q And were they assigned to your caseload?

23 A They were not.

24 Q And why not?

1 A At the time the case was transferred from Ms.
2 Palmer, it was determined by the Department that because
3 of the sensitive needs of the children and the fact that
4 they were currently all residing in different placements,
5 that the caseload should be split between various workers,
6 so that the needs of the individual children could be
7 focused on, and we also looked at if those children would
8 benefit from having different permanency plans from one
9 another.

10 Q And where were Maria, Michael, and Nathaniel
11 placed when you received the case?

12 A They were placed in a Koinonia foster home with
13 the Reid family.

14 Q And what was your understanding of the reason
15 these children were in foster care?

16 A The children had been in care since 2010, and I
17 understood the reasons for removal being with respect to
18 Mrs. Faz's history of methamphetamine use. She had been
19 arrested back in 2010 and was unavailable to care for the
20 children. I was also aware that the home had presented
21 with some immediate health and safety concerns and that
22 there was no appropriate person to supervise the children
23 while Mr. Faz was working.

24 Q Okay. And when you received the case, what was

1 the identified permanency plan for these kids?

2 A Termination of parental rights.

3 Q And your job requires contact with the children?

4 A Yes.

5 Q And how often did you see the children?

6 A At least monthly.

7 Q And could you describe the children for the
8 Court?

9 A Maria was -- she was a friendly young lady. She
10 was doing well in school. She was smart and articulate.
11 She could clearly communicate the issues that were going
12 on for her. She liked to read. She struggled with being
13 the only girl in her family and she would frequently seek
14 out one-on-one time with other females and she craved
15 that. She really liked having females assigned in various
16 roles to her case. She had a good strong attachment with
17 the foster parents. She was doing well in that home. She
18 had an excellent relationship with her therapist, Danielle
19 Osier-Tatar at Koinonia, and was doing well in therapy.

20 With respect to Michael, he was a more difficult
21 child to assess. It took me longer to establish a
22 rapport, a relationship with him. He had expressive
23 language difficulties, which were diagnosed and very
24 noticeable. In communication with him, he would

1 frequently shut down when talking about any difficult
2 topics. Anything emotional that came up or anything that
3 he didn't want to do or didn't want to hear, he would just
4 simply not talk, not move, not do anything. So it took
5 actually quite a bit of time to get past that with him,
6 where he would actually communicate with me more, either
7 verbally or through -- he had a system that he used in
8 therapy, which was thumbs up, thumbs down, or thumbs
9 sideways for indifference, that he could use to answer
10 some questions and be able to express his feelings a
11 little more clearly than just not talking.

12 Q What about Nathaniel?

13 A Nathaniel was a very rambunctious child. From
14 the day that I met him, he was very hyper. I was aware
15 that he had a diagnosis of attention deficit hyperactivity
16 disorder and my observations of him were absolutely
17 consistent with that. He was very impulsive. He was very
18 hard to keep on task. He was very difficult to
19 communicate with, just even keeping him focused on a
20 conversation, especially when it was a conversation that
21 he didn't want to have. He was very good at making his
22 own choices about engaging in other activities, regardless
23 of whether those activities were safe or not safe. He
24 didn't have a good awareness of -- he didn't really pick

1 up on social cues; he didn't have an awareness of how
2 other people were feeling. He didn't have a sense of, an
3 awareness of his own body and putting himself in safe and
4 unsafe situations. And again, a lot of impulsiveness.

5 THE COURT: Excuse me, Mr. Martin. I didn't
6 write down, and I'm sure you said the date in which this
7 case was assigned to you.

8 THE WITNESS: It was assigned to me in May of
9 2013.

10 THE COURT: Thank you.

11 BY MR. MARTIN:

12 Q And so what therapeutic services were in place
13 for Maria, Michael, and Nathaniel?

14 A They had services in place with Koinonia Foster
15 Homes. They were in a therapeutic foster placement to
16 help deal with the behavior issues that they displayed
17 while in foster care -- primarily aggression between the
18 siblings, aggression with other peers, aggression with
19 adults, communication difficulties, history of trauma. So
20 they were receiving interventions in the foster home to
21 help manage them on a day-to-day basis and try to
22 intervene to teach more appropriate skills for them. They
23 were also in weekly therapy with Danielle Osier-Tatar at
24 Koinonia.

1 And when I initially got the case, Michael was
2 seeing Dr. Jennifer McKay for psychiatric monitoring. He
3 was on medication to address his attention deficit
4 hyperactivity disorder, and Nathaniel had been referred to
5 Dr. McKay and, I believe, was seeing her for symptoms
6 associated with ADHD. He also had some sleep disturbances
7 that he was experiencing in the foster home. So he was
8 being consulted on by Dr. McKay to determine if medication
9 would be beneficial for him.

10 Q And the behavior that you described, was this
11 the kind of behavior that you saw in the kids when you
12 would --

13 A Yes.

14 Q And when you received the case, what was your
15 understanding of the permanency plan as to J.C., Angel,
16 and Logan?

17 A At the time I received the case, the permanency
18 plan for all six of the children was termination of
19 parental rights.

20 Q But eventually, to your knowledge, the
21 permanency plan for J.C., Angel, and Logan changed? To
22 your knowledge.

23 A Yes.

24 Q And you still had Maria, Michael, and Nathaniel.

1 A Yes.

2 Q Now, what were you seeing as the barriers to
3 reunification with Mr. Faz?

4 A The primary barriers to reunification were
5 really just his ability to parent these children, his
6 understanding of their needs, his willingness to address
7 those needs, his willingness to work cooperatively with
8 the people that were working daily with the children, to
9 try to incorporate some of those techniques into his own
10 parenting, to better support what was happening in the
11 foster home, what was happening in therapy, and there
12 were, I think, some concerns for whether or not he could
13 meet their basic needs. He did obtain housing right
14 around the time that I received the case, but there
15 remained outstanding concerns whether or not his housing
16 and his income would be sufficient for the children. And
17 then supervision of the children was a significant
18 concern, his ability to supervise between the children and
19 his ability to supervise when he was at work, and just his
20 ability to appreciate the children's needs and provide the
21 supervision that was necessary to keep them safe from
22 themselves.

23 Q What kind of supervision were you concerned that
24 these children needed?

1 A Primarily line of sight, for the most part.

2 Q But you became aware that the agency was working
3 for reunification of the older children.

4 A Yes.

5 Q So being in this Safe FC model, were you
6 continuing to assess Mr. Faz for appropriateness in terms
7 of reunification?

8 A Yes. I had at least monthly contact with Mr.
9 Faz and observed him with the children at appointments.
10 I obtained feedback from him during one-on-one interviews
11 with him and also at child and family team meetings.

12 Q What kind of feedback would you get from
13 Mr. Faz?

14 A At times I tried to engage him in discussions
15 around the children's supervision needs, about him
16 understanding the children's needs, and my assessment of
17 him was that he did not have an appreciation for what
18 their needs were, that he minimized the majority of their
19 behaviors, and he felt that the Department's expectations
20 for supervision and also the expectations for supervision
21 that they were receiving in the foster home were over the
22 top. He felt that we were being too restrictive.

23 Q And the testimony has kind of reflected that
24 Maria probably had the least behavioral issues of all the

1 children. Would you agree with that?

2 A I think that Maria functionally was probably the
3 highest-functioning child, with respect to academics and
4 how she managed herself on a day-to-day basis and how she
5 communicated with adults. I think that it was an
6 excellent coping skill of hers, but I think that
7 behaviorally she still had a number of issues that were
8 a challenge for her.

9 Q Did you see that her need for supervision was
10 different from her brothers?

11 A Yes.

12 Q Why did you see that that was different?

13 A Maria didn't have issues around being as
14 impulsive as her brothers. She regulated herself and her
15 space better, but with regard to her sexualized behavior,
16 she could at times be quite provocative, in the sense that
17 she would approach men that were not known to her, adult
18 men or older teen boys that were not known to her. Her
19 body language with them at times would be very provocative
20 and she didn't have a sense of that being inappropriate or
21 unsafe. So her need for supervision in that respect and
22 then her need for supervision with respect to the
23 relationship between her and her brother J.C.

24 Q And why would she need supervision in regard to

1 her relationship with J.C.?

2 A Because of the allegations that she didn't feel
3 safe around J.C., that she constantly worried that he
4 would do something to her again of a sexual nature, that
5 he wasn't nice to her, and the belief, the general belief
6 by the Department and by the team that was working with
7 Maria that she had been a victim of sexual abuse by J.C.
8 and that supervision was needed to continue to help her
9 feel safe, to help her feel that there were people that
10 believed her and were looking out for her, and also to
11 avoid putting her in any kind of role where J.C. would
12 have power over her and reinforcing that victim/
13 perpetrator dynamic.

14 Q And did you have any concerns about Michael's
15 level of supervision with Mr. Faz as well?

16 A Yes. Michael, again, needed line-of-sight
17 supervision. He was at times very impulsive. He would
18 become very angry. He would take off; he would seek to
19 remove himself from a situation that was uncomfortable for
20 him and didn't always have a sense of whether he was going
21 to a safe environment or not. And again, with his
22 shutting down and not communicating about if he was hurt
23 or if something was going on with him; he would simply
24 shut down and wouldn't communicate. So it took somebody

1 that was very patient with him that could give him the
2 time and space that he needed, also keeping an eye on him
3 to make sure that he stayed safe. And when that was
4 explained to Mr. Faz, he was again very dismissive of it
5 and didn't feel that -- he felt that the people that were
6 interacting with Michael were placating him too much and
7 playing too much into his shutting down.

8 Q Did you have any safety concerns about Michael
9 being placed in the same home with J.C.?

10 A Not initially. Around April of 2014 -- I
11 apologize, I'm not exactly sure of the time frame, but I
12 believe it was around March, April of 2014 -- I became
13 aware that Michael had disclosed in therapy that he had
14 also suffered some potential sexual abuse by his brother
15 J.C. Michael had made previous statements to me and to
16 his therapist that he didn't feel safe around J.C., that
17 J.C. was mean to him, he was physically aggressive with
18 him. So around that time, there became more significant
19 concerns about having appropriate supervision in the home
20 with respect to J.C.

21 Q So did that circumstance and Maria's
22 circumstance play into your analysis in terms of what type
23 of supervision these children would need?

24 A Absolutely.

1 Q Did you ever try to talk to Mr. Faz about your
2 concerns in regard to the supervision with J.C.?

3 A Yes.

4 Q And when did you have that conversation?

5 A I had that conversation -- with respect to Maria
6 in particular, I had that conversation with him around the
7 fall of 2013, and with respect to the allegations that
8 came out with respect to Michael and J.C., my supervisor
9 actually had a conversation with him about those
10 allegations and what that would mean.

11 Q And what was Mr. Faz's response?

12 A Again, just really a minimization.

13 MR. ROTH: To which allegation?

14 THE COURT: Just rephrase the question, please.

15 BY MR. MARTIN:

16 Q When you personally had conversations with Mr.
17 Faz regarding these particular sexual allegations, what
18 was his response?

19 A With respect to Maria?

20 Q Yeah, let's start with Maria.

21 A When I spoke with him, he didn't seem to think
22 that having J.C. supervise Maria was a big deal, as long
23 as Maria seems to be having an okay time at that time. He
24 didn't seem to take into account that he was placing her

1 in a position where she either could potentially be
2 victimized for real or at least feel victimized by being
3 in that position or being in a position where J.C. had
4 power over her. Mr. Faz didn't see that supervision
5 really put J.C. in that role and so he didn't feel that
6 there was anything inappropriate about that.

7 Q Did you ever have discussions with him about
8 Michael's allegations?

9 A It came up at one of the child and family team
10 meetings in April of this year. Mr. Faz wanted more
11 details about what specifically was being alleged. He was
12 understandably dissatisfied with the limited amount of
13 information that we could provide, just based on Michael's
14 disclosure. The age at which the abuse was alleged to
15 have occurred was at a very young age, which limits the
16 vocabulary that's attached to an incident and limits how a
17 child can describe that incident. So all we could give
18 Mr. Faz was what the allegations were and what Michael had
19 reported to his therapist about it. Because there were a
20 lot of specifics and the time frame was what you would
21 expect from a child around age four, I think it was
22 difficult for Mr. Faz to wrap his head around that and he
23 just felt that it wasn't something that had happened. He
24 felt that the Department and Koinonia were just trying to

1 come up with more barriers.

2 Q More barriers to what?

3 A To reunification, to his relationship with his
4 children, to the relationship between the children.

5 Q What were Mrs. Faz's circumstances when you
6 inherited this case, based on your contacts and
7 communications with her?

8 A My contacts and communications with Mrs. Faz
9 were very limited. I was informed when the case was
10 transferred to me that she was only having contact with
11 the children by phone, that she had not seen them outside
12 of a courtroom for several years and was not having any
13 meaningful contact with them. I was advised that she
14 continued to have substance abuse issues, that she was
15 frequently homeless and unable to meet the basic needs of
16 the children.

17 Q How frequently did you hear from her, from
18 Mrs. Faz?

19 A Mrs. Faz didn't ever contact me directly until
20 around April of this year, after we had mediation in this
21 case.

22 Q Was she notified of the children's medical
23 appointments?

24 A Not directly. I attempted -- I sent monthly

1 contact letters to her, to encourage her to keep in touch
2 with the Department, but we didn't have reliable contact
3 information for her and there was periods of time where
4 her mailing address -- we would get returned mail from
5 that address.

6 Q Did she ever indicate to you that she was
7 employed?

8 A No.

9 Q That she had sufficient housing for the
10 children?

11 A No.

12 Q Had entered into substance abuse treatment?

13 A No.

14 Q Now, you talked about child and family team
15 meetings, and you conducted these regular meetings?

16 A Yes. They are facilitated by Koinonia Foster
17 Homes.

18 Q And who would attend these meetings?

19 A Mr. Faz was in attendance at those meetings.
20 The children's therapist, Danielle Osier-Tatar, was
21 typically in attendance, the foster parents, their case
22 manager from Koinonia, Kim Grace, myself. At times, our
23 care management staff from Social Services would be in
24 attendance, and occasionally other Koinonia staff, such as

1 the case manager supervisor and the clinical director.

2 And, I'm sorry, CASA also was in attendance, Katie

3 Sullivan.

4 Q And how frequently did you have these?

5 A Monthly.

6 Q Did you discuss these barriers to reunification?

7 A I don't think that we discussed them explicitly
8 at those meetings. It was more focused around what the
9 children's needs were and how they were progressing in
10 their services.

11 Q And how did Mr. Faz -- how did he participate in
12 this? Was he receptive to these services?

13 A He was not receptive. Meetings were often
14 contentious. Many of the providers in attendance at the
15 meeting would describe feeling attacked verbally by
16 Mr. Faz. They would feel that he --

17 MR. ROTH: I'm going to ask that that be
18 stricken, your Honor. It's hearsay.

19 THE COURT: Mr. Martin?

20 MR. MARTIN: I think that the providers can
21 describe how they felt about that meeting. So I believe
22 that's --

23 THE COURT: She was saying other people
24 described that they felt attacked. She didn't say she

1 felt attacked. So the objection is hearsay.

2 MR. MARTIN: What I'm saying is, the other folks
3 describing how they were feeling at that present moment, I
4 believe, would fall under a present existing physical,
5 mental or emotional condition.

6 THE COURT: We don't know if -- well, I'm going
7 to sustain it for now. If you want to lay a further
8 foundation or if it's not worth it, go on, but I don't
9 know when it was described. It could've been a year
10 later, for all I know.

11 So the objection is sustained.

12 MR. MARTIN: Okay.

13 BY MR. MARTIN:

14 Q So based on your participation in these CFTs,
15 as you stated, was Mr. Faz receptive to the children's
16 therapeutic needs or not?

17 A He was not. My direct observations of him
18 were --

19 MR. ROTH: Asked and answered, your Honor.
20 That's not the question. She's giving observation.

21 THE COURT: Asked and answered or some other
22 objection?

23 MR. ROTH: Asked and answered.

24 THE COURT: Mr. Martin?

1 MR. MARTIN: I'll withdraw it.

2 BY MR. MARTIN:

3 Q Now, at some point, did you become aware that
4 Mr. Faz's housing circumstances changed, or was he always
5 at his present address?

6 A I don't recall when he obtained his present
7 residence. I think it was close to the time that the case
8 was transferred to me.

9 Q And at that point, how long had Maria, Michael,
10 and Nathaniel been in foster care, to your knowledge?

11 A Three years, three and a half years almost.

12 Q And as you were assessing for safety, was that
13 apartment sufficient for these children's supervision
14 needs?

15 A I didn't see the residence directly. I know my
16 coworkers, Ms. McKiernan and Mr. Sheldon -- who were
17 actively considering changes in the children that they
18 were responsible for -- in their permanency plan had
19 assessed the home, and I was advised that there were no
20 specific threats with respect to the physical living
21 condition of the home.

22 Q And was all that Maria, Michael, and Nathaniel
23 needed was a roof over their head?

24 A No.

1 Q In your estimation, what did they need?

2 A They needed not only a safe residence, but
3 a residence in which they could have the sleeping
4 arrangements that they needed, for the issues around the
5 sexual abuse, where they could have line-of-sight
6 supervision by Mr. Faz or another responsible adult. They
7 had other basic needs that needed to be met that would've
8 required significant financial income by Mr. Faz.

9 Q Like what?

10 A Food and clothing and just the day-to-day costs
11 of parenting six children. And also a parent that
12 understood their supervision needs, that understood what
13 their limitations and abilities were, and understood how
14 their behaviors impacted their safety.

15 Q So after three and a half years, you felt that
16 these children would be unsafe?

17 A Absolutely.

18 Q Do you believe ultimately that termination of
19 parental rights and adoption is in these children's best
20 interests?

21 A I do.

22 Q And why do you believe that?

23 A Primarily, at this point, it's the fact that
24 their needs continue to be unmet by Mr. Faz. He attends

1 appointments, but he doesn't take to heart and he doesn't
2 incorporate the feedback that's being given to him by
3 providers to change his parenting to be able to
4 effectively and safely parent them. They've been in
5 foster care for four and a half years, and that's not
6 permanency. The children have a right to have permanency
7 and that's not been provided to them.

8 Q What kind of -- and you talked about there would
9 need to be a change in the way they're parented. What
10 kind of change were you looking for?

11 A I mean, it would be difficult to describe, but
12 just even in conversations with Mr. Faz, he doesn't
13 believe that the children have the issues that everybody
14 else that works with them says they have. He doesn't
15 believe that they're impulsive. He doesn't believe that
16 their impulsivity results in them being unsafe. He
17 doesn't believe that putting children in contact with
18 their perpetrator results in a safety threat, and so his
19 parenting, in conversations with him, would need to be
20 more reflective of somebody that truly understands how the
21 children's special needs impact their safety.

22 Q So what efforts did you see, as the caseworker,
23 from Mr. Faz to provide adequate care for these children?

24 A With respect to meeting their supervision needs

1 and understanding how their needs impact their safety,
2 very few.

3 Q Did anyone ever come to you and say "Hey, I've
4 got a plan, I've got people, I've got appropriate
5 supervision"?

6 A Mr. Faz never offered a plan for supervision.

7 Q And do you think there's a risk of harm if these
8 children are placed in Mr. Faz's care?

9 A Yes.

10 Q Why?

11 A Again, I don't believe that he would adequately
12 supervise them. I think that it'd be very likely that he
13 would either leave them alone with J.C. or that he would
14 leave them with an adult that didn't have a true
15 appreciation for what those supervision needs looked like.
16 I don't believe that he can adequately manage the boys'
17 impulsivity, Michael and Nathaniel's impulsivity. I don't
18 believe that he has the capacity to do those things.

19 Q Did he ever offer suggestions for his
20 supervision of the kids?

21 A No.

22 MR. MARTIN: Your Honor, if I may, I'd like to
23 get the exhibit book and present it to the witness.

24 THE COURT: Certainly.

1 MR. MARTIN: May I approach the witness?

2 THE COURT: Yes, please.

3 BY MR. MARTIN:

4 Q Ms. Bauer, could you turn in the exhibit book to
5 review Exhibits LLL through YYY, please. And just let me
6 know when you're finished.

7 A I'm sorry, LLL through --

8 Q YYY.

9 Ms. Bauer, could you tell us what you just
10 reviewed?

11 A I reviewed several incident reports completed by
12 Koinonia Foster Homes regarding the behavior of the
13 children in the home.

14 Q And are you familiar with these forms?

15 A I am.

16 Q And whose forms are they?

17 A I believe they're Social Services forms.

18 Q And who do they provide them to?

19 A Koinonia provides them to Social Services.

20 Q Are they Koinonia's forms or the Department's
21 forms?

22 A I think they're forms that we have agreed upon
23 with Koinonia as a way of reporting incidents that occur
24 in treatment homes.

1 Q So they're the Department's forms and they
2 provide them to Koinonia?

3 A I believe so, yes.

4 Q And then, to your knowledge, Koinonia provides
5 them to the Department when there's been an incident?

6 A Yes.

7 Q And who fills out these forms?

8 A The Koinonia staff.

9 Q Okay. By "Koinonia staff," do you mean foster
10 parents, do you mean Koinonia --

11 A It's typically the case manager for the foster
12 home.

13 Q Fills them out?

14 A Uh-huh.

15 Q And to your knowledge, where do they get the
16 information concerning the incident report?

17 A Typically from the foster parent.

18 Q Is there any policy on how quickly these forms
19 need to be filled out?

20 A I am not sure off the top of my head.

21 Q With an incident report, do you typically
22 receive them fairly quickly after an incident?

23 A Yes. I would usually be initially notified
24 either by phone or e-mail that an incident had occurred,

1 and my experience with Koinonia is that it would usually
2 take place within the first 12 to 24 hours and they would
3 let me know that they were in the process of writing up an
4 incident report and sending it my way.

5 Q And to your knowledge, these reports are based
6 on reports by the foster parents?

7 A Typically. I think there are some incidents
8 where the case manager could have been present directly
9 for whatever incident triggered the report, but typically
10 it's information that comes directly from the foster
11 parents.

12 MR. MARTIN: I'd request the admission of
13 Petitioner's Exhibits LLL through YYY.

14 THE COURT: And that's what you were looking at,
15 is LLL through YYY?

16 THE WITNESS: Yes.

17 THE COURT: LLL through YYY, which I believe
18 they're all identified as incident reports from Koinonia
19 with respect to the children. Any objection, sir?

20 MR. ROTH: I believe they're the Washoe County
21 Department of Social Services Special Foster Care Pilot
22 Program Incident Reporting Form.

23 THE COURT: Does that sound right, Ms. Bauer?

24 THE WITNESS: Yes.

1 MR. ROTH: That's the one I was looking at. So
2 I have no objection.

3 THE COURT: LLL through YYY admitted.

4 MR. MARTIN: And I have no further questions,
5 your Honor.

6 THE COURT: Mr. Roth, please.

7 MR. ROTH: Thank you.

8 CROSS-EXAMINATION

9 BY MR. ROTH:

10 Q Ms. Bauer, the reports that we were just looking
11 at, most of them were originated by the foster parents.
12 Is that correct?

13 A I believe so, yes.

14 Q And to your recollection, the incidents that
15 were reported were incidents that occurred while the
16 children -- Michael, Nathaniel, and Maria -- were in the
17 care of the foster parents. Is that also correct?

18 A That's correct.

19 Q During this time when these reports were made,
20 were these (inaudible) psychological or some kind of
21 counseling? Were they obtaining help for their apparently
22 disruptive conduct?

23 A They were.

24 Q And was this like once a week they would go to

1 the therapist individually and then they'd see Dr.
2 Hargrove once a month, or something of that nature? Is
3 that the extent of the program that they were receiving?

4 A I'm not aware of these children seeing Dr.
5 Hargrove within the last year.

6 Q What kind of therapy were they receiving?

7 A They were receiving weekly individual therapy
8 with Danielle Osier-Tatar up until very recently.

9 Q And were they receiving any other type of
10 therapy, like with a psychologist or psychiatrist?

11 A Both Michael and Nathaniel were on medication
12 and were being routinely monitored by Dr. Jennifer McKay,
13 who's a licensed psychiatrist. Maria was having
14 consultative sessions with Dr. McKay beginning in October
15 of 2013 to determine if she might also be a candidate for
16 psychotropic medication.

17 Q Would you agree that being monitored for
18 medication that you're taking is not therapy to help you
19 gain control of the issues that maybe cause the reaction
20 that they prescribe the medication for?

21 A I'm not sure that I understand your question.

22 Q The doctor that was monitoring the medication,
23 that would be an M.D., I would assume.

24 A Yes.

1 Q That doctor is not a psychologist or a
2 psychiatrist. I'm asking that as a question.

3 A You're asking if Dr. McKay is a psychiatrist?

4 Q Yes.

5 A She is a psychiatrist.

6 Q She's an M.D. and a psychiatrist? Well, you
7 have to be to be a psychiatrist.

8 A Yes.

9 Q So she was able to prescribe the medication?

10 A Yes.

11 Q And was she able to give a prognosis and a plan
12 for treatment and therapy?

13 A I believe that she consulted with the children's
14 therapist, Danielle Osier-Tatar, about not only the
15 appropriateness of the medication but also to determine
16 how the children were progressing on their medication,
17 whether or not that was having any effect on their
18 behavior, as part of their therapy.

19 Q Going through the incident reports, it would
20 seem that the medication didn't seem to be helping a great
21 deal.

22 MR. MARTIN: I would object. I think that calls
23 for a medical opinion.

24 THE COURT: Well, I'm expecting you to answer in

1 your role of a social worker assigned to the case and
2 providing some case management, as opposed to a medical
3 person.

4 THE WITNESS: In my observation -- and I can
5 speak specifically to Nathaniel, because I saw him
6 pre-medication and I also saw him post-medication.
7 Michael was always on the same medication from the time I
8 got the case to the time that I transferred the case.

9 with respect to Nathaniel, the incidents that
10 are documented in the incident reports were at a
11 greater -- excuse me -- they occurred far less once he was
12 on his medication. He still had trouble with impulsivity,
13 especially in the afternoons when his medication would
14 apparently start wearing off, but the total number of
15 incidents that he had with aggression in the home and at
16 school were significantly decreased once he was on
17 medication.

18 BY MR. ROTH:

19 Q And do you have a time frame when you noticed
20 they were decreasing?

21 A I don't.

22 Q To the best of your knowledge as a social
23 worker -- and I'm not classifying you in the right
24 category, but in your capacity working for Washoe County

1 Social Services, did you see an overall improvement of
2 Maria's attitude and behavior and Michael's attitude and
3 behavior and also Nathaniel's?

4 A I think overall, yes, these children are doing
5 remarkably well.

6 Q You don't sound very certain.

7 A There have been periods of time where the
8 children have been less successful, but, overall, I
9 believe the children are doing remarkably well.

10 Q would you say that they are still in need of
11 therapy for sometime to come?

12 A I believe so.

13 Q Do you know if there is a plan to -- if the
14 termination goes through, to provide a home for these
15 children together?

16 A The intent of the Department and we are actively
17 recruiting for these three children as a sibling group,
18 and that would be the plan, to provide them with an
19 adoptive home, a permanent home.

20 Q wouldn't the adoptive parents have to be aware
21 of the extent of the trauma that these children have had
22 and their need for therapy?

23 A Absolutely.

24 Q Does that kind of limit the number of homes that

1 would be available?

2 A I think it limits the number and types of homes,
3 but I also know that we have received numerous inquiries
4 with respect to these children.

5 Q Of course, I don't know what the people are
6 inquiring about and what they know about these three
7 children. Do you remember a family that lived in the
8 valley? I believe the name is DiLude.

9 A I'm familiar with the DiLude family.

10 Q Weren't the three children placed out there with
11 the DiLudes for some time?

12 A The children were placed in early November and
13 they remained in that home for about two weeks before
14 transitioning back into the Reid home.

15 Q The DiLudes at first wanted to work with the
16 children, did they not?

17 A They did.

18 Q But that became impossible or very difficult for
19 them, if you know? Why were the children returned back to
20 foster care?

21 A The children returned to the Reid home because
22 they received notice from the DiLude family that they did
23 not adequately prepare themselves for taking on three
24 children. It was not ever reported that it had to do with

1 the children's special needs.

2 Q Was that partly because the Department didn't
3 inform the DiLudes of the special needs that the children
4 had?

5 A The DiLudes had access to all the information on
6 the children. They had reviewed their top five needs and
7 I had met with them since June of 2013. They had gone
8 through training with Koinonia to become a therapeutic
9 provider, and they also had reviewed the children's social
10 summaries and they had attended therapy sessions with
11 Danielle Osier-Tatar and the children to prepare for the
12 move.

13 Q How many times did they do that?

14 A How many times did they do what?

15 Q I'm sorry -- did they meet with Danielle and the
16 children.

17 A I was present for -- I was present for one of
18 the meetings with the DiLudes and the children. I also
19 facilitated another conversation with just the DiLudes and
20 Ms. Osier-Tatar.

21 Q All right. Jumping to a different subject
22 matter, I notice you've told us a lot about your training
23 and it was very impressive, but I didn't hear you say
24 where you received the training. Was it on-the-job

1 training or was it at a university or a school someplace,
2 a special program?

3 A I received training both places -- on the job,
4 through third-party agencies and organizations, and also
5 training while I was earning my Master's degree.

6 Q Risk management assessments, where did you get
7 the training on that?

8 A That's terminology I'm not familiar with, risk
9 management assessments.

10 THE COURT: I'm going to have you pause and let
11 you think about the right word, because it's one minute to
12 5:00. So you'll be back to where you are tomorrow,
13 please.

14 And Ms. Clerk, we begin when for this trial?

15 THE CLERK: 9:00 a.m.

16 THE COURT: 9:00 a.m.

17 Is there anything that anyone needs to put on
18 the record before we close today?

19 MR. ROTH: I have a question, your Honor.

20 THE COURT: Certainly, sir.

21 MR. ROTH: I received a memo from Jeff, from
22 Mr. Martin indicating that the hearing will be at
23 9 o'clock tomorrow in Department 6, or is that --

24 THE COURT: Let's ask the clerk. As they are

1 installing that new equipment, we are in a lot of places,
2 including across the street. So tomorrow we are where?

3 THE CLERK: Across the street.

4 THE COURT: And literally in Judge Adams' old
5 department, Department 6. And I believe the clerk said
6 that we're where we need to be for recording and all of
7 that, but please go across the street tomorrow to
8 Department 6, and I forget which floor that is as I sit
9 here.

10 MR. MARTIN: Thank you, and I appreciate that
11 clarification. I had in my mind that we were back here
12 tomorrow morning as well.

13 THE COURT: So we probably ought to do that
14 every day before we close, because we are a floating group
15 of people this week. Any other questions or comments
16 before we close? Thank you for that question.

17 All right. I will put these in your custody,
18 Ms. Clerk, until tomorrow.

19 (End of proceedings.)

20 --000--

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

I, ROMONA MCGINNIS, official reporter of the
Second Judicial District Court of the State of Nevada,
in and for the County of washoe, do hereby certify:

That as such reporter, I transcribed the bench trial that occurred before the Honorable Deborah Schumacher on Monday, August 11, 2014, at 9:00 a.m. of said day, and I then and there took verbatim stenotype notes of the proceedings had and testimony given therein in the Matter of Parental Rights as to MARIA FAZ, MICHAEL FAZ, and NATHANIEL FAZ, Minor Children, Case No. FV11-02393.

That the foregoing transcript, consisting of pages numbered 1 to 203, both inclusive, is a full, true and correct transcript of my said stenotype notes and is a full, true and correct statement of the proceedings had and testimony given upon the Bench Trial in the above-entitled action to the best of my knowledge, skill and ability.

DATED: At Reno, Nevada, this 1st day of April,
2015.

Romona McGinnis

ROMONA MCGINNIS, CCR #269

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the JOINT APPENDIX – VOLUME II to the following:

WASHOE COUNTY DISTRICT ATTORNEY
Jeff Martin
Via Inner Office Mail

ADAM LAXALT
ATTORNEY GENERAL STATE OF NEVADA
100 N. CARSON STREET
CARSON CITY, NEVADA 89701
Via U.S. Mail

DATED this 22nd day of May, 2015.

/s/Shannon Hambright
SHANNON HAMBRIGHT