

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF:)
AAMIYAH DE'NASIA LAMB)
AND CHRISTOPHER LAMONT)
BYNUM JR.)

Minors.)

KEAUNDRA DEBERRY,)

Appellant,)

vs.)

CLARK COUNTY DEPARTMENT)
OF FAMILY SERVICES,)

Respondents.)
_____)

SUPREME COURT NO. 69047

District Court No. D-11-446967-R

Electronically Filed
Feb 04 2016 01:57 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CO-APPELLANT'S APPENDIX

VOLUME 1

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ATTORNEYS FOR RESPONDENT

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


CLERK OF THE COURT

In the Matter of Children:

AAMIYAH LAMB **DOB: 01-04-2004**

CHRISTOPHER BYNUM JR **DOB: 03-28-2009**

Minors Under 18 Years of Age.

Court Case No.: J-10-319959-P1

UNITY Case # 1362112

DEPT.: G

Courtroom: 22 - HM Femiano

Petition: 1

Plea: 5/19/10 at 10:00 a.m.

CC: 6/21/10 at 9:30 a.m. 22

Trial: 6/25/10 at 1:30 p.m. 22

PETITION - ABUSE/NEGLECT

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

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **1001 E. CAREY, APT. 1514, LAS VEGAS, NEVADA 89030**

Mother: KEAUNDRA DeBERRY

Father: UNKNOWN TO DFS (as to Aamiya)

Father: CHRISTOPHER BYNUM, Sr. (as to Christopher, Jr.)

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

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

(a) The subject minors' mother is KEAUNDRA DEBERRY. The identity of AAMIYAH'S father is unknown to DFS. CHRISTOPHER BYNUM, SR. is the father of CHRISTOPHER, JR. MR. BYNUM was a person found regularly in the home at the time the alleged abuse/neglect occurred for purposes of NRS 432B.130.

(b) MS. DEBERRY physically abused and/or improperly supervised CHRISTOPHER, JR. resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek consistent with the shape of an iron.

(c) MR. BYNUM physically abused and/or improperly supervised CHRISTOPHER, JR. resulting in CHRISTOPHER, JR. sustaining a

triangle shaped burn to his left cheek consistent with the shape of an iron.

(d) MS. DEBERRY neglected CHRISTOPHER, JR'S medical needs by failing to seek medical treatment for the burn sustained to his face.

(e) MS. DEBERRY'S drug use adversely affects her ability to provide for the care of the children.

(f) MR. BYNUM neglected CHRISTOPHER, JR'S medical needs by failing to seek medical treatment for the burn sustained to his face.

(g) MR. BYNUM and MS. DEBERRY engage in acts of domestic violence against each other. Their propensity to engage in acts of domestic violence adversely affects their ability to provide for the care of the children.

(h) ~~MS. DEBERRY and MR. BYNUM refused to allow the Department of Family Services access to CHRISTOPHER, JR. in order to access his safety.~~ Additionally, while knowing there was an open investigation, MS. DEBERRY and MR. BYNUM left Clark County, Nevada and fled to Louisiana.

(i) MR. BYNUM is a registered felon for: Felon in Possession of a Firearm; Assault with a Deadly Weapon; Possession of a Controlled Substance; Possession of Marijuana.

(j) MR. BYNUM'S drug use adversely affects his ability to provide for the care of the children.

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

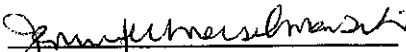
The minors are in protective custody, having been placed there by the Department of Family Services.

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

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

Dated this 13th day of May, 2010.

**DAVID ROGER
DISTRICT ATTORNEY**

BY: 
Deputy District Attorney
Petitioner

UNITY Doc.
JMT/smq

**E-FILE
ORIGINAL**

Electronically Filed
06/18/2010 09:26:49 AM

Alvin D. Lamm

CLERK OF THE COURT

DAVID ROGER
DISTRICT ATTORNEY
Jennifer Meiselman
Deputy District Attorney
Juvenile Division
Nevada Bar No. 9625
601 North Pecos
Las Vegas, Nevada 89101
(702) 455-5320

ORIGINAL

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

In the Matter of:

AAMIYAH LAMB
Date of Birth: 01-04-2004
A Minor, 6 Years and 05 Month(s) of Age

CASE NO.: J-10-319959-P
DEPT. NO.: G

CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor, 1 Year and 02 Months of Age

FINDINGS AND ORDER OF REASONABLE EFFORTS TO PREVENT REMOVAL

Date of Hearing: 05-19-2010

Time of Hearing: 10:00 AM

Courtroom: 22

Date of Removal: 05-06-2010

This matter having come before the Court on the 9th day, of May, 2010, and based on the testimony and/or reports provided by ROBERTA MOSMAN and good cause being shown;

THE COURT FINDS that continuation of the minor(s) in the home of the parent(s)/guardian(s), BYNUM SR, CHRISTOPHER, L., DEBERRY, KEAUNDRA, AND

1 LAMB, JOSEPH, is contrary to the welfare of the child(ren); AAMIYAH LAMB and
2 CHRISTOPHER BYNUM.

3 **THE COURT FINDS** that Reasonable Efforts pursuant to 432B.393(2) were made to
4 prevent the removal of the child(ren) from the home to wit:
5

6 On 05-06-2010 Christopher Bynum was found to have a burn scar to his Boissier City,
7 Louisiana CPS.. The mother and father had absconded from Las Vegas to Barksdale Louisiana in
8 order to evade CPS and North Las Vegas Police who were investigating the family for
9 enviornmental neglect and physical abuse.

10 On 05-12-2010 a Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
11 conference was held via telephone. Jurisdiction was decided to be Las Vegas,Clark County,
12 Nevada.
13

14 The mother has provided false information as to the father of Aamiyah, stating the father is
15 Virgil Graves in North Carolina. A diligent search was conducted and was not fruitful.

16 It was learned through welfare records the father of Aamiyah is Joseph Lamb.

17 A diligent search has been initiated and results are pending.

18 On 05-21-2010 AAMIYAH LAMB and CHRISTOPHER BYNUM were transported back
19 to Las Vegas, Nevada by the Department of Family Services and were placed into a Foster
20 Home.
21

22 **IT IS FURTHER RECOMMENDED** that the Department of Family Services shall have
23 legal authority to access and obtain any records that relate to the child's well being to include but
24 not limited to: medical, dental, educational, mental health, and substance abuse.
25
26
27
28

IT IS FURTHER RECOMMENDED that a ☐ Review Hearing ☐ Plea Hearing

☒ Trial ☐ Report and Disposition Hearing is set for, 6/25

20 10 at the hour of 1:30pm.

Dated this 3rd day of June, 2010.

Thomas Leeds
JUVENILE HEARING MASTER

THOMAS LEEDS for JANE FEMIANO (PRT)

The above Findings and Recommendations of the Hearing Master are hereby approved and such are hereby made an Order of the Eighth Judicial District Court of Nevada, Family Division.

Dated this 7th day of June, 2010.

Dorine Stey
DISTRICT JUDGE - JUVENILE

Submitted by:

Submitted by:

DAVID ROGER
DISTRICT ATTORNEY

Roberta Mosman
ROBERTA MOSMAN
CASE MANAGER
DEPARTMENT OF FAMILY SERVICES

By: James H. Mosman
Deputy District Attorney

CASE NO.: J-10-319959-PC

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

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

ORIGINAL

ORDER
Romeo R. Perez, Esq.
Nevada Bar Number: 8223
3100 E. Charleston, Suite 112
Las Vegas, Nevada 89104
Tel: (702) 214-7244
Attorney for Keaundra Deberry

FILED

JUN 22 2 02 PM '10

Sharon L. Shannon
CLERK OF THE COURT

District Court, Family Division
Clark County, Nevada

IN THE MATTER OF

AAMIYAH LAMB
DOB: 01-04-2004

CRISTOPHER BYNUM JR
DOB: 03-28-2009

Minors under 18 years of age

CASE NO. J-10-319959-P1
DEPT. G
Courtroom # 22

ORDER FOR CONFIRMATION OF APPOINTMENT OF COUNSEL

That on May 25, 2010, this matter having come on regularly for hearing and it appearing to the Court that Keaundra Deberry in need of legal representation and is without the necessary funds or capability to provide the same, the Court having reviewed all papers and pleadings on the file and good cause appearing; therefore

IT IS HEREBY ORDERED that ROMEO R. PEREZ, ESQ. be Court appointed to represent Keaundra Deberry for the duration of this matter and that all fees and costs shall be waived.

DATED this 21st day of June, 2010

James A. Andrews
HEARING MASTER

Deanne Steel
DISTRICT COURT JUDGE

SUBMITTED BY:

Romeo R. Perez
Romeo R. Perez, Esq.
3100 E. Charleston, Suite 112
Las Vegas, Nevada 89104
Tel: (702) 214-7244

RECEIVED

JUN 04 2010

ORDER FOR CONFIRMATION OF APPOINTMENT OF COUNSEL - JUVENILE DIVISION

0007

— FILED IN OPEN COURT —

on 2/4, 20 11

Edward A. Friedland, Clerk of the Court

By: Betty Korbula Deputy

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
SITTING IN SEPARATE SESSION AS A JUVENILE COURT

In the Matter of:

Aamiyah Lamb

Christopher Bynum

A person under the age of 18 years

CASE NO. J-10-319059-P1

COURT ORDER

This matter having come before the Court on 02-04-11. It appearing there is an investigation in process concerning the neglect/abuse of the above minor(s)

X It is hereby ordered that there be no visitation of the minor(s) or communications either telephonically, written, visually through an intermediary or otherwise with the minor(s) by:

Keandra DeBerry

Christopher Bynum

It is hereby ordered that the following persons have only supervised visitation:

It is hereby ordered that the above named minor(s) be temporarily placed in the custody of: _____ along with their personal property, including any and all clothing, school books and supplies, medications and other possessions.

IT IS FURTHER ORDERED that the above temporary guardian shall not remove the above named minor(s) from the County of Clark, State of Nevada without the written consent of Child Protective Services or by order of the Court.

This Order expires on: until further order of court

DATED: 2/4/11

Jane M. M...
FAMILY COURT - JUVENILE HEARING
MASTER

CASE NO. _____

DEPT. NO. 319959

TRIAL DATE: 2/4/11

JUDGE: _____

JANE FEMIANO

CLERK: _____

REPORTER: _____

JAYS

COUNSEL FOR PLAINTIFF _____

COUNSEL FOR DEFENDANT _____

TRIAL BEFORE THE COURT

PLAINTIFF'S WITNESSES:

1. 10:53 AM Keandra Deberry
2. 10:44 AM Shela Mehta 10:44:03.2
3. Sandra Mason-Murdoch 11:21
4. Roberta Meemon 1:56:33
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

unfiled
J call 2/4/11
trial exhibits

DEFENDANT'S WITNESSES:

1. Jennie Rux 1:56:33
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

REBUTTAL WITNESSES:

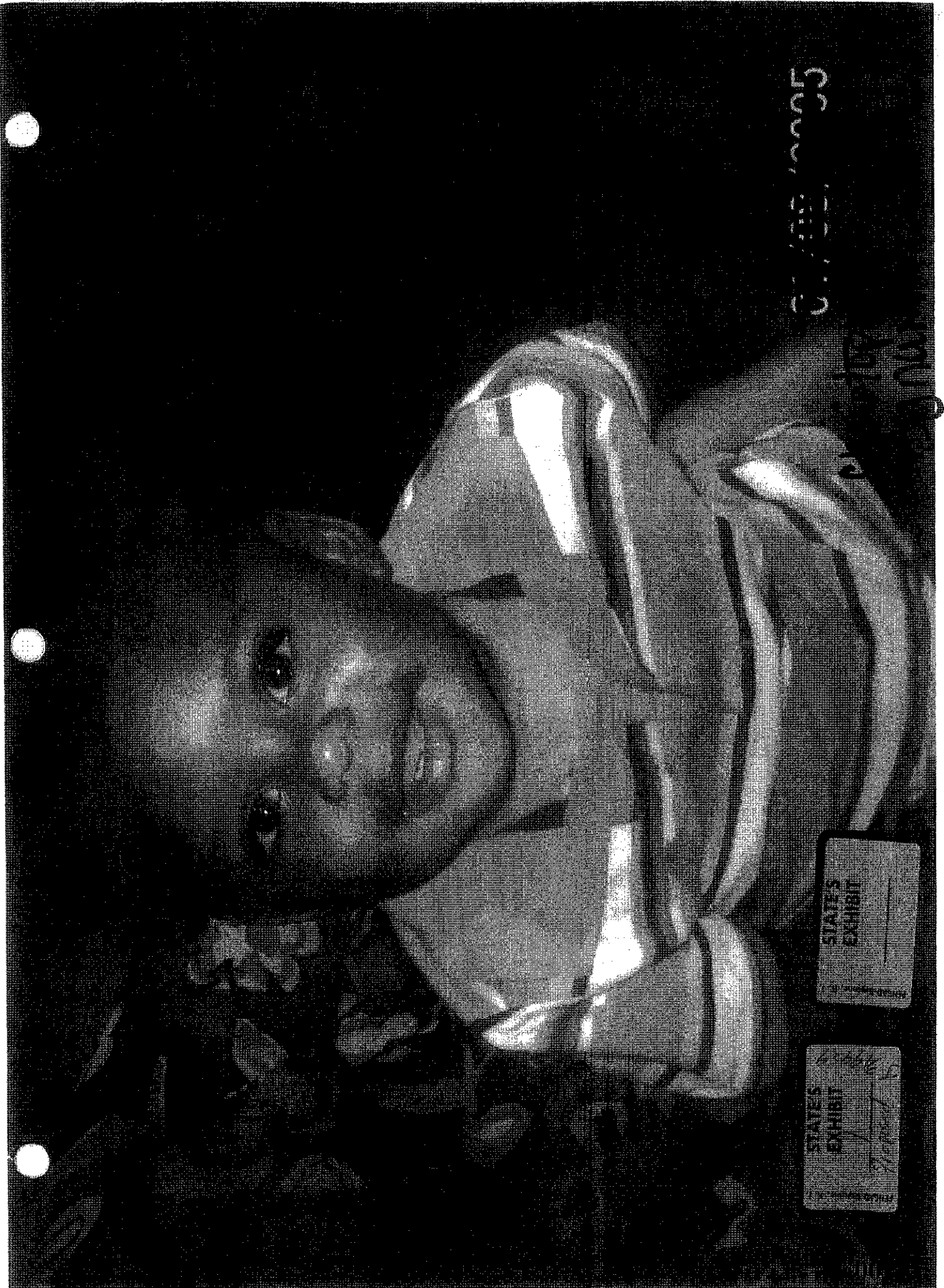
1. _____
2. _____

SUR-REBUTTAL WITNESSES:

1. _____
2. _____

CASE NO. 2319959

0010



0.000.005

0.000.005

STATES
EXHIBIT

STATES
EXHIBIT

Christopher

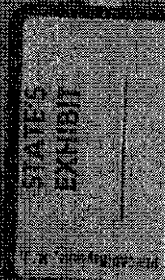
01/01/2005

STATE'S
EXHIBIT

STATE'S
EXHIBIT
1/1/2005

00105110

01/08/2005



05/07/00

01/09/2005

STATE'S
EXHIBIT

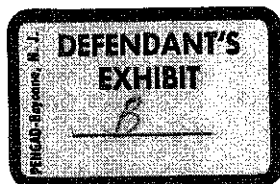
STATE'S
EXHIBIT

03/01/00

1/03/2005

STATE'S
EXHIBIT

STATE'S
EXHIBIT



MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT

B Case No. J-99959

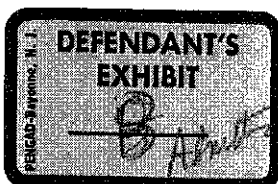
Keaundra DeBerry
Asst. Mgr.
Sonic 3744
2120 E. Crang Rd.

March 12, 2010

TO Seanne and all my fellow workers. Im putting in my notice to move and reside with my mother in Louisiana. I really dont want to go but I feel my life will be better with my family. Seanne I know you have taught me to be a strong and dependable young lady & thats what I've seen him grown into

0016

Im hoping to leave the 1st week in May to
reside with my mother. Ive already with drew my
daughter from school, my mom is suppose to fly
here in Las Vegas to get Ramiyah and then
later send for me and Christopher Jr. Its a
personal matter but Jeannine you and I have
had some conversations and you understand
what Im going through. I hope I have a better
life in LA. and will continue my
career at another some location. I will miss you
guys dearly and I hope to have a chance to come
and see you guys and hope to work with you guys again ^{back}



MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT

B Case No. J 39959

Jeanne Rux
General Manager
Sonic 3744
2120 E. Craig Rd
Las Vegas, Nv 89030

May 7, 2010

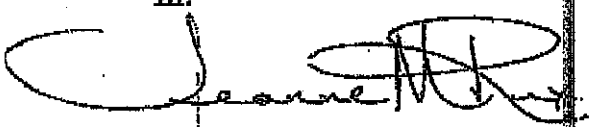
Keaundra Deberry has been an employee of this Sonic since November 2008. She is leaving This Sonic to go to Louisiana where her mother resides.

During the time she has worked for me, I have found her to be a responsible and dependable employee.

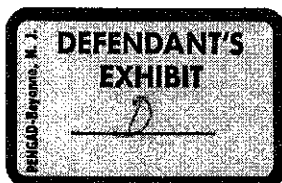
She has worked in the capacity of an Assistant Manager, with the evening shifts being her primary shift. She demonstrates strong shift control, and has been very good at controlling her labor cost on her shifts.

She is Serv Safe certified, and has been our Sonic Games coordinator.

We will miss Keaundra and wish her all the best in her future endeavors, and I hope that she will continue her career progress with another Sonic Drive-In.


Jeanne M Rux
520-401-4377

MARKET FOR IDENTIFICATION
PROPOSED EXHIBIT
D Case No. J-99959



*mutual,
Rux referred to
as
"C"*

**MERRITT GROUP
INCIDENT REPORT**

750 N. 17TH STREET, LAS CRUCES, NM 88005 505-524-9898

DATE: 4/10/10

TIME: _____

This report is intended as a confidential communication to system legal counsel and/or management personnel and considered privileged.

SONIC: VEGAS #10CUSTOMER: _____ EMPLOYEE: X OTHER: _____NAME: KEAUNDRA DEBERRY

ADDRESS: _____

PHONE #: _____

TIME OF INCIDENT: PM SHIFT DATE OF INCIDENT: 4/9/10

INCIDENT: _____

YESTERDAY, 4/9/10, KEAUNDRA WAS
SCHEDULED TO MANAGE THE EVENING SHIFT
FROM 6 PM - 2 AM.

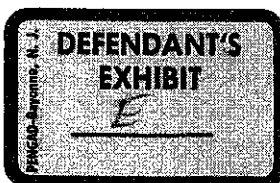
SHE CALLED IN AND WAS UPSET & CRYING
AND SAID THAT HER BABY HAD BURNED HIMSELF
WHILE SHE WAS IRONING HER UNIFORM.

SHE SAID SHE HAD TO TAKE CARE OF THIS
BURN BEFORE COMING TO WORK.

SHE ARRIVED 40 MINUTES LATE. BECAUSE
OF THE NATURE OF THE TARDINESS, IT IS EXCUSED.

Names of witnesses: & ONLY DOCUMENTED FOR THE PURPOSEDEFENSE OF ATTENDANCE.

COMPLAINT TAKEN BY: _____

MARKED FOR II
PROPOSED EXH
E No.

*actual,
Bery referred to
as
"D"*

WICKRII GROUP
INCIDENT REPORT

750 N. 17TH STREET, LAS CRUCES, NM 88005 505-824-8998

DATE: 01-28-10

TIME:

This report is intended as a confidential communication to system legal counsel and/or management personnel and considered privileged.

SONIC: 5144

CUSTOMER:

EMPLOYEE:

OTHER: ☒

NAME:

Latisha Miller; Keonundra DeBong

ADDRESS:

PHONE #:

TIME OF INCIDENT:

DATE OF INCIDENT:

INCIDENT:

On 01-28-10 Latisha called my place at work. She call Akiel and asked if she could speak to Keelie. I then gave the phone to another employee and was asked who was calling. She (Latisha) then became a riot and said why do you want to know all you the employees or managers. She then said in the employee then Latisha hung up. On the 2nd call she ask for Keelie again and said "Bitch I know that's you and you going to get someone to

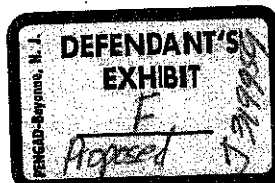
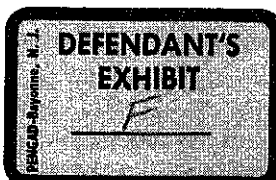
Names of witnesses:

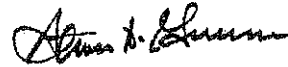
OFFICE ACTION:

came to see you and hurt you and the kids. I then call 3-1-1 to have further information given to me in this situation after already filing a police report.

COMPLAINT TAKEN BY:

Keonundra DeBong





CLERK OF THE COURT

ORIGINAL

OPP

Romeo R. Perez, Esq.
Nevada Bar Number: 8223
The Law Offices of Romeo R. Perez, P.C.
3100 East Charleston Blvd, Suite 112
Las Vegas, Nevada 89104
Tel: (702) 214-7244
Attorney for Keaundra Deberry

District Court, Family Division
Clark County, Nevada

IN THE MATTER OF THE CHILDREN:)

CHRISTOPHER BYNUM, JR.
AAMIYAH LAMB

CASE NO. J-10-319959-P1

DEPT. G
Courtroom 22

Minors under 18 years of age)

**OBJECTION TO MASTERS FINDINGS OF FACT,
RECOMMENDATION AND ORDER OF APPROVAL-PETITION-1
COMES NOW, Respondent Keaundra Deberry, by and through her attorney of record,**

Romeo R. Perez, and hereby files this objection to the Hearing Master's recommendations following the adjudicatory hearing. This request is made pursuant to NRCP 53 and EDCR 1.46 and based upon the attached Memorandum of Points and Authorities, any pleadings and papers on file in this action and any oral argument at a hearing on this matter.

Dated this 17 day of February, 2011.

Respectfully submitted,

The Law Offices of Romeo R. Perez, P.C.

By: 

Romeo R. Perez, Esq.
Nevada Bar Number: 8223
The Law Offices of Romeo R. Perez, P.C.
3100 East Charleston Blvd, Suite 112
Las Vegas, Nevada 89104
Tel: (702) 214-7244
Attorney for Respondent Keaundra Deberry

ORIGINAL

OPP

Romeo R. Perez, Esq.
Nevada Bar Number: 8223
The Law Offices of Romeo R. Perez, P.C.
3100 East Charleston Blvd, Suite 112
Las Vegas, Nevada 89104
Tel: (702) 214-7244
Attorney for Keaundra Deberry

District Court, Family Division
Clark County, Nevada

IN THE MATTER OF THE CHILDREN:)

CASE NO. J-10-319959-P1

CHRISTOPHER BYNUM, JR.)
AAMIYAH LAMB)

DEPT. G
Courtroom 22

Minors under 18 years of age)

**OBJECTION TO MASTERS FINDINGS OF FACT,
RECOMMENDATION AND ORDER OF APPROVAL-PETITION-1**

COMES NOW, Respondent Keaundra Deberry, by and through her attorney of record,
Romeo R. Perez, and hereby files this objection to the Hearing Master's recommendations
following the adjudicatory hearing. This request is made pursuant to NRCP 53 and EDCR 1.46
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Attorney for Respondent Keaundra Deberry

POINTS AND AUTHORITIES

Parents have a fundamental constitutionally protected interest in continuity of legal bond[s] with their children, Matter of Delaney, 617 P.2d 886. The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by the first (1st), fifth (5th), ninth (9th) and fourteenth (14th) amendments, Doe v. Irwin, 441 F. Supp 1247. Parent's interest in custody of [their] children is a liberty interest which has received considerable constitutional protection; a parent, who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection, Interest of Cooper, 621 P. 2d 437. Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" were discriminatory and violate the equal protection clause of the fourteenth amendment, Yick Wo v. Hopkins, 118 US 356.

The State of Nevada filed a petition pursuant to Nevada law, alleging child abuse or neglect of the above captioned Subject Minors had occurred by the natural parents. Following a full day adjudicatory hearing, Hearing Master Jane D. Ferniano issued Findings of Fact, Recommendation and Order for Approval. Hearing Master Ferniano's recommendation is clearly erroneous in that she relied on expert testimony that for which the expert clearly had no basis to make. Further, the "no contact order" put in place as a result of the day's testimony was punitive in nature, and not in the best interest of the children.

The Nevada Rules of Civil Procedure 53 (e)(2), provides a method of objecting to the findings of fact and Recommendations of a Hearing Master. The procedural rules provide in relevant part:

In an action to be tried without a jury the court shall accept the master's findings of fact unless clearly erroneous. Within 10 days after being served with notice of the filing of the report any party may serve written objections thereto upon the other parties. Application to the court for action upon the report and upon objections thereto shall be by motion and upon notice as prescribed in Rule 6(d). The court after hearing may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions.

EDCR 1.46 (c) of our local rules of practice further clarify the duties of Hearing Masters.

Including determining when a Hearing Master is required to submit Findings of Fact and Recommendation to the Presiding Judge.

1 The proceedings before the master must be conducted in the same manner as in the district
2 court. If a record is required by law or rule, the proceedings before the master must be
3 transcribed by a duly appointed court reporter, or recorded by sound or video recording
4 equipment as designated by the family division judges. Within 10 days after the evidence
5 is closed, the master must present to the presiding judge all papers relating to the case,
6 written findings of fact and recommendations. Within the above time period, the master
7 must serve upon the minor's attorney of record and the minor's parent or guardian or adult
8 relative a written copy of the master's findings and recommendations and must also
9 furnish a written explanation of the right of such minor to seek review of the
10 recommendation by the presiding judge. Service, as provided in this section, must be by
11 mail to the last known address of such persons or to the address designated by such
12 persons appearing at the hearing before the master or to his or her attorney, if any has
13 appeared as a matter of record.

14 The above-referenced rule requires a Hearing Master to present findings of fact and
15 recommendations within ten (10) days after the close of evidence.

16 In her findings of fact, recommendation, and order of approval-petition 1, Hearing Master
17 Ferniano states the statutory basis for her recommendation. Hearing Master Ferniano erred in her
18 application of NRS 432B.450, which states:

19 **NRS 432B.450 Expert testimony raising presumption of need for protection of child.**

20 In any civil proceeding had pursuant to NRS 432B.410 to 432B.590, inclusive, if there is
21 expert testimony that a physical or mental injury of a child would ordinarily not be
22 sustained or a condition not exist without either negligence or a deliberate but
23 unreasonable act or failure to act by the person responsible for the welfare of the child, the
24 court shall find that the child is in need of protection unless that testimony is rebutted.

25 (Added to NRS by 1985, 1379; A 2003, 591)

In Hearing Master Ferniano's findings, she relies on Dr. Neha Mehta's testimony as to
how the injury occurred and finds that her medical opinion as to how the injury occurred was
sufficient to satisfy the statute, and thereby raised the presumption, requiring Respondent to rebut
said presumption. Respondent contends that this is in error. NRS 50.275 states that:

If scientific, technical or other specialized knowledge will assist the trier of fact to
understand the evidence or to determine a fact in issue, a witness qualified as an expert by
special knowledge, skill, experience, training or education may testify to matters within
the scope of such knowledge.

(Added to NRS by 1971, 793)

1 NRS 50.285 further requires that:

- 2 1. The facts or data in the particular case upon which an expert bases an opinion or
3 inference may be those perceived by or made known to the expert at or before the hearing.
4 2. If of a type reasonably relied upon by experts in forming opinions or inferences
5 upon the subject, the facts or data need not be admissible in evidence

6 In this case, Dr. Mehta admitted to never having examined the child in question, instead
7 basing her entire opinion on photographs taken in Louisiana over a month after the alleged abuse
8 occurred. Dr. Mehta further testified that she did not know when the photos were taken and could
9 not ascertain the age of the marks. Dr. Mehta refused to even acknowledge any alternative cause
10 of the injury. The Supreme Court has previously decided that, "just because a witness may be
11 qualified as an expert does not automatically qualify him to give an opinion necessarily
12 based on facts beyond his knowledge even though the opinion may be within the range of
13 his expertise". Choat v. McDorman, 468 P.2d 354, 86 Nev. 332 (Nev., 1970). Further, in
14 a similar case regarding expert testimony the testimony of an expert who had never
15 examined the wrecked vehicles, as to their speed at the time of the accident, was properly
16 stricken when based entirely on photographs of vehicles and certain diagrams made after
17 the accident because the photographs could not disclose damage to the frames of the cars.
18 Levine v. Remolif, 80 Nev. 168, 390 P.2d 718 (1964). This case is similar to that of
19 Levine, in that Dr. Mehta's testimony was based on photographs of the child at an angle.
20 Dr. Mehta's medical opinion is simply not reliable because the basis of her opinion is
21 flawed. Dr. Mehta also testified that she was unaware that a doctor in Louisiana had actually
22 examined the child and provided a report that stated that no abuse was found. Dr. Mehta's lack of
23 personal knowledge and sole reliance upon photos of an injury that occurred over a month prior
24 simply is not sufficient evidence to form such an opinion.

25 Hearing Master Femiano further found that Respondent had neglected Christopher Jr.'s

1 medical needs by failing to seek medical treatment for the burn sustained to the face. Again,
2 Hearing Master Femiano based her findings upon Dr. Mehta's expert testimony concerning the
3 scars that she saw on the face of the child. The State put up no evidence that the child was in need
4 of medical attention other than the speculation of Dr. Mehta that the scar that she viewed in
5 photographs taken over a month earlier would have caused the child to be in enough pain to
6 require morphine. The evidence upon which Dr. Mehta bases her opinion simply is not enough in
7 and of itself for a finding of abuse.

8 Next, Hearing Master Femiano's findings that Respondent's refusal to allow access by the
9 department to the child in order to access safety is simply without merit. There was no safety
10 threat at the time. The alleged incident was reported a month after the accident occurred. No other
11 allegations of abuse were reported during that time period. Respondent's testimony that it was a
12 disgruntled former employee whom she had fired at a prior job who had made the allegations and
13 started this investigation should be given greater weight. Respondent's testimony that it was
14 contact with this former employee, and Respondent's fear that she would carry out her threats
15 prompted the move.
16

17 Further, the evidence showed that Respondent had spoken with Roberta Mossman about
18 the investigation but simply did not have an opportunity to schedule a time to meet because of her
19 work schedule. Respondent had already purchased tickets to Louisiana to move the children to her
20 mother's house. Moreover, Respondent let her employer know about her planned departure in
21 March 2010, well before the alleged incident. Although the testimony of Jeanne Rux was that
22 Respondent's departure seemed abrupt, she also testified that she knew of Respondent's problems
23 with a former employee of hers from another job, and that she was moving to Louisiana with her
24 mother for her protection and the protection of her children. Testimony of the Respondent
25

1 concerning the timing of her departure and that of her children was credible in light of the admitted
2 evidence of her planned move to Louisiana about a month before the alleged incident.

3 Last, at the end of the adjudicatory hearing, Hearing Master Femiano ordered that Respondent
4 have no contact with the children. This order is arbitrary and capricious. Respondent contends that the no
5 contact order was issued as a punitive measure against Respondent. NRS 432B.560 in pertinent part
6 provides:

7 1. The court may also order:

8 (a) ...

9 (b) A parent or guardian to refrain from:

10 (1) Any harmful or offensive conduct toward the child, the other parent, the custodian of
the child or the person given physical custody of the child; and

11 (2) Visiting the child if the court determines that the visitation is not in the best interest
of the child.

12 Here the children have been placed with Maternal Grandmother at a military base in
13 Louisiana. Respondent has been allowed visits with her children for almost a year. There have
14 been no concerns reported by grandmother or the local supervising case worker. The State
15 provided no evidence of any new abuse or concerns. There simply was no evidence of imminent
16 danger to the children as required by the statute.

17 Further, the state did not make any request for the no contact order. The court sua sponte
18 ordered no contact despite the lack of evidence of any danger to the children. Currently, the
19 children reside with the grandmother and supervised by the grandmother. It is not in the best
20 interests of the children to make any order to the contrary.

21 CONCLUSION

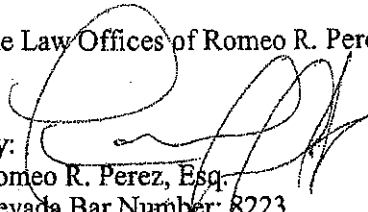
22 WHEREFORE, based upon the above and foregoing points and authorities, the
23 Respondent Keaundra Deberry respectfully requests that Hearing Master Femiano's Findings of
24 Fact, Recommendation and Order of Approval-Petition 1, not be approved, and that the No
25

1 Contact Order issued Sua Sponte be recinded. Respondent prays for all other relief for which
2 she may be entitled.

3 Dated this 17 day of February, 2011.

4 Respectfully submitted,

5 The Law Offices of Romeo R. Perez, P.C.

6
7 By: 
8 Romeo R. Perez, Esq.
9 Nevada Bar Number: 8223
10 The Law Offices of Romeo R. Perez, P.C.
11 3100 East Charleston Blvd, Suite 112
12 Las Vegas, Nevada 89104
13 Tel: (702) 214-7244
14 Attorney for Respondent Keandra Deberry

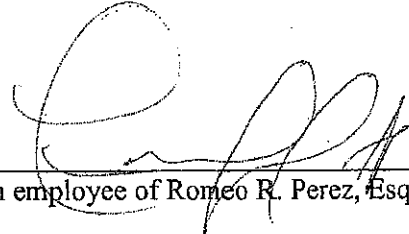
15 **CERTIFICATE OF MAILING**

16 I hereby certify that on the 17 day of February 2011, I served a true and correct copy of
17 the above and foregoing Findings of Fact, Recommendation and Order of Approval-Petition 1 by
18 depositing same in the United States Mail, first class postage fully prepaid thereon, addressed as
19 follows:

20 Hearing Master Femiano
21 601 Pecos
22 Las Vegas, NV 89104

23 DA Jennifer Meiselman-Titus, Esq.
24 601 N. Pecos
25 Las Vegas, NV 89104

Roberta Mossman
Department of Family Services


An employee of Romeo R. Perez, Esq.

COPY

DO NOT FILE

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

DO NOT FILE

FEB 22 2011

In the Matter of:

AAMIYAH LAMB

Date of Birth: 01-04-2004

A Minor 7 years, 01 Months of Age

COURT CASE NO.: J-10-319959-

P1

DEPT. NO.: G

CHRISTOPHER BYNUM JR.

Date of Birth: 03-28-2009

A Minor, 1 Year and 11 Months of
Age

Department of Family Services Confidential Report

DATE: 2/22/2011

REPORT NAME: DISPOSITION

Date of Hearing: 02-22-2011

Time of Hearing: 10:00 AM

Courtroom: 22

Submitted by:



MICHELLE JORDAN

CASE MANAGER

DEPARTMENT OF FAMILY SERVICES

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

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

COPY

DAVID ROGER
DISTRICT ATTORNEY
Jennifer Meiselman
Deputy District Attorney
Juvenile Division
Nevada Bar No. 9625
601 North Pecos
Las Vegas, Nevada 89101
(702) 455-5320

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

In the Matter of:

AAMIYAH LAMB
Date of Birth: 01-04-2004
A Minor, 7 Years and Pick One Month(s)
of Age

COURT CASE NO.: J-10-319959-P1
DEPT. NO.: G

CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor, 1 Year and 02 Months of Age

DISPOSITION REPORT

Date of Hearing: 02-22-2011

Time of Hearing: 10:00 AM

Courtroom: 22

Attachment: Exhibit A- CPS Investigation Attachment
"B" Affidavit
"C" Petition
"D" Findings of Fact
"E" Case Plan

CONCERNING:

Father: CHRISTOPHER BYNUM SR
DOB: 01-06-1975
Address: 1001 E CAREY AVENUE
NORTH LAS VEGAS, NV 89030

Mother: KEAUNDRA DEBERRY
DOB: 11-20-1986

1
2 **REASON FOR DISPOSITION HEARING:**

3 This matter comes before the Court for a Report and Disposition Hearing on charges of
4 Abuse/Neglect. The Honorable Jane Femiano presided over the Plea Hearing held on
5 05/25/2010, at which Keandra DeBerry was present. Ms. DeBerry, represented by her
6 attorney Romeo Perez. A Denial Plea was entered for Keandra DeBerry and
7 Christopher Bynum, natural father of Christopher Jr. The matter is set for Calendar Call
8 on 06-21-2010 at 9:30am. The Trial date is 06-25-2010 at 1:30pm. Matter set for R & D
9 on 10/11/2010 at 10:00 a.m. On 06-21-2010 the Calendar Call was held in
10 Courtroom #22. Present for the hearing was Romeo Perez, counsel for the Ms. DeBerry,
11 DA Meiselman-Titus and DFS Roberta Mosman. The 06-25-2010 trial date was vacated.
12 The matter was continued. The new Calendar Call date is 08-09-2010 at 10:30am

13 The new Trial Date is 08-13-2010 at 1:30pm. On 08-09-2010 the Calendar Call was held
14 in Courtroom #22. Presiding over the hearing was Hearing Master Femiano. Present for
15 the hearing was Romeo Perez, counsel for Ms. DeBerry, DA Meiselman-Titus and DFS
16 Roberta Mosman.

17 The Contested Hearing was continued until 09-10-2010 at 9:00am. The Calendar Call is
18 08-30-2010 at 10:30am.

19 The No Contact order with Christopher Bynum Sr. is still in effect as is the Line of sight
20 Supervised visits with natural mother per Hearing Master Femiano. On 08-30-2010 the
21 calendar call was held in courtroom #22. The matter is going forward to trial on 09-10-
22 2010 at 9:00am. The Contested Hearing was scheduled in Courtroom #22. Romeo Perez
23 counsel for Nm reported to the Court that the mother was unable to make the hearing due
24 to being in the Hospital the hearing was post-poned.

25 On 02-04-2011 the Contested Hearing was held in Courtroom #22. Present for the
26 hearing was Nm, her attorney Romeo Perez, DA Meiselman-Titus and several witnesses
27 who gave testimony. Hearing Master Femiano ruled from the bench the predominant
28 finding that Ms. DeBerry is guilty of Physically Abuse of minor Christopher Jr,

Hearing Master Femiano issued a No Contact Order between Ms. DeBerry and
Christopher Bynum Sr in regards to Aamiyah Lamb and Christopher Bynum Jr. effective
today.

20
21 The Petition No. 1 in this matter cited:

22 The subject minors' mother is KEAUNDRA DEBERRY. The identity of AAMIYAH'S father
23 is unknown to DFS. CHRISTOPHER BYNUM, SR. is the father of CHRISTOPHER, JR.
24 MR. BYNUM was a person found regularly in the home at the time the alleged
25 abuse/neglect occurred for purposes of NRS 432B.130.

26 (b) MS. DEBERRY physically abused and/or improperly supervised CHRISTOPHER, JR.
27 resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
28 consistent with the shape of an iron.

(c) MR. BYNUM physically abused and/or improperly supervised CHRISTOPHER, JR.
resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
consistent with the shape of an iron.

(d) MS. DEBERRY neglected CHRISTOPHER, JR'S medical needs by failing to seek
medical treatment for the burn sustained to his face.

(e) MS. DEBERRY'S drug use adversely affects her ability to provide for the care of the
children.

(f) MR. BYNUM neglected CHRISTOPHER, JR'S medical needs by failing to seek medical treatment for the burn sustained to his face.

(g) MR. BYNUM and MS. DEBERRY engage in acts of domestic violence against each other. Their propensity to engage in acts of domestic violence adversely affects their ability to provide for the care of the children.

(h) MS. DEBERRY and MR. BYNUM refused to allow the Department of Family Services access to CHRISTOPHER, JR. in order to access his safety. Additionally, while knowing there was an open investigation, MS. DEBERRY and MR. BYNUM left Clark County, Nevada and fled to Louisiana.

(i) MR. BYNUM is a registered felon for: Felon in Possession of a Firearm; Assault with a Deadly Weapon; Possession of a Controlled Substance; Possession of Marijuana.

(j) MR. BYNUM'S drug use adversely affects his ability to provide for the care of the children.

WHEREABOUTS OF MINOR:

Child(ren):	Facility	Number of Days in Placement
AAMIYAH LAMB	Foster Care	89
CHRISTOPHER BYNUM Jr.	Foster Care	89
AAMIYAH LAMB	Relative Placement	193
CHRISTOPHER BYNUM Jr.	Relative Placement	193

PLACEMENT HISTORY:

Child(ren)	Removal/ Placement Reason	Start Date	Release Date	Facility
AAMIYAH LAMB	Abuse Neglect	5/12/2010	8/18/2010	Foster Care
CHRISTOPHER BYNUM Jr.	Abuse Neglect	5/12/2010	8/18/2010	Foster Care
AAMIYAH LAMB	Abuse Neglect	8/18/2010		Relative Placement
CHRISTOPHER BYNUM Jr.	Abuse Neglect	8/18/2010		Relative Placement

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WHO IS IN THE HOME?

Client	Case Role
KEAUNDRA DEBERRY	Natural Mother
CHRISTOPHER BYNUM Sr.	Natural father as to Christopher Jr.

SCHOOL:

Childs Name: AAMIYAH LAMB Grade: 1st
School: Waller Elementary School
Special Educational Needs: N/A

Childs Name: CHRISTOPHER BYNUM Jr. Grade:
School: Not school age.
Special Educational Needs:

Childs Name: Grade:
School:
Special Educational Needs:

SIBLING CONTACT:

☒ Placed Together
☐ Not Placed Together--

PREVENTION/REUNIFICATION EFFORTS AND SERVICES:

On 05-06-2010 Christopher Bynum was found to have a burn scar by Bossier City, Louisiana CPS. The mother and father had absconded from Las Vegas to Barksdale Louisiana in an apparent attempt to evade CPS and North Las Vegas Police who were investigating the family for environmental neglect and physical abuse.

On 05-12-2010 a Uniform Child Custody Jurisdiction Act (UCCJA) conference was held via telephone between Nevada and Louisiana. Jurisdiction was decided to be Las Vegas, Clark County, Nevada.

The mother has provided false information as to the father of Aamiyah, stating the father is Virgil Graves in North Carolina. A diligent search was conducted and was not fruitful.

It was learned through welfare records the father of Aamiyah was previously identified as Joseph Lamb.

1 A diligent search has been initiated and results are pending.

2 On 05-21-2010 AAMIYAH LAMB and CHRISTOPHER BYNUM were transported back to
3 Las Vegas, Nevada by the Department of Family Services and were placed into a foster
home.

4 On 06-01-2010 an ICPC was submitted to the Court for Signatures.

5 On 06-02-2010 a Regulation 7 ICPC was submitted as to the maternal grandparents.

6 ICPC was approved and on 08-18-2010 Specialist Michelle Jordan transported
AAMIYAH LAMB and CHRISTOPHER BYNUM to Barksdale Louisiana in care of
maternal grandparents.

7
8 **SUPPLEMENTARY INFORMATION:**

9 Based on criminal history obtained from Blackstone, it appears that Mr. Bynum makes a
10 living selling drugs and engaging in robbery. It was reported he routinely carries a gun
and is dangerous. He is reported to be violent and controlling of Ms. DeBerry. He
11 presently has warrants out for his arrest. He has been in a relationship with the mother
for 2 years and they have a one-year-old son. He has pretended to be the mother's 6-
year-old daughter's father to gain access to her school, where he would be found
12 loitering. He has a history of drug use, alcohol abuse, his mental health status is unknown
and his physical health is unknown.

13 Ms. DeBerry has two children, a 6-year-old daughter, Aamiyah, from a former relationship
14 with Virgil Graves in North Carolina. It was learned through welfare records that the
mother had lied. The father listed per welfare records is Joseph Lamb who last resided in
15 South Carolina. Her second child, 1 year old Christopher is with her present boyfriend,
Christopher Bynum Sr. The mother reported she has been with her boyfriend for two
16 years. The mother's main emotional support is her mother, who resides in Louisiana. The
mother reported she worked at Sonic Drive-In and recently quit her job. The mother and
17 Mr. Bynum are reported to engage in domestic violence, drug use and illegal activity. Her
18 health and mental health status is not known at this time.

19 **SIGNIFICANT CHANGES/PROBLEMS IN THE HOME**

20 Ms. DeBerry has demonstrated diminished protective capacity due to her involvement
with Christopher Sr. and failure to have Christopher Jr. medically treated in Las Vegas for
21 the large clothing iron burn to his cheek. Ms. DeBerry withdrew her 6 year old out of
school, quit her job, abandoned her apartment and belongings and fled the state with
22 Christopher Sr. in an apparent effort to evade CPS and Police.

23 The parents have given no explanation as to how Christopher Jr. sustained the burn to
his face. Christopher Jr. is covered under Medicaid and Ms. DeBerry has a history of
24 seeking medical care for Christopher Jr. until this most recent event.

25 The criminal history of Christopher Sr, which includes arrests for drugs and warrants for
his arrest, are concerning to the Department of Family Services. Mr. Bynum's violent
26 criminal history, places the children at high risk of harm due to the potential for violence
and drugs he introduces into the home. Due to the parents' noncooperation, DFS
27 Specialist was unable to investigate allegations reference the childrens' dangerous
28 exposure to drugs and paraphernalia in the home.

1 **SPECIALIST SUMMARY AND EVALUATION:**

2 The case was brought to CPS attention due to concerns of physical abuse and
3 environmental neglect.

4 The mother and father have been uncooperative with both CPS and North Las Vegas
5 Police. They have refused to allow access to the children. The caregivers provided no
6 explanation to CPS as to how 1-year-old Christopher sustained a large burn to his face.
7 No medical care was sought for Christopher even though Medicaid covered him and the
8 mother had taken him to the doctor on a regular basis prior to Christopher sustaining the
9 burn. The mother has continued to provide false information to Ms. Mosman, CPS
10 investigator.

11 The mother filed a Protection Order against her former roommate who she suspects of
12 initiating this referral in retaliation the day after she learned there was a CPS case
13 opened with regard to her children. When questioned regarding the timing, she states that
14 she had initially filed a Protection Order against a friend of Latisha's for similar
15 threats. The mother reported she was sure the roommate called in the referral. She
16 attributes what she characterizes as a planned move to Louisiana to this. Both
17 Protection Orders were denied.

18 The mother withdrew her daughter out of school when she learned CPS had come to the
19 school. The mother abandoned her apartment once she learned CPS had been to her
20 address. The mother quit her job and left the state with Mr. Bynum and the children to
21 avoid CPS and Police. Albeit conceding the timing might appear suspicious from CPS
22 perspective, she attributes all to fear for the lives of herself and her children stating that
23 Latisha came to her place of employment with a gun and threatened her.

24 Mr. Bynum had refused to provide his whereabouts and fled his parents' home in Tallulah,
25 Louisiana when Bossier City, CPS arrived at the residence. Christopher Jr. was taken into
26 protective custody at that time and placed into foster care by Louisiana CPS.

27 The mother and maternal grandmother have launched a campaign apparently to
28 circumvent protocol and procedures by making numerous phone calls to various
agencies, including the DA's office and CPS providing false and misleading information in
an attempt to avoid Court proceedings and have the children returned to Louisiana
without the allegations being investigated. She has asserted that she is going to involve
the Federal Bureau of Investigation to get her children back. Despite being counseled by
various representatives of the Department as to the concern for safety threats upon which
this action was predicated, she continues to claim ignorance as to what is going on

Based on the concerning criminal behaviors, of Mr. Bynum, the extreme evasive tactics of
the parents, the lack of a medically compatible explanation as to Christopher's burn, and
unverified concerns, but collateral support for same, for drug use in the home, the
childrens' safety may be compromised in the family's home.

1 This Specialist recommends the following;

2 1. That AAMIYAH LAMB and CHRISTOPHER BYNUM JR. be declared Wards of the
3 Family Court, Juvenile Division and be placed under the supervision of Clark County,
4 Department of Family Services..

5 2. That AAMIYAH LAMB and CHRISTOPHER BYNUM JR. remain in foster care until
6 further order of the Court.

7 3. That the mother, KEAUNDRA DEBERRY, comply with all terms and conditions of
8 he Case Plan and Court Order filed in this matter.

9 4. That the father, CHRISTOPHER BYNUM SR., comply with all terms and
10 conditions of the Case Plan Court Order filed in this matter.

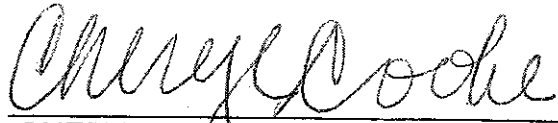
11 5. That the parents, KEAUNDRA DEBERRY and CHRISTOPHER BYNUM SR have
12 only supervised visitation with AAMIYAH LAMB and CHRISTOPHER BYNUM JR at this
13 time until further Order of the Court.

14 That this matter be reviewed in six months.

15 Submitted By:

16 

17 MICHELLE JORDAN
18 PERMANENCY CASE MANAGER

19 

20 CHERYL COOKE
21 PERMANENCY SUPERVISOR

22 DATE: 02/22/2011

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

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

1 DAVID ROGER
2 DISTRICT ATTORNEY
3 Jennifer Meiselman
4 Deputy District Attorney
5 Juvenile Division
6 Nevada Bar No. 9625
7 601 North Pecos
8 Las Vegas, Nevada 89101
9 (702) 455-5320

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

In the Matter of:

AAMIYAH
LAMB
Date of Birth: 01-04-2004
A Minor, 6 Years and 05 Month(s) of Age

COURT CASE NO.: J-10-319959-PC
DEPT. NO.: G

CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor, 1 Year and 02 Months of Age

ATTACHMENT A - INVESTIGATION SUMMARY DISPOSITION REPORT
Exhibits:

REPORT OF POLICE OR INVESTIGATING AUTHORITY:

On 04-27-2010 the hotline received a report regarding Aamiyah Lamb (6yrs) and Christopher Bynum Jr (1yr). The report alleged that the father of Christopher Jr, Christopher Bynum Sr. burned the child on the face with an iron and that the parents leave drugs and drug paraphernalia within reach of the children.

The source reports that last week Christopher had a burn mark on his face. The burn is now in the healing stages. It is pink around the edges and no longer blistered. The source reports that Aamiyah stated that Christopher Sr. burned Christopher Jr. with an iron because he wouldn't stop crying. The source reports that 3 days ago Aamiyah walked out of her parents' room carrying a baggie full of powder Cocaine. The source reports that the parents leave drugs and drug paraphernalia out on the tables in the living room and in the bedroom where the children have access to it. The source reports that there is domestic violence in the home.

The source reports that the grandmother had originally made arrangements for Keaundra and the children to leave Christopher and move to Louisiana. However, Keaundra changed her mind and decided to stay in the home. The source reports that they are worried about Keaundra's and the children's safety. The source reports that the

1 family may have moved to another residence because the owners of the home were
2 tired of the fighting in the home.

3 The extent of the alleged maltreatment includes that Christopher Jr. sustained a burn
4 reportedly from a clothing iron to his cheek. The parents did not seek medical care for
5 Christopher and actively denied access to the child by CPS and Police. As of this writing
6 neither parent have provided an explanation directly to the Department as to how
7 Christopher sustained the burn to his face. The mother disputes that Mr. Bynum was
8 present when the burn occurred.

9 According to pediatric records the mother has a history of taking Christopher to the
10 doctor for immunizations, well checks and when he is sick. However, she did not seek
11 medical care for Christopher's burn even though he was medically covered under
12 Medicaid.

13 According to Blackstone, the father has an extensive history involving drugs, guns,
14 robbery and violence.

15 INVESTIGATION:

16 The family is being referred to the District Attorney via Affidavit due to physical injury to
17 vulnerable one-year-old Christopher Jr. The criminal history of the father, which includes
18 recent arrests for drugs and warrants for his arrest, per police are also concerning.

19 The mother has demonstrated diminished protective capacity due to her involvement
20 with Christopher Sr and failure to have Christopher Jr. medically treated for the large
21 clothing iron burn to his cheek. The mother pulled her 6 year old out of school, quit her
22 job, abandoned her apartment and belongings and fled the state with Christopher Sr. in
23 an apparent effort to evade CPS and Police. The mother has denied access to the
24 children and made numerous false statements. \

25 The parents have given no explanation as to how Christopher sustained the burn to his
26 face. The child is covered under Medicaid and the mother has a history of seeking
27 medical care for the child until this most recent event.

28 The father's concerning violent criminal history, places the children at high risk of harm.
due to the potential for violence and drugs he introduces into the home. Due to the
parents' noncooperation, this Specialist was unable to investigate allegations reference
the childrens' dangerous exposure to drugs and paraphernalia in the home.

The father is presently in hiding. The children were initially placed into foster care in
Louisiana. A UCCJA Hearing was held on 05-12-2010. Jurisdiction was determined to be
with Clark County. The children were returned to Las Vegas per Order of the Court on
05-21-2010 and placed into foster care in Las Vegas.

1 Petition #1 dated 05-17-2010 states the following;

2 The subject minors' mother is KEAUNDRA DEBERRY. The identity of AAMIYAH'S
3 father is unknown to DFS. CHRISTOPHER BYNUM, SR. is the father of
4 CHRISTOPHER, JR. MR. BYNUM was a person found regularly in the home at the time
the alleged abuse/neglect occurred for purposes of NRS 432B.130.

5 (b) MS. DEBERRY physically abused and/or improperly supervised CHRISTOPHER,
6 JR. resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
7 consistent with the shape of an iron.

8 (c) MR. BYNUM physically abused and/or improperly supervised CHRISTOPHER, JR.
9 resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
10 consistent with the shape of an iron.

11 (d) MS. DEBERRY neglected CHRISTOPHER, JR'S medical needs by failing to seek
12 medical treatment for the burn sustained to his face.

13 (e) MS. DEBERRY'S drug use adversely affects her ability to provide for the care of the
14 children.

15 (f) MR. BYNUM neglected CHRISTOPHER, JR'S medical needs by failing to seek
16 medical treatment for the burn sustained to his face.

17 (g) MR. BYNUM and MS. DEBERRY engage in acts of domestic violence against each
18 other. Their propensity to engage in acts of domestic violence adversely affects their
19 ability to provide for the care of the children.

20 (h) MS. DEBERRY and MR. BYNUM refused to allow the Department of Family Services
21 access to CHRISTOPHER, JR. in order to access his safety. Additionally, while
22 knowing there was an open investigation, MS. DEBERRY and MR. BYNUM left Clark
23 County, Nevada and fled to Louisiana.

24 (i) MR. BYNUM is a registered felon for: Felon in Possession of a Firearm; Assault
25 with a Deadly Weapon; Possession of a Controlled Substance; Possession of Marijuana.

26 (j) MR. BYNUM'S drug use adversely affects his ability to provide for the care of the
27 children.

28 The risk factors identified include; the complaint is for neglect, as it was reported the
parents would leave narcotics in reach of the children. The youngest child in the home is
under two years of age. The child sustained a large burn to his face and did not receive
medical care for the injury. The primary caretaker has a historic or current alcohol or
drug problem. It has been reported the mother uses illicit drugs. The current complaint is
for abuse. The child, Christopher Jr. sustained a burn to his face. There has been
domestic violence in the home within the past year. The secondary caretaker has a
historic and current drug problem. Christopher Sr. has recent drug related arrests.

The following safety threats have been identified per the Nevada Safety Assessment
guide;

1) Behavior of any member of the household or other persons having access to the child
is violent. Christopher Sr. has a documented history of violence, which includes arrests
and convictions.

2) A member of the household has caused serious physical injuries or is threatening
serious physical harm to the child. One-year-old Christopher Jr. sustained a significant

burn to his face for which he did not receive medical care and which expert medical consultation suggested was inconsistent with an accidental etiology.

3) There is reason to believe that the family is about to flee; caregivers overtly reject CPS intervention; refuse access to the child; and/or the child's whereabouts cannot be ascertained.

The family refused access to the children, lied about the whereabouts of the children, and apparently abruptly left their apartment and most of their belongings. The 6 year old was pulled out of school and the mother quit her job. The family traveled to Bossier City, Louisiana to flee Las Vegas in an apparent attempt to evade CPS and NLVPD. Additionally, the father absconded from Bossier City, Louisiana with the 1-year-old child and refused to provide Bossier City CPS with his whereabouts. Once found the father escaped through a back door.

PARENTS' RESPONSE TO OFFENSE:

At initial contact, the mother reported her kids were fine and assumed the Department should accept her word for same. The mother refused to provide an address and phone number. The mother presented as agitated and argumentative. At one point a male voice came on the line and demanded to know what the allegations were. This writer tried to explain that this Specialist would be happy to meet with them in person and discuss the matter as protocol dictates a visit to the residence to see the children and meet with the parents. The male voice was yelling at the mother in the background saying, "dumb-ass bitches need to shut up, you don't need to talk to them, hang up the phone." This writer asked for the mother's address. The mother responded that if this writer doesn't already have it this writer would have to find out her address. The mother stated that her kids are fine. The mother stated her ex-room mate, Latisha, called in the report and if anyone can call CPS and "make shit up" she was going to do it back at her. This writer explained CPS is about the safety of children and not a game. This writer again asked for the mother's address and requested that the mother allow this writer to see the children to clear up the matter. The male voice told the mother to hang up the phone and the mother hung up the phone.

Regarding the allegation of physical injury burn/scald: Aamiyah stated she doesn't like to talk about it because it is bad. This writer asked her to draw a picture and explain about the picture. While Aamiyah was drawing, Aamiyah reported her daddy (Christopher Bynum Sr.) told her to watch her baby brother and she was watching TV instead of watching him. Aamiyah stated her mommy ironed some clothes and left the iron on the coffee table. Her mommy then went in the bathroom to do her hair. Aamiyah stated her baby brother tried to kiss the iron and he burned his left cheek on the iron. Aamiyah stated her brother cried when he got burned. Aamiyah described the burn as circular and pink. Aamiyah stated her parents did not take Christopher to the doctor. Aamiyah stated she got into trouble for not watching her brother. Aamiyah stated she did not actually see Christopher try to kiss the iron.

Regarding environmental neglect: Aamiyah denied knowing what drugs are. Aamiyah stated her mother smokes cigarettes and her daddy does not smoke. Aamiyah generally became evasive when asked questions about her parents and did not answer them.

1
2 **PRIOR CPS HISTORY and SUPPLEMENTARY INFORMATION:**

3 Christopher is a 35-year-old African American male. Based on criminal history obtained
4 from Blackstone, it appears he makes a living selling drugs and engaging in robbery. It
5 was reported he routinely carries a gun and is dangerous. He is reported to be violent
6 and controlling of the mother. He presently has warrants out for his arrest. He has been
7 in a relationship with the mother for 2 years and they have a one-year-old son. He has
8 pretended to be the mother's 6-year-old daughter's father to gain access to her school,
9 where he would be found loitering. He has a history of drug use, alcohol abuse, his
10 mental health status is unknown and his physical health is unknown.

11 The mother is a 23-year-old African American female. She has two children, a 6-year-old
12 daughter, Aamiyah, from a former relationship with Virgil Graves in North Carolina. It
13 was learned through welfare records that the mother had lied. The father listed per
14 welfare records is Joseph Lamb who last resided in South Carolina. Her second child, 1
15 year old Christopher is with her present boyfriend, Christopher Bynum Sr. The mother
16 reported she has been with her boyfriend for two years. The mother's main emotional
17 support is her mother, who resides in Louisiana. The mother reported she worked at
18 Sonic Drive-In and recently quit her job. The mother and Mr. Bynum are reported to
19 engage in domestic violence, drug use and illegal activity. Her health and mental health
20 status is not known at this time.

21 **INITIAL ASSESSMENT of SIGNIFICANT PROBLEMS IN THE HOME:**

22 Mr. Bynum has not stepped forward and spoken to CPS or law enforcement in Nevada.
23 The mother has continued to provide false information and has failed to cooperate on
24 any level with CPS. The mother and maternal grandmother, Benita Taylor, have
25 campaigned to have the children returned to Louisiana by calling the District Attorney's
26 office in Las Vegas and speaking with different staff, providing them with misinformation.
27 They were also calling Clark County CPS, avoiding the caseworker, Ms. Mosman, and
28 providing false/misleading information in an attempt to have the referral dismissed.
Lastly, they had contacted the mother's counsel, Romeo Perez's office, and provided
false/misleading information such as the Ms. Taylor had already completed background
checks and the ICPC process was completed, therefore the children should be placed in
her care. This is not the case.

To date, neither parent has provided an explanation directly to the Department as to how
Christopher sustained the burn to his face, other than the clothing iron caused the burn.
Information has been obtained suggesting that mother indicated it occurred accidentally,
however disputes Aamiyah's account that Mr. Bynum was also present at the time.
Neither parent has been cooperative with CPS and the environmental neglect could not
be further investigated nor were the parents drug tested. In April 2010, Mr. Bynum was
found at an elementary school with cocaine, marijuana and drug paraphernalia on his
person and was arrested.

1 The risk factors identified include; the complaint is for neglect, as it was reported the
2 parents would leave narcotics in reach of the children. The youngest child in the home is
3 under two years of age. The primary caretaker has a historic or current alcohol or drug
4 problem. It has been reported the mother uses illicit drugs. The current complaint is for
5 Abuse. The child, Christopher Jr., sustained a burn to his face the etiology of which
6 expert medical consultation does not indicate is consistent with an accident. There has
7 been domestic violence in the home within the past year.

8 The secondary caretaker has a historic and current drug problem. Christopher Sr. has
9 recent drug related arrests.

10 The following safety threats have been identified per the Nevada Safety Assessment
11 guide;

12 1) Behavior of any member of the household or other persons having access to the child
13 is violent. Christopher Sr. has a documented history of violence, which includes arrests
14 and convictions.

15 2) A member of the household has caused serious physical injuries or is threatening
16 serious physical harm to the child. One-year-old Christopher Jr. sustained a significant
17 burn to his face for which he did not receive medical care.

18 3) There is reason to believe that the family is about to flee; caregivers overtly reject
19 CPS intervention; refuse access to the child; and/or the child's whereabouts cannot be
20 ascertained.

21 The family refused access to the children. lied about the whereabouts of the children, left
22 their apartment and most of their belongings. The 6 year old was pulled out of school.
23 The mother quit her job. The family traveled to Bossier City, Louisiana to flee Las Vegas
24 in an attempt to evade CPS and NLVPD. Additionally, the father absconded from Bossier
25 City, Louisiana with the 1-year-old child and refused to provide Bossier City CPS with his
26 whereabouts. Once found the father escaped through a back door.

27 Discipline: Aamiyah reports discipline as loss of privileges.

28 Alcohol or Substance Abuse: It is reported that both the mother and father abuse drugs
and alcohol. The mother denies same and stated she will provide the results of multiple
urine drug screens she stated she has provided as a condition of her employment. The
father's arrest record, supports same.

Mental Health Concerns: Unknown

Domestic and Interpersonal Violence: Unknown

Other: (for example school records if educational neglect, etc.)

PREVENTIVE/REUNIFICATION SERVICES:

On 05-06-2010 Christopher Bynum was found to have a burn scar by Bossier City,
Louisiana CPS. The mother and father had absconded from Las Vegas to Barksdale
Louisiana in an apparent attempt to evade CPS and North Las Vegas Police who were
investigating the family for environmental neglect and physical abuse.

1 On 05-12-2010 a Uniform Child Custody Jurisdiction Act (UCCJA) conference was held
2 via telephone between Nevada and Louisiana. Jurisdiction was decided to be Las
Vegas, Clark County, Nevada.

3 The mother has provided false information as to the father of Aamiyah, stating the father
4 is Virgil Graves in North Carolina. A diligent search was conducted and was not fruitful.
5 It was learned through welfare records the father of Aamiyah was previously identified as
Joseph Lamb.

6 A diligent search has been initiated and results are pending.

7 On 05-21-2010 AAMIYAH LAMB and CHRISTOPHER BYNUM were transported back to
Las Vegas, Nevada by the Department of Family Services and were placed into a foster
home.

8 On 06-01-2010 an ICPC was submitted to the Court for Signatures.

9 On 06-02-2010 a Regulation 7 ICPC was submitted as to the maternal grandparents.

10
11
12 **SPECIALIST'S SUMMARY AND RECOMMENDATIONS:**

13 The case was brought to CPS attention due to concerns of physical abuse and
14 environmental neglect.

15 The mother and father have been uncooperative with both CPS and North Las Vegas
16 Police. They have refused to allow access to the children. The caregivers provided no
17 explanation to CPS as to how 1-year-old Christopher sustained a large burn to his face.
18 No medical care was sought for Christopher even though Medicaid covered him and the
19 mother had taken him to the doctor on a regular basis prior to Christopher sustaining the
burn. The mother has continued to provide false information to Ms. Mosman, CPS
investigator.

20 The mother filed a Protection Order against her former roommate who she suspects of
21 initiating this referral in retaliation the day after she learned there was a CPS case
22 opened with regard to her children. When questioned regarding the timing, she states
23 that she had initially filed a Protection Order against a friend of Latisha's for similar
24 threats. The mother reported she was sure the roommate called in the referral. She
attributes what she characterizes as a planned move to Louisiana to this. Both
Protection Orders were denied.

25 The mother withdrew her daughter out of school when she learned CPS had come to the
26 school. The mother abandoned her apartment once she learned CPS had been to her
27 address. The mother quit her job and left the state with Mr. Bynum and the children to
28 avoid CPS and Police. Albeit conceding the timing might appear suspicious from CPS
perspective, she attributes all to fear for the lives of herself and her children stating that
Latisha came to her place of employment with a gun and threatened her.

1 Mr. Bynum had refused to provide his whereabouts and fled his parents' home in
2 Tallulah, Louisiana when Bossier City, CPS arrived at the residence. Christopher Jr. was
3 taken into protective custody at that time and placed into foster care by Louisiana CPS.

4 The mother and maternal grandmother have launched a campaign apparently to
5 circumvent protocol and procedures by making numerous phone calls to various
6 agencies, including the DA's office and CPS providing false and misleading information
7 in an attempt to avoid Court proceedings and have the children returned to Louisiana
8 without the allegations being investigated. She has asserted that she is going to involve
9 the Federal Bureau of Investigation to get her children back. Despite being counseled
10 by various representatives of the Department as to the concern for safety threats upon
11 which this action was predicated, she continues to claim ignorance as to what is going
12 on

13 Based on the concerning criminal behaviors; of Mr. Bynum, the extreme evasive tactics
14 of the parents, the lack of a medically compatible explanation as to Christopher's burn,
15 and unverified concerns, but collateral support for same, for drug use in the home, the
16 childrens' safety may be compromised in the family's home.

17 This Specialist recommends the following;

- 18 1. That AAMIYAH LAMB and CHRISTOPHER BYNUM JR. be declared Wards of the
19 Family Court, Juvenile Division and be placed under the supervision of Clark County,
20 Department of Family Services..
- 21 2. That AAMIYAH LAMB and CHRISTOPHER BYNUM JR. remain in foster care until
22 further order of the Court.
- 23 3. That the mother, KEAUNDRA DEBERRY, comply with all terms and conditions of he
24 Case Plan and Court Order filed in this matter.
- 25 4. That the father, CHRISTOPHER BYNUM SR., comply with all terms and conditions
26 of the Case Plan Court Order filed in this matter.
- 27 5. That the parents, KEAUNDRA DEBERRY and CHRISTOPHER BYNUM SR have
28 only supervised visitation with AAMIYAH LAMB and CHRISTOPHER BYNUM JR at
this time until further Order of the Court.
6. That this matter be reviewed in six months.

ROBERTA MOSMAN
CPS INVESTIGATOR
CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES

MARK FITZGERALD
CPS SUPERVISOR

DATE: 06-02-2010

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CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
Affidavit

Referring Agency: Department of Family Services
DR/Event #: Unity # 1362112 Report# 1506031

Roberta Mosman Being duly sworn, deposes and says:

1. The Affiant learned the following facts and circumstances which lead Affiant to believe that:
Aamiyah Lamb and Christopher Bynum Jr.
is/are a victim(s) of the offense(s) of: Physical Injury (Abuse) -Burn and Negligent
Treatment- Enviornmental Neglect at the location of: 1001 East Carey Apt #1514, Las
Vegas, NV. 89030
2. That the offense(s) occurred at approximately 10:00am on April 27, 2010
3. That the facts upon which Affiant believes Probable Cause in the foregoing juvenile offense
are as follows: On 04-27-2010 the hotline received a report regarding Aamiyah Lamb (6yrs) and
Christopher Bynum Jr (1yr). The report alleged The father of Christopher Jr, Christopher Bynum
Sr. burned the child on the face with an iron. The parents leave drug paraphernalia within reach
of the children.

Source reports that last week Christopher had a burn mark on his face. The burn is now in the
healing stages. It is pink around the edges and no longer blistered.~ Source reports that Aamiyah
stated that Christopher Sr. burned Christopher Jr. with an iron because he wouldn't stop crying.

Source reported that in Saturday, April 24th, 2010 Aamiyah walked out of her parents' bedroom
carrying a baggie full of powder Cocaine.

The source reported that there is Domestic Violence in the home between the mother and the
father The source reported that she is worried about Keaundra's and the children's safety, as the
father is violent. The source reported that Keaundra and Christopher Sr. have been together for 2
years.

On 04-27-2010 Specialist Mosman went to the address listed on the referral and learned the
family does not reside at the listed address. On 04-28-2010 Specialist learned the new address
and school location for Aaimayah. On 04-28-2010 Specialist Mosman made contact with
Aamiyah at Martinez Elementary School. Aamiyah reported she was home when her infant

brother sustained burn to his face and reported the child did not receive medical care.

The staff at Martinez Elementary school reported Aamiyah had attended their school for 7 days as she was new to the school. Additionally, they reported the alleged father, Christopher Bynum, was found wandering the campus unattended. He was allowed on campus initially to sit in on Aamiyah's classes. However, he did not stay with Aamiyah and would loiter the campus.

On 04-28-2010 Specialist Mosman obtained the new phone number for the mother, Keaundra DeBerry and spoke with the mother. The mother refused to provide Specialist Mosman with her current address and reported she would not cooperate with Child Protective Services.

On 04-28-2010 Specialist Mosman went to the home address of the family on 1001 East Carey #1514. There was no answer at the door.

It was learned the father as to Christopher Jr., Christopher Bynum Sr. has an extensive criminal history that involves, violence, guns, robbery, and drugs. He presently has warrants out for his arrest.

Since the onset of the investigation, Keaundra DeBerry and Christopher Bynum have exhausted all efforts to evade and elude CPS and NLVPD to locate the children. On 04-30-2010 the mother removed Aamiyah from school. On 05-02-2010 it was learned the family had moved out of their apartment, leaving most of their belongings. On 05-05-2010 the mother quit her job at Sonic Fast Food. The parents absconded from Las Vegas and traveled by vehicle to Bossier City, Louisiana. On 05-06-2010 NLVPD Detective, Chandra Murdock, contacted the Office of Special Investigations (OSI) and Barksdale Air Force Base. The OSI Specialist went to the residence of the maternal grandparents and located the family. Photos were taken of the burn to 1 year old Christopher's face. On 05-06-2010 the father absconded with 1 year old Christopher and traveled to his parents residence in a nearby town. Contact was made with the father via telephone by Bossier City CPS. He refused to disclose his location. The Bossier City, LA CPS made diligent efforts to locate the father and were able to ascertain his location at the paternal grandparents residence. The child, Christopher Jr., was taken into protective custody and the father fled out the back of the house.

On 05-06-2010 both children were taken into protective custody and are presently in Foster Care in Bossier City, Louisiana.

The risk factors identified include; The complaint is for neglect, as it was reported the parents would leave narcotics in reach of the children. The youngest child in the home is under two years of age. The primary caregiver provides physical care inconsistent with the child's needs. The child

sustained a large burn to his face and did not receive medical care for the injury. The primary caretaker has historic or current alcohol or drug problem. It has been reported the mother uses illicit drugs. The current complaint is for Abuse. The child, Christopher Jr. sustained a burn to his face. There has been domestic violence in the home within the past year. The primary caretaker characteristics includes a domineering parent who employs excessive/inappropriate discipline. It was reported the father burned the child on the face because the child would not stop crying.. The secondary caretaker has a historic and current drug problem. Christopher Sr. has recent drug related arrests.

The following safety threats have been identified per the Nevada Safety Assessment guide; Behavior of any member of the household or other persons having access to the child is violent. Christopher Sr. has a documented history of violence which includes arrests and convictions. A member of the household has caused serious physical injuries or is threatening serious physical harm to the child. One year old Christopher Jr. sustained a significant burn to his face for which he did not receive medical care.

There is reason to believe that the family is about to flee; caregivers overtly reject CPS intervention; refuse access to the child; and/or the child's whereabouts cannot be ascertained. The family refused access to the children. lied about the whereabouts of the children, left their apartment and most of their belongings. The 6 year old was pulled out of school. The mother quit her job. The family traveled to Bossier City, Louisiana to flee Las Vegas in an attempt to evade CPS and NLVPD. Additionally, the father absconded from Bossier City, Louisiana with the 1 year old child and refused to provide Bossier City CPS with his whereabouts. Once found the father escaped through a back door.

The children were placed into protective custody in Bossier City, Louisiana. They are presently in a Foster Home. The contact person is Tamika Smith. (318) 773-6365. Her supervisor is Quiller Capers (318) 741-2736. Their District Attorney's Office has contacted our District Attorney regarding the matter. Bossier City CPS has obtained a verbal from their judge for Clark County to pick up the children from Louisiana and transport them back to Las Vegas.

There is a Court Hearing on Wednesday at 11:00 their time which is 9:00 our time, in Louisiana.

The clerk of court can get us to Judge Thomas Wilson. That number is 318-741-8581.

The DA's office is 318-746-1092.

Wherefore, Affiant prays that a finding be made by a Magistrate that probable cause exists to hold said person for Protective Custody Hearings or for further Juvenile Court proceedings.

Roberta Mosman

Affiant's Signature


ROBERTA MOSMAN

Affiant's Name

05-06-2010

Date

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


CLERK OF THE COURT

In the Matter of Children:

AAMIYAH LAMB

DOB: 01-04-2004

CHRISTOPHER BYNUM JR

DOB: 03-28-2009

Minors Under 18 Years of Age.

Court Case No.: J-10-319959-P1

UNITY Case # 1362112

DEPT. : G

Courtroom: 22 - HM Femiano

Petition: 1

Plea: 5/19/10 at 10:00 a.m.

CC: 6/21/10 at 9:30 a.m. 22

Trial: 6/25/10 at 1:30 p.m. 22

PETITION - ABUSE/NEGLECT

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

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **1001 E. CAREY, APT. 1514, LAS VEGAS, NEVADA 89030**

Mother: KEAUNDRA DeBERRY

Father: UNKNOWN TO DFS (as to Aamiya)

Father: CHRISTOPHER BYNUM, Sr. (as to Christopher, Jr.)

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

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

(a) The subject minors' mother is KEAUNDRA DEBERRY. The identity of AAMIYAH'S father is unknown to DFS. CHRISTOPHER BYNUM, SR. is the father of CHRISTOPHER, JR. MR. BYNUM was a person found regularly in the home at the time the alleged abuse/neglect occurred for purposes of NRS 432B.130.

(b) MS. DEBERRY physically abused and/or improperly supervised CHRISTOPHER, JR. resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek consistent with the shape of an iron.

(c) MR. BYNUM physically abused and/or improperly supervised CHRISTOPHER, JR. resulting in CHRISTOPHER, JR. sustaining a

triangle shaped burn to his left cheek consistent with the shape of an iron.

(d) MS. DEBERRY neglected CHRISTOPHER, JR'S medical needs by failing to seek medical treatment for the burn sustained to his face.

(e) MS. DEBERRY'S drug use adversely affects her ability to provide for the care of the children.

(f) MR. BYNUM neglected CHRISTOPHER, JR'S medical needs by failing to seek medical treatment for the burn sustained to his face.

(g) MR. BYNUM and MS. DEBERRY engage in acts of domestic violence against each other. Their propensity to engage in acts of domestic violence adversely affects their ability to provide for the care of the children.

(h) MS. DEBERRY and MR. BYNUM refused to allow the Department of Family Services access to CHRISTOPHER, JR. in order to access his safety. Additionally, while knowing there was an open investigation, MS. DEBERRY and MR. BYNUM left Clark County, Nevada and fled to Louisiana.

(i) MR. BYNUM is a registered felon for: Felon in Possession of a Firearm; Assault with a Deadly Weapon; Possession of a Controlled Substance; Possession of Marijuana.

(j) MR. BYNUM'S drug use adversely affects his ability to provide for the care of the children.

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

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

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

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

Dated this 13th day of May, 2010.

**DAVID ROGER
DISTRICT ATTORNEY**

BY: *James K. Marshall*
Deputy District Attorney
Petitioner

UNITY Doc.
JMT/smq

26

1 EIGHTH JUDICIAL DISTRICT COURT
2 FAMILY DIVISION - JUVENILE
3 CLARK COUNTY, NEVADA

FEB 24 5 50 PM '11

4 In the Matter of:

5 Christopher Bynum, Jr. DOB: 03-28-09

6 Aamiyah Lamb DOB: 01-04-04

7 Minors Under 18 Years of Age.
8

CASE NO.: J-10-319959-P1
DEPT. NO.: G
COURTROOM: 22

9
10 FINDINGS OF FACT, RECOMMENDATION,
11 AND ORDER OF APPROVAL- PETITION NO. 1

12 This matter came on for evidentiary hearing on February 4, 2011. Natural Mother, Keandra
13 DeBerry, was present with counsel, Romeo Perez, Esq. The State was represented by Deputy District
14 Attorney Jennifer Meiselman Titus. This Court, after having carefully reviewed the evidence, having
15 considered the relevant legal authority, having had the benefit of testimony and oral argument, and good
16 cause being shown, hereby makes the following findings:

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18 **THE COURT HEREBY FINDS** the following item were admitted, over the Respondent's
19 objection, into evidence: State's Exhibit #1, 2, 3, 4, 5 (photographs). The following items were admitted,
20 over the State's objection, into evidence: Respondent's Exhibit B (March 12, 2010 letter), Exhibit D
21 (May 7, 2010 letter), and Exhibit F (April 28, 2010 DeBerry Sonic Incident Report).

22 Respondent's Exhibit E (April 10, 2010 DeBerry Sonic Incident Report) was admitted into
23 evidence without objection.

24 The following items were denied admission into evidence: Respondent Exhibit "G" (Blanchard
25 Sonic Incident Report) and "H" (non-certified medical record).

26 Note: there was some confusion as to the marking of Respondent's Exhibits before trial. One
27 two-page document was incorrectly given two evidence labels. The mistake was corrected during trial
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1 and the letters as reflected above are correct. During trial, Mr. Perez initially referred to Exhibit "D" as
2 "C," Exhibit "E" as "D" and Exhibit "F" as "E."

3 **THE COURT FURTHER FINDS** that the State's witnesses were: Natural Mother, Dr. Neha
4 Mehta, Detective Chandra Mason-Murdock, and Department of Family Services Investigator Roberta
5 Mossman. The Court listened to the witnesses' testimony and determined their credibility.

6 **THE COURT FURTHER FINDS** that the Natural Mother's witnesses were: herself and Sonic
7 General Manager Jeanne Rux.

8 **THE COURT FURTHER FINDS** that due notice was sent to the Natural Father of Christopher
9 Bynum, Jr., who did not appear.

10 **THE COURT FURTHER FINDS** that the petition does not name a father for Aamiyah Lamb,
11 however, during Natural Mother's testimony; she named "Arthur Graves" as the father.

12 **THE COURT FURTHER FINDS** that this action is within the jurisdiction of the Court.

13 **THE COURT FURTHER FINDS**, at the close of all the evidence, the State dismissed
14 allegation (c) Mr. Bynum physically abused and/or improperly supervised Christopher, Jr. resulting
15 Christopher Jr. sustaining a triangle shaped burn to his left cheek consistent with the shape of an iron;
16 and allegation (e) Ms. DeBerry's drug use adversely affects her ability to provide for the care of the
17 children. The State amended allegation (b) to delete "and/or improperly supervised".

18 **THE COURT FURTHER FINDS** that the State has met its burden and proved by a
19 preponderance of the evidence that the subject minors are in need of protection pursuant to NRS 432B.,
20 et. sec. **THE COURT FINDS:** "(b) Ms. DeBerry physically abused Christopher Jr. resulting in
21 Christopher, Jr., sustaining a triangle shaped burn to his left cheek consistent with the shape of an iron."
22 In making this finding, the Court relies on the following evidence:

23 1. Dr. Neha Mehta, a Sunrise Hospital pediatrician, who is board certified as a Child Abuse
24 Pediatrician and qualified in trial as an expert, testified that the burn to Christopher Jr.'s face was non-
25 accidental. She testified that she reviewed the medical file including the photographs taken of the subject
26 minor. Dr. Mehta testified the burn was 1 to 1.5 inches in diameter on the subject minor's cheek. She
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1 testified that in order to have "V" imprint on the subject minor's cheek, a fleshy part of the body, the iron
2 needed to have been held on his skin. She testified that a falling iron was not consistent with the burn she
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4 injury, given the type of healing she observed in the photographs, the burn was either a deep second
5 degree burn or a third degree burn. She testified that the subject minor could not have inflicted this burn
6 on himself given the severe pain response he would have had to the burn and the human body's
7 automatic reflex to pull away from a hot iron as soon as it's been touched.

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9 2. Natural Mother testified both in the State's case-in-chief and in her own defense. On both
10 occasions, she testified that she was the only adult in the home at the time of the injury. Natural Mother
11 stated she did not see the injury occur, but believed that the iron accidentally fell on the subject minor as
12 he climbed up a dresser where the iron had been placed.

13 NRS 432B.450 provides that once the Court has heard "expert testimony that a physical...injury
14 of a child would ordinarily not be sustained or a condition not exist without either negligence or a
15 deliberate but unreasonable act or failure to act by the person responsible for his welfare, the court shall
16 find that the child is in need of protection unless that testimony is rebutted." As such, **THE COURT**
17 **FINDS** that Dr. Mehta's expert testimony was that this injury was non-accidental and the explanation
18 provided by the natural mother was not consistent with her medical findings. **THE COURT FURTHER**
19 **FINDS** that Natural Mother did not rebut that testimony.

20 **THE COURT FURTHER FINDS** that the State has met its burden and proved by a
21 preponderance of the evidence that the subject minors are in need of protection pursuant to NRS 432B.,
22 et. sec. **THE COURT FINDS:** "(d) Ms. DeBerry neglected Christopher, Jr.'s medical needs by failing
23 to seek medical treatment for the burn sustained to his face." In making this finding, the Court relies on
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25 1. Dr. Mehta testified that given the fact the burn was a second or third degree burn, the
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27 have treated the injury for the pain the subject minor was enduring, for possible infection, and for
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1 possible scarring. For pain management of a burn, Dr. Mehta testified that the doctor may have
2 prescribed morphine for the subject minor.

3 2. Natural Mother testified that she has always taken her child to the doctor and kept his
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5 of state, and get medical advice from her over the phone. Natural mother testified that maternal
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7 she works at a fast food restaurant and called her manager to request that a co-worker bring some burn
8 medication from the fast food restaurant. Natural mother testified that the medical treatment she gave the
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17 allegation that "(g) Mr Bynum and Ms. Deberry engage in acts of domestic violence against each other.
18 Their propensity to engage in acts of domestic violence adversely affects their ability to provide for the
19 care of the children." Ms. DeBerry testified about an "altercation" at a hospital where the police were
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21 while she was investigating the physical abuse allegation as to Christopher but Detective Mason-
22 Murdock had no details (date, time, location, events) as to the domestic violence. Neither witness
23 testified that the subject minors were present during the incidents.

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25 preponderance of the evidence that the subject minors are in need of protection pursuant to NRS 432B.,
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1 Family Services access to Christopher, Jr., in order to access his safety. Additionally, while knowing
2 there was an open investigation, Ms. DeBerry and Mr. Bynum left Clark County and fled to Louisiana."

3 In making this finding, the Court relies on the following evidence:

4 1. Detective Chandra Mason-Murdock testified to the extensive efforts she went to in order
5 to locate Christopher for her child abuse investigation. Detective Mason-Murdock testified that she was
6 only able to speak on the phone with natural mother. Natural mother refused to meet with the detective
7 and refused to give the detective access to the children. Natural mother denied that there was any injury
8 to Christopher. Natural mother told the detective the child was in North Carolina. Natural mother told the
9 detective that she was only visiting Las Vegas and did not live here. During the course of her
10 investigation, Detective Mason-Murdock found that the above information was not true. The detective
11 found that natural mother had a job in Las Vegas at a local Sonic Burger. When the detective contacted
12 the Sonic Burger, she was informed that natural mother had recently quit her job. The detective found
13 that natural mother had a lease for an apartment in her name. When the detective went to the apartment,
14 she found it in disarray. She found children's clothes, toys, and trash strewn around. She found food in
15 the apartment. She found mail and proof of natural mother's residence in the apartment. Ultimately, the
16 detective was able to locate the children in Louisiana by contacting and working with the military
17 because the maternal grandparents are active duty military personnel.

19 2. Jeanne Rux testified that she was natural mother's supervisor at Sonic Burger. She
20 testified that she had met natural father on a few occasions and that natural mother and natural father
21 were a couple. Ms. Rux testified that when she helped natural mother move to a new apartment, natural
22 father was present at the move and testified that natural mother and natural father lived together. Ms. Rux
23 testified that natural mother was a good employee at Sonic Burger but that she gave "short notice" when
24 she quit her job.

25 3. Department of Family Services investigator Roberta Mossman also testified to the
26 extensive efforts that she made in order to locate the subject minors. DFS Mossman testified that she
27 spoke with natural mother, on the phone, on more than twelve occasions. Natural mother denied any
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2 able to speak to the subject minor, Aamiya, at her school. DFS Mossman testified that Christopher
3 Bynum was listed as Aamiya's father at her school even though he is not her father. After DFS Mossman
4 learned from Sonic Burger that natural mother had quit her job, she returned to Aamiya's school and
5 learned the child had not been to school in several days and had not been unenrolled.

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7 She testified on March 12, 2010 she gave written notice (Respondent's exhibit B) and then subsequently,
8 she gave two days notice. Natural mother testified that she moved to Louisiana because she was being
9 harassed by another woman, not because she was being investigated for child abuse. Natural mother
10 further testified that, though she and natural father were not a couple, they coincidentally purchased plane
11 tickets for the same flight to Louisiana on May 6, 2010.

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13 preponderance of the evidence that the subject minors are in need of protection pursuant to NRS 432B.,
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15 felon." In making this finding, the Court relies on the following evidence: Detective Chandra Mason-
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17 been convicted of but testified that they were violent crimes involving armed robbery, weapons, drugs
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22 criminal lifestyle adversely affects his ability to provide for the care of the children." In making this
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24 was incarcerated in November, 2009 and again in March, 2010. Further, Detective Mason-Murdock
25 testified natural father has a criminal history for selling illegal drugs and currently has active warrants for
26 his arrest.
27
28

Dated: February 11, 2011

~~0058~~

1 of Fact and Recommendation's of the Hearing Master are hereby approved and such Findings of Fact
2 and Recommendation's are hereby made an Order of the Eighth Judicial District Court of Nevada,
3 Juvenile Division.

4 Dated this ____ day of February, 2011.

5
6 **C. DIANNE STEEL**
7 **DISTRICT JUDGE — FAMILY DIVISION**
8 **ABUSE/NEGLECT**

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on the ____ day of February, 2011, I mailed a copy of the foregoing to:

11 Jennifer Meiselman Titus, DDA

12 Romeo Perez, Esq.

13 **Angela Root, Judicial Executive Assistant to**
14 **DISTRICT COURT JUDGE C. DIANNE STEEL**

TRANSMISSION VERIFICATION REPORT

TIME : 12/11/2011 15:25
NAME : JUVENILE
FAX : 1835068
TEL :

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/11 15:23
4552289
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08
OK
STANDARD
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DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/11 15:23
4552289

TRANSMISSION VERIFICATION REPORT

TIME : 12/11/2011 15:28
NAME : JUVENILE
FAX : 1835068
TEL :

DATE, TIME	02/11 15:26
FAX NO./NAME	2147248
DURATION	00:02:23
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MODE	STANDARD
	ECM

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FAX NO./NAME
DURATION
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02/11 15:26
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1 EIGHTH JUDICIAL DISTRICT COURT

2 FAMILY DIVISION - JUVENILE

3 CLARK COUNTY, NEVADA

MAR 1 10 58 AM '11

4 In the Matter of:

5 Christopher Bynum, Jr. DOB: 03-28-09

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7 Minors Under 18 Years of Age.

Clerk of the Court
CASE NO.: J-10-319959-P1

DEPT. NO.: G

COURTROOM: 22

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10 **FINDINGS OF FACT, RECOMMENDATION,**
11 **AND ORDER OF APPROVAL- PETITION NO. 1**

12 This matter came on for evidentiary hearing on February 4, 2011. Natural Mother, Keaundra
13 DeBerry, was present with counsel, Romeo Perez, Esq. The State was represented by Deputy District
14 Attorney Jennifer Meiselman Titus. This Court, after having carefully reviewed the evidence, having
15 considered the relevant legal authority, having had the benefit of testimony and oral argument, and good
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18 by the natural mother was not consistent with medical findings. **THE COURT FURTHER FINDS** that
19 Natural Mother did not rebut the expert's testimony.

20 **THE COURT FURTHER FINDS** that the State has met its burden and proved by a
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23 Murdock had no details (date, time, location, events) as to the domestic violence. Neither witness
24 testified that the subject minors were present during the incidents.

25 **THE COURT FURTHER FINDS** that the State has met its burden and proved by a
26 preponderance of the evidence that the subject minors are in need of protection pursuant to NRS 432B.,
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1 Services access to Christopher, Jr., in order to access his safety. Additionally, while knowing there was
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20 Court conforms the evidence and finds: "(i) Mr. Bynum is a registered felon". In making this finding,
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27 affects his ability to provide for the care of the children". In making this finding, the Court relies on
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1 natural mother's testimony that, in the time she had known him, natural father was incarcerated in
2 November, 2009 and again in March, 2010. Further, Detective Mason-Murdock testified natural father
3 has a criminal history for selling illegal drugs and currently has active warrants for his arrest.

4 **WHEREFORE**, Jane D. Femiano, Hearing Master in the Family Division of the Eighth Judicial
5 District court of Nevada, **DOES HEREBY RECOMMEND** that it is in the best interests of Christopher
6 Bynum, Jr., and Aamiyah Lamb that they be adjudicated neglected children and remain in the custody and
7 control of the Department of Family Services. It is further recommended that a Dispositional Hearing be
8 scheduled for February 22, 2011 at 10:00 a.m., in Courtroom 22.

9 Dated: February 14, 2011

10 
11 JANE D. FEMIANO
12 JUVENILE HEARING MASTER

13 **NOTICE OF RIGHT TO FILE AN OBJECTION TO HEARING MASTER'S**

14 **RECOMMENDATIONS**

15 Objections to Hearing Master's Recommendations are governed by EDCR 1.46. No
16 Recommendations by the Hearing Master will become effective until expressly approved by the
17 Presiding Juvenile District Court Judge. The Applicant has five (5) days after service of this
18 Hearing Master's Recommendations to apply to the Presiding Juvenile District Court Judge for a
19 hearing. Failure to properly file an Application for Hearing shall result in An Order of Approval
20 being entered by the District Court.

21 **CERTIFICATE OF SERVICE VIA FACSIMILE**

22 I hereby certify that on the 14 day of February, 2011, I served a copy of the Findings of
23 Fact, Recommendation of the Hearing Master and Notice of Right to Appeal via facsimile to the
24 following:

25 Jennifer Meiselman Titus, DDA (702)456-2289

26 Romeo Perez, Esq. (702)214-7248

27 
28 Rose Heal, Legal Assistant to
Juvenile Hearing Masters

ORDER OF APPROVAL

The Court having reviewed the above and foregoing Master's Recommendations and there
being no timely objection having been filed thereto; or having received the objection thereto, as well as

1 any other papers, testimony and argument related thereto and good cause appearing, the above Findings
2 of Fact and Recommendation's of the Hearing Master are hereby approved and such Findings of Fact
3 and Recommendation's are hereby made an Order of the Eighth Judicial District Court of Nevada,
4 Juvenile Division.

5 Dated this ____ day of February, 2011.

6
7 C. DIANNE STEEL
8 DISTRICT JUDGE -- FAMILY DIVISION
9 ABUSE/NEGLECT

10 CERTIFICATE OF SERVICE

11 I hereby certify that on the ____ day of February, 2011, I emailed a copy of the foregoing to:

12 Jennifer Meiselman Titus, DDA

13 Romeo Perez, Esq.

14 Angela Root, Judicial Executive Assistant to
15 DISTRICT COURT JUDGE C. DIANNE STEEL

TRANSMISSION VERIFICATION REPORT

TIME : 02/14/2011 14:22
NAME : JUVENILE
FAX : 0835068
TEL :

DATE, TIME	02/14 14:20
FAX NO. /NAME	4552289
DURATION	00:02:23
PAGE(S)	08
RESULT	OK
MODE	STANDARD
	ECM

TRANSMISSION VERIFICATION REPORT

TIME : 02/14/2011 14:25
NAME : JUVENILE
FAX : 1835068
TEL :

DATE, TIME	02/14 14:23
FAX NO. /NAME	2147248
DURATION	00:02:26
PAGE(S)	08
RESULT	OK
MODE	STANDARD
	ECM

TIME : 02/14/2011 14:25
NAME : JUVENILE
FAX : 1835068
TEL :

02/14/2011

COPY

DO NOT FILE

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

In the Matter of:

AAMIYAH LAMB
Date of Birth: 01-04-2004
A Minor 7 years, 03 Months of Age

COURT CASE NO.: J-10-319959-
P1
DEPT. NO.: G

CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor, 1 Year and 11 Months of Age

Department of Family Services Confidential Report

DATE: 03/15/2011

REPORT NAME: CASE PLAN

Date of Hearing: 03-15-2011

Time of Hearing: 10:00 AM

Courtroom: 22

Submitted by:



**MICHELLE JORDAN
CASE MANAGER
DEPARTMENT OF FAMILY SERVICES**

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

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

Case Plan Information

Case: 1362112 - DEBERRY, KEAUNDRA	Opened Date: 04-27-2010	Closed Date:
Status: Draft	Effective: 01-01-2011	Review Due: 07-04-2011
Author: JORDAN, MICHELLE	Approved:	Court Approved:
Plan Created: 01/27/2011 15:55:38	Plan Last Modified: 01/27/2011 15:55:38	Court Case: J-10-319959-P1

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1834762 - BYNUM, CHRISTOPHER, L.	Reunification	03-29-2011	N
1834761 - LAMB, AAMIYAH, D.	Reunification	03-29-2011	N

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

Family Assessment**1a. Agency Assessment - Describe the strengths of the family.**

Natural mother desires to reunify with her children.

1b. Family Perception - Strengths of the family.

Dedicated family members

2a. Agency Assessment - Describe the parental capacity.

Natural mother is healthy and capable of caring for her children.

2b. Family Perception - Describe the parental capacity.

Natural mother is healthy and capable of caring for her children.

3a. Agency Assessment - Describe the safety factors.

Minor Christopher was injured while in the care of his parents. Parents are unable/unwilling to explain the cause of Christophers injury.

3b. Family Perception - Describe the safety factors.

Minor Christopher was injured while in the care of his parents. Parents are unable/unwilling to explain the cause of Christophers injury.

4a. Agency Assessment - Describe the risk factors.

Unexplained injury to a minor.

4b. Family Perception - Describe the risk factors.

Unexplained injury to a minor.

5a. Agency Assessment - Describe the child's vulnerability.

The child is toddler and has not developed communication skills and is unable to verbally report incidents of abuse.

Family Assessment

5b. Family Perception - Describe the child's vulnerability.

N/A

6a. Agency Assessment - Describe the child's resiliency.

Christopher has recovered from the incident which brought him into care.

6b. Family Perception - Describe the child's resiliency.

Christopher has recovered from the incident which brought him into care.

Objective: PARENTING

Measurement for Success:

Ms. DeBerry and Mr. Bynum will successfully complete age appropriate parenting classes, have a clear understanding of appropriate parenting, and be able to demonstrate them through interactions, behaviors, and actions with their children. Ms. DeBerry and Mr. Bynum will be able to apply the skills acquired in their home. Ms. DeBerry and Mr. Bynum will provide the Department of Family Services with necessary documentation to verify completion of parenting classes.

Objective Completion Result:

Action Step	For	Start	Target	Result
Mr. Bynum will enroll in an approved parenting course for parenting classes.	BYNUM SR, CHRISTOPHER, L.			

Objective: DRUG TREATMENT

Measurement for Success:

Success will be determined when Ms. DeBerry meets with the assigned Specialist to discuss the progress of the case plan objectives. In addition, Ms. DeBerry will successfully complete a substance abuse treatment program and comply with all ongoing after care services. In addition, success will include submission of drug tests upon request, with negative test results in hair, blood, and/or urine of illicit substances.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete a substance abuse assessment by a BADA certified drug treatment provider and comply with all recommendations.	DEBERRY, KEAUNDRA	03-07-2011		
Will submit to any hair/urine drug testing with 24 hours of the assigned worker's request. Failure to submit to testing within the allowable time frame will be considered a positive test.	DEBERRY, KEAUNDRA	03-07-2011		
Will sign a Release of Information with their substance abuse treatment provider authorizing DFS access to their records.	DEBERRY, KEAUNDRA	03-07-2011		

Objective: DRUG TREATMENT

Measurement for Success:

The natural parents will demonstrate an ability to maintain sobriety, identify past barriers to maintaining sobriety including triggers and identify and show use of effective ways of addressing triggers that led to substance abuse in the past. The natural parents will be able to verbalize to the case manager the effects of the substance use on parenting skills as well as any potential negative affects on childhood development.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete a substance abuse assessment by a BADA certified drug treatment provider and comply with all	BYNUM SR, CHRISTOPHER, L.			

recommendations.				
Will submit to any hair/urine drug testing with 24 hours of the assigned worker's request. Failure to submit to testing within the allowable time frame will be considered a positive test.	BYNUM SR, CHRISTOPHER, L.	03-07-2011		
Will sign a Release of Information with their substance abuse treatment provider authorizing DFS access to their records.	BYNUM SR, CHRISTOPHER, L.	03-07-2011		

Objective: PARENTING

Measurement for Success:

Ms. DeBerry and Mr. Bynum will successfully complete age appropriate parenting classes, have a clear understanding of appropriate parenting, and be able to demonstrate them through interactions, behaviors, and actions with their children. Ms. DeBerry and Mr. Bynum will be able to apply the skills acquired in their home. Ms. DeBerry and Mr. Bynum will provide the Department of Family Services with necessary documentation to verify completion of parenting classes

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. DeBerry will enroll in an approved parenting course for parenting classes.	DEBERRY, KEAUNDRA			

Objective: MAINTAIN CONTACT

Measurement for Success:

Ms. DeBerry and Mr. Bynum will schedule and meet once a month with the DFS case worker to discuss the progress of the case plan and to inform the DFS Specialist of any changes in residence, employment or contact information. Ms. DeBerry and Mr. Bynum will inform DFS within 24 hours of said change.

Objective Completion Result:

Action Step	For	Start	Target	Result
Mr. Bynum may seek housing assistance through an agency including the local Housing Authority.	BYNUM SR, CHRISTOPHER, L.			
Mr. Bynum will meet once a month (via phone or face to face if in state) with the DFS case worker to discuss the progress of the case plan.	BYNUM SR, CHRISTOPHER, L.			

Objective: MAINTAIN CONTACT

Measurement for Success:

Ms. DeBerry and Mr. Bynum will schedule and meet once a month with the DFS case worker to discuss the progress of the case plan and to inform the DFS Specialist of any changes in residence, employment or contact information. Ms. DeBerry and Mr. Bynum will inform DFS within 24 hours of said change.

Objective Completion Result:

Action Step	For	Start	Target	Result
Ms. DeBerry may seek housing assistance through an agency including the local Housing Authority.	DEBERRY, KEAUNDRA			
Ms. DeBerry will meet once a month (via phone or face to face if in state) with the DFS case worker to discuss the progress of the case plan.	DEBERRY, KEAUNDRA			

Objective: DOMESTIC VIOLENCE

Measurement for Success:

Successfully complete domestic violence classes. Demonstrate the ability to control and refrain from any form of domestic violence.

Objective Completion Result:

Action Step	For	Start	Target	Result
1. Refrain from any behavior, which becomes physical, or violent in nature.	BYNUM SR, CHRISTOPHER, L.	03-07-2011		
2. Schedule a domestic violence assessment and will follow all recommendations that result from evaluation for treatment, aftercare, or other programs deemed necessary	BYNUM SR, CHRISTOPHER, L.	03-07-2011		

or appropriate.				
3. Sign a release of confidential information for the DFS to communicate with all service providers.	BYNUM SR, CHRISTOPHER, L.			
4. Provide the DFS Case Manager with a certificate of completion from Domestic Violence.	BYNUM SR, CHRISTOPHER, L.			

Objective: PHYSICAL ABUSE

Measurement for Success:

Thoroughly, comprehensively, convincingly, and in a forthright manner, address the precipitating risk factors, triggers and sequence of antecedent events that led to the physical abuse sustained by the Court as to her children Christopher Bynum Jr. and actively participates in the development of a safety plan to prevent recurrence.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete a physical abuse assessment/follow recommendation.	DEBERRY, KEAUNDRA			
Follow any and all recommendations from the evaluation including individual, group, and/or family counseling with treatment providers approved by the Clark County Department of Family Services.	DEBERRY, KEAUNDRA			
Demonstrate by his/her forthcoming, honest, and open discussion of and addressing of the precipitating risk factors which resulting in physical abuse which was sustained by the Court.	DEBERRY, KEAUNDRA			
In discussion and demonstration through his/her interaction with their children, as observed by the assigned therapist(s) and assigned DFS Specialist, once and if approved, the natural parents will consistently demonstrate age appropriate behavioral and emotional expectations of the children and age appropriate non-physical interventions and disciplinary strategies.	DEBERRY, KEAUNDRA			
In all meetings and sessions with the assigned DFS Specialist and all therapist(s), Ms. DeBerry will be able to cogently and consistently articulate and actively engage in a plan for the safety of Christopher Bynum Jr. which includes discussion and demonstration of the regulation of his/her emotions and safe coping skills to prevent physical abuse as a reaction.	DEBERRY, KEAUNDRA			
Caregiver will be able to articulate in dialogue with the Specialist and therapist(s) the sequence of events which resulting in physical abuse, as sustained by the Court, and how he/she will be able to ensure that no future physical abuse to Christopher Jr. occurs. In further measurement of mitigation of the risk for physical abuse, there will be no further injuries to either child which are incompatible with an accidental explanation.	DEBERRY, KEAUNDRA			

Objective: MEET MEDICAL NEEDS

Measurement for Success:

Natural parents are able to meet the medical needs of their children. The children have sufficient and varied foods and eat at regular schedules. The children have regular routine medical check-up and the natural parents follow any and all recommendations by medical providers.

Objective Completion Result:

Action Step	For	Start	Target	Result
Parent will be able to articulate in dialogue with the Specialist and therapist(s) the sequence of events which resulting in physical abuse, as sustained by the Court, and how he/she will be able to ensure that no future physical abuse to Christopher. occurs. In further measurement of mitigation of the risk for physical abuse, there will be no further injuries to their child which are incompatible with an accidental explanation.	DEBERRY, KEAUNDR			
Parent will be able to articulate in dialogue with the Specialist and therapist(s) the sequence of events which resulting in physical abuse, as sustained by the Court, and how he/she will be able to ensure that no future physical abuse to Christopher. occurs. In further measurement of mitigation of the risk for physical abuse, there will be no further injuries to their child which are incompatible with an accidental explanation.	BYNUM SR, CHRISTOPHER, L.			

Objective: STABLE RESIDENCE AND VERIFIABLE INCOME.

Measurement for Success: Natural parents will maintain stable income and housing deemed appropriate for meeting the needs of their children. Natural parents will also maintain a stable legitimate source of income and will fully cooperate with all in-home services provided by the Department of Family Services. The residence will be safe and stable with functioning utilities, free from any environmental hazards.

Objective Completion Result:

Action Step	For	Start	Target	Result
Will obtain and maintain suitable, stable housing for a minimum of six consecutive months. Will also maintain a stable legitimate source of income and cooperate with the Department of Family Services. May seek housing assistance through an agency:	DEBERRY, KEAUNDR			
Will obtain and maintain suitable, stable housing for a minimum of six consecutive months. Will also maintain a stable legitimate source of income and cooperate with the Department of Family Services. May seek housing assistance through an agency:	BYNUM SR, CHRISTOPHER, L.			

Child: 1834762 - BYNUM, CHRISTOPHER, L.

Permanency Goal for this child: Reunification	Target Date: 03-29-2011
Concurrent Goal:	
Placement: UNPAID	

1. Describe the adjustment of the child to placement

Adjusting well in Louisiana ICPC Relative Placement.

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

Child received a Early Periodic Screening Diagnostic Test on 6/8/2010.

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

The caregiver(s) and Caseworker, monitors, identify and ensure that services are in place to meet the needs of the minor.

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

On-going support and referrals are provided to the caregiver as needed.

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

The assigned DFS Case Worker/ ICPC Case Worker conduct routine home and community visits to monitor the minor and ensure his safety and well-being.

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

Child: 1834761 - LAMB, AAMIYAH, D.

Permanency Goal for this child: Reunification

Target Date: 03-29-2011

Concurrent Goal:

Placement: UNPAID

1. Describe the adjustment of the child to placement

Adjusting well in Louisiana ICPC Relative Placement.

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

Child received a Early Periodic Screening Diagnostic Test on 6/8/2010.

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

The caregiver(s) and Caseworker, monitors, identify and ensure that services are in place to meet the needs of the minor.

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

On-going support and referrals are provided to the caregiver as needed.

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

The assigned DFS Case Worker/ ICPC Case Worker conduct routine home and community visits to monitor the minor and ensure his safety and well-being.

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

Education Information

Child	Current Grade	Started	Completed	Likely Graduation	School
1834762 - BYNUM, CHRISTOPHER, L.					
1834761 - LAMB, AAMIYAH, D.					

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

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

Michelle Jordan
DFS Permanency Worker

Chump Cooke
DFS Supervisor

Participant	Role	Signature
1834763 - BYNUM SR, CHRISTOPHER, L.	Parent	
1834762 - BYNUM, CHRISTOPHER, L.	Child	
1834765 - DEBERRY, KEAUNDRA	Parent	
1834761 - LAMB, AAMIYAH, D.	Child	

In-Home Case:

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

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

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

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

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

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

Out of Home Case:

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

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

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

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

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

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


CLERK OF THE COURT

DISTRICT COURT
JUVENILE DEPENDENCY DIVISION
CLARK COUNTY, NEVADA

IN THE MATTER OF THE CHILDREN: }

CHRISTOPHER BYNUM, JR.
AAMIYAH LAMB }

CASE NO. J-10-319959-P1

DEPT. O
Courtroom 22

Minors under 18 years of age }

EX PARTE MOTION FOR TYPEWRITTEN TRANSCRIPT;
CD; OR MEMORY STICK
FOR THE PURPOSE OF FILING AN OBJECTION

I respectfully request a _____ Typewritten Transcript; _____ CD; or _____ Memory Stick
of the hearing on February 4, 2011, before Hearing Master Femiano.

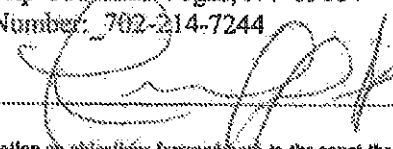
Submitted by: Name: Romeo R. Perez, Esq.

Relationship to Case: Attorney for Mother, Keaundra Deberry

Address: 3100 E. Charleston, Suite 112

City, State, Zip Code: Las Vegas, NV 89104

Telephone Number: 702-214-7244

Signature: 


(**Attach this form to the notice of motion or objection; forward both to the court that will hear the objection. The court will indicate whether a written transcript is necessary and will appoint a hearing date accordingly in the notice of motion. If you go forward with the objection, file and serve the motion and notice of motion.)

ORDER FOR PRODUCTION OF DIGITAL RECORDED PROCEEDINGS

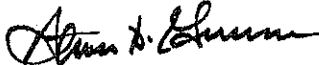
This matter coming before the Court upon Ex Parte Application, the Court having reviewed the matter, and good cause appearing therefore:

IT IS HEREBY ORDERED that the above requested Digital Recorded Proceedings be made available and released to the above named individual upon payment of the duplicating cost.

DATED this 23 day of March, 20 11.


C. DIANNE STEEL FRANK SULLIVAN

1 DAVID ROGER
2 DISTRICT ATTORNEY
3 Jennifer Meiselman
4 Deputy District Attorney
5 Juvenile Division
6 Nevada Bar No. 9625
7 601 North Pecos
8 Las Vegas, Nevada 89101
9 (702) 455-5320


CLERK OF THE COURT

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

10 In the Matter of:

11 AAMIYAH DE NASIA LAMB
12 Date of Birth: 01-04-2004
13 A Minor, 7 Years and 01 Month(s) of
14 Age.

COURT CASE NO.: J-10-319959-P1

DEPT. NO.: G
COURTROOM: 22

15 CHRISTOPHER BYNUM JR.
16 Date of Birth: 03-28-2009
17 A Minor, 1 Year and 11 Months of
18 Age

19 **OUT-OF-HOME PLACEMENT ORDER - Unlicensed Relative**

20 This matter having come on for Dispositional Hearing before the Family Court,
21 Eighth Judicial District, County of Clark, State of Nevada, Clark County Department of
22 Family Services, on this 22nd day of February, 2011, with parent(s) Keandra DeBerry
23 and Christopher Bynum Sr. not being present in Court, and subject minor(s) being
24 available to the Court, and the Court finding that the minor(s) come(s) within the
25 provisions of NRS 432B.410, 432B.550, 432B.580, 432B.590, and 432B.600, and good
26 cause being shown;

1 **THE COURT FINDS** that continuation of the minor(s) in the home of the
2 parent(s)/guardian(s), Keaundra DeBerry and Christopher Bynum Sr. , is contrary to the
3 welfare of the child(ren);
4

5 **THE COURT FURTHER FINDS** that reasonable efforts have been made as cited
6 in the Disposition Report to prevent or eliminate the need for removal of the child(ren)
7 from their home;

8 **THE COURT FURTHER FINDS** that reasonable efforts have been made as cited
9 in the Disposition Report to make it possible for the child(ren) to return to the home of
10 Keaundra DeBerry and Christopher Bynum Sr. ; accordingly,

11 **IT IS HEREBY RECOMMENDED** that AAMIYAH DE NASIA LAMB
12 CHRISTOPHER BYNUM Jr. are made Wards of the Family Court as children in Need of
13 Protection;
14

15 **IT IS FURTHER RECOMMENDED** that legal custody is given to the Clark County
16 Department of Family Services for placement until AAMIYAH DE NASIA LAMB and
17 CHRISTOPHER BYNUM Jr. reach(es) the statutory age as prescribed by law, or until
18 further Order of the Court. Control and custody is awarded with all necessary authority
19 and power to furnish, provide, and authorize care and services to the subject minor(s) as
20 may seem necessary and proper, and in the child(ren)'s best interest and welfare,
21 including but not limited to: food, clothing, shelter, education, and routine medical care
22 and treatment;
23

24 **IT IS FURTHER RECOMMENDED** that the Clark County Department of Family
25 Services shall have legal authority to access and obtain any records that relate to the
26 child's well being to include but not limited to: medical, dental, educational, mental health,
27 and substance abuse;
28

1 **IT IS FURTHER RECOMMENDED** that the Permanency Plan goal of Reunification
2 as recommended by the Clark County Department of Family Services is in the
3 child(ren)'s best interest and shall be adopted by the Court;

4
5 **IT IS FURTHER RECOMMENDED** that continuation of reasonable efforts to
6 reunify AAMIYAH DE NASIA LAMB and CHRISTOPHER BYNUM Jr. with Keaundra
7 DeBerry and Christopher Bynum Sr. , as required by NRS 432B.393 is consistent with
8 the Permanency Plan;

9 **IT IS FURTHER RECOMMENDED** that the following efforts that have been made
10 by the Clark County Department of Family Services to meet the permanency goal are
11 reasonable efforts:

12
13 **IT IS FURTHER RECOMMENDED** that sibling visitation is not applicable;

14 **IT IS FURTHER RECOMMENDED** that:

15 ☐ Child Support is waived;

16 ☒ Child support is ordered in the amount of \$ 100.00 for

17 Natural Father/ Bynum

18 per child;

19
20 **IT IS FURTHER RECOMMENDED** that the AAMIYAH DE NASIA LAMB and
21 CHRISTOPHER BYNUM Jr. are placed in the unlicensed relative home of Benita
22 Taylor

23 **IT IS FURTHER FOUND AND RECOMMENDED** that neither the physical
24 custodian(s) nor the parent(s) may remove the subject minor(s) from the State of Nevada
25 without the written consent of the Clark County Department of Family Services or by
26 Order of the Court;
27
28

1 IT IS FURTHER RECOMMENDED that this matter be reviewed on the 12
2 day of May, 2011, at the hour of 2:30 P.m., Department
3 G.
4

5 You are hereby notified that you have a right to a rehearing pursuant to Eighth
6 Judicial District Court Rule 1.46. An application for rehearing must be filed within five days
7 after receipt of the Referee's Findings and Recommendations.

8 Dated this 1 day of March, 2011.
9

10 Jane Auman
11 JUVENILE HEARING MASTER
12

13 IT IS SO ORDERED.

14 Dated this 4 day of March, 2011.
15

16 [Signature]
17 DISTRICT JUDGE - JUVENILE

18 Submitted by:

19
20 Michelle Jordan
21 MICHELLE JORDAN
22 CASE MANAGER
23 DEPARTMENT OF FAMILY SERVICES

Submitted by:

DAVID ROGER
DISTRICT ATTORNEY

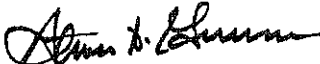
24 By: [Signature]
Deputy District Attorney

25 COURT CASE NO.: J-10-319959-P1
26
27
28

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

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

1 **RESP/OPP**
2 **DAVID ROGER**
3 **DISTRICT ATTORNEY**
4 Nevada State Bar No. 2781
5 **RON CORDES**
6 Deputy District Attorney
7 Nevada State Bar No. 4955
8 601 North Pecos Road, #470
9 Las Vegas, NV 89101-2408
10 (702) 455-5320


CLERK OF THE COURT

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

In the Matter of:

CHRISTOPHER BYNUM
AAMIYAH LAMB

Minors under 18 years of age

Case No. J-10-319959
Dept No. 0
Courtroom No. 5

Date of Hearing: 4-13-2011
Time of Hearing: 1:30 p.m.

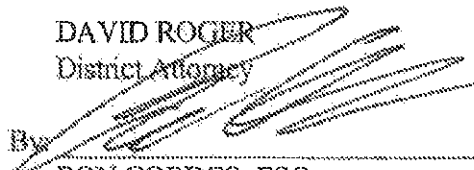
OPPOSITION TO OBJECTION TO HEARING MASTER'S RECOMMENDATION

COMES NOW, the Clark County District Attorney's Office, by and through, DAVID ROGER, Clark County District Attorney through his Chief Deputy, RON CORDES, and files this Opposition to the Objection to Hearing Master's Recommendation. This Opposition is based upon the attached Points and Authorities and the oral arguments of counsel at the time of the hearing if so requested by the Court.

Dated this 11 day of April 2011.

Submitted by:

DAVID ROGER
District Attorney

By 
RON CORDES, ESQ.
Nevada Bar No. 4955
Chief Deputy District Attorney
601 North Pecos
Las Vegas, Nevada 89101

STATEMENT OF THE FACTS

On or about April 27, 2010, the Clark County Department of Family Services (hereinafter DFS) received a report from a concerned citizen which indicated that CHRISTOPHER JR., had sustained a burn to his face and that there was drug paraphernalia easily accessible to the children.

As a result of the report a joint investigation was initiated by DFS and the North Las Vegas Police Department. During the course of the investigation, the mother and one of the named fathers refused to cooperate by making the children accessible and ultimately fled with the children to Mississippi.

When the children were ultimately located and interviewed, there was sufficient evidence for DFS to refer the matter for the filing of a petition.

The matter was submitted to the Clark County District Attorney's Office for the filing of a Petition and Petition #1 was filed on May 13, 2010.

An adjudicatory hearing was held for Petition #1 on February 4, 2011. During the adjudicatory hearing, numerous witnesses testified as to the physical abuse and medical neglect CHRISTOPHER JR. suffered while in the care of his mother, KEAUNDRA DEBERRY. The trial court also assessed documentary evidence provided by both the State and the mother.

After hearing all the witness testimony and considering the credibility and demeanor of the witnesses, Hearing Master Femiano found the allegations in Petition #1 to be true by a preponderance of the evidence in compliance with NRS 432B.530(5).

On or about February 11, 2011, Hearing Master Femiano's written recommendation was served on the parties.

The mother filed an objection to Hearing Master Femiano's decision.

As of the date of filing the instant opposition, transcripts of the proceedings have not been provided to the Clark County District Attorney's Office.

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 STANDARD OF REVIEW

4 There is no statutory authority under NRS 432B that provides the procedure and standard of
5 review of a Hearing Master. However, NRCP Rule 53 does provide a standard of review:

6 NRCP Rule 53 provides in pertinent part:

7 (e)(2) *In non-jury actions. In an action to be tried without a jury the court*
8 *shall accept the master's findings of fact unless they are clearly erroneous.*
9 *Within 10 days after being served with notice of the filing of the report any party*

10 *may serve written objections thereto upon other parties. Application to the court*
11 *for action upon the report and upon objections thereto shall be by motion and*
12 *upon notice as prescribed in Rule 6(d). The court after hearing may adopt the*
13 *report or may modify it or may reject it in whole or in part or may receive*
14 *further evidence or may recommit it with instructions. (emphasis added).*

15 In her Objection, the Mother disputes the facts of the case, makes argument that the court did
16 not give sufficient weight to evidence favorable to her, and argues that this Court should disregard
17 Hearing Master Femiano's judgments of witness credibility. The Mother must, and in this case has not,
18 shown how Hearing Master Femiano's findings of fact and conclusions of law were clearly erroneous.

19 II.

20 **MS. DEBERRY HAS FAILED TO SHOW THAT HEARING MASTER FEMIANO'S**
21 **FINDINGS OF FACT AND CONCLUSIONS OF LAW WERE CLEARLY ERRONEOUS.**

22 Hearing Master Femiano appropriately weighed all the evidence presented to the Court and did
23 not commit a clear error in finding that the State had met its burden of proof by a preponderance of the
24 evidence as to the allegations in Petition No. 1 – Physical Abuse and Neglect.

25 NRCP RULE 52 provides in pertinent part:

26 (a) Effect. In all actions tried upon the facts without a jury or with an advisory
27 jury, the court shall find the facts specially and state separately its
28 conclusions of law thereon and judgment shall be entered pursuant to Rule
58; and in granting or refusing interlocutory injunctions the court shall similarly
set forth the findings of fact and conclusions of law which constitute the grounds
of its action. Requests for findings are not necessary for purposes of review.
Findings of fact shall not be set aside unless clearly erroneous, and due
regard shall be given to the opportunity of the trial court to judge the
credibility of the witnesses. The findings of a master, to the extent that the court
adopts them, shall be considered as the findings of the court. It will be sufficient if
the findings of fact and conclusions of law are stated orally and recorded in open

1 court following the close of the evidence or appear in an opinion or memorandum
2 of decision filed by the court. Findings of fact and conclusions of law are
3 unnecessary on decisions of motions under Rules 12 or 56 or any other motion
4 except as provided in subdivision (c) of this rule. But an order granting summary
5 judgment shall set forth the undisputed material facts and legal determinations on
6 which the court granted summary judgment.

7 NRCP Rule 52 requires the Court to make specific findings of fact and conclusions of law. In a
8 non-jury action, the findings of the Court must be sufficient to indicate the factual basis for the Court's
9 ultimate conclusions. *Bing Const. Co. v. Vasey-Scott Eng'g Co.*, 100 Nev. 72, 73 (1984).

10 In this case, the Court made specific findings of fact and conclusions of law as required by
11 NRCP 52. In its findings, the Court indicated sufficient factual basis for its conclusions.

12 In reading Hearing Master Femiano's Findings of Fact, referenced above, she complied with the
13 requirements of NRCP Rule 52 and *Bing Const. Co.* by citing sufficient factual basis for the Court's
14 findings, thus there is no clear error present.

15 NRCP Rule 52 also provides that due regard shall be given to the trial court to judge the
16 credibility of the witnesses.

17 In her Objection, the Mother's main argument is that this Court should not consider Dr. Neha
18 Mehta's medical expert testimony based on non-applicable case law. The mother failed to call any
19 medical experts to refute the testimony by Dr. Mehta and therefore the factual findings and conclusions
20 of law relied upon by Hearing Master Femiano were legally correct.

21 In *Adams v. Lawson*, 84 Nev. 687, 690, 448 P.2d 695, 697, the Nevada Supreme Court held that
22 "in reviewing cases which involve evidentiary conflicts and demeanor evidence the law and good sense
23 demands that we treat a discretionary ruling of the trial court with deference. In such cases we cannot
24 resolve evidentiary conflicts, weigh evidence, or assess the credibility of unobserved witnesses." In
25 giving due regard to Hearing Master Femiano's judgment of the credibility of the witnesses, there is no
26 clear error here.

27 Hearing Master FEMIANO's findings were not clearly erroneous and a trial de novo is
28 unwarranted.

III.

CONCLUSION

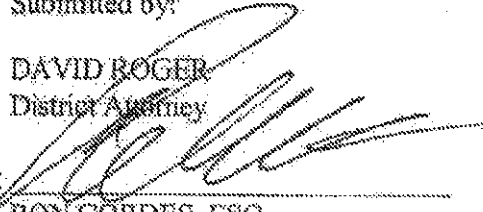
Based on the foregoing, it is respectfully requested that this Honorable Court adopt the Findings of Fact and Recommendations of Hearing Master Femiano and deny Petitioner's request for a trial de novo.

Dated this 11 day of April 2011.

Submitted by:

DAVID ROGER
District Attorney

By:


RON CORDES, ESQ.
Nevada Bar No. 4955
Chief Deputy District Attorney
601 North Pecos
Las Vegas, Nevada 89101

CERTIFICATE OF SERVICE

I hereby certify that service of the above **OPPOSITION TO OBJECTION TO HEARING**
MASTER'S RECOMMENDATIONS was made this 14th day of April, 2011, by depositing a copy in
the U.S. Mail, postage pre-paid AND faxing to, addressed to:

Romeo Perez, Esq.
3100 East Charleston Blvd.
Suite 112
Las Vegas, NV 89104
Attorney for Kcaundra Deberry
Fax #: 214-7248


Employee, District Attorney's Office,
Juvenile Division

ORD

1 DAVID ROGER
District Attorney
2 Nevada State Bar No.2781
By: Robert E. Griffy
3 Deputy District Attorney
Juvenile Division
4 Nevada Bar No. 3725
601 N. Pecos
5 Las Vegas, NV 89101
(702) 455-5320


CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

8 In the Matter of:

9 **AAMIYAH LAMB**
DOB: January 4, 2004

)
) Case No. J-10-319959-P1
) Department O
) Courtroom 5

10 **CHRISTOPHER BYNUM JR.**
11 DOB: March 28, 2009

12 Minors.
13

14 **ORDER DENYING OBJECTION TO MASTERS FINDINGS OF FACT,**
RECOMMENDATION AND ORDER OF APPROVAL-PETITION #1

15 This matter came before the court on April 13, 2011 on a Motion filed by ROMERO PEREZ,
16 ESQ., legal counsel for the natural mother KEAUNDRA DEBERRY. Present for the hearing was the
17 Clark County Department of Family Services, by and through MICHILLE JORDAN, Family Services
18 Specialist; the Clark County District Attorney's Office, by and through its attorneys DAVID ROGER,
19 Clark County District Attorney, and ROBERT E. GRIFFY, Deputy District Attorney; ROMEO PEREZ
20 ESQ. counsel for the natural mother KEANUNDRA DEBERRY who was present by telephone as she
21 lives out of state.
22

23 **THE COURT HEREBY FINDS** that the burden in this case is clearly erroneous in accordance
24 with NRCF Rule 53;

25 **THE COURT FURTHER FINDS** that the Hearing Master relied upon the testimony of Dr.
26 Mehta who was not able examine the child but did look at pictures of the injury to CHRISTOPHER to
27 determine an opinion as to the nature of the injury. The natural mother KEAUNDRA DEBERRY did
28 not call any witnesses to refute the testimony of Dr. Mehta.

1 **THE COURT FURTHER FINDS** that Det. Murdock and DFS were hampered by the natural
2 mother KEAUNDRA DEBERRY in their attempts to see the CHRISTOPHER and to interview him as
3 to the injuries. Therefore Dr. Mehta was unable to examine CHRISTOPHER and could only view
4 pictures of the injuries.

5 **THE COURT FURTHER FINDS** that the Hearing Master issued a No Contact Order on
6 February 4, 2011. That the natural mother KEAUNDRA DEBERRY has not seen the subject minors
7 since that Order was in place. The subject minors are residing with the maternal grandparents in the
8 State of Louisiana who reside on a military base and can supervise the visits.

9
10 **IT IS HEREBY ORDERED DECREED AND ADJUDGED** that the Objection To Masters
11 Findings of Fact, Recommendation and Order of Approval-Petition#1 is denied as it is not clearly
12 erroneous and the Hearing Masters Recommendation is Affirmed.

13 **IT IS HEREBY ORDERED FURTHER DECREED AND ADJUDGED** that in accordance
14 with NRS 432B that this was a non-accidental injury to CHRISOPHER.

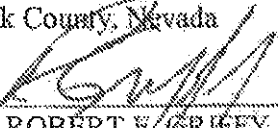
15
16 **IT IS HEREBY ORDERED FURTHER DECREED AND ADJUDGED** that the No Contact
17 Order is lifted and that the natural mother KEAUNDRA DEBERRY can have supervised visits with the
18 subject minors. The visits are to be supervised by the maternal grandparents.

19 DATED this 18th day of April 2011.

20
21 
22 DISTRICT COURT JUDGE

23 Submitted by:

24 DAVID ROGER
25 District Attorney
26 Clark County, Nevada

27 By: 
28 ROBERT E. GRIFFY
 Nevada Bar No. 3725
 Deputy District Attorney
 Juvenile Division
 601 North Pecos Road
 Las Vegas, Nevada 89101

DO NOT FILE

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

In the Matter of:

AAMIYAH LAMB
Date of Birth: 01-04-2004
A Minor 7 years, 03 Months of Age

COURT CASE NO.: J-10-319959-
P1
DEPT. NO.: C

CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor, 1 Year and 11 Months of Age

Department of Family Services Confidential Report

DATE: 4/25/2011

REPORT NAME: PERMANENCY AND PLACEMENT REVIEW

Date of Hearing: 04-26-2011

Time of Hearing: 10:00 AM

Courtroom: 22

Submitted by:



MICHELLE JORDAN
CASE MANAGER
DEPARTMENT OF FAMILY SERVICES

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

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

CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
121 S. MARTIN LUTHER KING BLVD.
LAS VEGAS, NEVADA 89106
(702) 455-7200

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

In the Matter of:
AAMIYAH DE NASIA LAMB
Date of Birth: 01-04-2004
A Minor 7 years, 03 Months of Age
CHRISTOPHER BYNUM JR.
Date of Birth: 03-28-2009
A Minor 2 Years 01 Months of Age.

COURT CASE NO.: J-10-319959-P1
DEPT. NO.: C

REPORT FOR PERMANENCY AND PLACEMENT REVIEW

Date of Hearing: 04-26-2011

Time of Hearing: 10:00 AM

Courtroom: 22

Attachment: //

CONCERNING:

Father: CHRISTOPHER BYNUM SR
DOB: 01-06-1975
Address: 10 Westend Street, Tallulah, Louisiana, 71282.

Mother: KEAUNDRA DEBERRY
DOB: 11-20-1986
Address: 1820 East Texas Street, Bossier, LA 71111.

Siblings: N/A

- ☐ The Indian Child Welfare Act does not apply.
☒ The Indian Child Welfare Act does apply.

NOTIFICATION OF HEARING AND TYPE OF SERVICE

Mother: Notified via telephone.
Father(s):

1 CASA: N/A
2 Child's Attorney:
3 Mother's
4 Attorney: N/A
5 Father's
6 Attorney: N/A
7 Tribe: N/A

8 **REMOVAL DATE:**

9 5/21/2010

10 **TRIAL HOME VISIT DATES:**

11 N/A to ; to

12 **REASON FOR CUSTODY AND COURT JURISDICTION (formally known as**
13 **Wardship):**

14 Petition #1 dated 05-17-2010 states the following;

15 The subject minors' mother is KEAUNDRA DEBERRY. The identity of AAMIYAH'S
16 father is unknown to DFS. CHRISTOPHER BYNUM, SR. is the father of
17 CHRISTOPHER, JR. MR. BYNUM was a person found regularly in the home at the
18 time the alleged abuse/neglect occurred for purposes of NRS 432B.130.

19 (b) MS. DEBERRY physically abused and/or improperly supervised CHRISTOPHER,
20 JR. resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
21 consistent with the shape of an iron.

22 (c) MR. BYNUM physically abused and/or improperly supervised CHRISTOPHER, JR.
23 resulting in CHRISTOPHER, JR. sustaining a triangle shaped burn to his left cheek
24 consistent with the shape of an iron.

25 (d) MS. DEBERRY neglected CHRISTOPHER, JR'S medical needs by failing to seek
26 medical treatment for the burn sustained to his face.

27 (e) MS. DEBERRY'S drug use adversely affects her ability to provide for the care of the
28 children.

(f) MR. BYNUM neglected CHRISTOPHER, JR'S medical needs by failing to seek
medical treatment for the burn sustained to his face.

(g) MR. BYNUM and MS. DEBERRY engage in acts of domestic violence against each
other. Their propensity to engage in acts of domestic violence adversely affects their
ability to provide for the care of the children.

(h) MS. DEBERRY and MR. BYNUM refused to allow the Department of Family
Services access to CHRISTOPHER, JR. in order to access his safety. Additionally,
while knowing there was an open investigation, MS. DEBERRY and MR. BYNUM left
Clark County, Nevada and fled to Louisiana.

(i) MR. BYNUM is a registered felon for: Felon in Possession of a Firearm; Assault
with a Deadly Weapon; Possession of a Controlled Substance; Possession of
Marijuana.

(j) MR. BYNUM'S drug use adversely affects his ability to provide for the care of the children.

The risk factors identified include; the complaint is for neglect, as it was reported the parents would leave narcotics in reach of the children. The youngest child in the home is under two years of age. The child sustained a large burn to his face and did not receive medical care for the injury. The primary caretaker has a historic or current alcohol or drug problem. It has been reported the mother uses illicit drugs. The current complaint is for abuse. The child, Christopher Jr. sustained a burn to his face. There has been domestic violence in the home within the past year. The secondary caretaker has a historic and current drug problem. Christopher Sr. has recent drug related arrests.

The following safety threats have been identified per the Nevada Safety Assessment guide;

- 1) Behavior of any member of the household or other persons having access to the child is violent. Christopher Sr. has a documented history of violence, which includes arrests and convictions.
- 2) A member of the household has caused serious physical injuries or is threatening serious physical harm to the child. One-year-old Christopher Jr. sustained a significant burn to his face for which he did not receive medical care and which expert medical consultation suggested was inconsistent with an accidental etiology.
- 3) There is reason to believe that the family is about to flee; caregivers overtly reject CPS intervention; refuse access to the child; and/or the child's whereabouts cannot be ascertained.

The family refused access to the children, lied about the whereabouts of the children, and apparently abruptly left their apartment and most of their belongings. The 6 year old was pulled out of school and the mother quit her job. The family traveled to Bossier City, Louisiana to flee Las Vegas in an apparent attempt to evade CPS and NLVPD. Additionally, the father absconded from Bossier City, Louisiana with the 1-year-old child and refused to provide Bossier City CPS with his whereabouts. Once found the father escaped through a back door.

**PREVIOUS COURT ORDER DEEMED EFFORTS BY THE DEPARTMENT TO
ACHIEVE THE PERMANENCY PLAN:**

☒ Were Reasonable Efforts

For: AAMIYAH LAMB and
CHRISTOPHER BYNUM JR.

☐ Were Not Reasonable Efforts

For:

PERMANENCY GOAL AND PROJECTED DATE OF ACHIEVEMENT:

☒ Reunification

With: Natural mother.

☐ Termination of Parental Rights and Adoption

By:

☐ Guardianship

By:

☐ Long Term Relative Placement

With:

☐ Other Planned Permanent Living

With:

Arrangement

Projected Date of Achievement:

October 26, 2011

CONCURRENT PERMANENCY GOAL:

☐ Reunification

With:

☒ Termination of Parental Rights and Adoption

By: Maternal grandparents.

☐ Guardianship

By:

☐ Long Term Relative Placement

With:

☐ Other Planned Permanent Living

With:

Arrangement

RATIONALE FOR PERMANENCY PLAN:

Christopher Jr. sustained a burn reportedly from a clothing iron to his cheek. The parents did not seek medical care for Christopher and actively denied access to the child by CPS and Police. As of this writing neither parent have provided an explanation to the Department as to how Christopher sustained the burn to his face. On May 6, 2010 minor Christopher Bynum was found to have a burn scar on his face by Bossier City, Louisiana CPS. Natural mother Keaundra DeBerry and natural father Christopher Bynum Sr. had absconded from Las Vegas to Barksdale Louisiana in an apparent attempt to evade CPS and North Las Vegas Police who were investigating the family for environmental neglect and physical abuse.

On May 12, 2010 a Uniform Child Custody Jurisdiction Act (UCCJA) conference was held via telephone between Nevada and Louisiana. Jurisdiction was decided to be Las Vegas, Clark County, Nevada.

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PARENTS' PROGRESS:

Visitation: Visits are supervised by maternal grandparents.

Housing: Natural mother reports that she resides at 1820 East Texas Street, Bossier , LA 71111.

Mr. Christopher Bynum's last known address is 10 Westend Street, Tallulah, Louisiana, 71282.

Employment: Natural mother reports that she is employed at Sonic Drive Inn, located in Shreveport, LA.

Counseling: Natural parents have not provided proof of completing counseling for domestic violence, drug treatment or physical abuse.

Parenting: Natural parents have not provided proof of parenting course work.

Other: //

CHILD(REN)'S CURRENT PLACEMENT:

This placement is within close proximity to the parent(s) for AAMIYAH DE NASIA LAMB and CHRISTOPHER BYNUM JR.

This placement is the least restrictive for AAMIYAH DE NASIA LAMB and CHRISTOPHER BYNUM JR.

CHILD(REN)'S WELL BEING:

Education – AAMIYAH LAMB 1st grade at Waller Elementary School in Boiser, Louisiana. CHRISTOPHER BYNUM JR. is not school age.

Placement – AAMIYAH and CHRISTOPHER are placed with their maternal grandparents in Bossier Louisiana.

Emotional/Counseling – N/A

Medical/Dental – The minors are current on medical care. Routine medical and dental appointments are scheduled as needed.

Safety – AAMIYAH and CHRISTOPHER are safe in this placement and there are no safety concerns at this time. ICPC in Louisiana monitor the safety and well-being of the minors.