

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Tracie K. Lindeman
Clerk of Supreme Court

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

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TABLE OF CONTENTS

VOLUME I

1.	Order for Protective Custody (Filed 01/15/2010)	1
2.	Petition for Hearing (Filed 01/25/2010).....	2
3.	Order upon Petition (Filed 01/26/2010)	7
4.	Order for Continuance (Filed 02/24/2010).....	9
5.	Order After Continued Adjudicatory/Disposition Hearing (Filed 03/10/2010)	12
6.	Washoe County Child Support Order (Filed 03/10/2010).....	16
7.	Washoe County Child Support Order (Filed 03/10/2010).....	19
8.	Order after Semi-Annual Review Hearing (Filed 07/14/2010)	22
9.	Order after Permanency Hearing (Filed 01/12/2011)	26
10.	Child Welfare Case Plan Report (Dated 02/11/2011	31
11.	Order after Continued 15-Month Permanency Hearing (Filed 04/20/2011)	35
12.	Petition to Terminate Parental Rights (Filed 07/06/2011)	39
13.	Order after 24-Month Permanency Hearing (Filed 01/25/2012).....	49
14.	Order after 30-Month Semi-Annual Review Hearing (Filed 07/11/2012)	53

15.	Order after 33-Month Review Hearing (Filed 10/17/2012).....	57
16.	Order for Continuance (Filed 01/09/2013).....	62
17.	Order after Continued Permanency Hearing (Filed 01/23/2013).....	65
18.	Order after 60-Day Review Hearing (Filed 03/20/2013).....	70
19.	Order Rescheduling Hearing (Filed 04/02/2013).....	74
20.	Order after 60-Day Review Hearing (Filed 05/15/2013).....	76
21.	Order after 42-Month Permanency Hearing Concerning Maria Faz, Michael Faz and Nathaniel Faz (Filed 07/10/2013).....	80
22.	Amended Petition to Terminate Parental Rights (Filed 10/03/2013)...	85
23.	Order after 48-Month Review Hearing Concerning Maria Faz, Michael Faz and Nathaniel Faz (Filed 01/08/2014).....	94
24.	Demand for Jury Trial (Filed 07/03/2014)	99
25.	Order After 54-Month Semi-Annual review Hearing Concerning Maria Faz, Michael Faz and Nathaniel Faz (Filed 07/09/2014)	103
26.	Order Denying Jury Trial (Filed 07/24/2014)	107

VOLUME II

27.	Transcript of Proceedings, Bench Trial (Dated 08/11/2014).....	110
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VOLUME III

- 28. Transcript of Proceedings, Bench Trial (Dated 08/12/2014).....314
- 29. Transcript of Proceedings, Bench Trial (Dated 08/13/2014).....421

VOLUME IV

- 30. Transcript of Proceedings, Bench Trial (Dated 08/14/2014).....506
- 31. Order Terminating Parental Rights (Filed 9/24/2014).....618
- 32. Notice of Entry of Order (Filed 09/24/2014)630
- 33. Notice of Appeal (Filed 10/16/2014).....644

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 BENCH TRIAL

13 AUGUST 14, 2014
14

15 APPEARANCES:

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1 RENO, NEVADA, THURSDAY, AUGUST 14, 2014, 9:00 A.M.

2 --o0o--

3
4 THE COURT: We are on the final day in the Faz
5 matter, FV11-02393. I have the same counsel and same
6 representatives and the same party, Mr. Faz, as before.

7 At this point, Mr. Martin had rested, and I
8 would be turning to Mr. Roth for how you wish to proceed.

9 MR. ROTH: Thank you, your Honor. This morning,
10 I would like to present a witness. I would like to have
11 Mr. Jessie Faz sworn in.

12 THE COURT: Good morning. If you'd follow the
13 deputy. I know you know where to go, but he'll escort you
14 where you need to be.

15 (Witness sworn.)

16 THE COURT: Please be seated, sir.

17 DIRECT EXAMINATION

18 BY MR. ROTH:

19 Q Good morning, Mr. Faz. Please give us your full
20 name and spell your -- well, first and last.

21 A My name is Jesus Faz, Jr. First name is
22 J-E-S-U-S, the last name is F-A-Z.

23 Q Where were you born, Mr. Faz?

24 A El Paso, Texas.

1 Q Now, are you living in Nevada at the present
2 time?
3 A Yes, sir.
4 Q And where do you reside?
5 A I reside at 1084 Rock Boulevard, in Sparks,
6 Nevada.
7 Q How long have you been there?
8 A Sixteen months.
9 Q How long have you lived in the state of Nevada
10 as a resident?
11 A Twenty-two years.
12 Q Are you presently employed?
13 A Yes, sir.
14 Q And how long have you been employed in this
15 particular --
16 A I've been with Whittlesee Taxi for over 22
17 years. I currently am considered a four-month employee,
18 since I had to leave my position and then come back.
19 Q And I didn't ask you, but what is your job?
20 A I'm a taxi driver.
21 Q And you've had that for about 22 years, that
22 same job?
23 A Yes, sir.
24 Q And your duties are?

1 A Simply transport people from Point A to Point B,
2 work with the wheelchair cab, helping special needs
3 people. I've got several personals that call me asking me
4 to take them places.

5 Q Do you have any other source of income, other
6 sources other than that job?

7 A Besides the job? Personal income, no, but we do
8 get SSI for Logan and Angel.

9 Q What is your income on the job that you have?

10 A On the job, I make anywhere from a hundred to
11 two hundred dollars a week.

12 THE COURT: And is that net after expenses?

13 THE WITNESS: Yes, ma'am.

14 BY MR. ROTH:

15 Q Does the job provide any kind of benefits, such
16 as health insurance?

17 A No, sir.

18 Q No other kind of benefits?

19 A No, sir.

20 Q Now, do you have health insurance?

21 A Yes, sir.

22 Q And how do you happen to have that?

23 A I got it through Nevada Health Checkup, part of
24 the Obama Care thing.

1 Q At this time, do you receive any kind of help,
2 such as food stamps?

3 A No, sir.

4 Q Are you going to be seeking to qualify for food
5 stamps?

6 A I'll be seeking to see if I can qualify.

7 Q At one time, apparently, you did obtain food
8 stamps when you and Penny, your wife, and the children
9 were living together?

10 A Yes, sir.

11 Q And do you recall the amount of the food stamps,
12 the money value?

13 A About \$960 a month.

14 Q If the children are returned to you, the amount
15 of the food stamps that you receive would increase to
16 another figure; maybe not that high, but a substantial
17 amount.

18 A Yes, sir.

19 Q Would you describe the residence that you now
20 have, how many bedrooms?

21 A I have a two-bedroom apartment, two bathrooms,
22 two baths. The master bedroom has its own bath. The
23 smaller bedroom has access to a larger bathroom. It has a
24 kitchen, a couple walk-in closets.

1 Q Is it accessible to schools?

2 A Accessible to schools? Yes. I got Sparks High
3 School directly behind me, about a block and a half away.
4 You've got Dilworth less than a mile away. You've got
5 Robert Mitchell approximately six blocks away.

6 Q Are you going to be looking into seeing whether
7 you qualify for low-income housing of some sort?

8 A Yes, I'll be looking into that.

9 Q At one time, did somebody with Washoe County
10 Social Services help you look into that?

11 A Katie Erickson, she brought up a grant that
12 would help me get the deposit and first month's rent into
13 a home or an apartment. The only problem with that was
14 that when I did secure -- well, I got a line on a house.
15 When I got the line on the house, that's when she gave me
16 the application. The thing was that the house was rented
17 two weeks later, and the grant would take anywhere up to
18 six to eight weeks for it to be approved or not approved.

19 Q Did you get any further assistance from Washoe
20 County Social Services in obtaining housing?

21 A No, sir.

22 Q You have two adult children, do you not?

23 A I have three adult children.

24 Q Who are they? What are their names and ages?

1 A That would be Victor Faz, he is 25. I have Cory
2 Faz, who is 21, and I have Sara Faz, who's 19.

3 Q Do they live here in Washoe County?

4 A Yes, they do.

5 Q In previous testimony, we've heard the name of
6 Tim as a sibling of your children. Is he your child?

7 A No. He is Penny's child by her first marriage.

8 Q And does he reside with you at this time or --

9 A No, sir. I haven't seen Timothy in two, three
10 years.

11 Q You know, of course, who Penny Faz is.

12 A Pardon?

13 Q Penny Faz, is that --

14 A Penny Faz is still my wife. I've spoken to her
15 on the phone earlier this week. I don't see her. I saw
16 her -- well, actually that's not true. I saw her last
17 month sometime, trying to fill out divorce papers.

18 Q All right. Now, Penny is the mother of your six
19 children. Is that correct?

20 A Yes, sir.

21 Q And who are your children? Can you give us
22 their names and ages?

23 A I've got J.C. Faz, his name is Jesus Carliso.
24 He is 14. I've got Logan, Logan Ryan Faz. He is 12.

1 I've got Angel Gabriel Faz; he is 12. Maria Dolores
2 Delcarmen, she is now 10 years old. I've got Michael Faz,
3 who is nine, and I've got Nathaniel Faz, who is seven.

4 Q Thank you.

5 We have heard that you've been reunited with
6 Logan, Angel, and J.C. Faz.

7 A Yes, sir.

8 Q And you are now apparently providing a home for
9 these three children.

10 A Yes, sir.

11 Q Do you have any assistance in providing help
12 with the care of these children?

13 A I got their grandmother, Delores Johnson. She
14 is helping me watch them five days out of the week. She's
15 there 24 hours a day for those five days. And I just go
16 to work for a few hours, make sure I'm there in time for
17 them to go to school. I take them to school, make sure
18 they're medicated; then I go back to work and be home
19 before they get back from school.

20 Q Are Sara and Victor available also to help?

21 A Sara and Victor are available. Victor, right
22 now, is in California taking classes to become a Kia
23 specialist. My daughter Sara's available any time I ask
24 her to be.

1 Q All right. We have heard from various witnesses
2 that the children each have special needs, and I'm sure
3 that you're fully aware of them, but would you tell me
4 what you are aware of as J.C.'s special needs, what they
5 are and how you're dealing with those now.

6 A J.C. has anger issues, which we've been dealing
7 with with -- he was seeing Dr. Hargrove. He and I were
8 seeing him together weekly while he was at the Reach
9 program, and then CVS. When he was returned to me, those
10 services were ended, because his Medicaid ran out at that
11 time and the insurance that I obtained wasn't good enough
12 for that. He sees Dr. Darrell McClintock up at CVS still.
13 That's where we get his medication; he is on 20 milligrams
14 of Vyvanse twice a day. He had the issues with sexually
15 assaulting my daughter, Maria. We talked to Dr. Hargrove
16 about that for a little bit. He was talking to Paula
17 Schroeder about it as well; that's a doctor up at CVS. He
18 and I have discussed it. He's still having a hard time,
19 due to his embarrassment and shame, but we have discussed
20 it and discussed limits as to what can actually happen
21 with his daughter -- or his sister. We've discussed it.
22 He understands where he went wrong and he understands
23 what's going on. He's just having a hard time opening up.
24 He's built up a pretty good shell.

1 Q You said, I believe, just a few minutes ago that
2 Dr. Hargrove was treating J.C., but when the Medicare ran
3 out, he stopped treating him.

4 A Correct.

5 Q Now, you mentioned this a minute ago too, that
6 you obtained insurance. Would that insurance now cover
7 the cost of Dr. Hargrove continuing with therapy for J.C.?

8 A I believe it would cover it or cover most of it.
9 Since he still sees Dr. McClintock up at CVS -- they're
10 both psychiatrists -- it would have to be either family or
11 group therapy with Dr. Hargrove, which still makes it a
12 little bit harder for J.C. to open up. Or it might cover
13 part of it, where I would cover the rest and he could see
14 Dr. Hargrove individually.

15 Q Do you know that J.C. was making some progress
16 with Dr. Hargrove?

17 A I thought he was making very good progress with
18 Dr. Hargrove. He was opening up to him.

19 Q How is J.C. doing now in school?

20 A He had -- he finished up pretty rough last year.
21 He got a little bad advice at school, because they told
22 him that all he needed was a D to pass, and therefore he
23 stopped working as hard as he really should be. He did
24 pass into the ninth grade. I've signed him up for the

1 football program at Sparks High School, where he's a
2 freshman. He seems to be a bit happier. He's made quite
3 a few friends. Before, when he walked down the hallway or
4 went to school, some kids -- well, most kids ignored him;
5 a couple just barely glanced at him.

6 Q Did you go to your son's orientation for the
7 football team recently?

8 A Not for the football team, for the school. Last
9 night we went to meet all his teachers, and while we were
10 in the gymnasium he had five, six guys high-five him --
11 "Hi, how you doing?" A couple of them were members of the
12 football team. A couple of girls gave him their little
13 winky thing.

14 Q And he seems to be adjusting now?

15 A Oh, he's adjusting. Yes, he's adjusting. He's
16 starting to fit in more with the group. He's starting to
17 fit in with the kids.

18 Q How does he behave at home?

19 A At home, he's actually pretty good. He enjoys
20 helping the twins. Unfortunately, he is 14 and knows
21 everything, but he's willing to help the twins out.
22 Yesterday, I had a visit with the three little ones, and
23 while I was at that visit, he help set up a -- I bought a
24 second laptop for the boys to do their homework. He

1 helped set that up with the printer for the twins to be
2 able to do their homework; especially Angel, so he can get
3 everything set up, printed out, and turned in for today.

4 Q All right. Let's talk a little bit about Logan
5 and Angel, the twins. Logan has had some issues as well.
6 We've heard that Michael and Nathaniel seem to be
7 line-of-sight children and have some outbursts that seem
8 to be out of the ordinary.

9 A Yes.

10 Q Was Logan like that too for a while?

11 A Logan was worse than Michael and Nathaniel.
12 When he was at Robert Mitchell Middle School, he would run
13 up and down the hallways, throw chairs down. When he
14 ended up going to Kids Cottage, he got sent to West Hills
15 Hospital, because he -- they were told as a group not to
16 do certain things. There was a child who started doing
17 his own thing and started messing around, and Logan took
18 offense to that. He threw a chair, he kicked one of the
19 workers there, and he got highly upset, highly irritated.
20 So --

21 Q Is there any kind of therapy that was
22 recommended, that you're aware of, for Logan to remedy
23 those things?

24 A We started with medication to try to control his

1 impulsivity, his anger. They put him on Tenex, of course;
2 then they put him on Intuniv. Right now, they've got him
3 on a combination of Vyvanse in the morning and Intuniv in
4 the evening.

5 Q Did you have a problem originally with the
6 prescription of Tenex for him?

7 A I had a problem with them -- the way that they
8 were talking about it, and it started with Dr. Sorensen.
9 She was talking about they might need three or four
10 medications, and the cocktail's the thing that I really
11 objected to. I wanted to know which medication they were
12 prescribing; I wanted to read up on it. Initially, they
13 were trying to do Adderall and Ritalin, and those are
14 stimulants. I mean, a kid who's been exposed to narcotics
15 and methamphetamines and they're trying to give him more
16 of the same stuff, it didn't make sense to me.

17 Q How is Logan doing today in school -- or not
18 today, but generally at this time?

19 A He's doing pretty good. He finished out the
20 year. He had a really hard time when Angel went to Palo
21 Alto for the second surgery. He went from level four down
22 to level one on his SIP. Well, level one is just extreme
23 care. Somebody's there with him; he has to be in a little
24 special room and be brought back up.

1 When Angel came back, I was home the entire time
2 to help Angel recover and Logan just soared. He went from
3 level one to level five in six weeks, six and a half
4 weeks. He was doing -- he's doing most of his homework
5 himself. If he had a problem, he'd ask me or he'd ask
6 J.C. and we'd answer it and he goes right back to it. He
7 was having a little problem with his math, and
8 unfortunately, the math they're doing now, I did 35 years
9 ago. So I'm not quite up to it, especially the way that
10 they ask for it. So I allowed him to use his calculator.
11 Every now and again we had to go online, so I could figure
12 out exactly what the teacher was talking about.

13 Q Is he progressing at school, moving at grade
14 level?

15 A Oh, yeah. He's reading just below grade level.
16 His writing is atrocious, but, then again, so is mine. He
17 could probably use a little bit more of the fine motor
18 skills, but as far as knowing the material, he knows it.
19 He's at grade level, functioning at grade level.

20 Q Is he presently on any medication?

21 A Medication, yes. He's taking 30 milligrams of
22 Vyvanse in the morning, 5 milligrams of Intuniv in the
23 evening. And that's daily.

24 Q How do you obtain that medication for him?

1 A Through his SSI. He's got Medicaid that covers
2 that, through pretty much his life.

3 Q All right. And how does he function at home
4 with his two brothers?

5 A They get on each other's nerves every now and
6 again, but they've got really black and white rules. If I
7 tell them 8 o'clock is bedtime, 8 o'clock is bedtime. If
8 I tell them -- right now, the rule is, as soon as you walk
9 in, you change out of your school clothes, put on regular
10 clothes, and you start your homework. You're allowed to
11 take a snack. We've got fruit, we've got yogurt, we've
12 got chips, and they can do their homework doing that.
13 They've been acting very well.

14 Whenever they misbehave, whenever they do
15 something improper or they start yelling at each other,
16 calling each other names, there's different penalties for
17 it. They lose video games, they lose computer time, they
18 lose -- J.C. loses his personal phone, I shut off his
19 Facebook account. Different penalties for different
20 actions.

21 Q The other twin is Angel and he has probably more
22 serious medical problems than psychological problems,
23 would you say? Or you answer that question. I don't
24 know.

1 A He is legally blind. He had a pituitary tumor
2 three years ago, was operated on in Palo Alto. In March,
3 we figured out that it had come back and it had come back
4 in a big way. So we went back and operated again. He has
5 about 10 percent vision in his right eye. He can detect
6 light in his left eye. He is an amazing kid. In two
7 years he's learned how to read Braille at a fourth grade
8 level. He can run around with the best of them. He's got
9 a great attitude. It's hard to put him down, it really
10 is. He takes medication to help with the reduction of the
11 tumor. He takes 100 milligrams of synthroid, and that's
12 because the pituitary tumor is still affecting his growth.
13 So he's staying rather short, compared to his brothers.
14 So that's helping him with his growth, and hopefully, as
15 he enters puberty -- the doctors are hopeful because he's
16 still producing some hormones on his own.

17 Q Excuse me. Is he going to a regular school now?

18 A He's going to regular school. They are
19 providing special -- they're giving him special stuff.
20 Like, he doesn't have a combination locker; they provide
21 him with a locker with a key lock on it. He gets to leave
22 class five minutes early, to make sure he makes it all the
23 way across. He uses his cane. He also has glasses. He
24 has goggles when he goes outside for his PE class. But,

1 all in all, he's just doing great on his own.

2 Q Who furnishes these things for him?

3 A The goggles were furnished by Social Services.
4 I offered to pay for them for three months, till they were
5 finally done, until they got the grant, and then they had
6 to do a couple of things. By that time, the prescription
7 had expired. I had to go back and get a new one, and I
8 had to get it from Eye Care Associates, and it had to be
9 specially written out, so I could deliver it to J.C.
10 Palmer, so they could take that to Wal-Mart; and then they
11 could send the social worker with the credit card to pay
12 for it, when I had the money all along to pay for them and
13 they just said no, or at least Ms. Palmer said that.

14 Q How is Angel behaving in school?

15 A Angel's doing well in school. He's nursing his
16 surgery. When he returned back from Palo Alto, he had
17 some really great, devoted teachers at Miguel Sepulveda.
18 Right now, he's at Dilworth. He's moved on to the seventh
19 grade. He's got a couple of really nice teachers he's
20 working with. He's got a new vision teacher, who's
21 teaching him Braille. He's got the same assistant,
22 Jessica -- I don't remember her last name; I apologize.
23 She sits with him in class, helping him to try and write
24 things down when possible.

1 Q I understand that last year he was pretty
2 popular at school.

3 A They took him from class to class to introduce
4 him, show the kids about the Braille stuff. He talked to
5 the kindergarteners. He had -- they call him his
6 boyfriend, and he goes, "They're not my girlfriends,
7 they're just my friends. They're girls." Yeah, he was
8 very popular. The kids liked him, everybody knew him. He
9 could walk down the hallway and you got about 10, 20 kids
10 saying "Hey Angel."

11 Q Did you go to his school orientation this year?

12 A Yes, I did.

13 Q And did he receive a pretty good welcome at that
14 time?

15 A Yes, he did. The only problem is that we had to
16 redo his schedule -- well, we had to redo Logan's schedule
17 three times, because they didn't understand where he was
18 coming in on his IEP, or his SIP. And with Angel, we just
19 went ahead and redid it one time, 'cause there was one
20 class that he just wasn't prepared for at this time. That
21 was one of the science classes, and they're gonna take him
22 next semester.

23 Q Does Angel have homework like regular children
24 do?

1 A Yes, he does.

2 Q And how does he handle that, being that he
3 doesn't see very well?

4 A Last year when he was doing his reading, I read
5 it to him, he took notes. This year, I'm picking up the
6 Dragon program for him. I went through the Reno Lions
7 Club, but they haven't gotten back to me on that, and I've
8 ordered it through Best Buy.

9 Q What's the Dragon Club?

10 A The Dragon Program, what it is is you speak into
11 a microphone and it puts your words on the screen and --

12 THE COURT: A software program?

13 THE WITNESS: A software program.

14 BY MR. ROTH:

15 Q Now, how does that help him? I think I know the
16 answer, but it's something to do with the size of the
17 print, isn't it?

18 A Well, he can change the size of the print, so he
19 can read his words and adjust them as he wishes. Also,
20 when everything is done and said, it is his words going on
21 paper, and this way, they know that it is his work. Last
22 year they allowed me to write certain things down for him.
23 Because when we're talking about the Spartans and their
24 way of life, it took three, four paragraphs to put down

1 what he wanted, and the way he writes -- to write legibly,
2 he has to write about the size of an inch, inch and a
3 half, for him to be able to get it down on paper, and that
4 took too long. So they allowed me to put down his words
5 on paper, and it was hard for me to -- it's hard for me
6 not to put in my own thoughts and then I had to go back
7 and redo it, because he didn't want, like, my thoughts.

8 Q Do you feel that he is adjusting to your home
9 and the family that you have there at this time?

10 A Oh, he's having a blast. He knows pretty much
11 where we're at, where we stand. He asks how we're doing
12 with the little ones. He wishes to see them and we take
13 him when we can. Sometimes he has too much homework and
14 that would interfere with the visit, with the younger
15 children.

16 Q Would that be putting him in harm's way, as was
17 sort of indicated earlier regarding the scooter?

18 A All the doctors have signed off. He can ride
19 scooters. He's got a helmet. He takes judo classes.
20 Everything was signed off on that a couple years -- last
21 year and he's doing great. He's a yellow belt at the
22 Proshudo class in Sparks on Ninth and C Street.

23 THE COURT: Excuse me, Mr. Roth.

24 But he had surgery this summer?

1 THE WITNESS: Yes, ma'am.

2 THE COURT: And that did not change that, even
3 though he was signed off previously?

4 THE WITNESS: He took four months off.

5 THE COURT: So there was a change after his
6 surgery and he's been signed off again?

7 THE WITNESS: Yes.

8 THE COURT: Well, we haven't had four months
9 since the summer, though.

10 THE WITNESS: The surgery was in March.

11 THE COURT: In March, not in the summer.

12 Mr. Roth, go ahead.

13 BY MR. ROTH:

14 Q Tell us about the surgery that Angel had. He's
15 had more than one surgery, hasn't he?

16 A He's had two. The first one was in September of
17 2011. I was incarcerated when they told me about the
18 tumor. I was incarcerated because of the child support.
19 They told me about it and I was a bit upset. I was
20 released three days later, when Angel was being
21 transported. He went up there with his stepmother, Sandy
22 Lorenz, and I followed a day or two later. I was up
23 there, spent a few days with Angel. I was there when he
24 went in; I was there when he came out.

1 Q Excuse me. When you say "up there," what are
2 you referring to?

3 A We were up in Palo Alto, at the Lucille Packard
4 Children's Hospital.

5 Q Is that part of the Stanford University?

6 A It's part of the Stanford University, at the
7 Stanford University Hospital.

8 Q Then he had a second surgery and you said that
9 was -- did you say March of this year?

10 A March 14th of this year.

11 Q And were you there with him during that time?

12 A Yes, I drove him down. We got to spend a couple
13 of days beforehand. We even spent one night at the Ronald
14 McDonald House, where we got some really nice pictures of
15 him as a boxer, 'cause he's gonna beat whatever is wrong
16 with him. We got pictures of him with his -- he calls it
17 his squishy. It's a blue penguin Pokemon-type thing,
18 'cause Pokemon are his thing, what he's into. And his
19 teachers bought that for him.

20 Q His last-year school teacher?

21 A Yes. I apologize, it's just that he has two
22 teachers named Cheryl, Cheryl Enzler and Cheryl Kriegle.
23 They purchased that for him. I spent --

24 Q Who did the surgery? Do you recall the doctor?

1 A Dr. Edwards.

2 Q And he did the first surgery, as I understand.

3 A He did the first surgery as well. He's been
4 monitoring Angel the entire time.

5 Q When the surgery was completed, did the doctor
6 discuss with you treatment or prognosis or what he'd done?

7 A Pretty much what happened is that they used the
8 ENT specialist up there, Dr. Guinn. They went through his
9 septum and the sinus cavity to access the pituitary gland.
10 They drained the tumor and it was left in two different
11 sections. One was really close to the carotid artery at
12 the base of the brain; the other one was up by the optic
13 nerve. They didn't want to take any more chances of
14 scarring the nerve any further or possibly rupturing the
15 optic nerve. They got into two small sections and started
16 treating the -- started treating the tumor with
17 cabergoline. They give him that, eight milligrams twice a
18 week -- excuse me -- four milligrams twice a week, eight
19 milligrams for the week, and they figure that it's going
20 down. The last treatment -- or the last checkup we went
21 to, his prolactin levels -- which is what tells whether
22 the tumor is up or down -- are down to around 145, which
23 is very high for a normal person, but for Angel, that is
24 outstanding, considering for the first surgery, they were

1 up over 3,000. For the second surgery, they got him up to
2 about a thousand. So right now he's at about 145. He
3 sees Dr. Eckert next month and Dr. Edwards two weeks after
4 he sees Dr. Eckert. They got an MRI coming up and they're
5 just gonna see where he sits.

6 Q Have the doctors ever told you don't let Angel
7 do certain kinds of exercise, keep him quiet, anything
8 like that?

9 A No. After the first surgery, Dr. Eckert, Dr.
10 Edwards, Dr. Burtz were all in favor of him getting out,
11 doing exercise. Dr. Hershewe was saying, "Just be extra
12 careful." His thing was that Angel only has one good eye
13 and it's only a partial good eye. He wanted protection on
14 it at all times. But after February, he signed off on him
15 doing anything. That was February after the surgery.
16 He's saying he needs exercise, because he is starting to
17 put on a little too much weight.

18 Q The incident with the scooter that he was
19 using -- you had purchased him a scooter and this was a
20 year or two ago, wasn't it?

21 A Yeah, I purchased it -- I believe it was about
22 three years ago.

23 Q That was before either of the surgeries?

24 A No, it was after the first surgery.

1 Q After the first surgery, okay.

2 And this wasn't the first time he had used his
3 scooter, was it?

4 A No. He was riding scooters over at the Kids
5 Cottage, and him and Logan asked me to get him one. J.C.
6 was riding scooters there as well, but he wanted a rip
7 board and a bicycle. So everybody got something
8 different.

9 Q But, apparently, the Kids Cottage allowed him to
10 ride the scooter.

11 A I kept him on the sidewalk. As long as he
12 stayed on the sidewalk, not on the parking lot area. The
13 other kids got to go in the parking lot area. Angel just
14 stayed straight up and down the sidewalk.

15 Q At one time -- and I'm not sure I can remember
16 the details -- you explained to me what you believe
17 Angel's sight was and that he has sight on the peripheral
18 side, but not straight ahead. Am I remembering that
19 right?

20 A That's correct. Pretty much the way Dr.
21 Hershewe explains it -- he's the neuroophthalmologist --
22 on his left eye, after the surgery, he has light
23 perception. He can tell light; the pupil response opens
24 and closes. On his right eye, he has 10 percent

1 peripheral vision. The center of the eye isn't dead, but
2 it's just blocked off, 'cause he can't see. The best way
3 he explained it to me was, if you take a piece of paper,
4 put the corners down --

5 Q Who explained it?

6 A Dr. Hershewe. You take it and block off the
7 right eye just right here, the little half moon thing on
8 the bottom, that's pretty much what Angel sees.

9 At a distance of about five to six feet, he
10 isn't great, but he's not bad. He can see posts, he can
11 see certain things here and there. The larger items at a
12 bigger distance, he can see as well, but -- like I took
13 him to see Guardians Of The Galaxy last weekend and we sit
14 in the front row and he can see the movie. It's just he
15 leans way back and the movie's right there, so he can see
16 and enjoy the movie, but if we sit about the tenth row
17 back, he doesn't enjoy it at all.

18 Q Mr. Faz, do you know a lady by the name of
19 Jennifer McKiernan?

20 A Jennifer McKiernan works with CPS and she was
21 the caseworker for the twins.

22 Q Did she visit your home within the last six
23 months while you were living at this residence that you're
24 now living in?

1 A Yeah, she visited two or three times.

2 Q Are you aware that she made a report and a
3 recommendation for a 54-month review hearing?

4 A Yes, sir.

5 Q And have you had a chance to look at that?

6 A Yes, sir. I was just reading it when I was
7 sitting over there.

8 Q You're aware that she approved the reunification
9 of Angel and Logan with you.

10 A Yes, sir.

11 Q And did she prepare this, to the best of your
12 knowledge, pursuant to her job with the Washoe County
13 Social Services?

14 A Yes, sir.

15 MR. ROTH: Your Honor, I would ask that it be
16 admitted into evidence.

17 THE COURT: Is it already marked, sir?

18 MR. ROTH: It is not marked. I do have copies
19 for --

20 THE COURT: All right. Please hand one to
21 counsel and hand one to the clerk. And is this something
22 that you'll be objecting to?

23 MR. MARTIN: Yes. I would object on the basis
24 of hearsay at this point.

1 THE COURT: All right. Let's go ahead and have
2 it marked to make the record. And for the record, this is
3 a court report. Is that right?

4 MR. MARTIN: It is, your Honor.

5 THE COURT: And the objection is hearsay, as the
6 author is not with us. Do you have a response to that?

7 MR. ROTH: Your Honor, yes. The document is
8 more of the history of another case and not involved in
9 this case. So, therefore, (inaudible) and I feel it has
10 some relevance as far as my client's ability to parent. I
11 believe, as far as the hearsay rule, it's something that
12 shows Ms. McKiernan's frame of mind at the time that this
13 was written, at the time that she viewed the home, at the
14 time that she made a decision on what to recommend to the
15 court.

16 THE COURT: I have not allowed either the agency
17 or other parties in termination trials to admit court
18 reports absent the author being here to answer; and
19 sometimes that's even problematic, because they can be
20 double and triple hearsay. Hearsay is allowed by statute
21 in 432(b) cases. It is not allowed by statute in
22 termination of parental rights cases, because the due
23 process and the procedural protections are different,
24 because what's at stake here is greater.

1 So the objection -- you've made your record and
2 it will remain part of the record if there's an appeal in
3 this matter, but I will not be admitting it. I will be
4 accepting the hearsay objection, because court reports
5 often include not only what Ms. McKiernan knew but what
6 other people told her. I mean, it's two and three levels
7 of hearsay sometimes in those reports. So I'm just going
8 to hold to that consistent position that I've taken
9 generally in these cases, is that those court reports are
10 not admissible. Perhaps they could be if the author were
11 called, but she has not been called.

12 So we'll make it part of the record, and your
13 objection is noted. And please go on, sir.

14 BY MR. ROTH:

15 Q Mr. Faz, you've told us about three of your
16 children, but the three that are involved in this case
17 are -- who are those children?

18 A Sorry?

19 Q The three children involved in this particular
20 matter that we're seeking to determine whether there's
21 going to be a termination or not, that would be Maria,
22 Michael, and Nathaniel?

23 A Yes, sir.

24 Q We've heard that Maria has at one time indicated

1 that she would like to be treated more specially and she's
2 not real happy being the only girl in this. Are you aware
3 of that?

4 A Yes, sir.

5 Q If she were to be returned to you, how would you
6 try to make her feel different about that?

7 A I've always told her she's a princess. I've
8 always bought her the girly stuff, the pink dresses, the
9 little blouses, the things that she likes. I try to do
10 things specially for her. Last February was Nathaniel's
11 seventh birthday. Maria was not allowed to participate
12 because J.C. would be there, and it was a birthday we did
13 over at Chuck E. Cheese. I picked up the kids, dropped
14 them off. We had a great time. Maria couldn't be part of
15 it. At the time, I was told that I was gonna be able to
16 take her out for her own special dinner. Get dressed up,
17 go out and have some fun, just go get dinner, whatever she
18 wanted.

19 Q What happened?

20 A Julia Bauer figured this was -- as soon as I got
21 back from Palo Alto, Julia Bauer said that it would not be
22 possible to do, because the circumstances of the
23 visitation had changed because of a air soft gun incident.

24 THE COURT: Because of an air soft gun? Just to

1 make sure I heard you correctly.

2 THE WITNESS: Yes, air soft gun.

3 BY MR. ROTH:

4 Q Are you referring to what other people may have
5 referred to as a pellet gun incident?

6 A Yes.

7 Q And that gun incident, was there only one gun or
8 several guns?

9 A There were several guns. They're called Zombie
10 killers. We purchased them at Wal-Mart, two for 20 bucks.
11 It's a air soft handgun that shoots little rubber BBs.
12 And one of them bounced back and hit Maria on the finger;
13 one of them bounced back and hit Michael on the cheek, and
14 they said I was not paying my due diligence with the
15 children, because I was inside the truck. I was inside
16 the truck loading them for the children.

17 Q Now, do these guns make a lot of noise?

18 A No, they don't. You cock it back, a pocket of
19 air forms, you pull the trigger, and it's a spring that
20 comes out and it makes a little clapping sound, a little
21 bit louder than that.

22 Q It was not your intent to have anybody harmed by
23 these guns.

24 A No, sir.

1 Q In hindsight, maybe you would not have done
2 that, if you had the opportunity?

3 A In hindsight, no, I wouldn't have done that.
4 But at the time that it was going on, everybody was having
5 a lot of fun. Michael got hit on the face. He came up,
6 he told me, and I said, "That's gonna look really good,
7 it's gonna be a real nice red mark for you." He laughed.
8 Maria got hit a second time. She was wearing a sweatshirt
9 at the time -- this was in February -- and it just bounced
10 off the sweatshirt. Beyond that, they had a good time
11 shooting at cans. They had an old paper mache mask that
12 they were shooting at. They were shooting at a plaster of
13 Paris mask that the twins had made the year before in one
14 of their classes, and it was fun.

15 Q I was just going to say that probably, in your
16 opinion, would not have been -- that was not a good idea.

17 A At the time, no. They did not have enough
18 experience around the guns to be able to do that.

19 Q Getting back to Maria, did you recently have a
20 visit with Maria?

21 A Yes, sir.

22 Q When was that?

23 A I have one every week, every Wednesday. The
24 last one was yesterday.

1 Q And was Maria excited about going to Girl
2 Scouts?

3 A Yes. The thing was, Tuesday she had a doctor's
4 appointment with Dr. Burtz, a well-baby check. Monday was
5 to be her first Girl Scout meeting. Tuesday, she was kind
6 of upset because she told me that Tamara forgot to take
7 her and she didn't get to go. The next one isn't for
8 another two weeks.

9 Q So she didn't get to go to this week's --

10 A No. She hasn't been in Girl Scouts for over
11 three months now.

12 Q At one time, you had unsupervised visitation
13 with the children. Is that correct?

14 A Yes, sir.

15 Q But now that J.C. is back in your home, does
16 that kind of restrict the visitation, especially with
17 Maria?

18 A In a way, yes, but the thing was that I had
19 unsupervised visitation at my home with J.C. there. They
20 knew that J.C. was living with me. They knew J.C. had his
21 own bedroom. Maria just really enjoyed coming home with
22 me. We baked our first cake together. It was the first
23 cake she ever baked. She would go into my bedroom and say
24 that was her perfect bedroom, and she loved the big

1 bathtub in the apartment, 'cause it was gonna be her
2 perfect bathtub. At that point in time, she had illusions
3 of coming home.

4 Q But with J.C. living at the house now, that
5 presents a big barrier to that, does it not?

6 A I don't think it's a huge barrier, but it
7 presents a little bit of a barrier, yes, especially with
8 the allegations. I mean, the second allegations.
9 Apparently, Maria talking with Danielle Osier-Tatar
10 brought up a lot of memories and resentment. If I was to
11 get unsupervised again -- J.C. is 14 years old. I pay for
12 him to be in the Boys and Girls Club, he's on the football
13 team, he's got a bunch of new friends. He's got plenty of
14 places to go play.

15 Q Let's look at it from Maria's point of view,
16 though, her side. She's had some incidents outside of the
17 relationship with J.C. It would seem that maybe she needs
18 some help and therapy as well.

19 A Maria needs help, yes, she does. She started
20 with -- this is about the seventh therapist she's been
21 with. She started with Shirley Luke immediately when we
22 found out; then they moved her to Maple Star; then they
23 moved her to No Child Left Behind. After No Child Left
24 Behind, she had two or three therapists; then they had her

1 with Paula Schroeder; then they put her on the Koinonia
2 thing, and now she's with Danielle Osier-Tatar. So she's
3 been moved around, seen a lot of different therapists.
4 And as soon as she got to Danielle Osier-Tatar, it seemed
5 like -- I don't know if they hit it right off the bat,
6 'cause in less than two months, apparently she told
7 Danielle a lot of different things. A lot of things have
8 opened up that led to them considering new charges against
9 J.C., against my son J.C. And apparently, at that point
10 in time, they brought in an older boy's name that was an
11 adopted son of the foster family where he lived, the
12 Lorenzes.

13 Q There was some suggestion that there had been an
14 inappropriate incident between Maria and J.C. at the
15 Lorenz home. Is that correct?

16 A Yes. And the way that it was approached to me
17 by J.C. Palmer, they were gonna come after J.C. with
18 criminal charges. I took a bit of offense, because
19 J.C. -- things had been brought up two years before, three
20 years beforehand. We went through the social psych evals,
21 we went through a bunch of different things, and they
22 found out there was no way they could prove criminal
23 charges at that point in time.

24 Q I'm going to interrupt you, and I apologize, but

1 I would like to sort of concentrate on Maria at this
2 point.

3 A I apologize. And with Maria, with all the
4 therapists she's been through, and the fact that she
5 opened up so quickly with Danielle Osier-Tatar, I had my
6 suspicions. She didn't open up very much with the other
7 ones. She started talking to the original one, Shirley
8 Luke.

9 Q But let me ask you this question: If something
10 like this occurred, is it not a good idea to have a
11 therapist discuss it with the child?

12 A Yes.

13 Q And do you have any objections to Maria
14 continuing with any kind of psychologist or psychiatrist,
15 a clinical person to help her?

16 A No, not at all. As long as she's getting help,
17 as long as she is venting, getting it out, trying to find
18 a way to get stronger and get past it. No, no objection
19 at all.

20 Q From what she has said, that I've heard from the
21 evidence, about not liking her brothers or not liking you
22 and all kinds of things, it sounds like a little girl just
23 needing attention. Would you agree with that?

24 A In a way, yes, but at the same time, I can see

1 her being upset. I mean, extremely upset. She saw J.C.
2 come home. She saw the apartment. She claimed my bedroom
3 as hers. She got to be home. We got to bake cakes, we
4 got to make cupcakes. We got to interact as a family and
5 she gets pulled out of it again.

6 Q So you believe she is frustrated?

7 A Frustrated, upset, disappointed.

8 THE COURT: Excuse me, counsel. When you said
9 you were suspicious because of the way she opened up to
10 Danielle Osier-Tatar, can you tell me what you mean?

11 THE WITNESS: Maria's always been a very closed
12 person. It's not that she built a shell around her; it's
13 just that it took her awhile to get to know somebody. And
14 with Danielle Osier-Tatar, it just seemed almost like an
15 immediate click and everything was coming out. Danielle
16 Osier-Tatar was saying that Maria was telling her
17 everything going on with J.C., but she couldn't tell me.
18 Whenever I asked, whenever I got any permission from
19 anybody in authority to duplicate any reports from them,
20 Danielle Osier-Tatar would give me a paragraph, a couple
21 of sentences, but she couldn't tell me anything because of
22 a doctor-patient privilege. Apparently, CPS could know.
23 Apparently, the foster parent could know, but I wasn't
24 allowed to know.

1 THE COURT: You were suspicious of what?

2 THE WITNESS: I was just suspicious how quickly
3 it all came about.

4 THE COURT: All right. Mr. Roth, go ahead.

5 BY MR. ROTH:

6 Q You said that Ms. Osier-Tatar didn't tell you
7 anything?

8 A Not really. Very, very little. She did provide
9 reports, but, like I said, they were a six-month report
10 condensed to two, three sentences, maybe a full paragraph.
11 And all it was was, "Well, we're doing great work. She
12 has opened up well," and that was it, and that's pretty
13 much all I got from her. Whenever I tried to ask
14 questions, I was shut down. I was shut down by Kim
15 Graves, one of the people at Koinonia. There was another
16 lady named Kim, who helps run -- who's supervising the
17 entire thing. Kim Keitano, I believe is the lady from
18 CPS, she steps in and shuts me down. I cannot ask any
19 questions.

20 Q How would you provide a home for Maria, if you
21 needed to?

22 A Maria would have to have her own room. It'd be
23 to the opposite side from the boys's. She would have her
24 own bathroom. There'd have to be at least two, three

1 bathrooms in the home. She would have her own privacy,
2 her own little deal. If she needed therapy every week,
3 I'd be there. I've made it to every single one. I've
4 made myself available to all the children's therapies.
5 I've made myself available to just about everywhere, every
6 time.

7 Q Would she and J.C. go to different schools?

8 A Yeah. J.C.'s in high school; she'd still be in
9 elementary school.

10 Q And when they got out of school and came home,
11 would you have somebody there to have sight of them and
12 watch them?

13 A I would be there. I am there right now. I quit
14 working around noon, one o'clock to make sure that I pick
15 them up from school. I make sure that I'm there first
16 thing in the morning. I mean, the way it works out right
17 now, we get up, I make the boys breakfast, I take the
18 twins to school. J.C. goes to school on his own; he has
19 to ride his skateboard two blocks. I drive the twins to
20 school, I pick them up from school. I drop off their
21 medication. Whatever needs to be done at school, I'm
22 there. I'm there except during the school hour. The time
23 that I wasn't there during the summer, Delores has been
24 helping out, because they weren't in school.

1 Q And you believe that you can offer this same
2 attention to Maria if she were to reside with you?

3 A I believe I can. I mean, as far as getting her
4 to her appointments, to get her -- yes.

5 Q The other two children, Nathaniel and Michael,
6 I'd like to talk about them a little bit. Nathaniel seems
7 to be quite a more serious problem, or at least a more
8 intense problem. Can you describe what you feel his
9 problem is?

10 A Nathaniel is very hyper. He is a ball of
11 energy, just needs to keep going. With him; we just keep
12 track of where he's at and what he's doing, keep him doing
13 his homework, keep him doing his reading, which he does
14 enjoy, keep his mind busy. If you keep his mind busy, you
15 can keep his hands busy. He likes to go out to the park,
16 and he's been telling me he hasn't had the chance to do
17 so.

18 Q Why not?

19 A Apparently the Reids, which is the foster family
20 that he's with now, don't take him out to the park. He
21 complains that his bike's had a flat tire since the last
22 time we rode it together at the park.

23 Q When was that?

24 A I believe it was January of last year.

1 Q January 2013?

2 A Yeah.

3 Q He's had a bicycle all this time with a flat
4 tire?

5 A Pretty close, yes.

6 Q And his bicycle's at the Reid house?

7 A It's at the Reid house. I bought all three of
8 the kids a bicycle for their birthday. I bought Maria's
9 first and they sent it home, they sent it home with me,
10 because the foster family didn't feel that they could
11 watch it or take care of it. I made a few complaints.
12 They took the bicycle home with them, but the only time
13 she got to ride it was when they brought the bicycle to me
14 at the visit, then she got to ride it. The same thing for
15 Michael's bicycle, and then they couldn't transport all
16 three bicycles, because apparently there wasn't enough
17 room in their --

18 Q Let's stick with Nathaniel for a moment, if we
19 could. What are the issues with Nathaniel, as you see
20 them?

21 A Other than his hyperactivity and his problems at
22 school? That's a lot of them right there. I see it as
23 him not getting enough -- well, one of the things that I
24 see is that I don't believe he gets enough consequences

1 for his actions. The way they're being treated right now
2 is only positive rewards. If one of my boys at home yells
3 at -- if Logan yells at J.C. or calls him a name, he loses
4 his DS for the day. That's a 24-hour period. He messes
5 up at 5 o'clock, he can't talk about DS until 5 o'clock
6 the next day. When Nathaniel does something wrong, there
7 might be a timeout, but then they just go back and talk to
8 him and try to use it as a teaching moment. And all he
9 has to say is "I'm sorry" and he gets rewarded for saying
10 "I'm sorry" and realizing that he did something wrong.

11 Q Now, he has been known to shut down, and so a
12 timeout for him might not -- how would that affect him?

13 A He gets one minute for every year of his age.
14 So that's a seven-minute timeout. For him, it might be
15 seven minutes of frustration sitting in a corner, sitting
16 at a desk, but that is it. After that, he gets back up,
17 he gets to go play, he gets to do what he was doing
18 before.

19 Q Do you know if he's taking any medication or --

20 A They're trying to get the proper medication to
21 him. They've been making a bunch of different changes to
22 it. They started him on Tenex; then they tried the
23 Intuniv; then they had him on an Adderall-type medication.
24 They put him on Vyvanse. Now they're trying to do Vyvanse

1 and Intuniv in a combination. My objection is they just
2 keep throwing stuff to the wall, hoping to see what
3 sticks. On the Adderall medication, he was actually
4 performing quite well, until they took the visitation away
5 in March. Well, everybody took a big fall in behavior at
6 that point in time. Since they've got him on all these
7 medications, he was okay in the morning and he was doing
8 okay during school for a period, but then he wasn't calm
9 enough in the evening when he went home. So they give him
10 a second dose, and since they gave him a second dose, he
11 was having a hard time sleeping. They started giving him
12 Benadryl to sleep. They've given him three different
13 sleep medications to try to keep him asleep. He gets up
14 too early in the morning; therefore, that's his sleep
15 problem, and it's -- I just don't understand why so many
16 pills, why so many different combinations. I understand
17 they're trying to find the right one. I really do
18 understand that, but I also understand that if you keep
19 giving a kid speed in the morning, speed in the evening,
20 he's not gonna get to sleep at night. So give him speed,
21 give him a little more speed, then give him sleep
22 medication; it may or may not work.

23 Q You said the Adderall was doing fairly well, in
24 your opinion.

1 A Yes, he was doing fairly well.

2 Q What changes and improvements did you see?

3 A I'm sorry?

4 Q Did you see any changes or improvements in
5 Nathaniel?

6 A Yeah. Everybody was actually quite happy when
7 he was on the Adderall medication. His grades started
8 going up, his behavior in school was actually turning
9 pretty good, and then they started -- they even took him
10 off the Benadryl at night, because they said since he was
11 going to sleep all right, he really didn't need it
12 anymore. But then they had bumped the dosage quite a bit
13 at one point in time; so they figured that he had built up
14 a tolerance for it as well. So they just keep going back
15 and forth on it.

16 Q There was a setback, you said, when the
17 visitation was taken away. It wasn't. It was restricted
18 to supervised visitation, wasn't it?

19 A Yes. That was in March, when I got back from
20 the surgery with Angel. That was when they brought up the
21 incident with the pellet guns.

22 Q Yes. And you say that that -- even though he
23 was taking the Adderall, that things regressed somewhat?

24 A Yeah, he regressed considerably. That's when

1 they went from the Adderall to the Vyvanse, and then they
2 did a double dosage on the Vyvanse. They tried to get him
3 on two 10-milligram doses -- excuse me, they went to two
4 5-milligram doses, then they went up to two 10-milligram
5 doses, then they went to a 10 and a 5.

6 Q The supervised visitation, where do they occur?

7 A They occur at the CPS building.

8 Q And can you describe the room in which they were
9 occurring?

10 A We initially were on the second floor, Room 1,
11 which was not a big room, but we had a few toys, but the
12 toys were for younger children. They had a few books, but
13 half the books, the pages were missing or torn or colored.
14 So we had one of the CFT's, and after the CFT they said I
15 should bring different games and they said that Uno was
16 one of their favorite games and I should sit there and
17 play Uno. So we tried to sit and play Uno for two hours.
18 That is one boring game, especially for two hours when
19 you've got three children that want to run around and do
20 other things. I brought them different toys. I brought
21 them Captain America dolls, I brought Maria regular dolls,
22 I brought Playdo stuff.

23 Q I could see that that was frustrating for you.
24 Was it frustrating for the children?

1 A Yes, very frustrating. And then we start
2 getting a little bit loud, because we start playing, we
3 start wrestling, and it upsets the people in the offices
4 who are directly behind us.

5 Q Who all was in the room with you? Name the
6 children for me.

7 A It's Maria, Michael, and Nathaniel and myself.
8 Every now and again it's Logan and Angel. They come and
9 visit as well.

10 Q And was anybody supervising?

11 A They say that the winco people walking by
12 through the open door, those are the people supervising.
13 Or since their office is in the back, the people that walk
14 back, 'cause there's a window through the door, they're
15 probably the people supervising. But sitting in the room,
16 there's nobody supervising. Yesterday's visit, we had the
17 door closed. Maria closed the door, because we have kids
18 that come into our visits and been upsetting Michael, been
19 upsetting Maria.

20 Q Other children, you mean?

21 A Children that are in other visits that are
22 walking the hall. Maria asked me to buy her the movie
23 Frozen. So I bought it for her and showed the movie.
24 Michael asked me to start bringing different movies. So

1 we do that and we get popcorn, pop ring candy, fruit,
2 snacks, cheese. Yesterday was hot wings and fries. And
3 we're just sitting there playing and we got these kids
4 that just keep barging in, and their parents hope that we
5 don't mind. I'm just trying to be gracious, and yeah,
6 they can have some chips, they can have a little bit of
7 the stuff we bring.

8 Q Well, you didn't mind that, did you?

9 A I don't mind it that much at all.

10 Q But do you see it frustrating the children at
11 all?

12 A It's frustrating Michael. He feels that they
13 shouldn't be at our visit, at our time. And the parents,
14 they come in and they sit and join. And the people
15 supervising, I guess they think it's okay, because they
16 just keep walking on past.

17 Q And let's talk about Michael. Well, before we
18 leave Nathaniel, if he were to be returned to your home,
19 do you think you would be able to appropriately and
20 correctly -- not only supervise him, but help him mature
21 and improve in his bad habits?

22 A I believe I could, yes. Everybody keeps saying
23 that he needs a firm -- "firm" might not be the proper
24 word -- a more stricter regimen, without being terribly

1 strict, is the way that I understand it. My home is run
2 in a very simple way. You are asked to do things and
3 there is a time limit to do things in, and you accomplish
4 that task. If you don't, you ask for help. If you can't
5 finish at that time, we'll work on it later. If it's
6 something that just steps out of line -- you're yelling,
7 you say a curse word, you call your brother a name --
8 there's penalties for that, you lose privileges.

9 Q Have you ever used a belt on these children?

10 A On the younger ones? No.

11 Q Maria?

12 A Maria, no. She was too young and she's the
13 princess. I never did spank her.

14 Q Michael has issues also and is considered to be
15 a line-of-sight child. What is your understanding of what
16 that means?

17 A Line of sight means that -- at least to me, it
18 means you are in the room when he's in the room, period.
19 If he steps outside, you gotta be in a closed-off area
20 where you can keep an eye on him outside the window, at
21 least that's the way it was explained to me when he was in
22 the CVS home. That's pretty much the definition I was
23 told.

24 Q How would you describe his personality?

1 A Michael's personality? He's got a really good
2 personality. He's bubbly, he likes to have fun. We run
3 around, he wants to go play. He's complained that he
4 hasn't been taken out to do his things, his bike or his
5 scooter, even though his bike is actually in working
6 condition. When we play, he wants to act out -- they've
7 got these little tents in the visitation room. So he
8 hides in there. Him and Maria -- Maria pretends to be the
9 jaguar girl or the cheetah girl or the wolf girl. Michael
10 pretends to be the hunter or the wolf and they just start
11 chasing each other. They have a good time playing. We
12 start wrestling.

13 Q Excuse me for interrupting you, but would you
14 say that Michael has more of a outlook on life in a
15 black-and-white manner, rather than -- I guess I'm not
16 explaining that well. Does he like control and
17 restriction?

18 A He accepts restriction; he doesn't like control.
19 If things don't go his way, he will shut down. He will
20 sit there and he will pout. Not this Wednesday, the
21 Wednesday before, we had those little kids come in and he
22 got upset and he went to sit in the hallway.

23 I asked him, "What's wrong?"

24 He said, "Them."

1 I said, "Are you gonna join us?"

2 He said, "No."

3 "Well, you gotta join us, 'cause it's not
4 appropriate for you to sit out here. So I'm gonna have to
5 give them your snack."

6 It took him about two minutes. He got up, took
7 his snack from my hand, sat down, and we started playing
8 again.

9 Q Would you agree that Michael and Nathaniel both
10 need some psychological and mental health help?

11 A Michael, yes. Nathaniel, some, yes. The thing
12 is that I would like to find something that -- we found
13 something that worked, like the Adderall medication.

14 Q And that was for Nathaniel.

15 A That was for Nathaniel. What upset me is that
16 what happened was more of an emotional-type thing that
17 caused the outburst, and instead of looking at what caused
18 the outburst or what might've affected him, they just
19 started changing medications.

20 Q I think you've told us that about Nathaniel, but
21 let's restrict our discussion to Michael now, if we could.

22 A With Michael, what it was is that he was having
23 a hard time concentrating at school. He still does.

24 They've got him on -- I believe it is five milligrams of

1 Intuniv once a day. They give it to him in the morning
2 and he does well in school. The thing is, if he gets
3 frustrated or confused on a problem, he will not ask for
4 help. He'll just sit there. Where I had problems with
5 him as far as school goes and it was -- I don't know if it
6 was right or wrong, but when he was living with me, we
7 were teaching J.C. and the twins their times table. I had
8 Michael going up to 12 times 12, and he knew it by heart.
9 And now they automatically give him a calculator to get
10 his work done. They say that he can get his work done
11 only if he uses the calculator. Apparently, the last time
12 that we talked at the school, that has improved. But then
13 again, they've changed his IEP two different times. It
14 was supposed to happen in February. It didn't happen in
15 February. It was supposed to happen right before school
16 ended, but they figured since the school was ending, we
17 don't need to worry about it. Now it's sometime in
18 October.

19 Q Do you feel that the use of a calculator will
20 actually slow him down or is it helping him get through
21 the --

22 A I just don't think that it'll help him develop
23 mentally. Certain problems should be a snap decision.
24 Four times four should automatically be 16, 12 times 12

1 should automatically be 144. It should just be something
2 you see and know, and they're not teaching that anymore.
3 They're allowing him to use a calculator, and to me,
4 that's depriving him of -- I don't know. It's not
5 necessarily depriving him of education, but it's depriving
6 him of something that is a necessary tool.

7 Q Well, how does this fit into his mental health
8 and the therapy that might help him?

9 A I have a hard time answering that question. He
10 needs something to help him -- he's, again, another angry
11 child. He wants to be -- on the visits, he wants to be
12 with me. He wants to jump on my lap, he wants me to hold
13 him. I'm trying to play with Nathaniel and Maria at the
14 same time. We're in a really tiny room, 'cause they
15 changed us from Room 1 to Room 2, which is about --

16 Q Didn't you describe Michael to me as a baby?

17 A Yeah, he likes to be babied.

18 Q What did you mean by that?

19 A He likes the attention. He likes to be held, he
20 likes to be bounced on the knee, he wants to be cuddled.
21 Whenever he's not getting his way and it's something real
22 simple and real easy, I pick him up, I give him hugs, I
23 snuggle him. I usually have a two to three-day growth on
24 my face and I just tickle him on the neck or just chew on

1 his neck, nibble on his ear, and it's just playful stuff.
2 He responds and wants to keep playing.

3 Q He responds well to one on one --

4 A Yes.

5 Q If you were to have Michael back in your home,
6 would you continue to want him to receive psychological
7 help?

8 A Yes. He needs to find a way to get past that
9 anger.

10 Q Do you have any ideas on how you would
11 accomplish getting this type of assistance to these
12 children?

13 A Start going by the numbers. I could start with
14 asking for assistance from the government, apply for TANAF
15 or HUD. Section 8 housing, they might be able to help.

16 Q Have you recently called the University of
17 Nevada and checked on --

18 A I called the University of Nevada to talk to the
19 psychology department, to see if there were programs
20 available to be able to counsel and put Michael through.
21 But right now the department is closed, because the school
22 is closed until next month. That's when everybody comes
23 back.

24 Q Any other explorations that you've --

1 A I called Children's Cabinet and I have to go
2 down there in person to find out if there's any classes
3 that I can take, if possible. I talked to -- what's the
4 lady's name? I believe Graves something or other. I'm
5 sorry, I'm trying to remember the lady's name. I talked
6 to her to see if there might be any counseling available
7 for us as a group. Dr. Hargrove mentioned that he would
8 be available for group or family counseling if I need it.

9 Q When did you speak to him about that?

10 A That was actually two weeks ago.

11 MR. ROTH: I don't have any further questions of
12 Mr. Faz.

13 THE COURT: Would you wish to begin or take a
14 five-minute break?

15 MR. MARTIN: Could we take just a five-minute
16 break? It'll be brief.

17 THE COURT: Absolutely.

18 You may step down. And everyone let the deputy
19 know when you're ready.

20 (Recess taken.)

21 THE COURT: Please come on back.
22 When you're ready.

23 MR. MARTIN: Thank you, your Honor.

24 //

1 CROSS-EXAMINATION

2 BY MR. MARTIN:

3 Q Good morning.

4 A Good morning, sir.

5 Q Just briefly. You discussed your new residence,
6 which is a two-bedroom, two-bath. Is that correct?

7 A Yes, sir.

8 Q And you got this residence on May 1st, 2013?

9 A Yes, sir.

10 Q That's when you signed the lease.

11 A Yes, sir.

12 Q And the residence was approved for two people?

13 A Initially, that's what I was told to the
14 landlord, and I told him that I'm working on trying to get
15 my kids back. When I went to apply, I had all six kids
16 with me.

17 Q So you were approved for seven people?

18 A No. He said that would be depending -- 'cause I
19 said, "I'm getting one of my sons back." We were working
20 on getting J.C. back at that time, and then I was told
21 that I might have the chance to get more of the children
22 back.

23 That was a starter residence, 'cause I've had a
24 really difficult time obtaining residence anywhere. My

1 criminal record; back then, I was living in motels. That
2 had a big reflection on whether I could keep a residence
3 or not.

4 Q So this was designed as a starter residence to
5 have J.C. back.

6 A To have J.C. In February, I got the twins.
7 That was approved, no problem. And we're looking forward
8 to see if -- we're gonna keep moving forward to try and
9 get the little ones back, and now that I have a year
10 residence, then I can start applying at different places,
11 and it shows that I have a rental background, that I'm
12 starting to be stable.

13 Q So you feel, at this point, you can start moving
14 forward on looking for other residences at this point.

15 A Yes, sir.

16 Q And you indicated you were looking for a
17 residence through HUD housing?

18 A I was asked if I would -- if there was different
19 ways I could find low-income housing. HUD would be one of
20 them. I checked with them before, as far as government
21 housing. You have to put yourself on the list. The list
22 could be as much as anywhere from 6 to 18 months.

23 Q Are you on the list?

24 A Sir?

1 Q Are you on the list?

2 A No, sir, I'm not, because I was not approved at
3 the time before this, and I was still a felon, considered
4 a felon, and they would not accept me onto that list.
5 Right now, I'm looking at three and four-bedroom housing
6 at the Boulders up there at El Rancho and -- that'd be
7 4005 Marapar Court. I've checked with them. I've checked
8 on a three-bedroom residence down on -- I forget the name
9 of those apartments. They are right off of Pyramid and --
10 I take it back -- Silverada and York. They have
11 townhouses over there, and it's three bedrooms.

12 Q So one of the initial barriers was the felony,
13 but you got that lifted.

14 A Yes.

15 Q Was that a pretty significant impediment at that
16 point?

17 A At that point, yes.

18 Q So getting that lifted gave you a lot more
19 opportunities at that point.

20 A Getting that lifted got me an apartment within a
21 few months.

22 Q And that was lifted on -- there's an exhibit,
23 EEE. That was lifted on July 1st, 2011. Do you recall
24 the date?

1 A I don't recall the date, but I believe it was
2 summer of '11. Yeah, it was final then, and I didn't get
3 the paperwork on that till August of '11. And then after
4 that, it was just overcoming or letting the evictions go
5 back farther.

6 Q So, basically, what you're looking at is
7 eventually moving into a bigger place to kind of
8 accommodate the --

9 A Yes.

10 Q -- the needs, understanding that Maria would
11 need her own space from J.C.

12 A Yes, sir.

13 Q And Michael as well, space from J.C.

14 A I'm sorry, Michael and who?

15 Q J.C.

16 A Michael away from J.C., yes, sir.

17 Nathaniel and Michael would share a room, as
18 they do now. Maria would have to have her own room.
19 J.C., right now, shares a room with the twins.

20 Q And that would be what you're currently looking
21 at --

22 A Yes.

23 Q -- where you are at.

24 And you also indicated there were certain folks

1 that were going to help you out with the children.

2 Victor, though, he's in California. Correct?

3 A He'll be back Saturday.

4 Q Does he live here or --

5 A He lives here in Reno.

6 Q He lives with a girlfriend and her children, or
7 did he?

8 A Girlfriend. No children.

9 Q Does she have children?

10 A No.

11 Q And then you also mentioned Delores -- sorry,
12 what's her last name?

13 A Delores Johnson.

14 Q Delores Johnson. And she's Mrs. Faz's mother,
15 your mother-in-law?

16 A Yes.

17 Q And do these folks visit regularly with the
18 kids?

19 A Victor yes Delores is there five days a week,
20 yes.

21 Q I'm sorry I think I the question I asked was a
22 little vague do they regularly visit with Michael
23 Nathaniel and Maria?

24 THE COURT: Do they or does she.

1 MR. MARTIN: I'm sorry I'll re-ask the question.

2 BY MR. MARTIN:

3 Q Does Ms. Johnson regularly visit with Michael
4 Nathaniel and Maria?

5 A Julia Bauer said that would be too confusing
6 that she did not approve of that.

7 Q So Ms. Johnson actually requested visits but
8 they were denied by the Department?

9 A Correct cause right now there's still T PR and
10 adoption so therefore she said it'd be too confusing for
11 the children for Delores to come to one of the visits.

12 Q Okay. But you're certain that Ms. Johnson
13 contacted Ms. Bauer, to your knowledge?

14 A I don't know if Ms. Johnson contacted Ms. Bauer.
15 I asked Ms. Bauer, because Ms. Johnson had asked me. And
16 she had just moved back into town. This was back in
17 November -- November, December, and we had a court date
18 about that time, and I asked her about it, 'cause Ms.
19 Johnson said she wants to see them. Since I was the only
20 one able to see the kids at the time, I asked Julia Bauer,
21 and she said, "No, it'd just be too much of a turmoil"
22 or -- I'm trying to find the right word -- "too much
23 trauma for the children."

24 Q Where did she live before she moved back to

1 Reno?

2 A Whitten, California. That was her original --
3 she moved here with Penny around October, November last
4 year.

5 Q How long was she in Whitten?

6 A Over 15 years.

7 Q Okay. And Victor, does he spend a lot of time
8 with the three youngest?

9 A With the three little ones, no. He works at
10 Reno Mazda Kia, he's a mechanic there. So while he's at
11 work -- our visit goes from 3:00 to 5:00, which is
12 apparently changing here shortly. So he's at work while
13 the visit's going on. Before then, when I had them on the
14 weekends, he'd see them twice a month.

15 Q And to your knowledge, has he ever contacted
16 Ms. Bauer for visitation or anything like that?

17 A No, he didn't. He contacted J.C. Palmer. He
18 got approved through her to be able to see the kids and
19 spend time with the kids. With Julia Bauer, when she came
20 onto the case, it was just a totally different thing. We
21 thought everything was gonna be okay, since everybody was
22 still approved.

23 Q And do you think these folks have a sense of the
24 younger kids' clinical needs?

1 A My son Victor, yes. I think he does. We talk
2 about it. I have few friends and I like it that way. So
3 he and I get to talk, we spend time discussing what's
4 going on.

5 Q So he has a good idea in terms of Maria's sexual
6 abuse issues?

7 A Yes.

8 Q And Michael's sexual abuse?

9 A He has an idea. He knows what's going on. He
10 knows what's been told to me, and what's been told to me
11 has been very limited.

12 Q Now, J.C. had a psychosexual evaluation back in
13 early 2011. Do you recall that?

14 A Yes.

15 Q And the evaluator, Mr. Stuyvesant, talked to you
16 about the allegations at that time, correct, for purposes
17 of the evaluation?

18 A Yes.

19 Q And he reviewed some of the things that Maria
20 was saying at that time?

21 A Yes.

22 Q And then at a later time, Ms. Palmer took that
23 evaluation and kind of reviewed the recommendations of the
24 report with you again. Correct?

1 A Much later, yes.

2 Q So when Ms. Osier-Tatar was talking to you about
3 these allegations, they weren't exactly new at that point.
4 You were aware of the allegations -- or some of the
5 allegations as related by Maria.

6 A I was aware of the allegations of Maria. The
7 allegations that Ms. Osier-Tatar talked to me about were
8 the allegations that -- as she phrased it, if I remember
9 this properly, "There are new allegations against J.C. It
10 was more than was told before and on the report, and there
11 was also another boy involved, a boy named Jason, and we
12 have to look into these things." And J.C. Palmer said
13 that they were looking and talking about talking to the
14 Washoe County Sheriff's Department and they might be
15 coming down to talk to J.C. at school.

16 Q Did they ever relate to you that Social Services
17 actually has a policy of being required to report sexual
18 abuse allegations to the authorities?

19 A Yes.

20 Q Did it surprise you that more issues would come
21 out in Maria's therapeutic relationship with Ms.
22 Osier-Tatar?

23 A It didn't surprise me that more were coming out.
24 What surprised me was how they came out -- not how the

1 issues came out, it's how CPS came to me with it. They
2 said, "There's more stuff out. We're going to talk to the
3 sheriff's department about J.C. right now and somebody's
4 gonna go talk to him at school." And the way they
5 presented it, they presented it as an attack, as an attack
6 on J.C. and what might happen to J.C. If that's not the
7 way they presented it, that's the way I perceived it.

8 Q And wouldn't it be difficult not to perceive it
9 as an attack, because the allegations are sexual abuse? I
10 mean, it's not something that's --

11 A Well, we did a year of allegations, the
12 psychosexual eval, talking to Washoe County, going up to
13 Parr, going to all these people and talking, and it was
14 determined that the allegations were too vague, that the
15 time schedule was not properly aligned. They really
16 couldn't determine when, where, or how it had happened,
17 and then they come back and all of a sudden present it as,
18 "We're reopening the case and coming after you."

19 Q But you were also aware, when Mr. Stuyvesant was
20 speaking to you, that J.C. had made certain admissions.

21 A Yes.

22 Q Were you surprised by those admissions?

23 A A little.

24 Q Were you surprised when you learned of

1 allegations regarding J.C. and Michael?

2 A Yes, very surprised.

3 Q At some point, did you refer to those
4 allegations as psychobabble?

5 A No.

6 MR. MARTIN: I'm sorry, your Honor. The Court's
7 indulgence for just a moment.

8 THE COURT: Certainly.

9 BY MR. MARTIN:

10 Q And J.C. is not currently in counseling?

11 A No, he's not currently in counseling. Like I
12 said, we've had to stop things with Dr. Hargrove. We got
13 him enrolled at CVS with Dr. McClintock in order to get
14 him his medication. Since we've re-established insurance
15 and gotten back up, he's been -- the issues with Angel
16 came about, which kept me in Palo Alto, kept me in Reno,
17 kept me a little busy with that -- I talked to Dr.
18 Hargrove about seeing him again and he said, "Just give me
19 a call and we'll work it out." I got J.C. through school,
20 through summer, and got him into the weight-lifting,
21 football program. His attitude towards people in general,
22 women, has changed considerably. Would he still benefit
23 from it? Yes. The thing is, now, I'm just trying to find
24 a way to get him to the point -- without messing with his

1 school, without messing with his program -- that's
2 actually building his self-esteem.

3 Q I almost get the sense, when you talk about
4 that, you're indicating that keeping J.C. occupied seems
5 to be helping that situation. Am I hearing that right?
6 Am I perhaps --

7 THE COURT: Helping what situation?

8 MR. MARTIN: I'm sorry?

9 THE COURT: When you say "helping that
10 situation," that's too vague. Be more specific, please.

11 MR. MARTIN: Okay.

12 BY MR. MARTIN:

13 Q I get the sense -- you talked about filling up
14 J.C.'s time and that that is helping in terms of the
15 concerns about his sexual acting out. Is that part of the
16 reason, some of the reason, or is that just unrelated and
17 I'm just hearing it incorrectly?

18 A That's part of the reason. The thing is that I
19 feel that J.C. doesn't feel he belongs anywhere. He was
20 extremely, extremely upset at the Reach program. When he
21 was at the Kids Cottage, he was being bullied. They moved
22 him to the Reach program. They moved the person that was
23 bullying him right next-door to him, and they stuck him in
24 the same Reach program with Jason Lorenz. So he was

1 having a very hard time at the Reach program.

2 I was there every day to help him with his
3 homework, and the people at Reach got upset that I was
4 bringing him hamburgers and sandwiches, so we could sit
5 down and eat and do his homework and communicate. They
6 told me I had to stop that, that I had to stop the visits.
7 Instead of being able to be there every day, they said I
8 could only be there twice a week. Then they put him up to
9 CVS, and at CVS I had very limited access to him there as
10 well. And they had him with a psychologist, Paula
11 Schroeder, and Paula was -- I don't know her techniques
12 very well, but she seemed to be pushing pretty hard for
13 J.C. to take -- to admit what he did wrong, to take
14 responsibility, which I appreciate and I think that he
15 should, but his self-esteem was nothing. He didn't feel
16 like he belonged to a family, he didn't belong to anybody.
17 People were picking on him, people were bullying him.

18 One evening, I believe that Jacinta Palmer said
19 they caught us yelling at each other. It was J.C.
20 venting. I sat there and took 30, 45 minutes of him
21 airing out what I've done wrong, how a terrible dad I am,
22 and then we walked back to his thing. I figure that,
23 right now he is finding his self-worth. If he finds his
24 self-worth, gets a little confidence, he'll be able to own

1 up to everything that he's done. I'm helping build him
2 up.

3 Q So what I hear you saying is -- I mean, the
4 purpose of filling up his time is not necessarily
5 therapeutic but partially to help his self-esteem, and
6 then you believe that helping his self-esteem will help
7 him address his responsibility in the sexual abuse
8 allegations.

9 A If he starts feeling more confident -- my belief
10 is, if he starts feeling more confident, starts building
11 self-esteem, taking responsibility for everything he's
12 done, yes, it would help him.

13 Q And when did you get your insurance?

14 A I got that March of this year.

15 Q So, at this point, what he's getting is the
16 medication management?

17 A Yeah, getting the medication management. And
18 the thing is that since Dr. McClintock is a psychiatrist,
19 we had to figure out how to be able to work it in so that
20 J.C. could fall under the plan, to be able to see Dr.
21 Hargrove as well, because they only allow certain people
22 to see certain things. You're allowed a psychologist if
23 it's deemed by the psychiatrist or if it's deemed by the
24 program. It's worded very, very weirdly.

1 Q And -- I'm sorry, I'm just trying to look back
2 at my notes. What medication was he on?

3 A Right now, he's on 40 milligrams of Vyvanse. He
4 takes one in the morning, one in the afternoon.

5 Q And what is that designed to treat, as far as
6 you know?

7 A ADHD.

8 Q And the medications that Logan is on?

9 A The medication is 30 milligrams of Vyvanse in
10 the morning, 5 milligrams of Intuniv in the evening.

11 Q And what are those medications for?

12 A ADHD and impulsivity.

13 Q And then you indicated Angel is on some things
14 to help address his medical condition, nothing
15 psychotropic --

16 A No, nothing psychotropic.

17 Q -- or mood-altering or anything.

18 A He's on 100 milligrams of synthroid every day,
19 and then twice a week he takes four milligrams of
20 cabergoline.

21 Q Do you have a sense of why Maria would be
22 reluctant to go into the same home as J.C.?

23 A Yes. She'd be afraid, she'd be scared. She'd
24 be around boys all the time again. She'd be -- I don't

1 know if it'd be fear or that -- I'm not exactly sure how
2 to phrase it, but she had hopes of coming home at one
3 point in time. She got to see the home, she got to be
4 part of it, and apparently I let her down on that. So I
5 don't know if it's gonna be completely J.C. that she's
6 afraid of or she's afraid that I'm not gonna be able to
7 keep her or she's afraid that I'm not gonna be there.

8 Q So you're not sure if it's actually fear of J.C.
9 You feel it might be just a fear -- or she's concerned
10 because her other siblings have gone home and she's not
11 gone home.

12 A Yes. I think it's all of it.

13 Q Do you think that some of her issues are related
14 to the post-traumatic stress disorder?

15 A Yes.

16 Q And do you think it's related to some of the
17 things related by Ms. Osier-Tatar, such as sexual abuse,
18 witnessing domestic violence --

19 A Yes.

20 Q -- her mom getting arrested?

21 A Maria never saw her mom get arrested. She knows
22 about it. Her mom got arrested in court. Maria was never
23 in court. She got arrested for the DUI, or the driving
24 under the influence -- yeah, DUI. She was not staying at

1 home at that time, because she'd been using drugs and I
2 kicked her out of the house for doing so. And she got
3 arrested at Rail City for driving somebody else's truck at
4 Rail City.

5 Q Has she seen people arrested in your home?

6 A I believe she saw me get arrested once, but that
7 was outside the home. I was walked out to a police car
8 and got arrested at that point in time.

9 Q Now, the current housing that you have, didn't
10 you get assistance from Children's Cabinet to help you
11 with the housing?

12 A They gave me -- they paid back power bills,
13 \$217. I had told them that they really didn't need to,
14 I'd have it the following week, but they said that that's
15 what they're there for and they insisted on it.

16 Q So you were going to pay it, but Children's
17 Cabinet said, "we'll pay for it anyway"?

18 A Yes. Nancy Noonan for the Children's Cabinet --
19 it's like first they wanted to see if I needed help with
20 the deposit for the apartment. I had it, I already paid
21 it. They wanted to know if I needed help with the first
22 month's rent. I said I'd have that in two weeks and I had
23 it there by the 1st when it was due. I paid that. The
24 only thing that I was following up was the power bill, and

1 the power company would wait till the 15th to pay it, but
2 Nancy Noonan said that they had the funds, that's what
3 they're there for, and she went ahead and paid it.

4 Q But the Department paid some back rent for you
5 as well. Isn't that correct?

6 A I don't know where.

7 Q Isn't it true that they paid your rent in March?

8 THE COURT: Of what year?

9 MR. MARTIN: Of this year.

10 THE WITNESS: That was not back rent, that was
11 forward rent, 'cause I was going to California for the
12 surgery for Angel. They said that in order to facilitate
13 me going to Angel and being out of work for those two,
14 three months -- it turned out to be four months -- that
15 they would take care of it at that time.

16 BY MR. MARTIN:

17 Q Did you come to the Department and ever indicate
18 that you owed late fees or back rent?

19 A No back rent. And it was gonna be late fees,
20 because they said they were gonna pay it in March and it
21 took them till April to pay it. There were late fees,
22 which I paid for.

23 Q And a request was also made for food, correct?

24 THE COURT: Can we get a time frame for this?

1 MR. MARTIN: I'm sorry.

2 THE COURT: And a request to the Department?

3 MR. MARTIN: Yes.

4 BY MR. MARTIN:

5 Q In the last six months, has there been a request
6 from you or anyone in your household that Social Services
7 needed to assist you in getting food?

8 A There was one request by me, and that was in
9 March when I was in California. My mother-in-law had run
10 out of milk. I requested milk and juice. They gave her a
11 gift certificate for a hundred dollars to get juice and
12 milk. And the thing is, if they give you one gift
13 certificate for a hundred bucks, you gotta spend the whole
14 thing or the rest gets returned or the store gets to keep
15 it.

16 Q So you didn't make other requests for
17 hamburgers, buns, hotdogs?

18 A I did not. If my mother-in-law did at that
19 time, 'cause that's what she was gonna feed the kids,
20 that's what it was. All I requested was milk and juice,
21 because that's what I was told they were out. Jennifer
22 McKiernan was the one that handled it all.

23 Q But the Department was providing this assistance
24 to you to maintain, obviously, the other three kids in

1 your home, as far as you know?

2 A Just two kids at the time. It was J.C. and
3 Logan.

4 Q And then when was Angel placed back with you?

5 A Angel was placed with me on February 2nd of this
6 year. Angel was in California having surgery when this
7 occurred.

8 Q I understand. I think I didn't quite get the
9 timeline.

10 MR. MARTIN: If I may have the Court's
11 indulgence for just a moment.

12 BY MR. MARTIN:

13 Q And you were intending to restart some therapy
14 with J.C. Is that correct?

15 A We're looking into it, yes, sir.

16 Q But J.C. is not currently in therapy.

17 A No, sir.

18 Q Was he in therapy when the Department of Social
19 Services had custody of him?

20 A Yes, sir.

21 Q So your plan, in terms of providing for these
22 children's basic needs at this point, is asking for
23 government assistance, you're going to go on the list for
24 housing with HUD, you also talked about mental health

1 treatment through UNR. Anything else?

2 A UNR is just one of the options. We're looking
3 into different ways to find it. HUD is also just one of
4 the options. I have money for a deposit to put down on a
5 four-bedroom apartment right now. I'm still gonna keep
6 working part-time, as I am now. These are just options to
7 try to provide more things for the kids.

8 Q And are you familiar with Project Restart?

9 A Yes, it was mentioned to me.

10 Q And are you on any waiting list for Project
11 Restart?

12 A No, sir. Project Restart would not talk to me
13 when I first talked to them because of my felony and
14 Penny's drug abuse issues at that point in time.

15 Q But that was in 2011, correct? The felony was
16 lifted --

17 A Since then, yes, I have not talked to them.
18 Since 2011, I've been working on my own to try to get
19 everything done.

20 Q Or Reno Housing Authority?

21 A Reno Housing Authority was the same thing.
22 Since 2011, I have not talked to them. I was asked to put
23 an application in with them. I never got a response back
24 to them -- or back from them. And that's been at my P.O.

1 box that I've had for two, three years now.

2 Q So what do you see as these children's
3 therapeutic needs, to be placed back in your home?

4 A Maria's still working on the sexual -- with her
5 sexuality mostly. Knowing that she still has concerns,
6 still acts out a little. Apparently, they've told me -- I
7 haven't seen it -- that she has been acting promiscuously
8 around other men. Apparently, this has been in the
9 Koinonia offices. When I've been there, I haven't seen
10 it, but then again, I'm not there the entire time. So she
11 does need some help with that, help her resolve her anger
12 issues, help her resolve the issues that she does have
13 around J.C. and her sexual trauma. I don't know what they
14 intend to do about Lorenz, if she gets to face him or not.

15 with Michael, help with his anger, help him be
16 able to speak out more, be able to communicate. If
17 there's something he doesn't want, he'll let you know. If
18 you're doing something he doesn't like or doesn't approve
19 of, he will let you know. The only thing is that where he
20 comes down, he gets upset and he shuts down. I can get
21 him to respond, I can get him to play, I can get him to do
22 a couple of other things to get him out of it. But at the
23 same time, if I don't do the right thing or if I do not
24 understand what has him upset, it takes a lot longer and

1 it takes a while for him to be able to tell me what's
2 going on. Once he shuts down, it's a barrier that's
3 harder to breach.

4 Q Do you think these children are going to need
5 ongoing therapeutic services, therapy?

6 A For a while, yes. They got a lot of issues.

7 Q But you don't see their behavior as being any
8 sort of barrier.

9 A Their behavior is part of it, yes. The thing is
10 that, everybody has a way of dealing with different
11 behaviors. Me, I prefer to take my kids out to the park
12 and run, have a good time, get a lot of that pent-up
13 energy out, ride a bike, go swimming, go play. If it's
14 anger or if it's something that needs to be dealt with in
15 that way, you can deal with it that way. If it's doing
16 your homework, finding ways to get it done is fine, but at
17 the same time, I also believe that they should be able to
18 try to do it themselves, mentally. Be able to read a
19 book, instead of having somebody read a book to you three
20 or four times before you're asked to even glance at the
21 book, which is something they've been doing for Michael.
22 If you can sit down with the kid -- I've sat with Michael
23 in that room and we've tried to read. He reads part of
24 the words, I read the other words. I make him sound out a

1 couple, I'll read a couple and he reads a couple. I don't
2 read the whole book and hope he retains it, and then read
3 the whole story at him again and hope he retains that.

4 Q Do you understand the reasons why Social
5 Services at certain points pulled back visitation?

6 A The last time was because of -- they call it the
7 pellet gun incident. That's what the reason was told to
8 me. The time before that was because I allowed Maria to
9 ride her bike, since nobody was allowing her at her home
10 after I just purchased the bike. J.C. was following her
11 from the sidewalk. He was behind her on his skateboard.
12 She was on her bike. I'm watching her through my living
13 room window, but that wasn't good enough.

14 The time before that was because there was an
15 allegation of me choking on J.C. J.C.'s had two different
16 times I've taken him to the hospital for the same thing.
17 They don't know what it is. He had a seizure, a blackout
18 seizure at the Grand Sierra. He's had another one where
19 he had -- it wasn't a seizure, he had a blackout moment.
20 He just came walking in the room and just -- I took him to
21 see Dr. Bergs on that one as well. There was another one,
22 he just got up and just -- they can't figure out what it
23 is.

24 Q Was he ever diagnosed with a seizure disorder?

1 A No. It was only one seizure and two blackouts.
2 well, one blackout and one very dizzy spell.

3 Q And the doctors indicate that these blackout
4 episodes occur for unknown reasons.

5 A At this point, they're still unknown. They've
6 done a CAT scan and they've scheduled him for an MRI and
7 they didn't find anything wrong with him.

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

10 THE COURT: Redirect, sir.

11 MR. ROTH: Thank you very much. I would like to
12 ask just a few questions.

13 REDIRECT EXAMINATION

14 BY MR. ROTH:

15 Q Mr. Martin was asking you about J.C. and the
16 self-esteem problem that he has, and I think there's
17 more -- you realize there's more than just a self-esteem
18 problem. Is that correct?

19 A Yes, sir.

20 Q Do you realize that some of these problems that
21 J.C. has should be corrected by a professional?

22 A Yes, sir.

23 Q And did you, in fact, talk with Dr. Hargrove
24 about helping in this regard with J.C.?

1 A Yes, sir.

2 Q You have been able to get help from Washoe
3 County Social Services in a few areas. Is that not
4 correct?

5 A Yes, sir.

6 Q And one that Mr. Martin brought up today was
7 that they paid your rent while you were down in Palo Alto
8 with Angel and then when he was recuperating.

9 A Yes, sir.

10 Q And could you tell us how many months that was?

11 A I asked for two months and they gave me four.

12 Q Now, did you request that?

13 A No.

14 Q They volunteered it?

15 A They volunteered it.

16 Q And what about the request in March for -- I'm
17 not sure what it was for, but milk was purchased.

18 A What it was is that I was to be home -- I was
19 scheduled to come home sooner than I actually did, and I
20 requested -- my mother-in-law told me that they'd run out
21 of milk and juice, and I called Jennifer McKiernan and she
22 said, "Don't worry about it, we'll take care of it." She
23 contacted my mother-in-law and apparently my mother-in-law
24 gave her a list, and they gave her a gift certificate for

1 a hundred dollars.

2 Q When you were down in Palo Alto attending to
3 Angel, did you have a place to stay?

4 A I was paying for a Motel 6 in Hayward, 'cause
5 the hotel rooms in Palo Alto were well over \$200. Motel 6
6 in Hayward is a hundred dollars a night.

7 Q How many nights did you stay there?

8 A Two.

9 Q How many nights did you stay at the Ronald
10 McDonald House?

11 A I spent one night at the Ronald McDonald House
12 the night before the surgery.

13 Q Where did you spend the rest of the time?

14 A The rest of the time, I was sleeping next to his
15 bed. They had a chair that -- it's kinda like a recliner
16 chair. I slept on that for --

17 Q How many days did you do that?

18 A In the ICU, I did that for 10 days. Then they
19 put me in his room and they had a small bench that I slept
20 on for three days.

21 Q And did you sleep in other places at the
22 hospital?

23 A Sir?

24 Q Did you also sleep in other places at the

1 hospital?

2 A I slept a couple times on the benches outside.

3 Q Did you ever sleep in the back of your pickup?

4 A I sleep in the front seat of the pickup.

5 Q But you did.

6 A Yes.

7 Q And was that because you didn't have money for a
8 room?

9 A The rooms were just way too expensive at that
10 time.

11 Q And it wasn't mismanagement of money that caused
12 your mother-in-law to request help.

13 A No, it wasn't mismanagement. I stocked the
14 house up with plenty of foods, plenty of nonperishable --

15 Q So you were out of money at that time.

16 A All the money that I had was going toward my
17 trip in Palo Alto.

18 Q Now, what is the Project Restart?

19 A Sorry, sir?

20 Q Tell me what the Project Restart is about.

21 A Project Restart can help you find a place to
22 live, help you with deposits, down payments. If you need
23 medical assistance, they can help you with that. They can
24 help you with clothing, if you need to get a job. They

1 can help you with a bunch of different stuff.

2 Q Is that something you believe could help you, a
3 project like that?

4 A When I first got -- when the kids were taken
5 away from me, a few months after that, I went to talk to
6 Project Restart and just wasn't eligible at that time. I
7 had a job, which kind of didn't help out.

8 Q Would you be eligible today for that?

9 A No.

10 Q And why not?

11 A Because I have a residence, I have a job, and I
12 have income coming in, including the kids's SSI.

13 MR. ROTH: I have no further questions. Thank
14 you.

15 THE COURT: Anything further, Mr. Martin?

16 MR. MARTIN: No recross, your Honor.

17 THE COURT: Thank you, sir. You may step down.
18 Do you have any additional witnesses, sir?

19 MR. ROTH: No, I don't, your Honor. We would
20 submit our case.

21 THE COURT: All right. Do you have any rebuttal
22 witnesses?

23 MR. MARTIN: We have no rebuttal witnesses, your
24 Honor.

1 THE COURT: Then, given the time, I'd prefer to
2 move into closings, but if all of you need a few minutes,
3 you can tell me that.

4 MR. ROTH: May I inquire as to the amount of
5 time we may have?

6 THE COURT: You have until noon, or 45 minutes.
7 It's a quarter after.

8 MR. ROTH: Do we have any other available time,
9 either during the day or another day?

10 THE COURT: It would have to be scheduled. I
11 went back and told my administrative assistant -- it's
12 possible there will be time, but I told her, based on what
13 was said yesterday, that we believe we would finish today.
14 So I'd have to put you at her mercy. She did have a
15 couple trials that she was hoping might go off, but I sort
16 of said to her, "It doesn't look like you'll need to be
17 worrying about that."

18 So is 45 minutes not going to be sufficient, if
19 we split it in half?

20 MR. ROTH: I would think that I could be done,
21 yes. Less than that, half an hour maybe. With argument,
22 is that what you're --

23 THE COURT: Yes, as to argument.

24 MR. ROTH: I'll leave it up to Mr. Martin.

1 THE COURT: Is 20 minutes sufficient, Mr.
2 Martin?

3 MR. MARTIN: I think 20 minutes is sufficient.

4 THE COURT: And Mr. Roth, is 20 minutes plus a
5 few -- is 20 minutes sufficient?

6 MR. ROTH: Yes, your Honor.

7 THE COURT: All right. Let's go, then.

8 MR. ROTH: I'm sorry, may I take a --

9 THE COURT: Absolutely, absolutely. And we'll
10 be just at 20 minutes.

11 (Recess taken.)

12 THE COURT: Mr. Martin, when you're ready.

13 MR. MARTIN: Thank you, your Honor.

14 We've been through a lot of evidence in this
15 case. While this termination case only pertains to Maria,
16 Michael, and Nathaniel, we've addressed all six children
17 in this case, because, obviously, the needs of all six
18 children are relevant to the Court's adjudication of this
19 petition for termination of parental rights. I guess the
20 theme I have in this case is the length of time these
21 children have been in foster care. If you look at the
22 evidence, it's demonstrating as 55 months. When we
23 started this case -- and we've got the exhibits indicating
24 that these children were removed on July 26th, 2005,

1 adjudicated as children in need of protection,
2 understanding the finding of neglect was against their
3 mother, Ms. Faz, but these children were in the legal
4 system for over 20 months, from July 26th, 2005, to 2007.
5 Allegations were sustained, alleging lack of supervision,
6 methamphetamine use by Mrs. Faz. Again, we understand the
7 petition was sustained as to Mrs. Faz. These children are
8 found in need of protection into 2007.

9 Now we've got Ms. Crutcher coming in and she's
10 involved with this family in 2005. Maria was sexually
11 abused by her half-brother, Timothy Lee. She has concerns
12 about the cleanliness of the home, the mother's meth use,
13 methamphetamine use, concerns about the parents having
14 appropriate supervision arrangements, with Timothy having
15 molested Maria at that point. We have the parents
16 indicating, "well, we felt that the supervision was
17 appropriate at that time." But the end result was that
18 Timothy was in violation of his probation and Maria was
19 touched in an inappropriate way.

20 Later in 2009, Ms. Crutcher -- there's another
21 report received. Granted, it's information only. Ms.
22 Crutcher again works with the family. There's allegations
23 of domestic violence, again Mrs. Faz's methamphetamine
24 use, and again, Ms. Crutcher is working with the family on

1 a voluntary case and assisting the family with substance
2 abuse treatment, financial issues, reaching out for those
3 voluntary services.

4 Now on January 13th, 2010, Ms. Crutcher and Ms.
5 Erickson respond to the home yet again, but this time it
6 results in removal of the children again. Except this
7 time, we now have Nathaniel, who's been born since the
8 initial removal in 2005. And again, Mrs. Faz was arrested
9 yet again in Sparks Municipal Court, due to her
10 methamphetamine use. Rent's not paid, the power's being
11 shut off, there's nobody appropriate that can watch these
12 high special needs kids. Part of the petition that was
13 adjudicated was Mr. Faz leaving the kids with Mrs. Faz,
14 despite knowing that she was using methamphetamine. Those
15 allegations were sustained by this court and found these
16 children to be children in need of protection due to
17 neglect by Mr. and Mrs. Faz.

18 At that time, Maria was six, Michael was five,
19 and Nathaniel was about to turn three. Now, Katie
20 Erickson is assigned as a permanency worker almost
21 immediately. She actually went out on the removal. And
22 Ms. Erickson is the case worker for approximately
23 15 months. She's attending review hearings -- a six-month
24 review hearing, 12-month review hearing, 15-month review

1 hearing.

2 We've got the older kids coming into care,
3 showing some violent and aggressive behaviors, and that's
4 demonstrated by Ms. Erickson's testimony, and the younger
5 kids are starting to imitate the behavior of the older
6 kids, and this was when the kids were initially coming
7 into care. Now, J.C. is referred to Bob Stuyvesant for a
8 psychosexual evaluation, due to his sexual behavior with
9 Maria, and that was just the beginning of the case.

10 Now it turns to the case plan. Mr. Faz did
11 attend the Effects of Domestic Violence in the Home class.
12 There was a parenting class; Ms. Erickson testified he did
13 not attend at that point. And then in August of 2010,
14 which is almost seven months after the children were in
15 care, the visits again had to be pulled back to
16 supervised. Again, in the fall of 2010, Mr. Faz was
17 incarcerated for failure to pay child support at that
18 point. Ms. Erickson testified Mr. Faz was homeless for a
19 time and he was residing in this one-room motel room at
20 the Desert Rose Inn -- certainly not adequate for six
21 children and one adult, certainly not adequate for the
22 special needs of his kids, and not adequate for Maria and
23 J.C. due to those sexual issues behind them. Mr. Faz was
24 at the Desert Rose Inn almost the entire time Ms. Erickson

1 was the case worker. And even at the hearing 12-month,
2 Ms. Erickson recommended a concurrent plan of termination
3 of parental rights and reunification, and there was talk
4 of the Life Grant to assist in housing.

5 Now we're at 15 months. Fifteen months under
6 federal law, requiring the filing of a termination
7 petition under the Adoption and Safe Families Act, and
8 state law requires that, unless there is compelling
9 reasons, that termination of parental rights and adoption
10 has to be in the permanency plan. And at that point, the
11 Court did adopt the permanency plan of termination of
12 parental rights and adoption.

13 At that point, the children's behaviors were
14 declining. J.C. --

15 THE COURT: "Declining" meaning bad behaviors or
16 problematic behavior is declining? I'm not sure if you're
17 saying they're decompensating or the problematic behaviors
18 are declining.

19 MR. MARTIN: The problematic behaviors that were
20 progressing at that time. J.C., Logan, and Angel did have
21 mental health needs, although Angel was more physical in
22 terms of his tumor and his eyesight impairment. Maria --
23 I'm sorry, let me back up.

24 So after 15 months we're still not close to

1 reunification. The Court says, "Okay, let's move forward
2 with termination." Now, Jacinta Palmer is assigned to the
3 case in May of 2011. Maria is exhibiting sexualized
4 behaviors around January, February of 2012. She's found
5 kissing J.C. at the foster home, using kind of sexualized
6 language towards others. Nathaniel is growing in his
7 impulsivity and they're starting to look for medication
8 for him. Michael is blowing up at school, running into
9 the street. They're exploring social intervention
10 programs. At one point he is placed at West Hills and
11 then placed in the CVS learning home. The children were
12 at the Lorenz home, they were removed, and I think the
13 testimony supports that some of the things that went on in
14 the Lorenz home were not good. And this is not the forum
15 for Social Services to hide things. The system is what it
16 is, and those children were removed from the Lorenz home.

17 So what we have is older children going to the
18 CVS learning home. We have Maria and Nathaniel going to
19 Koinonia and Michael eventually joining them at Koinonia,
20 which is line-of-sight supervision and a treatment level
21 foster home. They're getting psychiatric services,
22 they're getting Koinonia. It would seem from the
23 testimony -- particularly Ms. Osier-Tatar and Ms. Bauer --
24 that the children's therapeutic needs were being met a

1 little bit more consistently, in terms of the turnover of
2 therapists, and Ms. Osier-Tatar did establish that those
3 therapeutic relationships would follow the kids. Mr. Faz
4 was still at the Desert Rose. Ms. Palmer testified he
5 resided there for a year. In April of 2012, the arrest
6 for another child support violation. Housing is still a
7 barrier. Maria needs supervision, she needs -- I believe
8 when they were in the Lorenz room, the rooms were alarmed,
9 which was supported by -- well, I'll skip that. But we're
10 still stuck in the same situation -- no progress, no
11 appropriate housing, children whose special needs are
12 still escalating. Ms. Palmer has to revert to supervised
13 visitation, based on some of the things that Mr. Faz was
14 doing at the visits. And the interesting thing is, the
15 workers that have been assigned to this case -- from Ms.
16 Erickson to Ms. Palmer to Ms. Bauer -- have all at some
17 point had to pull back the visits from unsupervised to
18 supervised.

19 Ms. Palmer does give Mr. Faz a copy of the
20 psychosexual evaluation performed by Mr. Stuyvesant,
21 reviews that report with him. And again, Nathaniel and
22 Maria go to the Koinonia foster home; Michael later joins
23 them at the Koinonia foster home, and these children join
24 the Reid foster home.

1 And so what do we look at when we look at the
2 foster parents? Maria felt fearful of her father, fearful
3 of her father's ability to protect her, fearful of her
4 brother, J.C. Initially, she goes in with very aggressive
5 behaviors, growling, going to her room, throwing
6 furniture, pulling curtains down. Maria, however, is much
7 improved the longer she's been in this home. Michael
8 would kind of shut down, stiffen his body, couldn't use
9 his words, the expressive language disorder. Now he's
10 using his words, and he's not only using his words, he's
11 disclosed this history of sexual abuse by J.C. We've got
12 the odd behavior of Michael and Nathaniel hiding sharp
13 objects under their bed. Nathaniel is extremely
14 impulsive. All three children require line-of-sight
15 supervision, calm and consistent parenting, intervention
16 necessary to prevent things from turning into a physical
17 altercation. What was described by the foster mother is,
18 these children were returning from visits physically and
19 emotionally hurt.

20 Now Ms. Bauer inherits this case in May of 2013.
21 Maria, Michael, and Nathaniel are still in therapeutic
22 foster care, with psychiatric services, weekly counseling
23 with their counselor, special parenting needed for all
24 three of these children. Is Mr. Faz any closer at this

1 point to resolving the housing issue? well, what we're
2 hearing is a lot of promissory. "I will get a
3 three-bedroom, I'll get a four-bedroom. I recognize that
4 Maria needs her own space. I recognize that Michael might
5 need his own space. I will do this, I will do that." The
6 problem is, we don't have anything now. We have nothing
7 now. We have J.C. who's not getting therapeutic services,
8 despite the fact that Mr. Faz has had insurance in place.
9 We have three younger children that desperately need these
10 therapeutic services in place.

11 And I think the testimony supported that Mr. Faz
12 truly did not appreciate the level of supervision that
13 these children need. Ms. Osier-Tatar testified Maria is
14 still provocative with older men, definitely needs the
15 line of sight. She's been diagnosed with post-traumatic
16 stress disorder, sexual abuse. The sexual abuse and the
17 post-traumatic stress disorder based on the abuse and
18 witnessing the domestic violence, and yet, she's making
19 significant improvement in the foster home. And Ms.
20 Osier-Tatar testified that she needs to feel safe and
21 secure and nurtured and protected. And one thing that the
22 adoption workers were noting was that these kids had
23 bonded with their current foster parents, and that is
24 definitely a plus in terms of finding that forever home.

1 Maria was fearful of J.C. due to physical and
2 sexual aggression. She feels guilt and shame, confused.
3 She wants to be part of a family. She fears that Mr. Faz
4 can't protect her. What Ms. Osier-Tatar testified is that
5 she needs a permanent healthy attachment as soon as
6 possible; she still perseverates over sexual issues. But
7 I think the testimony was strong that these kids need a
8 home now. Michael still has his expressive language
9 disorder, which they're working on, adjustment disorder.
10 He's got some emotional dysregulation. He has expressed
11 that J.C. did sexually abuse him in the home. He's also
12 angry and fearful of J.C. He needs continued
13 trauma-focused cognitive therapy, a stable home and
14 attachment. Nathaniel has been diagnosed with
15 post-traumatic stress disorder and reactive attachment
16 disorder. He's demonstrated some behaviors -- it's not
17 clear to me whether they were impulsive or sexualized or
18 both. Ms. Osier-Tatar testified he was grabbing her
19 breast, and I'll just let that behavior speak for itself.

20 So now we're at a length of time where we're
21 four times the length of time which creates a legal
22 presumption that termination of parental rights is in the
23 child's best interests and that the father has made -- or
24 that the parents have made token efforts to improve their

1 circumstances. We're still in a position where Mr. Faz
2 does need financial assistance, or did need financial
3 assistance. And I understood his testimony -- "Gosh, I
4 could've paid my power bill, but Children's Cabinet said
5 they were gonna do it, even though I could've paid it. Or
6 I needed assistance with rent, but Social Services came in
7 and said, 'We're gonna pay for more rent than you need.'"
8 But now we're at a point where, in this court, can we say
9 that these children are going to reunify within a
10 predictable period of time? We have therapists that say
11 these kids -- or a therapist that says these children need
12 permanency now. They desire permanency, they desire a
13 family, and quite frankly, they need a forever family.

14 I don't know that the children have been
15 well-served in their lives. I don't know if they've been
16 well-served by the system. I don't think they were
17 well-served by their parents. Social Services' position
18 is, at this point these children need to be free for
19 adoption. There are plenty of interested families out
20 there. Social Services regularly finds families for
21 children that have special needs. I think that, at this
22 point, these children have been in care because of the
23 parents' inability to provide basic needs, to provide for
24 their special needs, the trauma that they face, the trauma

1 that Maria faces based on being a sexual abuse victim, and
2 the trauma of the domestic violence witnessed in the home,
3 watching people arrested in their home. These are tough,
4 tough things. And it's difficult to say, gosh, the kids
5 have all these needs, but we can find a home, but Social
6 Services is confident that they can find a home, and both
7 of their adoption folks testified that these are adoptable
8 children.

9 And I think the fault grounds, any number of
10 them usually reference failure to maintain proper care.
11 Well, these children have been in foster care. They have
12 not had proper parental care and they have not had proper
13 parental care for the last 55 months, if not longer. And
14 then you look at things like failure of parental
15 adjustment, and one of the key things is failure to
16 correct circumstances within a reasonable period of time.
17 Well, what's a reasonable period of time? Twelve months,
18 15 months, 18 months, 50 months? At this point, these
19 children need a family and they need a family that can
20 adapt to their needs. They need a home where they can be
21 nurtured. They need a family where they feel safe and
22 protected, and Social Services is confident they can
23 provide such a home for these kids, but right now a
24 substantial barrier to that is the parental rights of the

1 father.

2 I'm not saying what -- I can't say what the
3 children's relationship with their father might look like
4 in the future. That wasn't something that was before the
5 Court. That's something that's dictated by the children's
6 best interests, not by judicial proceedings at this point.
7 And you might differ and that's okay; you're certainly
8 entitled to do so, but at this point, your Honor, Social
9 Services feels it's time.

10 Thank you.

11 THE COURT: Thank you. Mr. Roth, please.

12 MR. ROTH: Thank you, your Honor.

13 The closing arguments in a bench case seems to
14 be maybe not necessary, because you're well aware of what
15 the witnesses have said today and you're also aware of the
16 law, but I have an obligation to my client to go ahead and
17 I intend to do that. Our argument is going to be based on
18 the failure of the State to show clear and convincing
19 evidence in several areas. One, that Washoe County Social
20 Services has not met the standard of reasonable effort
21 when it comes to Mr. Faz's hopeful reunification or
22 attempt to reunify with the children. There's certainly
23 no question that Washoe County Social Services has worked
24 really diligently and hard to find out what the issues

1 with the children are and to correct those issues and to
2 help the children, but I don't believe that there's been a
3 showing by clear and convincing evidence that their
4 efforts to help Mr. Faz rectify the conditions that led to
5 the children being taken from his home in the first place
6 meets the standard of reasonable effort. That's one
7 issue.

8 Number two, we have a jurisdictional basis and
9 then dispositional grounds that need to be considered, and
10 I don't believe that the jurisdictional issue has been
11 shown beyond clear and convincing evidence, and I'll try
12 to explain that later.

13 Number three, I believe there is case law that
14 says that if there has been reasonable time to remedy the
15 condition which led to the children being taken from the
16 home, that that then satisfies the situation and
17 termination should not occur, if these changes have been
18 made. In the case at hand, I would point out that Mr. Faz
19 had the children taken away for various reasons, including
20 the home not being clean, another person there who was
21 using drugs, and you know all the reasons, but if you look
22 at the record, you'll see that, today, those conditions do
23 not exist. Those conditions have been remedied and those
24 are the conditions that led to the children being taken

1 out of the home and, therefore, no termination should
2 result, because he's corrected those.

3 NRS 128.090 states Nevada's strong policy
4 favoring the preservation of families, as it commands the
5 Court to require the petitioner to establish by facts
6 clear and convincing evidence, after a full and careful
7 consideration to all of the evidence presented. So
8 apparently that's the standard, clear and convincing
9 evidence that needs to be presented, with the dominant
10 purpose, of course, being looking at what is in the best
11 interests of the children. Termination of parental rights
12 is recognized as tantamount to the imposition of a civil
13 death penalty, as was stated in the Durrey versus Lyon
14 case, 105 Nevada 430, and it must be invoked only under
15 the strictest conditions. In Champagne versus Walther,
16 100 Nevada 640, it was stated that there's a fundamental
17 liberty interest in the natural parents and in the care,
18 custody, and management of their children, and that does
19 not evaporate simply because the parent has not been a
20 model parent. I believe that in the Smith case, Smith
21 versus Smith, 102 Nevada 263, that was also reinforced.
22 Furthermore, in NRS 128.105, which provides certain
23 grounds upon which termination would be appropriate, it
24 pretty well gives the list in requiring a finding that the

1 conduct of the parent demonstrates one of the following,
2 then it lists there -- and you know that list as well as I
3 do, but I see abandonment, I see neglect, I see unfitness,
4 I see failure of parental adjustment, risk of serious
5 physical or mental harm, and token efforts.

6 I think we can scratch out the abandonment of
7 the child. I don't think we can say that Mr. Faz
8 abandoned his children. I don't think we can do that.

9 Did he neglect the children? Perhaps he did at
10 the beginning, but those neglect issues were remedied by
11 him when he took interest in doing what was asked of him
12 regarding the children and being attentive to their needs
13 by going to their medical appointments, their
14 psychological appointments, and also their school
15 programs.

16 Is he unfit as a parent? I don't believe so.
17 I think if we say that he's an unfit parent, it contrasts
18 with what the Division has said in regard to the three
19 children that were returned to him. He does have the
20 ability. He does know how to be a parent. He's not an
21 unfit parent.

22 Has he failed to make parental adjustments?
23 Well, perhaps you can argue that, but has it been shown by
24 clear and convincing evidence that that is the case? I

1 think if there has been a failure, it's not what I would
2 call a real failure, but I think more a misunderstanding,
3 that he has his own ideas and has imposed them or wishes
4 to, that he would like to have those be the adjustments
5 made. But he has not failed in them. He has not failed.

6 The fifth one is the risk of serious physical,
7 mental, or emotional injury to the child if he or she were
8 to be returned. And I think that is really the primary
9 issue that we have to look at today, because Maria is such
10 a lovely little girl, who has a lot of demands and needs,
11 and yet she is the only girl out of these five boys and it
12 must be tough. I can imagine that it would be very tough,
13 but I think Mr. Faz has recognized what her needs are. He
14 doesn't treat her as a bad person. He calls her his
15 princess. He wanted to have more time with her; he
16 requested more time, and apparently that didn't work out.
17 It wasn't his fault, but he wasn't granted that
18 permission.

19 There is a risk, there certainly is a risk of
20 her being hurt if she's returned to Mr. Faz, and that is
21 because of the issue between -- well, there may be two
22 issues. It may be J.C.'s issue with the sexual problem,
23 and then also maybe a deeper emotional issue that Maria
24 has concerning her feeling of femininity, her wanting to

1 be part of a group of women, and being recognized as an
2 individual person. Those are the two, I think, big things
3 that have to be considered. As far as the issue with the
4 sexuality, I think that Mr. Faz realizes that has to be
5 addressed very seriously. He's definitely trying to get
6 J.C. to see Dr. Hargrove and to try to improve that
7 situation. I think it's something that can be shown that
8 he is working on and it is something that can be overcome.
9 And incidentally, any new home that Maria would go to
10 would face a lot of those issues too, in trying to
11 determine whether she can adjust to the family and is she
12 going to be outgrowing these incidents where she does
13 things inappropriately at school. And I don't think that
14 any damage -- "damage" is not the word, but any degree of
15 lack of interest or showing that there is a big risk has
16 been shown by clear and convincing evidence.

17 Now, only token efforts -- I'm sure that I don't
18 need to go into that, but my client certainly has shown
19 more than token efforts. He's communicated with the
20 children, he's tried to avoid being an unfit parent, and
21 he is willing to take into consideration all the special
22 needs of the children, to work with them and work with any
23 therapist that would need to be employed to do that.

24 The Supreme Court in Nevada has pretty carefully

1 defined the appropriate analysis in determining whether an
2 individual's parental rights should be terminated and they
3 have specifically said there must be jurisdictional
4 grounds. That means there must be some specific condition
5 or fault directly related to the parent. And then
6 dispositional grounds, those are to be considered
7 concerning what is in the best interests of the children
8 in this case. And all this should be considered when
9 terminating parental rights and it must be determined by
10 clear and convincing evidence. And, again, I'm citing the
11 Champagne versus Walther case, 100 Nevada 640. If it can
12 be shown that the biological parent has done things to not
13 fall within the five or six listed categories in NRS
14 128.105, then there is no violation of the standard and
15 the parent should be reunited with their child, and that's
16 our position as far as Mr. Faz is concerned.

17 It seems like the petitioner has to bear the
18 burden of proof, both as to the jurisdictional and the
19 dispositional grounds. As far as we go here -- if we go
20 to the dispositional grounds, we have to consider the
21 prospect of success in the new adoptive home versus
22 returning to Mr. Faz's home, where there are people who
23 have worked with the children, who know the children,
24 where the children are returned to their siblings and will

1 be working in the school system that they're used to and
2 doing things that they're familiar with, versus being sent
3 off someplace else and, again, maybe the chance of a --
4 quote, unquote -- forever home not turning out properly.

5 The Nevada Supreme Court has indicated the
6 considerations set forth in NRS 128.105, including
7 abandonment, unfitness of the parent, abuse, and a rather
8 hazy and redundant consideration, the phrase "only token
9 efforts by the parent to avoid abandonment, neglect,
10 unfitness, or abuse," and that is the one that says "token
11 efforts." And, again, I believe that Mr. Faz throughout
12 this whole lengthy period has tried to help and he has
13 done so to the best of his ability. He's done so with the
14 best of his background and his knowledge and the income
15 that he has. He is willing to continue to do that and
16 even promote that in a faster manner, if he were reunited
17 with his children.

18 The issues that I have mentioned certainly
19 are -- well, they've been brought out over a long period
20 of time, the 55 months that Mr. Martin spoke of, but you
21 know what, we have six children here that we're dealing
22 with. Six of them, not just one or two, and they each
23 have a complicated, complex personality, with issues that
24 are -- you know, they're beyond what the normal kid would

1 have. These are complex children, and certainly it's
2 taken a great deal of time, but for the amount of children
3 and amount of problems that they've had, I think the work
4 has been justified, the work has been reasonable, the work
5 has been helpful to the children and even to Mr. Faz. I
6 don't think that the amount of time is a reason to
7 terminate. It's not a reason to terminate. Time may be
8 a reason to move forward to address the issue of
9 termination, but it certainly can't be an issue for
10 termination, and the statute doesn't say that it is
11 either.

12 There are other things that I guess I could go
13 into and rehash the history of this matter, but I know
14 that you know them as well as I do. I know that you'll
15 look at the facts of this case and see that the clear and
16 convincing evidence that Mr. Faz has failed and that he is
17 not using his efforts to reunify with his children just
18 aren't there. They're not there, and we would ask you to
19 dismiss the petition, your Honor.

20 THE COURT: Thank you.

21 Final word, if you wish?

22 MR. MARTIN: Thank you, your Honor. Yes, I do.

23 I believe that the Supreme Court, in terms of
24 the jurisdictional and dispositional argument, has done

1 away with that distinction, at least in regard to parental
2 fault and best interests. And why would that be? Because
3 the Nevada Supreme Court has found that best interests and
4 parental fault are not easily separated. Philosophically,
5 you try to, but they just tend to bleed together, because,
6 ultimately, if the purpose is best interests, yes, you do
7 have to show parental fault, but ultimately the primary
8 purpose of this proceeding is best interests. So it's not
9 a question of you have to answer Question A to get to
10 Question B.

11 THE COURT: That used to be the case in Nevada,
12 until Champagne was overruled.

13 MR. MARTIN: That is correct, your Honor. And
14 I'm aware that you know that, but I need to --

15 THE COURT: Make your own record.

16 MR. MARTIN: I need to make my own record.
17 Thank you, your Honor.

18 One of the things I wanted to address -- and
19 I'll be brief, your Honor -- is when they talk about the
20 failure of Social Services to provide reasonable efforts,
21 but if you look at NRS 128.109, which discusses the
22 presumptions, it indicates that those presumptions are not
23 overcome by the State's failure to provide services. Now,
24 in fact, this case went to termination at 15 months. I

1 think Ms. Bauer testified that in the process of a case,
2 it involves continual reassessment of merit to determine
3 viability for reunification, but that allegation that
4 "government agencies weren't cooperating with me, Social
5 Services wasn't cooperating with me," as a matter of law,
6 does not overcome the best interest presumption and it
7 does not overcome the token efforts presumption.

8 And I think one of the primary importance, no
9 matter how much we say, "well, gosh, we're close. We're
10 gonna get this three, four-bedroom house, we're gonna get
11 this apartment, we're gonna get -- you know, things are
12 going to happen in the future that's gonna fall together,"
13 but at this moment, can Mr. Faz provide a safe and
14 appropriate place for his children? Now, his children --
15 all of his children have pretty extensive special needs,
16 and some of them may be not related to their home
17 environment, but some of them are. Some of them involve
18 Maria being sexually abused; going back to the beginning,
19 inappropriate supervision and Timothy sexually acted out
20 on Maria, or we have a child witnessing domestic violence
21 in the home, or, as stated in the petition, Mr. Faz has
22 had Ms. Faz care for the children, despite that awareness
23 of using methamphetamine. So, yes, these children all
24 have extraordinary needs, and I think the evidence has

1 demonstrated that they've led pretty chaotic lives and I
2 think the system owes it to them to do the best we can to
3 get them into the best home, into a forever home. And I
4 would submit to the Court that that forever home is closer
5 at this point than the home with Mr. Faz, a safe and
6 appropriate home where children feel safe, where children
7 feel protected.

8 THE COURT: Thank you.

9 I haven't even looked at the exhibits. So,
10 obviously, this has to be subject of a written order. A
11 couple things: I will be considering only the grounds
12 that were pled in the petition. Abandonment, for
13 instance, as you said, couldn't be shown. Well, it wasn't
14 even pled. So the order will cover only the grounds that
15 the county actually pled and the others will not be
16 covered by me in that written order. I feel myself
17 limited to that.

18 This is my third termination trial in four
19 weeks. I'm finishing the second order. I have to finish
20 that before I start on this one. So it's been a pretty
21 busy time, and I have to go to St. Paul at the beginning
22 of next week. I know, though -- I can't imagine sitting
23 in your shoes. I've only been away on one case, and it
24 was probably very insightful to realize how anxious it is

1 while you're waiting for the answer. So I appreciate that
2 Mr. Faz is waiting for the answer. I will get it done as
3 soon as humanly possible, with the care that it deserves,
4 given what's at stake here. In no event will it ever go
5 beyond 30 days. Can I make it a whole lot shorter than
6 that? I'll try, but I promise you, it will not go beyond
7 30 days, no matter what the other circumstances are that
8 are happening.

9 And I will also just say -- I have a little
10 colloquy just a little bit about the Champagne case. Even
11 though the Nevada Supreme Court has said, "We don't do it
12 exactly that way," fault has got to be shown. I just
13 don't want to lose that point, because I think
14 constitutionally you have a right to parent your children
15 under the U.S. constitution. My reading of that law, even
16 though the Nevada Supreme Court said these things meld
17 together, it doesn't mean that either one of them is
18 eliminated. They've both got to be shown, or else,
19 constitutionally, there's no basis to interfere in
20 someone's parental relationship. So fault's got to be
21 found, even though it's a more -- it's probably more
22 politically correct to say complicated analysis. I think
23 it's a little more muddy, the way it's put together in the
24 law now, but both of those things have to be part of the

1 analysis and will be. So I will be answering the
2 allegations that were pled, which are most of the grounds
3 in the statute, but not all, and the ones that I don't
4 talk about, it's because they actually weren't pled by
5 Social Services. And, again, I'll do so as quickly as I
6 can.

7 I would like to thank you all. This is
8 extremely difficult. I think you have been quite civil
9 and appropriate in your presentation. I can't necessarily
10 say that about the other trials I've had over the last
11 couple months, which were much more difficult in the way
12 the courtroom was handled. I appreciate both of you
13 handling it as you did, and unless either of you have
14 anything else you need to say, it will be under submission
15 and we'll go off the record.

16 MR. ROTH: I'd just like to thank you for your
17 patience, your Honor.

18 THE COURT: I found it easy to be patient in
19 this trial because of the way you presented yourselves.
20 Actually, in one of the trials I had to apologize, because
21 I thought I had been not as patient as I usually am, and I
22 actually said so as we ended. The two of you have made it
23 easy to be so. So thank you for that.

24 We'll be in recess.

(End of proceedings.)

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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 Thursday, August 14, 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 111, 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 15th day of April,
2015.

Romona McGinnis

ROMONA MCGINNIS, CCR #269

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IN THE FAMILY DIVISION

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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10 IN RE PARENTAL RIGHTS AS TO

Case. No.: FV11-02393

11 MARIA FAZ, MICHAEL FAZ &

12 NATHANIEL FAZ,

Dept. 5

13 Minor Children.

14 _____/

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16 ORDER TERMINATING PARENTAL RIGHTS

17 On August 11, 12, 13 and 14, 2014, a trial occurred on the Petition of Washoe

18 County Department of Social Services (WCDSS) to terminate the parental rights of Jesus

19 Faz (Mr. Faz) to Maria, Michael and Nathaniel Faz. Maria, Michael and Nathaniel's

20 Mother, Penny Faz, stipulated to a default being entered against her in this action and to

21 relinquishing her parental rights. Ms. Faz was represented by Michael Mahaffey, Esq.

22 during the stipulation process. This trial proceeded against the Father only.

24 WCDSS appeared through social worker Julia Bauer and was represented by Chief

25 Deputy District Attorney Jeffrey Martin. Mr. Faz appeared personally and through Michael

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1 Van Ness Roth, Esq. The children's Court Appointed Special Advocate ("CASA"), Katie
2 Sullivan, was required by family emergency to be absent from the court but provided
3 testimony via telephone.

4 This case is unusual and difficult. Maria, Michael and Nathaniel have three older
5 siblings with whom Mr. Faz successfully reunified after the older children had a lengthy
6 stay in foster care. Mr. Faz and the three older boys live in a 2 bedroom apartment that
7 Mr. Faz obtained in 2013. Despite this successful reunification, WCDSS argues that Mr.
8 Faz cannot successfully reunify with the three youngest children. This is a position rarely
9 taken and perhaps even more rarely sustained.
10

11 The five eldest Faz children had previously been in foster care between 2005 and
12 2007. With the addition of the after-born Nathaniel, the Faz children returned to foster care
13 in January 2010. The reasons for the 2010 removal of the children were Ms. Faz's
14 incarceration and ongoing methamphetamine use, the unsafe condition of the home due to
15 clutter, garbage and old food, the loss of power to the home and imminent eviction, and
16 Mr. Faz's inability to articulate a long-term plan for the children's supervision and care.
17

18 Ms. Faz was unable to ameliorate the substance abuse and other issues that made
19 her an unfit parent. Mr. and Ms. Faz separated after the children's second removal by
20 child protective services. Although reunification efforts were initially extended to both
21 parents, over time WCDSS looked only to Mr. Faz as the parent with whom the children
22 might be reunified successfully.
23

24 The children's foster care case dragged on through many review hearings and many
25 years with minimal positive progress. Mr. Faz struggled with the same basic needs issues
26

1 that had been one of the reasons for the children's removal from his care. More
2 specifically, Mr. Faz struggled to obtain minimally adequate income and appropriate
3 housing for his children. Mr. Faz resided in a motel room for two years of the case, which
4 was a residence unsuitable for the children due to size and lack of privacy. The children
5 lingered with an uncertain future. The Court appreciated the difficulties but questioned Mr.
6 Faz's diligence and/or capacity to truly solve these problems.
7

8 The Court, however, never questioned Mr. Faz's love for his children. Mr. Faz was
9 regular and constant in his contact and visitation with his children. The size of the sibling
10 group and the bond that Mr. Faz nurtured through his constancy led the children's
11 advocate, for years, to recommend against termination of parental rights. The same facts
12 led the Court to extend reunification opportunities to Mr. Faz far longer than the
13 approximate year that is provided for by the federal Adoption and Safe Families Act and
14 parallel Nevada law in Nevada Revised Statutes ("NRS"), Chapter 432B. At the time of
15 trial, Maria, Michael and Nathaniel had been in foster care for 54 of the last 54 months.
16

17 NRS 128.105 provides that the primary consideration in a termination of parental
18 rights case is whether severing the parents' rights serves the children's best interest.
19 Further, by statute grounded in Constitutional principles, it is necessary that parental fault
20 be shown before a person's fundamental right to parent can be stripped away. NRS
21 128.105(2).
22

23 The Petitioner must carry its burden of proof regarding parental fault and children's
24 best interest by clear and convincing evidence. NRS 128.105 through 128.109, inclusive,
25 state mandatory considerations in a termination action.
26

1 Pursuant to NRS 128.109, the fact that Maria, Michael and Nathaniel Faz have been
2 in foster care for 54 consecutive months creates the following applicable presumptions: (1)
3 that Mr. Faz has made only token efforts under NRS 125.105(f), and (2) that it is in the
4 children's best interest that Mr. Faz's rights be terminated. These presumptions are
5 rebuttable.

6 Mr. Faz did not rebut the presumption that it is in Maria's, Nathaniel's and Michael's
7 best interest that his rights be terminated. Most fundamentally, Mr. Faz failed to show that
8 there is a reasonable prospect, in a reasonable and foreseeable period of time, that he
9 could provide for the basic needs of any number of additional children. As discussed
10 above, more than three years elapsed between the inception of the most recent foster care
11 case and Mr. Faz obtaining minimally appropriate housing within which to reunify with his
12 three eldest children. In response to his counsel's questioning about potential housing to
13 accommodate three more children, he testified that he "will look into" low income housing.
14 He receives social security disability payments for two of the children now in his custody,
15 but stated that he does not receive but "will check" on the availability of food stamps. This
16 testimony is vague, insubstantial and not reassuring, in the context of the glacial pace of
17 progress of the juvenile dependency case.
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21 The evidence established that Mr. Faz is maintaining the reunified older children's
22 basic food and shelter needs, but that the household situation is tenuous when any
23 additional strain or need occurs. Specifically, he testified that one of his reunified sons was
24 not receiving recommended therapeutic care due to lack of funds. Further, the evidence
25 established that, when another of his sons had a medical procedure which caused Mr. Faz
26

1 to have reduced work hours, the Faz household utilized financial assistance from WCDSS.

2 Given the extraordinary length of this case, Maria, Michael and Nathaniel regrettably
3 have been assigned numerous social workers, at least three of whom have gone on to
4 different positions either in or out of WCDSS, and a variety of other adults have come and
5 gone in their lives. Formerly and presently assigned social workers, foster parents and
6 clinical providers all provided testimony regarding the special needs, diagnoses and
7 behavioral issues of Maria, Michael and Nathaniel. The most comprehensive testimony
8 was provided by Danielle Osier-Tater, a Marriage and Family Therapist who has been
9 licensed for over twenty years. Ms. Osier-Tater provided services to these children from
10 April 2012 to July 2014, when she left the Koinania organization, through which she had
11 been providing services to the Faz children.
12

13 Per Ms. Osier-Tater, Maria initially received diagnoses of Post Traumatic Stress
14 Disorder ("PTSD"), depressive disorder NOS (not otherwise specified), sexual abuse of a
15 child and reactive attachment disorder ("RAD"). Among the causes of Maria's psychiatric
16 issues, according to her therapist, was Maria's sexual abuse by her older brother, who is
17 one of her older siblings who has been reunified with Mr. Faz. Ms. Osier-Tater testified
18 that Maria needs safety, validation of her perceptions and emotions, nurturing and
19 protective caregivers. Maria's therapist testified that Maria is confused regarding her
20 relationship with Mr. Faz; she both wants a family but fears he would not protect her and is
21 afraid of his anger. Ms. Osier-Tater stated that Maria needs a healthy attachment to a
22 permanent caregiver as soon as possible. Ms. Osier-Tater conveyed strongly her fear for
23 Maria's long-term emotional and mental health if these conditions were not met promptly.
24
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1 More specifically, Ms. Osier-Tater is concerned about how Maria's "anger and self-loathing"
2 will play out across her life and about a re-emergence of age-inappropriate sexual conduct.
3 Ms. Osier-Tater indicated that Maria struggles with guilt and shame related to her sexual
4 victimization.

5 Per Ms. Osier-Tater, Michael had received the following diagnoses in a
6 neuropsychological assessment performed by Dr. Suzanne Aberasturri (who also testified):
7 Attention Deficit Hyperactivity Disorder, adjustment disorder, expressive language
8 disorder, and learning disorder, NOS. At the time of her first contact with Michael, he
9 demonstrated aggressiveness to siblings and others, irritability and temper tantrums
10 apparently related to inability to communicate effectively. Ms. Osier-Tater stated that he
11 had "extreme" difficulty in "self-advocating". He disclosed in therapy that he also had been
12 sexually molested by his older brother, who presently lives with Mr. Faz. Ms. Osier-Tater
13 testified that Michael needs patient, stable and predictable caregivers and a home in which
14 learning disabilities are understood and educational advocacy provided. His therapist
15 stated that Michael has made slow progress.

16 Per Ms. Osier-Tater, Nathaniel had been given the following diagnoses by Dr.
17 Aberasturri: Attention Deficit Hyperactivity Disorder, adjustment disorder, and
18 (provisionally) Reactive Attachment Disorder. She stated that she added the diagnosis of
19 Post Traumatic Stress Disorder. At the beginning of her work with him, Ms. Osier-Tater
20 stated Nathaniel showed impulsivity, high distractibility, physical aggression, liable and
21 explosive moods, some sexual behaviors and safety issues, such as darting into traffic. He
22 also had hurt animals in the foster home. Ms. Osier-Tater testified that Nathaniel needs a

1 home where he will receive line-of-sight supervision and low stimulation (i.e., not a large
2 number of other children). The home must be very structured and the routine predictable,
3 and his sense of safety must be fostered. Ms. Osier-Tater stated that she is also deeply
4 worried about his future if his needs are not met.

5 As outlined above, the evidence at trial established that each of the three children
6 has significant special needs. To rebut the presumption that termination of his rights
7 serves the children's best interest, the evidence would have had to show some likelihood
8 (in a reasonable time) that Mr. Faz could meet the basic needs and special needs of these
9 three children. Mr. Faz did not provide evidence sufficient to show either kind of need
10 would be met seasonably. To the contrary, multiple witnesses testified to their belief that
11 Mr. Faz minimized Maria's and Michael's sexual victimization and failed to provide or
12 understand the need for close supervision of the children during visitation. The evidence
13 established that Ms. Faz had termed Maria's concerns as "psychobabble".
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15 As previously stated, the evidence established that Mr. Faz was not currently
16 meeting the therapeutic needs of one of the children in his home. This failure leads to the
17 reasonable concern that he would not or could not meet the very serious special needs of
18 these children.
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20 Mr. Faz proposes to reunify all of his children (in a physical location not presently
21 obtained.) He provided no plausible plan for assuring the safety of sexual abuse victims
22 from the perpetrator, all of whom would reside together. It is important to note that this is
23 a discussion of safety only in the most superficial way, i.e., whether there would be
24 opportunities for additional physical victimization. It does not encompass the children's
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1 need for emotional and psychological safety. Mr. Faz presently no evidence that Maria
2 and Michael would not be harmed emotionally or psychologically by sharing a home with
3 the brother who sexually assaulted them. According to her Court Appointed Special
4 Advocate, Maria wishes to not even see this brother. According to Ms. Osier-Tater, Maria
5 doubts her Father's willingness or ability to keep her safe and, further, that personal safety
6 is one of Maria's deepest needs.
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8 Lindsey Maurins, an adoption recruitment worker with WCDSS, testified that the
9 children's legal status, i.e., their parents' rights being intact, is a significant barrier to the
10 successful recruitment of a prospective adoptive home for Maria, Michael and Nathaniel.
11 Put plainly, the Court has been told that most prospective adoptive parents prefer to be
12 matched with children where the legal issue of their availability to be adopted has been
13 settled.
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15 The Court Appointed Special Advocate recommended that the children be freed for
16 adoption. She stated that her opinion was based partly on the children's great need for
17 individual attention. She testified that she doubted that there was sufficient physical space
18 or adequate resources for their needs to be met in Mr. Faz's home, where he would then
19 be parenting six children. She also raised the issue of safety.
20

21 Based on the foregoing described evidence, and all evidence presented at trial, the
22 Court finds the following with respect to parental fault.

23 Clear and convincing evidence demonstrates that there has been a failure of
24 parental adjustment (NRS 128.105(2)(d)) by Jesus Faz. He has no demonstrated current
25 or future ability to meet either the basic needs or special needs of Maria, Michael or
26

1 Nathaniel.

2 Clear and convincing evidence establishes that there is a risk of serious injury to
3 Maria, Michael and Nathaniel if they were returned to Jesus Faz's home (NRS
4 128.105(2)(e)) because it is the home of a sibling who is a sexual perpetrator and there is
5 no viable plan to assure their safety, and, further, that this perpetrator is presently not
6 receiving therapeutic services because Mr. Faz stated he cannot afford to obtain them.
7

8 Clear and convincing evidence establishes that Jesus Faz is an unfit parent (NRS
9 128.105(2)(c)) because he has failed, over a period of three years, to provide Maria,
10 Michael and Nathaniel with proper care and support. Even as late as the days of trial, Mr.
11 Faz's testimony was that he was looking into housing and food stamps. This is too little too
12 late and not the effort and advocacy these children need to assure their basic and special
13 needs are met.
14

15 Clear and convincing evidence establishes that Jesus Faz has neglected Maria,
16 Michael and Nathaniel. NRS 128.105(b). Mr. Faz has neglected or refused to provide the
17 necessary subsistence for his children, either through private employment or securing
18 public benefits. See also NRS 128.106(8).
19

20 Jesus Faz's weak efforts to stabilize his circumstances over a very long foster case
21 provided no basis for the Court to find that he had rebutted the presumption applicable
22 under NRS 128.109, that he has made only token efforts to care for these children
23 pursuant to NRS 128.105(2)(f).
24

25 Therefore, the Court finds that multiple grounds of parental fault were established by
26 clear and convincing evidence. The Court also finds that clear and convincing evidence
27
28

1 establishes that the best interest of Maria, Michael and Nathaniel Faz will be served by
2 termination of Mr. Faz's rights, so that they may obtain a permanent home that will meet
3 their needs and give them the best chance to obtain healthy lives.

4 It is ordered that Jesus Faz's parental rights are terminated as to Maria Faz, Michael
5 Faz, and Nathaniel Faz.

6 Upon the extinction of Pennie Faz's rights, Maria, Michael and Nathaniel Faz's
7 custody is vested with Washoe County Department of Social Services, which has the
8 authority to place the children for, and consent to, their adoption.
9

10 NOTICE

11 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
12 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
13 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that
14 every person having a limited right of custody to a child or any parent having no right of
15 custody to the child who willfully detains, conceals or removes the child from a parent,
16 guardian or other person having lawful custody or a right of visitation of the child in
17 violation of an order of this court, or removes the child from the jurisdiction of the court
18 without the consent of either the court or all persons who have the right to custody or
19 visitation is subject to being punished for a category D felony as provided in NRS
20 193.130.
21
22

23 Pursuant to NRS 125.510(7) the terms of the Hague Convention of October 25, 1980,
24 adopted by the 14th Session of the Hague Conference on Private International Law, apply if a
25
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1 parent abducts or wrongfully retains a child in a foreign country.

2 IT IS SO ORDERED.

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5 Dated:

Sept. 24, 2014



DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Second Judicial District Court and that on the
24 day of September, 2014, I electronically filed the foregoing with the
Clerk of the Court system which will send a notice of electronic filing to following:

Jeffrey Martin, Chief Deputy District Attorney

Michael Roth, Esq.

Michael Mahaffey, Esq.

JBroski

1 2540
Jeffrey Martin
2 Chief Deputy District Attorney
Nevada Bar No. 7080
3 P.O. Box 11130
Reno, Nevada 89520
4 (775) 337-5700

5 *Attorneys for Petitioner*

6 IN THE FAMILY DIVISION

7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 IN THE MATTER OF PARENTAL RIGHTS:)
10 as to,)
11 MARIA FAZ,) Case No. FV11-02393
12 MICHAEL FAZ and) Dept. No. 5
13 NATHANIEL FAZ,)
14 MINOR CHILDREN.)

15 NOTICE OF ENTRY OF ORDER

16 TO: Pennie Faz; Mike Mahaffey, Esq., for Ms. Faz; Jesus Faz; Michael
17 Roth, Esq., for Mr. Faz:

18 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an ORDER
19 TERMINATING PARENTAL RIGHTS was entered in the above entitled matter
20 on the 24th day of September, 2014, a copy of which is attached hereto.

21 Dated this 24th day of September, 2014.

22 RICHARD A. GAMMICK
Washoe County District Attorney

23 By: _

24 /s/ Jeffrey Martin
Jeffrey Martin
25 Chief Deputy District Attorney
Attorney for Petitioner
26

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. On the 24th day of September, 2014, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to following:
Mike Mahaffey, Esq.
Michael Roth, Esq.

AFFIRMATION PURSUANT TO NRS 239b.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

/s/ L. Todd
L. Todd

1 CODE

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IN THE FAMILY DIVISION

6

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

9

10 IN RE PARENTAL RIGHTS AS TO

Case. No.: FV11-02393

11 MARIA FAZ, MICHAEL FAZ &

12 NATHANIEL FAZ,

Dept. 5

13 Minor Children.

14 _____/

15

16 ORDER TERMINATING PARENTAL RIGHTS

17

18 On August 11, 12, 13 and 14, 2014, a trial occurred on the Petition of Washoe
19 County Department of Social Services (WCDSS) to terminate the parental rights of Jesus
20 Faz (Mr. Faz) to Maria, Michael and Nathaniel Faz. Maria, Michael and Nathaniel's
21 Mother, Penny Faz, stipulated to a default being entered against her in this action and to
22 relinquishing her parental rights. Ms. Faz was represented by Michael Mahaffey, Esq.
23 during the stipulation process. This trial proceeded against the Father only.

24

25 WCDSS appeared through social worker Julia Bauer and was represented by Chief
26 Deputy District Attorney Jeffrey Martin. Mr. Faz appeared personally and through Michael

27

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29

1 Van Ness Roth, Esq. The children's Court Appointed Special Advocate ("CASA"), Katie
2 Sullivan, was required by family emergency to be absent from the court but provided
3 testimony via telephone.

4 This case is unusual and difficult. Maria, Michael and Nathaniel have three older
5 siblings with whom Mr. Faz successfully reunified after the older children had a lengthy
6 stay in foster care. Mr. Faz and the three older boys live in a 2 bedroom apartment that
7 Mr. Faz obtained in 2013. Despite this successful reunification, WCDSS argues that Mr.
8 Faz cannot successfully reunify with the three youngest children. This is a position rarely
9 taken and perhaps even more rarely sustained.

11 The five eldest Faz children had previously been in foster care between 2005 and
12 2007. With the addition of the after-born Nathaniel, the Faz children returned to foster care
13 in January 2010. The reasons for the 2010 removal of the children were Ms. Faz's
14 incarceration and ongoing methamphetamine use, the unsafe condition of the home due to
15 clutter, garbage and old food, the loss of power to the home and imminent eviction, and
16 Mr. Faz's inability to articulate a long-term plan for the children's supervision and care.

18 Ms. Faz was unable to ameliorate the substance abuse and other issues that made
19 her an unfit parent. Mr. and Ms. Faz separated after the children's second removal by
20 child protective services. Although reunification efforts were initially extended to both
21 parents, over time WCDSS looked only to Mr. Faz as the parent with whom the children
22 might be reunified successfully.

24 The children's foster care case dragged on through many review hearings and many
25 years with minimal positive progress. Mr. Faz struggled with the same basic needs issues
26

1 that had been one of the reasons for the children's removal from his care. More
2 specifically, Mr. Faz struggled to obtain minimally adequate income and appropriate
3 housing for his children. Mr. Faz resided in a motel room for two years of the case, which
4 was a residence unsuitable for the children due to size and lack of privacy. The children
5 lingered with an uncertain future. The Court appreciated the difficulties but questioned Mr.
6 Faz's diligence and/or capacity to truly solve these problems.
7

8 The Court, however, never questioned Mr. Faz's love for his children. Mr. Faz was
9 regular and constant in his contact and visitation with his children. The size of the sibling
10 group and the bond that Mr. Faz nurtured through his constancy led the children's
11 advocate, for years, to recommend against termination of parental rights. The same facts
12 led the Court to extend reunification opportunities to Mr. Faz far longer than the
13 approximate year that is provided for by the federal Adoption and Safe Families Act and
14 parallel Nevada law in Nevada Revised Statutes ("NRS"), Chapter 432B. At the time of
15 trial, Maria, Michael and Nathaniel had been in foster care for 54 of the last 64 months.
16

17 NRS 128.105 provides that the primary consideration in a termination of parental
18 rights case is whether severing the parents' rights serves the children's best interest.
19 Further, by statute grounded in Constitutional principles, it is necessary that parental fault
20 be shown before a person's fundamental right to parent can be stripped away. NRS
21 128.105(2).
22

23 The Petitioner must carry its burden of proof regarding parental fault and children's
24 best interest by clear and convincing evidence. NRS 128.105 through 128.109, inclusive,
25 state mandatory considerations in a termination action.
26

1 Pursuant to NRS 128.109, the fact that Maria, Michael and Nathaniel Faz have been
2 in foster care for 54 consecutive months creates the following applicable presumptions: (1)
3 that Mr. Faz has made only token efforts under NRS 125.105(f), and (2) that it is in the
4 children's best interest that Mr. Faz's rights be terminated. These presumptions are
5 rebuttable.

6
7 Mr. Faz did not rebut the presumption that it is in Maria's, Nathaniel's and Michael's
8 best interest that his rights be terminated. Most fundamentally, Mr. Faz failed to show that
9 there is a reasonable prospect, in a reasonable and foreseeable period of time, that he
10 could provide for the basic needs of any number of additional children. As discussed
11 above, more than three years elapsed between the inception of the most recent foster care
12 case and Mr. Faz obtaining minimally appropriate housing within which to reunify with his
13 three eldest children. In response to his counsel's questioning about potential housing to
14 accommodate three more children, he testified that he "will look into" low income housing.
15 He receives social security disability payments for two of the children now in his custody,
16 but stated that he does not receive but "will check" on the availability of food stamps. This
17 testimony is vague, insubstantial and not reassuring, in the context of the glacial pace of
18 progress of the juvenile dependency case.
19
20

21 The evidence established that Mr. Faz is maintaining the reunified older children's
22 basic food and shelter needs, but that the household situation is tenuous when any
23 additional strain or need occurs. Specifically, he testified that one of his reunified sons was
24 not receiving recommended therapeutic care due to lack of funds. Further, the evidence
25 established that, when another of his sons had a medical procedure which caused Mr. Faz
26

1 to have reduced work hours, the Faz household utilized financial assistance from WCDSS.

2 Given the extraordinary length of this case, Maria, Michael and Nathaniel regrettably
3 have been assigned numerous social workers, at least three of whom have gone on to
4 different positions either in or out of WCDSS, and a variety of other adults have come and
5 gone in their lives. Formerly and presently assigned social workers, foster parents and
6 clinical providers all provided testimony regarding the special needs, diagnoses and
7 behavioral issues of Maria, Michael and Nathaniel. The most comprehensive testimony
8 was provided by Danielle Osier-Tater, a Marriage and Family Therapist who has been
9 licensed for over twenty years. Ms. Osier-Tater provided services to these children from
10 April 2012 to July 2014, when she left the Koinania organization, through which she had
11 been providing services to the Faz children.
12

13 Per Ms. Osier-Tater, Maria initially received diagnoses of Post Traumatic Stress
14 Disorder ("PTSD"), depressive disorder NOS (not otherwise specified), sexual abuse of a
15 child and reactive attachment disorder ("RAD"). Among the causes of Maria's psychiatric
16 issues, according to her therapist, was Maria's sexual abuse by her older brother, who is
17 one of her older siblings who has been reunified with Mr. Faz. Ms. Osier-Tater testified
18 that Maria needs safety, validation of her perceptions and emotions, nurturing and
19 protective caregivers. Maria's therapist testified that Maria is confused regarding her
20 relationship with Mr. Faz; she both wants a family but fears he would not protect her and is
21 afraid of his anger. Ms. Osier-Tater stated that Maria needs a healthy attachment to a
22 permanent caregiver as soon as possible. Ms. Osier-Tater conveyed strongly her fear for
23 Maria's long-term emotional and mental health if these conditions were not met promptly.
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1 More specifically, Ms. Osier-Tater is concerned about how Maria's "anger and self-loathing"
2 will play out across her life and about a re-emergence of age-inappropriate sexual conduct.
3 Ms. Osier-Tater indicated that Maria struggles with guilt and shame related to her sexual
4 victimization.

5 Per Ms. Osier-Tater, Michael had received the following diagnoses in a
6 neuropsychological assessment performed by Dr. Suzanne Aberasturri (who also testified):
7 Attention Deficit Hyperactivity Disorder, adjustment disorder, expressive language
8 disorder, and learning disorder, NOS. At the time of her first contact with Michael, he
9 demonstrated aggressiveness to siblings and others, irritability and temper tantrums
10 apparently related to inability to communicate effectively. Ms. Osier-Tater stated that he
11 had "extreme" difficulty in "self-advocating". He disclosed in therapy that he also had been
12 sexually molested by his older brother, who presently lives with Mr. Faz. Ms. Osier-Tater
13 testified that Michael needs patient, stable and predictable caregivers and a home in which
14 learning disabilities are understood and educational advocacy provided. His therapist
15 stated that Michael has made slow progress.

16 Per Ms. Osier-Tater, Nathaniel had been given the following diagnoses by Dr.
17 Aberasturri: Attention Deficit Hyperactivity Disorder, adjustment disorder, and
18 (provisionally) Reactive Attachment Disorder. She stated that she added the diagnosis of
19 Post Traumatic Stress Disorder. At the beginning of her work with him, Ms. Osier-Tater
20 stated Nathaniel showed impulsivity, high distractibility, physical aggression, liable and
21 explosive moods, some sexual behaviors and safety issues, such as darting into traffic. He
22 also had hurt animals in the foster home. Ms. Osier-Tater testified that Nathaniel needs a
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1 home where he will receive line-of-sight supervision and low stimulation (i.e., not a large
2 number of other children). The home must be very structured and the routine predictable,
3 and his sense of safety must be fostered. Ms. Osler-Tater stated that she is also deeply
4 worried about his future if his needs are not met.

5 As outlined above, the evidence at trial established that each of the three children
6 has significant special needs. To rebut the presumption that termination of his rights
7 serves the children's best interest, the evidence would have had to show some likelihood
8 (in a reasonable time) that Mr. Faz could meet the basic needs and special needs of these
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13 established that Ms. Faz had termed Maria's concerns as "psychobabble".
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15 As previously stated, the evidence established that Mr. Faz was not currently
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20 Mr. Faz proposes to reunify all of his children (in a physical location not presently
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11 Put plainly, the Court has been told that most prospective adoptive parents prefer to be
12 matched with children where the legal issue of their availability to be adopted has been
13 settled.
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15 The Court Appointed Special Advocate recommended that the children be freed for
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17 individual attention. She testified that she doubted that there was sufficient physical space
18 or adequate resources for their needs to be met in Mr. Faz's home, where he would then
19 be parenting six children. She also raised the issue of safety.
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21 Based on the foregoing described evidence, and all evidence presented at trial, the
22 Court finds the following with respect to parental fault.

23 Clear and convincing evidence demonstrates that there has been a failure of
24 parental adjustment (NRS 128.105(2)(d)) by Jesus Faz. He has no demonstrated current
25 or future ability to meet either the basic needs or special needs of Maria, Michael or
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1 Nathaniel.

2 Clear and convincing evidence establishes that there is a risk of serious injury to
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15 Clear and convincing evidence establishes that Jesus Faz has neglected Maria,
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18 public benefits. See also NRS 128.106(8).
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20 Jesus Faz's weak efforts to stabilize his circumstances over a very long foster case
21 provided no basis for the Court to find that he had rebutted the presumption applicable
22 under NRS 128.109, that he has made only token efforts to care for these children
23 pursuant to NRS 128.105(2)(f).
24

25 Therefore, the Court finds that multiple grounds of parental fault were established by
26 clear and convincing evidence. The Court also finds that clear and convincing evidence
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1 establishes that the best interest of Maria, Michael and Nathaniel Faz will be served by
2 termination of Mr. Faz's rights, so that they may obtain a permanent home that will meet
3 their needs and give them the best chance to obtain healthy lives.

4 It is ordered that Jesus Faz's parental rights are terminated as to Maria Faz, Michael
5 Faz, and Nathaniel Faz.

6
7 Upon the extinction of Pennie Faz's rights, Maria, Michael and Nathaniel Faz's
8 custody is vested with Washoe County Department of Social Services, which has the
9 authority to place the children for, and consent to, their adoption.

10 **NOTICE**

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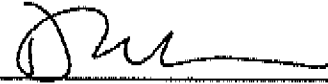
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24 adopted by the 14th Session of the Hague Conference on Private International Law, apply if a
25

1 parent abducts or wrongfully retains a child in a foreign country.

2 IT IS SO ORDERED.

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5 Dated:

6 *Sept. 24, 2014*

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8 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Second Judicial District Court and that on the
24 day of September, 2014, I electronically filed the foregoing with the
Clerk of the Court system which will send a notice of electronic filing to following:

Jeffrey Martin, Chief Deputy District Attorney

Michael Roth, Esq.

Michael Mahaffey, Esq.

By Brook

ORIGINAL

FILED

2014 OCT 16 AM 10:36

ACTING CLERK OF THE COURT

BY [Signature]
DEPUTY

1 Code: 2410
2 Name: JESUS FAZ JR.
3 Address: 1084 ROCK BL SPARKS NV 89431
4 Telephone: 775-379-3892
5 Acting In Proper Person

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

10 IN THE MATTER OF Parental
11 RIGHT Plaintiff/Petitioner

Case No. FV11-023 93

Dept. No. S

12 MARIA FAZ
13 Defendant/Respondent

14 Michael FAZ

15 NATHANIEL FAZ NOTICE OF APPEAL

16 Attached is NOTICE OF APPEAL and a Request for
17 An ATTORNEY.

18 Dated: 10-16-14

(Signature)

1084 ROCK BL

(Address)

SPARKS NV 89431

775-379-3892

(Telephone)


IN THE FAMILY DIVISION
IN THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF
WASHOE

IN THE MATTER OF PARENTAL RIGHTS AS TO,
MARIA FAZ, MICHAEL FAZ AND NATHANIEL FAZ,
MINOR CHILDREN.

Case No. FV 11-02393
Dept. No. 5

NOTICE OF APPEAL

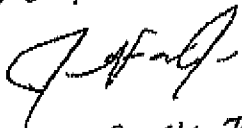
Notice is hereby given that I, Jesus Faz Jr, the natural father of Maria, Michael, and Nathaniel Faz, hereby appeal to the Supreme Court of Nevada from the Final Order terminating my parental rights as to my children, Maria, Michael and Nathaniel Faz which was entered in this action of September 24, 2014.

Jesus Faz Jr. 
1084 ROCK #B
SPARKS, NV 89431
10.16.14

REQUEST FOR APPOINTMENT OF ATTORNEY

I, Jesus Faez JR, state that I am indigent and can not afford to hire an attorney for my appeal, I request that an attorney be appointed for me.

10-16-2014



1084 ROCK # B

SPARK, NV.

894631

1 SECOND JUDICIAL DISTRICT COURT
2 COUNTY OF WASHOE, STATE OF NEVADA

3 AFFIRMATION
4 Pursuant to NRS 239B.030

5 The undersigned does hereby affirm that the preceding document, NOTICE OF

6 Appeal And Request For An ATTORNEY,
7 CASE # EV. 11-02393

8 (Title of Document)

9 filed in case number: _____



11 Document does not contain the social security number of any person

12 - OR -



14 Document contains the social security number of a person as required by:



16 A specific state or federal law, to wit:

17 _____
(State specific state or federal law)

18 - or -



20 For the administration of a public program

21 - or -



23 For an application for a federal or state grant

24 - or -



26 Confidential Family Court Information Sheet
(NRS 123.130, NRS 125.230, and NRS 125B.055)

27 Date: 10-16-14

28 [Signature]
(Signature)

29 JESUS FAL JR.
(Print Name)

30 _____
(Attorney for)

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 IV 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