

**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

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**CO-APPELLANT'S APPENDIX**

**VOLUME 3**

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1 testimony, I may need to call a rebuttal witness relative to  
2 the domestic violence issue.

3 THE COURT: All right.

4 THE MARSHAL: Raise your right hand.

5 THE CLERK: You do solemnly swear the testimony you are  
6 about to give in this action shall be the truth, the whole  
7 truth, and nothing but the truth, so help you God?

8 MS. DOUGLAS: Yes, I do.

9 THE CLERK: Thank you. Please state your name for the  
10 record.

11 MS. DOUGLAS: Michelle Douglas.

12 THE CLERK: Thank you.

13 MS. DOUGLAS: You're welcome.

14 **MICHELLE DOUGLAS**

15 having been called as a witness by The State and being first  
16 duly sworn, testifies as follows:

17 **DIRECT EXAMINATION**

18 BY MR. CORDES:

19 Q Michelle, will you spell your last name for the  
20 record?

21 A D-o-u-g-l-a-s.

22 Q Thank you. And where are you currently employed?

23 A Department of Family Services.

24 Q How long have you been employed with the Department

1 of Family Services?

2 A Nine years.

3 Q And in what capacity are you employed with the  
4 Department of Family Services?

5 A I am a supervisor.

6 Q And as a supervisor with the Department of Family  
7 Services are you responsible for the Christopher Bynum and  
8 Aamiyah Lamb case?

9 A Yes, I am.

10 Q In your capacity as a supervisor what are your  
11 responsibilities for this specific case?

12 A Well, I'm there to monitor the case plan. I'm there  
13 to take a look and read any type of assessments that will come  
14 in and try to match what the assessment says to services that  
15 would be appropriate to help the individual. Our stated goals  
16 are to reunify and put families back together if it can be  
17 safely done and appropriate. I provide supervision to the  
18 caseworker, and I will also work directly with the client  
19 depending upon what type of services the client needs. If the  
20 client would like to speak to me, I'm available. I attend  
21 Child and Family Team meetings. I attend meeting of  
22 professionals. I also consult with providers to make sure  
23 that a client is getting what they need or if a client can  
24 articulate exactly what they need I will be able to assist



1 with that as well. So...

2 Q All right. So in reviewing the file maintained by  
3 the Department of Family Services for this case, did it  
4 reflect that Aamiyah and Christopher were placed into  
5 protective custody in May of 2010?

6 A That is correct.

7 Q Okay. To your knowledge, has there ever been a  
8 return of those children to any parental figure?

9 A Not to my knowledge.

10 Q In your management of this case, were case plans  
11 developed for Ms. DeBerry with objectives for her to be  
12 reunified with the children?

13 A That is correct.

14 Q So as it relates to Ms. DeBerry's case plan, it's my  
15 understanding that that was approved by The Court in or about  
16 March of 2011. Does that sound about right?

17 A Correct.

18 MS. SIMPKINS: Objection, Your Honor. The problem is  
19 I've got a case plan in March of 2011. It's signed by a  
20 different supervisor, not by Ms. Jordan (sic). And so I'm  
21 objecting on the basis of hearsay.

22 MR. CORDES: Well, it's already been admitted into  
23 evidence.

24 THE COURT: Is it in here?

1 MR. CORDES: Yes.

2 MS. SIMPKINS: Well she can't testify to it. I mean, it  
3 -- the document speaks for her -- for itself, but she can't  
4 testify regarding it because it's hearsay.

5 THE COURT: Well, the -- the objection to the question's  
6 overruled.

7 Go ahead.

8 THE WITNESS: My name is Ms. Douglas --

9 MR. CORDES: Right.

10 THE WITNESS: -- not Ms. Jordan.

11 MR. CORDES: I know. She just misspoke.

12 THE WITNESS: Thank you.

13 BY MR. CORDES:

14 Q But it's been overruled, so you can answer it.

15 A Thank you. Could you restate the question please,  
16 Sir?

17 Q Yes. Was the case plan for the mother developed in  
18 about March of 2011?

19 A That is correct.

20 Q And as to the case plan for Ms. DeBerry did you have  
21 a chance to ever review the objectives in that case plan with  
22 the mother?

23 A I was able to review -- I became the supervisor on  
24 this case in November of 2011. Upon receiving the North Unit

1 at that time I did go through all cases, and I did review all  
2 case plans.

3 Q Okay.

4 A I did, in fact, go through the case plan with the  
5 mom, telephonically and in-person later and date.

6 Q All right. So when you first went over the case  
7 plan with Ms. DeBerry, was that telephonically or in the face-  
8 to-face meeting?

9 A That was telephonically.

10 MS. SIMPKINS: Objection, foundation as to when.

11 MR. CORDES: All right.

12 THE COURT: All right. You may proceed --

13 MR. CORDES: I will get there, if I may. Thank you.

14 THE COURT: -- with your foundation questions.

15 BY MR. CORDES:

16 Q All right. So you became the supervisor November  
17 2011. Do you recall when you may have had that telephone call  
18 or discuss this telephonically with Ms. DeBerry?

19 A Yes. That's going in to like May of 2012 when Ms.  
20 Jordan, the actual caseworker, went out on medical leave.

21 Q Okay. And do you recall when you may have had the  
22 face-to-face meeting with Ms. DeBerry to go over the case  
23 plan?

24 A Yes. The face-to-face meeting I cannot recall the

1 actual date, but it was the date that I actually located Ms.  
2 Fortune as an appropriate, um, counselor for Ms. DeBerry while  
3 I was sitting in the office with her previous attorney and the  
4 District Attorney.

5 Q And --

6 A So I would say May of 2012 if it goes along with  
7 what we were saying accordingly.

8 Q Okay. All right. And in discussing the case plan  
9 objectives with Ms. DeBerry, did you go over the component  
10 relative to the injury that Christopher had sustained?

11 A Yes.

12 Q What do you recall discussing with Ms. DeBerry  
13 during your telephonic review of the case plan in or about May  
14 of 2012?

15 A Well, I will say that the conversation began as  
16 hostile. It was very difficult at the time to speak to Ms.  
17 DeBerry.

18 MS. SIMPKINS: Objection, non-responsive.

19 THE COURT: Sustained.

20 MR. CORDES: If I may be heard, it is responsive. I  
21 asked her what does she recall from the conversation.

22 MS. SIMPKINS: No, you asked her what she talked about.

23 THE COURT: Relative to --

24 MR. CORDES: The discussion of the case plan.

1 THE COURT: Well, it was actually relative to the  
2 discussion of a specific portion of the case plan having to do  
3 with abuse.

4 MR. CORDES: Correct.

5 THE COURT: Just read -- well, start over.

6 MR. CORDES: All right, I'm sorry.

7 BY MR. CORDES:

8 Q During the telephonic discussion with Ms. DeBerry in  
9 or about May of 2012 regarding her case plan, what do you  
10 recall?

11 A I recall that it was very difficult to speak with  
12 Ms. DeBerry. But I tried to focus on the report given to us  
13 by Doc -- by the psychologist, Pharr -- the counselor, Pharr,  
14 to explain to Ms. DeBerry that the illusion that it gave was  
15 that it was not actual therapy. And that it was more like a  
16 topic discussion session where she went in to her therapist  
17 and said, I need a definition for abuse, I need a definition  
18 for physical abuse, let's talk about a definition for  
19 appropriate parenting, let's talk about a definition for, um,  
20 an estranged relationship. So it was more, you give a topic,  
21 you give a definition and the session was over. In fact, if  
22 you look at the actual written report, it reflects that. When  
23 I could finally talk to Ms. DeBerry and it was after about  
24 three or four phone calls, we finally got to an understanding

1 of what that looked like and what the Department was needing  
2 and what, in fact, Hearing Master Femiano had requested of  
3 her. So my goal at that time was a, to help her assimilate  
4 back where she was in North Carol -- in North Carolina so that  
5 she could find an appropriate therapist, okay, that we could  
6 take what she did and give her credit for that. But now we  
7 needed to take it a step further. So, okay, you start class,  
8 you get a syllabus and you define the problems. And now we  
9 need to dig deep into the problems. And I do not believe that  
10 that had happened. So that is why I found Ms. Fortune so that  
11 she could, in fact, take what she had learned in Ms. Pharr,  
12 giving her some credit for that piece, but now it was time to  
13 swim in the pool --

14 Q Okay.

15 A -- and dig deep into the definitions and why we were  
16 having her do the type of in-depth soul searching as a parent.

17 Q When you spoke to Ms. DeBerry did she ever tell you  
18 that she had actually physically abused Christopher Jr.?

19 A No.

20 Q What was Ms. DeBerry's explanation for Christopher  
21 Jr.'s injuries when you spoke to her in May of 2012?

22 A That her son kissed an iron.

23 Q How about during the face-to-face meeting when you  
24 again went over the case plan with her? What was her

1 explanation as to the injury sustained by Christopher Jr.?

2 A It never changed.

3 Q From the Department of Family Services perspective,  
4 is her explanation for Christopher Jr.'s injury consistent  
5 with that observed by the Department and law enforcement?

6 A No.

7 Q The case plan uses terms, articulate the sequences  
8 of events which resulted in the physical abuse. Has Ms.  
9 DeBerry ever provided a sequence of events that led to the  
10 injury sustained by Christopher Jr.?

11 A No.

12 Q The case plan for Ms. DeBerry indicates that she  
13 needs to address the precipitating risk facts, triggers,  
14 sequence of events that led to the physical abuse and  
15 participate in any kind of safety planning that may develop  
16 from there. To your knowledge, has Ms. DeBerry ever  
17 accomplished that perspective of her case plan?

18 A No.

19 Q As long as she persists in the explanation that  
20 Christopher Jr. caused this injury to himself, will the  
21 Department of Family Services ever be able to safety plan the  
22 return of the children to her care?

23 A No.

24 Q During the time you've been responsible for

1 supervising this matter in November 2011 to present, have you  
2 had any contact with Mr. Bynum, Sr.?

3 A No.

4 Q In any of the discussions with the mother, Ms.  
5 DeBerry, have you discussed her relationship with Mr. Bynum?

6 A Yes.

7 Q And what did Ms. DeBerry tell you about her  
8 relationship with Mr. Bynum, Sr.?

9 A That there was fear involved, there was power and  
10 control. That there was situations where she felt that she  
11 was not empowered as a parent or as a girlfriend. That she  
12 was put down, that he belittled her. There were self-esteem  
13 issues and that there was, again, fear.

14 Q Okay. When did Ms. DeBerry indicate that she had  
15 this fear and the power and control issues?

16 A Ms. DeBerry came to the Department and made a visit  
17 here and I believe it was for one of the hearings. She met at  
18 length with her attorney. She met at length with Michelle  
19 Jordan, and then they both came over to the office. We --

20 Q When you say both --

21 A I'm sorry. Michelle Jordan escorted Ms. DeBerry  
22 over to my office and we met in one of the side rooms.

23 Q And was that in this calendar year, to your  
24 knowledge?



1 A That is correct.

2 Q Do you remember what month of 2012 it may have taken  
3 place?

4 A I want to say August, but I'm not sure. It was the  
5 last time Ms. DeBerry actually physically flew here.

6 Q And when you had the discussion with Ms. DeBerry  
7 relative to her fear and power and control with Mr. Bynum,  
8 Sr., did you make any recommendations?

9 A I did.

10 Q And what recommendations did you make?

11 A That she continue in therapy. That she explore why  
12 she, in fact, picks men of that nature. We talked about the  
13 fact that she met this man, really didn't know this man,  
14 became pregnant within three months of their relationship, had  
15 no idea of his past criminal history, really didn't know  
16 anything about his past at all, and what -- where it led up to  
17 be. It was actually a very heartfelt conversation. Um...

18 Q Okay. Did Ms. DeBerry disclose any domestic  
19 violence?

20 A Correct.

21 Q Okay. What did she disclose about the domestic  
22 violence?

23 A She did not disclose physical abuse but more of the  
24 power and control. We talked about that on numerous

1 occasions. We talked about being belittled. We talked about  
2 a weight issue. We talked about him kind of being the  
3 empowered person in the home, dictating to her what goes on,  
4 made her kind of frazzled. We even talked to her -- talked on  
5 a few occasions about the fact that now that he was gone and  
6 he was in jail, how empowered she is and how wonderful she  
7 looked and how much different her attitude is. Because prior  
8 to her actually coming here and speaking to me, it was always  
9 an offensive conversation. When she came here, Michelle  
10 Jordan was so happy to bring her to me and introduce me to  
11 this changed person and how she was quiet, she was reserved,  
12 she was intact, she was articulate. Um, she was -- I don't  
13 want to say remorseful, but just very, very humble and kind.  
14 And that's what we see -- we see today. So it was very  
15 difficult for me to understand what had just occurred two  
16 weeks prior over the phone. It was like two different people.  
17 Um, so yeah.

18 Q Okay. And so in making referrals, how were you able  
19 to locate Ms. Fortune?

20 A Well, in having a discussion over and over, we  
21 talked a little bit and Ms. DeBerry said that she really  
22 didn't understand why she needed another therapist. Number  
23 two, after talking about adding the -- talking about the DV,  
24 talking about the self-esteem, talking about PTSD, talking

1 about trauma, talking about all the different things that led  
2 up to this that was going on in her life including the issue  
3 with this co-worker and we talked about the boundaries there  
4 which she had acknowledged absolutely that those were taken,  
5 you know -- done incorrectly from her being a -- a supervisor  
6 and a subordinate. You know, to get into a therapy where she  
7 felt comfortable, where she could go in and interview. Where  
8 -- and so looking at that in a very rural area we weren't  
9 sure. So we were in -- I was in a meeting. Ms. DeBerry was  
10 on the telephone. I was with her, her former attorney and the  
11 District Attorney, and just went on my cell phone basically  
12 and found Ms. Fortune. And so it was wonderful to hear that  
13 it was a great match. But I did that. Um, there was no -- no  
14 observed or no reported effort on Ms. DeBerry's part to do the  
15 same. And it was pretty quick and I'm -- was glad that there  
16 was --

17 Q Okay.

18 A -- a relationship.

19 Q As a result of finding Ms. Fortune for Ms. DeBerry,  
20 did the Department of Family Services put together any kind of  
21 referral packet or identify the circumstances of the case so  
22 that Ms. Fortune would have an understanding of why the  
23 counseling was necessary?

24 A I don't know if it was written, but I do know that

1 Ms. Jordan did have a conversation with Ms. Fortune as to make  
2 it so that it was a mutual report. So we had a self report  
3 from our client and also a collateral report where the  
4 Department would call in and speak to the therapist to make  
5 sure that the things that they are working on are correct, and  
6 that we didn't get the same type of definition -- you know,  
7 fact, definition type of report or assessment that she got at  
8 her other -- at the other therapist.

9 Q Okay. Where are the children currently placed by  
10 the Department of Family Services?

11 A They are placed with the maternal grandmother,  
12 Bonita and her husband and they're -- in the -- on the Air  
13 Force Base in placement.

14 Q And pursuant to that placement is there any kind of  
15 report from the state of Louisiana, ICPC or I'm not sure  
16 because they're on a base, if some other organization is  
17 reporting the welfare of the children.

18 A Absolutely. There's always an ICPC report and we  
19 make contact with the ICPC worker every thirty days. We have  
20 phone -- and the norm is to get a quarterly written report.

21 Q Okay. And just so the record's clear, what does  
22 ICPC stand for?

23 A It's an interstate compact. And what it is, is an  
24 agreement that our state prepares. They work through a common

1 cell in Carson City and we ask for supervision so that  
2 children may go live with relatives out of state. And when we  
3 cannot comfortably provide an answer if they're safe or not,  
4 the -- the supervising state will go out and do the work of a  
5 social worker and report back to us.

6 Q Okay. And so are those quarterly reports received  
7 in this matter for these children?

8 A I believe so.

9 Q Based on the length of time that the children have  
10 been in care, has the Department of Family Services identified  
11 a permanency plan for these two children?

12 A That is correct.

13 Q What is the permanency plan?

14 A It's adoption by the maternal grandmother and  
15 grandfather.

16 Q And do you have an opinion as to whether or not that  
17 would be in the children's best interest?

18 A I do.

19 Q And what is that opinion based upon?

20 A That at this -- at this juncture it is in the  
21 children's best -- best interest to remain where they are.

22 Q Now there's been some testimony relative to a child  
23 that Ms. DeBerry gave birth to in the state of Louisiana.

24 A Correct.

1 Q I believe it's Keaundre.

2 A Correct.

3 Q Had Keaundre been born in the state of Nevada, would  
4 there have been proceedings initiated to take protective  
5 custody of that child?

6 A Absolutely.

7 MS. SIMPKINS: Objection, speculation.

8 MR. CORDES: I don't believe it's speculation for this  
9 person who testified --

10 THE COURT: Overruled.

11 THE WITNESS: Absolutely.

12 BY MR. CORDES:

13 Q Do you know if any legal proceedings were initiated  
14 in any other jurisdiction relative to Keaundre?

15 A I do not bel -- no.

16 Q As you sit here today is there any evidence that Mr.  
17 Bynum Sr. has participated in any of his case plan objectives  
18 for reunification?

19 A No.

20 Q We heard some testimony from the mom that there is a  
21 father of Aamiyah. I believe it was Joseph --

22 THE COURT: Lamb.

23 MR. CORDES: Lamb.

24 BY MR. CORDES:

1 Q Any indication that Mr. Lamb has come forward to  
2 establish paternity or any way assert his rights as a father?

3 A I don't recall.

4 Q Since you've been assigned to the case November 2011  
5 to present, have you ever had any communication with Mr. Lamb?

6 A No, I have not.

7 Q Since November 2011 any indication that any parent  
8 including Ms. DeBerry has provided financial support for the  
9 benefit of the children?

10 A No.

11 THE COURT: That's a no?

12 THE WITNESS: Correct, no.

13 THE COURT: Okay.

14 BY MR. CORDES:

15 Q Now, are there regular reviews of the juvenile file  
16 in this matter?

17 A Correct.

18 Q How often do those reviews take place?

19 A Um, every six months.

20 Q Has the juvenile court approved the identified  
21 permanency plan of TPR and adoption for these children?

22 A Yes, they have.

23 Q Do you know when that permanency plan was approved  
24 by The Court?

1           A     I don't recall the actual date, but it would be at  
2 the last six month hearing.

3           Q     Do you have any concerns relative to the possibility  
4 of the children being returned to the care of Mr. Bynum, Sr.?

5           A     Many concerns.

6           Q     What would those be?

7           A     His lack of follow through. Um, his current  
8 criminal situation. Um, some of the concerns expressed to me  
9 from our client, Ms. DeBerry. And also concerns expressed to  
10 me by Bonita about him, who is Ms. DeBerry's mother.

11          Q     And can you be a little bit more specific about the  
12 concerns that you might have relative to the criminal case?

13          A     The current criminal case I do not know.

14          Q     Okay. Do you have any concerns relative to the  
15 children possibly being reunified with Ms. DeBerry?

16          A     I do.

17          Q     What concerns do you have?

18          A     I think the overall truthfulness of the situation  
19 that happened, more so the dis-acknowledgment of what really  
20 went on in their relationship and her past relationships with  
21 men. And the fact that the trauma and the PTSD needs to be  
22 opened up and talked about and worked on, because it takes  
23 many, many, many years to do that. To change -- it doesn't  
24 make -- it didn't make sense to me today when the testimony



1 talked about her wanting to change her life and then not being  
2 able to disclose any issues with Mr. Bynum when there were  
3 issues previously disclosed about him. My concern also was  
4 the fact that her mother disclosed a lot of information to me  
5 about her concerns and about family concerns about Mr. Bynum  
6 indeed --

7 MS. SIMPKINS: I'm going to object as to what the mother  
8 said, Your Honor, as hearsay.

9 THE COURT: Well so far she hasn't said what the mother  
10 said other than the general concerns is she hasn't stated any  
11 specific facts. And it's limited to that. The objection's  
12 overruled. If you try to go further, I can't hear it.

13 MR. CORDES: Okay.

14 THE WITNESS: Okay.

15 BY MR. CORDES:

16 Q So concerns that were raised by family members.

17 A That is correct.

18 Q Now, were you aware that there was a family reunion  
19 that Ms. DeBerry had visitation with the children during?

20 A Yes.

21 Q Okay. How did you become aware of that family  
22 reunion?

23 A I received a phone call from Ms. DeBerry's mother.

24 Q Following the phone call from Ms. DeBerry's mother,

1 were you able to explore what happened during that family  
2 reunion with Ms. DeBerry herself?

3 A Not until she came here and we had a conversation.

4 Q Okay. So what did Ms. DeBerry tell you about the  
5 family reunion that took place in June or July of 2012?

6 A She didn't really say much about the reunion. She  
7 just told me that she got to visit with her children and that  
8 really un -- just no affect. I mean, that she had a visit  
9 with her kids and that it went well.

10 Q Okay. Did she discuss with you any presence of Mr.  
11 Bynum, Sr. being in the South Carolina home or any concerns  
12 that the family was raising?

13 A After I asked.

14 Q Okay. So tell me what happened.

15 A Um, I did ask Ms. DeBerry if he was present at the  
16 reunion.

17 Q When you say he...

18 A Mr. Bynum, Christopher Bynum Sr. I asked her if he  
19 was living in the home, which -- Christopher Bynum Sr., if he  
20 frequently visited the home, Christopher Bynum Sr., and if he  
21 was even in North Carolina, Christopher Bynum Sr., being he.

22 Q Okay. You keep saying North Carolina but I show  
23 Mom's in --

24 A I'm sorry.

1 Q -- South Carolina.

2 A It is South Carolina.

3 Q Okay. All right.

4 A I never was good --

5 Q So --

6 A -- in geography.

7 Q -- you asked Ms. DeBerry those questions.

8 A Correct.

9 Q What was her response to the discussion?

10 A Um, her response was that Mr. Christopher Bynum does

11 not live there. That Mr. Christopher Bynum visits. That Mr.

12 Christopher Bynum does not have any belongings in her home.

13 Um, and that basically that he is not there.

14 Q Why did you discuss his belongings being in the home

15 with Ms. DeBerry?

16 A Because I was told by a family member that that is

17 one of her concerns.

18 Q Okay. And so did Ms. DeBerry offer to provide an

19 explanation as to who was living in the home or what the

20 circumstances were around the reunion time?

21 A No.

22 Q Now, Ms. -- you said Ms. DeBerry indicated that Mr.

23 Bynum does visit South Carolina?

24 A That he had visited. Yes.

1 Q You had this conversation with Ms. Bynum (sic) in  
2 August of 2012 when she was present in Nevada?

3 A I had it again in August when she was present, and I  
4 had it on the telephone call or calls when I was trying to  
5 assist Ms. DeBerry. And, again, the difficulty was in the  
6 communication and her not screaming and being offensive  
7 towards me.

8 Q Based on the physical abuse that The Court found  
9 against Christopher Jr., do you have any concerns relative to  
10 him being returned to Ms. DeBerry?

11 A Yes, I do.

12 Q What concerns do you have?

13 A Um, I don't think she was truthful about what  
14 happened. I do not believe that the move was pre-planned  
15 based upon a conversation I had with Ms. Bonita, who is Ms.  
16 DeBerry's mother, who told me that the ticket was purchased  
17 because --

18 MS. SIMPKINS: Objection.

19 THE WITNESS: -- her daughter called her.

20 MS. SIMPKINS: Hearsay, Your Honor.

21 THE COURT: What Ms. Bonita told you will be stricken as  
22 hearsay.

23 THE WITNESS: Okay.

24 BY MR. CORDES:

1 Q So just what your concerns are relative to the  
2 safety of Christopher. You said truthfulness about what  
3 actually happened and then the information regarding the move.  
4 Any other issues?

5 A Regarding the move and truthfulness about her past.

6 Q Now you had an opportunity to hear Ms. Fortune  
7 testify today, right?

8 A I did.

9 Q Okay. And do you recall her testifying about the  
10 past behavior being an indicator for future behavior?

11 A Oh, yes.

12 Q Okay. Do you have an opinion as to whether or not a  
13 parent who physically abuses a child in the past is likely to  
14 physically abuse a child in the future?

15 A I do.

16 Q What opinion do you have?

17 A I think that when you do not address the issue and  
18 you continue to cover up the issue or issues that led to your  
19 frustration, that led to -- because as we know child abuse is  
20 usually a symptom of something -- there's no way that you can  
21 move forward because you have never acknowledged truthfully  
22 what happened that day.

23 Q You've heard Ms. Fortune testify that Ms. Bynum  
24 (sic) engaged in counseling from May 2012 through June 27th of

1 2012. Anything in that testimony that indicated there was  
2 progress on behalf of Ms. DeBerry?

3 A Well I -- I have concerns. Again, it's a very short  
4 amount of time. I think they touched on issues. They started  
5 -- the issues were sort of brought to the surface with Ms.  
6 Pharr or with the Department. Ms. Pharr defined them. And  
7 she kind of got her head outside the water, per se. But I  
8 think it's time that she needs to swim and really dwelve (sic)  
9 into the issues. I was extremely surprised to see the short  
10 amount of time and the fact that she hadn't gone back until  
11 October, considering the enormity or the severity of the  
12 injury to her child. And also the fact that the in depth  
13 conversations that we had had knowing we were moving forward  
14 to this and knowing that we really wanted to try to figure out  
15 how to reunify that all of those months basically went empty  
16 without any type of therapeutic session. So, respectfully,  
17 with my experience in this field, I don't really call what she  
18 went through was therapy. I think it was a therapeutic  
19 session to open up issues and to take some definitions. But  
20 somebody -- when somebody discloses to me as a supervisor the  
21 type of past that she's had, the trauma that she's endured,  
22 even the removal of children, the entire escapade that  
23 happened with the move and the police and not getting in touch  
24 with our department and the doctors and discrepancies -- I

1 mean, again, that's all trauma. And every time somebody is  
2 traumatized, it's -- it's almost like they -- they regress,  
3 they regress, they regress. It's like when a child is removed  
4 after remove after removal, the affect is there. So my  
5 concerns are, again, with what had happened. And I -- and  
6 just within the last two years with our department, not to  
7 mention her past relationships that she has disclosed to me  
8 about the power and control, the self-esteem, the lowering of  
9 self-esteem, the belittling and all those behaviors, I don't  
10 call that therapy at all. I call that self disclosure. I  
11 think our Department did an appropriate job in finding her a  
12 therapist again. Michelle Jordan, who is my subordinate, let  
13 the therapist know that it is a concern for us and continued  
14 to be a concern. As you --

15 MS. SIMPKINS: Objection, hearsay.

16 THE WITNESS: So that was under --

17 MS. SIMPKINS: As to what Ms. Jordan told the therapist,  
18 Your Honor.

19 MR. CORDES: Well, Ms. Jordan's going to be here to  
20 testify, Your Honor.

21 THE COURT: Well, I didn't know that -- I didn't hear her  
22 say what Ms. Jordan had told the therapist.

23 Did you say what the --

24 THE WITNESS: Under my direction -- I can rephrase that,

1 Your Honor. I instructed as the supervisor on this case for  
2 Ms. Jordan to let the therapist know as part of our collateral  
3 referral that domestic violence, not necessarily physical but  
4 emotional, power and control, things of that nature, were  
5 disclosed to us -- to me, as a supervisor, and to Ms. Jordan,  
6 okay, so that we want to have them evaluated and looked at as  
7 part of her treatment. So I can say what I have said and  
8 instructed my staff to do.

9 THE COURT: Okay.

10 THE WITNESS: Thank you.

11 MR. CORDES: Thank you. I have no further questions for  
12 this witness.

13 THE COURT: All right. Before your cross I've got a  
14 question.

15 I think you indicated that Ms. Pharr, the first  
16 therapist, had written a report --

17 THE WITNESS: That is correct.

18 THE COURT: -- that you had reviewed. And in going  
19 through State's Exhibit 1 I found a one-page report attached  
20 to the permanency and placement review dated 9/14/2011.

21 Jill?

22 (THE MARSHAL BRINGS THE DOCUMENT TO THE WITNESS STAND.)

23 I just ask you if this is the report or if there's  
24 more that's not contained in the case plan that you received



1 from Ms. Pharr.

2 THE WITNESS: Thank you.

3 This is the report, Your Honor. It's the six core  
4 issues that they have defined and -- I mean, identified and  
5 defined.

6 THE COURT: All right. And you describe from reading  
7 that report you described, in your opinion, that it didn't  
8 address therapy so much as an educational process. Is that  
9 right?

10 THE WITNESS: I believe it -- yes, that it was more like  
11 an educational process.

12 THE COURT: All right. Okay.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 THE WITNESS: Yep.

16 THE COURT: All right. Now, you may cross.

17 MS. SIMPKINS: Thank you, Your Honor.

18 **MICHELLE DOUGLAS**

19 testifies as follows on:

20 **CROSS EXAMINATION**

21 BY MS. SIMPKINS:

22 Q Ms. Douglas, you were supervisor -- you came on this  
23 case in November of 2011. That was your testimony, correct?

24 A Correct.

1 Q Okay. So have you been a supervisor the whole time  
2 with Department of Family Services?

3 A Yes.

4 Q Okay. And where were you prior to November of 2011?

5 A I was a supervisor for the emergency response team  
6 for Child Protective Services here.

7 Q So anything that you testify to that took place  
8 prior to November 2011 is based on your review of the file,  
9 correct?

10 A That is correct.

11 Q Who was the supervisor before you?

12 A Um, Cheryl Cook.

13 Q And does -- to your knowledge does Ms. Cook still  
14 work for the Department of Family Services?

15 A Yes, she does.

16 Q Now, Ms. Jordan has been the same caseworker  
17 throughout the life of this case, hasn't she?

18 A That is correct.

19 Q And she is familiar with Mom?

20 A (No audible response.)

21 Q Yes?

22 A I believe so.

23 Q And she's familiar with the children?

24 A I believe so.

1 Q Mr. Cordes was asking you -- she was the caseworker  
2 in December of 2010, correct?

3 A Correct.

4 Q And Mom was -- or actually gave birth at the time  
5 with Keaundre, correct?

6 A Correct.

7 Q Okay. And she has that baby now?

8 A That is correct.

9 Q And was there ever any call made to a hotline out of  
10 state from you or, to your knowledge, Ms. Jordan or anyone  
11 else in the Department of Family Services?

12 A Um, I can only attest to Ms. Jordan and myself.

13 Q Okay. Did -- so you didn't make a call to a hotline  
14 and neither did Ms. Jordan?

15 A No.

16 Q Now, has the case plan ever been changed since it  
17 was first initiated back in March of 2011?

18 A I believe so.

19 Q Do you recall what was changed?

20 A No, I don't.

21 Q Do you know how many times it was changed?

22 A No, I don't.

23 Q Do you know if drug treatment was taken out?

24 A My understanding from the testimony today, yes.

1 Q So you don't know personally, just from what you  
2 heard today?

3 A Um, from what I heard today.

4 Q Did you review the file prior to your testimony  
5 today?

6 A I did refer -- review the file. However, um, drug  
7 --

8 Q That's all I need to know.

9 A Okay.

10 Q Are you aware that Mom has housing?

11 A Yes.

12 Q And are you aware that even Mom has pretty much had  
13 housing throughout the life of this case?

14 A Yes.

15 Q Okay. And you're aware also that Mom has kept in  
16 contact with the Department of Family Services, correct?

17 A Yes.

18 Q Okay. And, in fact, you testified to several  
19 conversations that you allegedly had with her, correct?

20 A Correct.

21 Q Specifically, one in May of 2012, right?

22 A Um-hmm (in the affirmative).

23 Q And when you have conversations with clients you're  
24 supposed to note it in UNITY, aren't you?

1 A Um, yes.

2 Q Okay. Would it surprise you to learn that there's  
3 no note of any conversation that you had with my client in May  
4 of 2012?

5 A It would not.

6 Q Now, you spoke about on your testimony my client  
7 supposedly told you about fear and power and control when  
8 she's talking about Mr. Bynum and that she would have low  
9 self-esteem and was belittled and not empowered.

10 A Yes, and --

11 MR. CORDES: Objection, Judge. I'm just going to object  
12 to the way the question is phrased. Ms. Simpkins phrased it,  
13 supposedly. That's not the testimony. The evidence before  
14 The Court is this conversation took place.

15 MS. SIMPKINS: Your Honor, there's no case note of this  
16 conversation and this is -- as you just --

17 THE COURT: Well there may not be a case note but there's  
18 direct testimony --

19 MR. CORDES: Correct.

20 THE COURT: -- that the conversation took place.

21 BY MS. SIMPKINS:

22 Q When you testified that this conversation took  
23 place, what therapy did you refer Mom to with regard to  
24 domestic violence?

1           A     I had her since we were looking at a very rural area  
2 in which I am not familiar with that part of the United States  
3 in terms of how rural it is, talked to Mom about let's try to  
4 find someone somewhere that's very close to the house, that  
5 has the credentials. So that if we reported to what you need,  
6 and Mom you talk about what you need, then we'll be able to  
7 cover the issues at hand. So that's how we had to go about it  
8 based upon the fact that we didn't have a lot of choices.

9           Q     Okay, Ms. Douglas, the question is what therapy did  
10 you refer her to?

11          A     I referred her to, um -- just lost my train of  
12 thought as to the therapist's name, I'm sorry. The therapy --

13          THE COURT: Fortune.

14          THE WITNESS: Ms. Fortune, thank you. And I referred  
15 here there to address issues of concern of past trauma,  
16 domestic violence, abuse and neglect, what happened to her  
17 child and what has happened over the past year with this case.  
18 I also made the referral to say that she did, in fact, see a  
19 therapist prior to coming into the Carolina, and that we  
20 didn't want to rehash something like that. We wanted to take  
21 it a step further.

22          BY MS. SIMPKINS:

23          Q     So it's your testimony that --

24          A     And a step further.

1 Q -- you're the one that sent the referral to Ms.

2 Fortune?

3 A No, I am not. I am the supervisor on the case, and  
4 I staff my cases weekly if not daily at times with my  
5 caseworkers. And it was very clear to the conversation that I  
6 had with Ms. DeBerry what was going to happen. And I relayed  
7 that information and the name of the counselor to my  
8 subordinate, Michelle Jordan, to make an appropriate referral.

9 Q Did you see the referral before it went out?

10 A Um, I usually do not and I don't have to.

11 Q And this is the same Ms. Fortune that I believe you  
12 testified earlier you found on your cell phone?

13 A That's correct.

14 Q Did you check out her credentials before you  
15 referred?

16 A Um, what I did was I check --

17 Q Yes or no.

18 A -- did I check her credentials --

19 Q Did you check her credentials --

20 A -- meaning what?

21 Q You -- let me rephrase the question. You just  
22 testified that one of the things you were looking for in a  
23 rural area --

24 A Um-hmm (in the affirmative).

1 Q -- was someone with the credentials who could do  
2 this. Your previous testimony was you found her on your cell  
3 phone.

4 A Correct.

5 Q So did you check out her credentials before you sent  
6 --

7 A I did not verify her credentials. No.

8 Q Now when you said -- (cough) excuse me -- you had a  
9 meeting with my client and her attorney in August of 2012, I  
10 believe I represented her in August of 2012. Was it me that  
11 you were talking about meeting with you?

12 A No, it was prior to -- so I'm not sure of the date  
13 before you came on board. Um, her prior attorney, um --

14 Q And that was Romeo Perez, correct?

15 A Romeo Perez, yes, asked to be taken off of this  
16 case, and it was before then. And one of the reasons  
17 developed that he wanted to be taken off this case --

18 Q Well I -- no, the question was it wasn't me, it was  
19 Mr. Perez.

20 A No, it was not you.

21 Q Ms. Jordan, is it true that you won't give Keaundra  
22 her children unless she is able to tell you what happened as  
23 far as -- well, let me rephrase. You won't recommend  
24 reunification until she is able to tell you what happened to



1 Christopher Sr. --

2 A No --

3 Q -- in a way that's consistent with The Court's  
4 findings?

5 MR. CORDES: Objection, Your Honor, as phrased.

6 MS. SIMPKINS: I'm sorry?

7 THE COURT: What's the basis?

8 MR. CORDES: As phrased. Ms. Simpkins referred to  
9 Christopher Sr. So she asked Ms. --

10 MS. SIMPKINS: I'm sorry, Christopher Jr., Your Honor,  
11 I'm sorry.

12 THE WITNESS: And my name is Michelle Douglas, not  
13 Michelle Jordan.

14 MS. SIMPKINS: I'm sorry.

15 THE WITNESS: Thank you.

16 BY MS. SIMPKINS:

17 Q Try this again. Ms. Douglas, isn't it true that the  
18 Department will not recommend reunification of Christopher Jr.  
19 or any other child with my client as long as she refuses to  
20 tell or doesn't express to the Department what happened to  
21 Christopher Jr. in a manner consistent with The Court's  
22 findings?

23 A Not necessarily.

24 Q Really.

1           A     It's what is consistent with the injury of the  
2 child.

3           Q     The case plan says isn't it true that it has to be  
4 consistent with The Court's findings.

5           A     Well The Court's findings is what the Department  
6 believes is consistent with the injury of the child.

7           Q     And The Court's findings were physical abuse.

8           A     That is correct.

9           Q     So until Mom can admit that she physically abused  
10 these children -- or this child, Christopher Jr., the  
11 Department will not recommend reunification?

12          A     The Department will recommend reunification when the  
13 Depart --

14          Q     Yes or no.

15          A     Can you rephrase that?

16          Q     Isn't it true that until Mom admits that she  
17 physically abused this -- Christopher Jr., the Department will  
18 not recommend reunification?

19          A     That's not true.

20          Q     But that's what it says in the case plan. Does it  
21 -- let me rephrase. Isn't it true in the case plan that  
22 caregiver, meaning Mom, will be able to articulate in dialogue  
23 with the specialist and the therapist the sequence of events  
24 which resulted in physical abuse as sustained by The Court and

1 how he or she will be able to ensure that no future physical  
2 abuse to Christopher Jr. occurs?

3 A That is different than the question you asked me.

4 Q Is that a correct reading of the requirement of her  
5 case plan --

6 A That is --

7 Q -- that she be able to articulate with the  
8 Department the sequence of events that resulted in physical  
9 abuse as sustained by The Court?

10 A That is a -- that is correct.

11 Q Okay.

12 A That is not in the question you asked me.

13 Q Now the physical abuse that was sustained by The  
14 Court indicates that Mom physically abused this child,  
15 correct?

16 A That is correct.

17 Q Okay. So she, in order to complete this requirement  
18 of her case plan, must be able to tell you the events and that  
19 she physically abused this child because that's what was  
20 sustained by The Court?

21 A Correct.

22 Q And until she does that, she will not have completed  
23 the case plan in the Department's opinion?

24 A That's correct.

1 Q And until she's able to do that, the plan is going  
2 to remain termination of parental rights?

3 A That is correct.

4 Q Now you also were talking about a family reunion.  
5 Do you know when that family reunion was?

6 A It was, I believe, at the end of June, beginning of  
7 July of 2012.

8 Q Okay.

9 A It was the last time she had a visit with her  
10 children, that her mom drove them down to see her.

11 Q And Mom told you that Mr. Bynum was not at that  
12 reunion?

13 A Mom meaning who?

14 Q Mom Keaundra.

15 A That is correct.

16 Q Other people indicated contrary to what Mom said?

17 A That is correct. Whether -- well, that he was in  
18 North Carolina, not that he was in the reun -- at the reunion.  
19 I don't know if he was at the party itself.

20 Q Um-hmm (in the affirmative).

21 A But I was told that he was present.

22 Q During that time? The time --

23 A That is correct.

24 Q Okay.

1 A Um-hmm (in the affirmative).

2 Q Were you aware that Mr. Bynum was actually arrested  
3 and booked in the Bossier City Sheriff's Department on June  
4 1st, 2012?

5 MR. CORDES: Objection, Your Honor.

6 MS. SIMPKINS: What's the objection?

7 MR. CORDES: Lack of foundation.

8 MS. SIMPKINS: I'm asking if she was aware.

9 THE COURT: She's asking if she's aware. Actually, I  
10 guess it assumes facts not in evidence.

11 MR. CORDES: Facts not in evidence. Right.

12 BY MS. SIMPKINS:

13 Q Do you know when he was booked?

14 A No.

15 Q You never -- obviously, you never saw him there,  
16 correct? You never went?

17 A That is correct.

18 Q How did you find out he was incarcerated -- or do  
19 you know that he was incarcerated?

20 A The only thing -- incarceration that I know of is  
21 his present incarceration. And that is because Ms. DeBerry  
22 articulated to me over the telephone, and in person again,  
23 that she received a call from the police department wanting to  
24 find out where he was based upon knowledge that he was with

1 her and that they had a warrant to execute for his arrest at  
2 the time.

3 Q So you never bothered to look on the Internet to  
4 verify whether or not she was telling you the truth?

5 A No, I don't have to.

6 Q Okay. And he's the father, right?

7 A He is the father. Correct.

8 Q Okay. And if he wanted to come in and work a case  
9 plan, he could do that as well, right?

10 A That is correct.

11 Q So isn't it important for you to know where he is if  
12 he's in custody?

13 A Not necessarily.

14 Q Especially if you're terminating -- or you're moving  
15 to terminate parental rights?

16 A Oh yeah, absolutely.

17 Q Okay.

18 A Absolutely.

19 Q But you have no independent knowledge of when he was  
20 arrested?

21 A No. But that's not something I can't get. It's  
22 very easy.

23 Q But you didn't bother to.

24 MR. CORDES: Objection. It's argumentative.

1 THE COURT: Sustained as to the, bother, phrase.

2 BY MS. SIMPKINS:

3 Q Ms. Douglas, didn't you have a meeting with my  
4 client on July 12th, 2012 in person?

5 A Correct.

6 Q And at that point in time you discussed her case  
7 plan completion and her relationship with her new therapist?

8 A Correct.

9 Q And at that point in time, Mom was able to discuss  
10 aspects of her case and what she had learned, correct?

11 A Correct.

12 Q And didn't you note in her -- in your case note with  
13 regard to this conversation that Ms. DeBerry was appropriate  
14 and was able to articulate her wrongdoings as well as some  
15 changes that she's making in her life?

16 A Correct.

17 (BRIEF PAUSE.)

18 MS. SIMPKINS: Court's indulgence. I'm sorry, Judge.

19 BY MS. SIMPKINS:

20 Q When was Ms. Jordan on leave?

21 A Uh, I'm going to say from March -- March of 2012 to  
22 June of 2012 into July.

23 Q Of 2012?

24 A No. You know what, I -- I don't know -- remember

1 exactly the dates. But there was a five month period in 2012  
2 that she was on medical leave. Yes.

3 Q Were there any court reports during that time  
4 submitted to The Court?

5 A I don't recall.

6 Q I'm sorry. When -- do you recall when it started?  
7 You said there was a five month period approximately.

8 A You know what I don't recall based upon -- she went  
9 out on non-consecutive leave and then consecutive leave. So  
10 it's hard to -- for me to remember the exact date right now.

11 Q If a court report of March 22nd or -- sorry March  
12 2012 was filed March 7th, 2012 indicated that Ms. Jordan was  
13 on leave, would that be pretty much consistent with what you  
14 recall?

15 A That's correct.

16 Q Okay. Did you sign as supervisor her report? Or --

17 A That's correct.

18 Q Okay. So if it said Cheryl Cooke obviously that was  
19 an incorrect -- you signed it, it wasn't Cheryl?

20 A I would never sign another supervisor's name without  
21 putting my initials --

22 Q Well --

23 A -- next to it.

24 Q No, I'm not saying --



1 May I approach the witness, Your Honor?

2 THE COURT: You may. What's the date of the report?

3 MS. SIMPKINS: The date of the report is March 7th. The  
4 file date is March 7, 2012.

5 (MS. SIMPKINS APPROACHES THE WITNESS STAND.)

6 BY MS. SIMPKINS:

7 Q My confusion, Ms. Jordan, is -- Ms. Douglas, I'm  
8 sorry --

9 THE COURT: (Chuckle.)

10 THE WITNESS: (Chuckle.)

11 THE COURT: Further illustration of your confusion  
12 (chuckle).

13 MS. SIMPKINS: -- is massive (laughing).

14 THE WITNESS: That's a hard name there.

15 BY MS. SIMPKINS:

16 Q Is that your signature or is that Ms. Cooke's  
17 signature?

18 A No, that is my signature.

19 Q Okay.

20 A And this just -- yes, that's my signature.

21 Q That's not Ms. Cooke's?

22 A It says Ms. Cooke underneath because UNITY did not  
23 populate a new -- a new supervisor's name. But that is my  
24 signature.

1 Q Okay.

2 (MS. SIMPKINS RETURNS TO HER TABLE.)

3 Yeah, I thought Cheryl's signature's a little --

4 A Yeah, that's mine.

5 Q -- more legible. No offense.

6 A Um-hmm (in the affirmative).

7 Q Okay.

8 THE COURT: That's your signature (chuckle)?

9 MS. SIMPKINS: Now --

10 THE WITNESS: I'll work on it, Your Honor (chuckle).

11 BY MS. SIMPKINS:

12 Q Termination of parental rights was the primary  
13 permanency goal in March of 2012, correct?

14 A Correct.

15 Q When did it change -- when did the primary  
16 permanency goal change from reunification to termination of  
17 parental rights?

18 A On that date, correct?

19 Q I don't know. That's why I'm asking you.

20 A May I look at the report?

21 MS. SIMPKINS: May I approach the witness, Your Honor?

22 BY MS. SIMPKINS:

23 Q Do you recall when it was changed? I have to do  
24 this the right way.

1 A I don't -- I don't recall dates.

2 Q Would it refresh your recollection to look at the  
3 report?

4 A It would -- it would help.

5 MS. SIMPKINS: Okay. May I approach?

6 THE COURT: You may.

7 (MS. SIMPKINS APPROACHES THE WITNESS.)

8 THE WITNESS: Thank you.

9 MS. SIMPKINS: Uh-huh (in the affirmative). Let me know  
10 when you're done reading.

11 THE WITNESS: Okay.

12 THE COURT: Second to the last page.

13 THE WITNESS: Okay. It's on page 3, Your Honor, with the  
14 permanency goal and projected date of achievement. It was  
15 changed then termination of parental rights and adoption by a  
16 relative. And then you were saying the second to last page  
17 which would be the summary.

18 THE COURT: Right. Unless I'm not reading it correctly.

19 THE WITNESS: Yes, if you look at what I wrote on page --  
20 I apologize -- 6 in the summary and recommendations, there's a  
21 goal for the next review period which is a TPR with adoption  
22 by maternal grandparents. And the recommendations of this  
23 Department at the time of moving forward with TPR in achieving  
24 permanency for the children.

1 BY MS. SIMPKINS:

2 Q Ms. Jordan -- (sigh).

3 A Just call me Ms. Jordan at this point.

4 MR. CORDES: (Chuckle.)

5 MS. SIMPKINS: I'm sorry.

6 THE WITNESS: It's all right. It's a long day.

7 MS. SIMPKINS: I am really sorry, I apologize. Ms.  
8 Douglas. I'm going to --

9 THE COURT: The record's going to reflect that any  
10 reference to North Carolina is actually South Carolina.

11 MR. CORDES: Thank you.

12 MS. SIMPKINS: (Laughing.)

13 THE WITNESS: Yeah.

14 THE COURT: And any reference to Ms. Jordan's actually to  
15 this witness.

16 MR. CORDES: Thank you, Your Honor.

17 BY MS. SIMPKINS:

18 Q In re-reviewing these documents very briefly, would  
19 it be fair -- are you sure that that is the first  
20 recommendation to change the permanency plan or could it have  
21 been done before?

22 A Your Honor, it could be -- it could be done before.

23 Q Okay.

24 A However --

1 Q Let me show -- however what?

2 A I'm sorry. The removal date is 5/21 in 2010.

3 Q Um-hmm (in the affirmative).

4 A And so in normal situations I look at a case at a  
5 seven-month mark, a ten-month mark and a twelve-month mark  
6 depending upon what the actual progress in the case plan are  
7 doing. I have at times approached The Court on certain cases  
8 and asked for Your Honor to approve a change in the goal based  
9 upon the circumstances of the case at an earlier date. I have  
10 done it as early as six months based upon abandonment and some  
11 other factors. I have asked The Court at seven months. I had  
12 asked The Court at ten months, and I've asked The Court at  
13 twelve months depending upon the case. And I've reversed that  
14 as well. I work a concurrent plan from the beginning.

15 Q Is it true that the concurrent plan as of April --  
16 well, when -- let me back up. When did you say that Ms.  
17 DeBerry got her case plan?

18 A I didn't say that.

19 Q Okay.

20 A I don't remember.

21 Q Do you recall when Ms. DeBerry got her initial case  
22 plan?

23 A Her initial case plan should have been developed  
24 within forty-five days of the plea.

1 Q Okay. When was the case plan filed with The Court?

2 A I was not the supervisor on the case at that time.

3 Q Would March 2011 sound about right?

4 A Um, depending upon how many evidentiary hearings and  
5 the way The Court may have been structured, the -- at that  
6 point, it should have been earlier. But, again, at times when  
7 you have different structures in the case it really depends  
8 upon what happened. So if I may just read sort of the report  
9 dates here and look at the petition date to see when, in fact,  
10 they pled.

11 Q It wasn't a plea.

12 MR. CORDES: It was a trial.

13 THE WITNESS: I'm sorry.

14 Pardon me?

15 MR. CORDES: Nothing, sorry.

16 THE WITNESS: Okay. I'm sorry.

17 THE COURT: If I may, I'm going to jump in to try to  
18 expedite this.

19 The disposition report dated February 22nd, 2011 --

20 THE WITNESS: Um-hmm (in the affirmative).

21 THE COURT: -- has a case plan attached to it.

22 THE WITNESS: Um-hmm (in the affirmative).

23 THE COURT: And it's the only case plan I've found.

24 THE WITNESS: Okay. That would be the original case

1 plan.

2 BY MS. SIMPKINS:

3 Q Okay. So February 2011. And then by April of 2011,  
4 are you aware that the -- in your review of the file prior to  
5 your testimony today that there was added a concurrent  
6 permanency goal of termination of parental rights?

7 A I was not the supervisor at that time. But, yes, I  
8 can see that being put in a court report.

9 Q And that by September of 2011 the goal -- the  
10 primary permanency goal became termination of parental rights?

11 A Correct.

12 MS. SIMPKINS: Okay. May I approach the witness to  
13 retrieve my...

14 THE COURT: Yeah, you can approach. But what was the  
15 last question?

16 MS. SIMPKINS: That by September 2011 -- September 14th,  
17 2011 the primary permanency goal became termination of  
18 parental rights.

19 THE COURT: Well...

20 MS. SIMPKINS: And she said that sounds about right, I  
21 think, is what you said.

22 THE WITNESS: Um-hmm (in the affirmative). That it could  
23 have -- it could be that.

24 THE COURT: And that -- Counsel, that's reflected where

1 on the report?

2 MS. SIMPKINS: It's reflected in the report of September  
3 14th two --

4 THE COURT: Yeah, I'm looking at it.

5 MS. SIMPKINS: Okay.

6 THE COURT: And it shows -- on page 3 it shows permanency  
7 goal and projected date of achievement as --

8 MS. SIMPKINS: It's on page 3 of the report, Your Honor,  
9 term --

10 THE COURT: Termination of parental rights.

11 MS. SIMPKINS: Yeah. That's the primary permanency goal.  
12 That's when it became the primary.

13 THE COURT: And there's a concurrent permanency goal --

14 MS. SIMPKINS: Concurrent goal --

15 THE COURT: -- of reunification.

16 MS. SIMPKINS: -- reunification.

17 THE WITNESS: Um-hmm (in the affirmative).

18 MS. SIMPKINS: Yes.

19 THE COURT: Okay.

20 MS. SIMPKINS: The prior report the perm -- primary  
21 permanency goal was still reunification.

22 THE COURT: I see. All right.

23 MS. SIMPKINS: And then -- okay.

24 THE COURT: I'm not as intimately familiar with these



1 reports as you are.

2 MS. SIMPKINS: Sorry, Judge.

3 BY MS. SIMPKINS:

4 Q Now, in March -- let me -- back to the March of 2012  
5 report you maintained that the primary permanency goal would  
6 remain termination of parental rights even though you noted  
7 that Mom actively participated in physical abuse counseling,  
8 correct?

9 A Correct. And that is because as a concurrent plan.

10 Q Just yes or no would be just fine.

11 A Okay.

12 Q And even though the counselor indicated that Mom  
13 displayed an understanding of the concept of physical abuse  
14 and a greater insight into the effects of physical abuse and  
15 mental abuse, correct?

16 A Correct.

17 Q And you still maintain TPR was the goal even though  
18 the report notes that another doctor examined the child and  
19 found that there was no evidence of abuse?

20 A Correct.

21 Q And you also note in that report that Mom completed  
22 her case plan?

23 A I did not.

24 Q You didn't note in the report that Ms. DeBerry has

1 completed her case plan and has the knowledge and tools to  
2 effectively parent her children?

3 A Well, obviously, you're reading it to me so I may  
4 have.

5 THE COURT: What report --  
6 BY MS. SIMPKINS:

7 Q Would it refresh your recollection to look at it?

8 A I would like to see it, yes, so I can explain,  
9 please.

10 THE COURT: What's the date of the report, Counsel?

11 MS. SIMPKINS: The date of the report is -- it's file  
12 date is March 7th, 2012. I'm looking on the last -- well,  
13 it's the next to the last page. There's a blank page attached  
14 to the back, about line 7, Your Honor.

15 THE COURT: All right.

16 (MS. SIMPKINS APPROACHES THE WITNESS AND HANDS HER A  
17 DOCUMENT.)

18 THE WITNESS: Thank you.

19 MS. SIMPKINS: Just let me know when you're finished  
20 reading it, Ms. Douglas. Got it right that time.

21 BY MS. SIMPKINS:

22 Q Is that what you indicated in the report?

23 A Yes, but I explained my --

24 Q Well, no -- you indicated that Mom had completed her

1 case plan in the report. Yes or no.

2 A Yes.

3 Q Okay.

4 (MS. SIMPKINS RETRIEVES DOCUMENT FROM THE WITNESS.)

5 You also went on to say that Ms. DeBerry's actual  
6 comprehension of her role in this act of physical abuse versus  
7 her child just having an injury due to him not being  
8 supervised, it was difficult for you to ascertain -- let me  
9 back up. You went on to say, "conversely, it is difficult for  
10 DFS to ascertain the information detailing Ms. DeBerry's  
11 actual comprehension of her role in this act of physical abuse  
12 versus her child just having an injury due to him not being  
13 supervised." Correct?

14 A That is correct.

15 Q Okay. Based on that alone you were still  
16 recommending termination of parental rights, correct?

17 A Correct.

18 Q Now, if there was a report in March and we usually  
19 have review hearings every six months --

20 A Um-hmm (in the affirmative).

21 Q -- why is there a report filed in April?

22 A There may have been a status check.

23 Q Do you recall what that status check was for?

24 A No, I don't.

1 Q Did you draft the April report or what -- do you  
2 know if Ms. Jordan was still on leave at the time?

3 A I don't recall. Obviously, I would need to see the  
4 report.

5 MS. SIMPKINS: May I approach the witness, Your Honor?

6 BY MS. SIMPKINS:

7 Q Would it refresh your recollection to look at the  
8 report?

9 A Yes, it would.

10 THE COURT: You may.

11 (MS. SIMPKINS APPROACHES THE WITNESS AND HANDS HER A  
12 DOCUMENT.)

13 THE WITNESS: Thank you. Yes, I drafted this report.

14 BY MS. SIMPKINS:

15 Q Okay. Thank you.

16 A Yep.

17 Q Now, you indicate in that report that Dad was living  
18 with Mom, right?

19 A That is what I was told.

20 Q And that was a concern for the Department because  
21 Dad was the one that the Department believed held the iron to  
22 the baby's face?

23 A Incorrect.

24 Q So when Ms. Mossman previously testified that she

1 believed the dad was the one that held the iron to the baby's  
2 face, that's not your theory of the case? Is that what you're  
3 saying?

4 A That's Ms. Mossman's theory.

5 Q Okay. Isn't it true that the Department's theory is  
6 that Dad was the one responsible for the injury to the child?

7 A That is what was Ms. Mossman testified.

8 Q I'm asking what the Department -- isn't it true that  
9 the Department's theory of the case was that Dad was the one  
10 that injured the child?

11 MR. CORDES: Objection. Just as to lack of foundation as  
12 to when the theory was formulated or if it's still the theory.  
13 BY MS. SIMPKINS:

14 Q Is that still the theory today, Ms. Douglas?

15 A I think it's one of them. But I don't like to  
16 categorize in theories.

17 Q So is it your testimony today that the Department  
18 now believes that Mom was the one that physically abused the  
19 child?

20 A The Department believes that we do not know who  
21 physically abused the child, but that only one or two parents  
22 were with the child at the time of his abuse.

23 Q And there's also another child present, right?

24 A That's correct.

1 Q And there's been no evidence that the Department has  
2 been able to dig up in any of the interviews with any of the  
3 people involved that indicates that Mom was present in the  
4 room when the child was injured?

5 A Can you say that -- repeat that?

6 Q Was there any indication that Mom was present in the  
7 room when the child was injured?

8 MR. CORDES: Judge, I'm just going to object as to vague  
9 and ambiguous based upon the mother's prior testimony as to  
10 the description of the room. She described, if you'll recall,  
11 the room set up.

12 THE COURT: Right.

13 MR. CORDES: And so I just think that --

14 THE COURT: Whether or not the bathroom is a --

15 MR. CORDES: Correct.

16 THE COURT: -- separate room.

17 MR. CORDES: Correct. So I'm just going to lodge that  
18 objection.

19 THE COURT: All right. Well if you can answer the -- the  
20 objection's noted, if you can answer the question. So if you  
21 can't answer the question, then just tell us what you think or  
22 what you can answer.

23 Can you rephrase your question?

24 THE WITNESS: Yeah.

1 BY MS. SIMPKINS:

2 Q Was there any indication that Mom was present in --  
3 in deference to Mr. Cordes -- in the area in...

4 A I can answer it now.

5 Q Is there any indication that Mom saw the injury take  
6 place to Christopher Jr.?

7 A (No audible response.)

8 Q Anyone --

9 A She could have based upon her testimony today and  
10 her description of the room.

11 Q Really? I didn't hear her say anything about line  
12 of sight.

13 A She's --

14 MR. CORDES: Objection, Your Honor, argumentative as  
15 phrased.

16 THE WITNESS: She --

17 THE COURT: Sustained.

18 THE WITNESS: I'm sorry.

19 MR. CORDES: You don't have to answer it as phrased.

20 THE WITNESS: Okay.

21 BY MS. SIMPKINS:

22 Q Did she have line of sight?

23 A According to her testimony today, yes.

24 Q Well -- I thought her testimony was she was in the

1 bathroom, the child was in the bedroom. It was the same area,  
2 correct? Correct me if I'm wrong.

3 A She's testified that it was a master suite.

4 Q Yes.

5 A That there's no door.

6 Q I don't recall her saying that.

7 A That it was a doorway.

8 Q Um-hmm (in the affirmative).

9 A To the bathroom. And that it was open. So the  
10 answer is, yes, she could have been in line of sight of her  
11 children.

12 Q Hmm. What if the -- what if the doorway was -- I  
13 don't know what it -- perpendicular to the master bedroom?  
14 What she around --

15 A That's not how she des --

16 Q Is it possible --

17 A -- cribed it.

18 Q Are you familiar with the layout of that bedroom?  
19 Have you ever seen it before?

20 A I've never been in it.

21 Q Okay. Thank you. So other than she could have  
22 possibly seen it, according to her testimony today, do you  
23 have any other testimony or any other evidence or any other  
24 witnesses that indicate that Mom saw the injury to the child?



1 A No.

2 THE COURT: Well, hold on.

3 THE WITNESS: Oh, I'm sorry.

4 THE COURT: It's kind of a compound question. First, are  
5 there any other witnesses?

6 BY MS. SIMPKINS:

7 Q Any other witnesses?

8 A (No audible response.)

9 Q Were there any witnesses to this injury to the  
10 child?

11 MR. CORDES: Judge, I'm just going to object as phrased  
12 because there are witnesses to the injury itself that we've  
13 already heard about. Now, how it was caused I think is what  
14 Ms. Simpkins is asking.

15 MS. SIMPKINS: Well, Your Honor --

16 MR. CORDES: So...

17 MS. SIMPKINS: -- I'm trying to get into this because she  
18 had indicated that they weren't sure who caused the injury.  
19 But I'm trying to establish that the Department has no  
20 indication that Mom was the one that caused the injury despite  
21 the findings of the hearing master.

22 MR. CORDES: I -- Judge, I still have the objection. I  
23 don't think Ms. --

24 THE COURT: I'm not sure, quite frankly, what the

1 relevance is. There was a finding that the mom caused the  
2 injuries. What the Department thinks at this point is, quite  
3 frankly, I think irrelevant. Now you can convince me  
4 otherwise.

5 MS. SIMPKINS: Well I don't think it's irrelevant, Your  
6 Honor.

7 THE COURT: Well, I mean, from what I -- what I read of  
8 the recommendation was that Mom testified there was no other  
9 adult present. The medical examiner testified that it was a  
10 intentional injury.

11 MS. SIMPKINS: Um-hmm (in the affirmative).

12 THE COURT: By definition, that is evidence that Mom  
13 inflicted the injury.

14 (PAUSE.)

15 BY MS. SIMPKINS:

16 Q Did -- when I was talking about your concerns with  
17 regard to Dad and you indicated in your April 2012 report that  
18 Mom was living with Dad, did you ever send anyone out to the  
19 home to check this out?

20 A I didn't have to.

21 Q Is that a no?

22 A Well, I was informed by her mother. So it had  
23 already been done.

24 Q The mother who lives out of state?

1           A     Her mother was actually visiting and visited during  
2     that time where she reported her concerns to me on more than  
3     one occasion that he had been living in the home. So she had  
4     come down for the reunion and gave me my information.

5           Q     But the reunion was in June or July of 2012.

6           A     Correct.

7           Q     Okay. This was the April report of 2012.

8           A     Okay.

9           Q     Okay. The reunion would have been after you drafted  
10    the report.

11          A     That is correct.

12          Q     Okay.

13          A     Yeah, so I -- all my information came from Bonita.

14          Q     Who said that he was at the reunion.

15          A     That he lived with Ms. DeBerry, that she had  
16    concerns that he is around there, that she was so upset at one  
17    point that she wanted to have her uncles come in to the home  
18    and remove him from there.

19                (BRIEF PAUSE.)

20                And that she was also very --

21          Q     There's no question.

22          A     I'm sorry.

23          Q     You never told Mom not to have Mr. Bynum around did  
24    you?

1 A I'm sorry. I didn't know you were --  
2 Q You never told Mom not to have Mr. Bynum around did  
3 you?  
4 A I may have.  
5 Q Now, at the time you filed the April 2012 report,  
6 when was the last time you had contact with Dad?  
7 A With Mr. Bynum, Sr.?  
8 Q Uh-huh (in the affirmative). Senior.  
9 A I didn't have contact with Mr. Bynum, Sr.  
10 Q Do you know when if Ms. Jordan ever had contact with  
11 Mr. Bynum?  
12 A It was reported to me. Yes.  
13 Q Okay. When was the last contact she had with him?  
14 A I don't recall the date.  
15 Q Would it been before the April 2012 report?  
16 A I don't recall.  
17 Q Now we talked about Dad being currently  
18 incarcerated. You're aware of that, aren't you?  
19 A Yes.  
20 Q Okay. Do you know how long his sentence is?  
21 A I don't.  
22 Q Do you know what he's incarcerated for?  
23 A I don't.  
24 Q And I think we've previously established you don't

1 know when he became incarcerated?

2 A In his current prison term, no.

3 Q Now you also noted in your April 2012 report that  
4 Mom calls the children about three or four times a day since  
5 she relocated to South Carolina, correct?

6 A That was reported to me.

7 Q And you also reported that Mom had housing; she had  
8 a home left to her by her father, right?

9 A Correct.

10 Q Okay. And that she had completed parenting classes,  
11 right?

12 A Correct.

13 Q And you also attached, I believe, a copy of the  
14 contemporary quality care assessment, right?

15 A Correct.

16 Q And it covered six core issues, right?

17 A That's correct.

18 Q Okay. And Mom was the one that found this treatment  
19 provider?

20 A I believe so.

21 Q And as to these six core issues, how did the  
22 treatment provider -- were those something that the treatment  
23 provider covered themselves or was that information given to  
24 them?

1 MR. CORDES: I'm going to object, Your Honor. Call for  
2 speculation.

3 MS. SIMPKINS: Well, did the --

4 THE COURT: Just rephrase.

5 MS. SIMPKINS: I'll rephrase, Your Honor.

6 BY MS. SIMPKINS:

7 Q Did Ms. Jordan contact, to your knowledge, Red Rock  
8 Psychological Services with regard to the subjects that they  
9 cover in their physical abuse classes so that she could relay  
10 them to the therapist in Louisiana?

11 A I don't recall but that is something that we would  
12 do to provide assistance with an appropriate referral for a  
13 client.

14 Q And you were -- your testimony, correct me if I'm  
15 wrong, was that you were dissatisfied with the treatment  
16 because you don't think that it covered enough in depth?

17 A Right. I think that it was more like an assessment,  
18 that it defined those core issues, but did not personalize  
19 those issues. And when you're in therapy you need to  
20 personalize issues in order to get at the root of stuff in  
21 order to make like sufficient progress to overcome and make  
22 lifestyle changes and fulfill an obligation to The Court in a  
23 case plan.

24 Q And so when Mom found out that the Department was

1 dissatisfied with that treatment, she was cooperative in going  
2 to Ms. Fortune as well, wasn't she?

3 A At the -- I believe the conversation had been  
4 previously given to her, um, by Ms. Jordan. When I spoke with  
5 her and could finally get into a conversation with her, she  
6 was a hundred percent cooperative. And, again, we talked  
7 about finding a therapist that's appropriate for her where she  
8 feels comfortable taking those core issues and attaching some  
9 personal -- personalizing it so that she can, in fact, work a  
10 case plan and attend therapy. So, yeah.

11 Q So Mom was willing to go into therapy --

12 A Sure.

13 Q -- with Ms. Fortune?

14 A Absolutely. Yes.

15 Q Now, on your direct examination with Mr. Cordes you  
16 mentioned a current criminal case. What were you talking  
17 about?

18 A Current criminal case -- for Mr. Bynum?

19 Q I don't know.

20 A Mr. Bynum.

21 Q Okay. And that's the one -- were you referring to  
22 what he's in prison for now?

23 A Correct.

24 Q Was there a criminal case as to Mom with regard to

1 this issue?

2 A I believe so.

3 Q And do you know what happened on that?

4 A I do not.

5 Q To your knowledge, was Mom ever arrested?

6 A No.

7 Q Were you ever called to testify at a preliminary  
8 hearing?

9 A No.

10 Q Now your testimony earlier when you were talking  
11 about therapy, you indicated -- and I'm paraphrasing -- that  
12 when you cover up issues there's no way you can move forward  
13 in your therapy.

14 A Correct.

15 Q Okay. That's your personal opinion, correct?

16 A It's a professional opinion as well.

17 Q Are you a licensed counselor?

18 A I am not a licensed counselor. However --

19 Q That's all I need to know.

20 A Okay.

21 MR. CORDES: Objection, Your Honor. She should be  
22 allowed to finish the answer.

23 THE COURT: You can inquire on redirect.

24 MS. SIMPKINS: The an -- the question was is she a



1 licensed counselor, yes or no. Done.

2 THE COURT: You can elaborate on redirect if you wish,  
3 Mr. Cordes.

4 MR. CORDES: Thank you.

5 BY MS. SIMPKINS:

6 Q And it's your indication today that the therapy that  
7 Mom went through with Ms. Fortune wasn't sufficient?

8 A I don't call it therapy.

9 Q But did you ever -- do you ever speak to Ms. Fortune  
10 about your concerns?

11 A I just heard her testimony today.

12 Q So that's a no?

13 A Correct.

14 Q You actually relied on Ms. Jordan to speak to Ms.  
15 Fortune?

16 A That's correct.

17 MS. SIMPKINS: I have no further questions, Your Honor.

18 THE COURT: Mr. Cordes?

19 MR. CORDES: Thank you.

20 MICHELLE DOUGLAS

21 testifies as follows on:

22 REDIRECT EXAMINATION

23 BY MR. CORDES:

24 Q All right. So the report that you filed April of

1 2012 relative to Mr. Bynum, Sr. living with Ms. DeBerry was  
2 based upon information received from the family?

3 A That is correct.

4 Q All right. And then did you continue to receive  
5 reports from the family regarding any concerns that they had?

6 A Um, correct.

7 MS. SIMPKINS: Your Honor --

8 I'm sorry to interrupt you, Mr. Cordes.

9 I believe I may have a witness sitting in the  
10 hallway. I don't think we're going to get to her today. Is  
11 it -- could I check the hallway, please?

12 THE COURT: Yeah, you -- yeah, go ahead.

13 MS. SIMPKINS: Thank you.

14 THE COURT: Just hold it for a minute, Mr. Cordes.

15 MR. CORDES: I will, Your Honor, as I flip through my  
16 notes.

17 THE COURT: You can get your questions in order.

18 (WHEREUPON, THE MATTER WAS TRAILED AT 16:30:06 AND RECALLED AT  
19 16:30:53.)

20 ... your witness to return to the next hearing?

21 MS. SIMPKINS: I'll re-subpoena her.

22 THE COURT: All right.

23 MS. SIMPKINS: That shouldn't be a problem.

24 THE COURT: Okay.

1 MS. SIMPKINS: We don't have a new date yet anyway.

2 MR. CORDES: All right. So --

3 THE COURT: I do.

4 MS. SIMPKINS: Oh, you do (chuckle).

5 MR. CORDES: (Chuckle.)

6 BY MR. CORDES:

7 Q Ms. Douglas, Ms. Simpkins was asking you some  
8 questions about the March 2012 report and a reference within  
9 there that you indicate Mom had completed her case plan.

10 A Correct.

11 Q Okay. And when you wrote the report in March of  
12 2012 referencing her completion of the case plan, why was it  
13 phrased in that manner?

14 A Um, it was phrased in that manner because you can  
15 actually complete a case plan. You can go through the steps,  
16 you can attend different classes, you can attend therapeutic  
17 sessions, assessments, evaluations. However, if you cannot  
18 model or report behavior change, then, in fact, completing a  
19 case plan doesn't mean you learn anything from it. And the  
20 Department looks for behavior change. We look for improved  
21 skills. We look for a maturity on behalf on the parents which  
22 is usually a very different circumstance from the day that  
23 they come in to enter a plea when their children are just  
24 removed or even at the scene when an investigator goes out and

1 confronts them to when we start to work with them and motivate  
2 them to reunify. Um, I did put that in there. However, the  
3 next sentence was, conversely, this is what I needed to see in  
4 order to make a different type of determination.

5 Q Okay. And following the report being filed with the  
6 Juvenile Court in March of 2012 --

7 A Um-hmm (in the affirmative).

8 Q -- did The Court continue the permanency plan for  
9 these two children as termination of parental rights and  
10 adoption?

11 A Yes, they did.

12 Q Now the petition seeking to terminate the parental  
13 rights in this matter was filed back in March of -- excuse me,  
14 May 24th of 2011. Were you aware of that?

15 A I was not the supervisor on the case at the time.  
16 Yes, I was aware from a review.

17 Q Okay. And so since May 24, 2011 up and through  
18 today's date, is the position of the Department of Family  
19 Services that termination of parental rights and adoption is  
20 the permanency plan for these children?

21 A Correct.

22 Q Given everything you know about the mother's  
23 circumstances, the historical information she provided to you  
24 as well as the counseling services and the children's

1 placement, do you believe that termination of parental rights  
2 would be in these children's best interest?

3 A Yes.

4 MR. CORDES: Thank you. No further questions.

5 MICHELLE DOUGLAS

6 testifies as follows on:

7 RECROSS EXAMINATION

8 BY MS. SIMPKINS:

9 Q You don't think the children should remain together?

10 MR. CORDES: Objection, Your Honor.

11 BY MS. SIMPKINS:

12 Q You don't think it's in the children's best interest  
13 to remain together?

14 MR. CORDES: Objection, Your Honor.

15 MS. SIMPKINS: What's the objection?

16 THE COURT: Well --

17 MR. CORDES: As phrased. The children are the two  
18 children in this case. And the two children in this case, by  
19 testimony and evidence, are together. So --

20 MS. SIMPKINS: There's a sibling, Your Honor.

21 MR. CORDES: Unless it's phrased differently --

22 MS. SIMPKINS: There's been evidence that there's a  
23 sibling.

24 THE COURT: Well, no, I don't understand why you're

1 asking the question, you don't think they should be together.

2 MS. SIMPKINS: She -- I'm --

3 THE COURT: There's been no indication they're not going  
4 to be together.

5 MS. SIMPKINS: Well no there's one child -- there's --  
6 there are three children, Your Honor. My client has one.

7 THE COURT: We --

8 MS. SIMPKINS: I'm talking about the two siblings and the  
9 one with Mom.

10 THE COURT: Okay. Well then just clarify your question.

11 MS. SIMPKINS: Okay.

12 BY MS. SIMPKINS:

13 Q You don't think it's in the best interest of the  
14 siblings to be together, the sibling with Mom and the two  
15 siblings with Grandma?

16 A It is not in the best interest of Aamiyah and  
17 Christopher Jr. to be reunified with their mother. It is in  
18 the best interest for all three siblings to have visitation,  
19 and they will based upon the current appropriate placement of  
20 them being with her maternal -- with their maternal  
21 grandmother.

22 Q And -- but you have no concerns with Mom with regard  
23 to this new baby?

24 A This baby is placed in another state. I have no

1 jurisdiction over this child in another state. I have not  
2 read any reports from another state. But I can't give an  
3 opinion based upon the fact that I have no jurisdiction over  
4 this child at all.

5 Q You're a mandatory reporter are you not?

6 A However --

7 Q Is that yes or no?

8 A I'm a mandatory reporter. Correct.

9 Q Okay. And you have as a professional worker with  
10 the Department of Family Services and there's an open case if  
11 you have those concerns --

12 A Um-hmm (in the affirmative).

13 Q -- are you not required to report them to the  
14 hotline in that state under the mandatory reporter law?

15 A I am.

16 Q Okay. And you didn't do so in this case, did you?

17 A No, I did not.

18 Q Okay. Now, when you talked about Mom's case plan  
19 and basically checking off boxes rather than modeling a  
20 behavior change --

21 A Correct.

22 Q -- I believe is how you put it, really what you  
23 needed to see was an admission from Mom that she burned this  
24 child, right?

1           A     I needed to see a comprehension of Mom of -- or an  
2 admission of what was going on in her life that may have led  
3 to her doing this.

4           Q     And --

5           A     I did not see that.

6           Q     When you say you wanted to see Mom model a behavior  
7 change, you've never observed Mom with the current child, have  
8 you?

9           A     No, I have not.

10          Q     And when you say you wanted to see a behavior  
11 change, you were here and present when Ms. Fortune was  
12 testifying about how Mom came in to her office and how Mom was  
13 now, right? You heard that?

14          A     That is correct.

15          Q     Okay. And so as you sit here today you have no  
16 indication of Mom's skills in raising a child, specifically  
17 the child she has, right?

18          A     I have an indication that Mom has not reached the  
19 maturity level to openly and effectively communicate honest  
20 behaviors in her life and situations in her life that have  
21 compromised her ability to parent Christopher and keep him  
22 safe appropriately.

23          Q     So you have no knowledge of Mom's skills in  
24 parenting as they stand today, especially since she has a



1 child in her care?

2 MR. CORDES: Objection, Your Honor. Been asked and  
3 answered.

4 MS. SIMPKINS: And it was -- and I would move to strike  
5 that answer because it was not -- not responsive.

6 THE COURT: Actually, the objection is sustained. The  
7 motion to strike is overruled.

8 BY MS. SIMPKINS:

9 Q You said you wanted to see improved skills, right?

10 A Um-hmm (in the affirmative).

11 Q As far as Mom is concerned, correct?

12 A Correct.

13 Q But you have never had the opportunity to observe  
14 her parenting skills as they stand today, have you?

15 A No, I have not.

16 MS. SIMPKINS: No further questions.

17 MR. CORDES: Nothing further.

18 THE COURT: Nothing further?

19 All right. You're not free to go, but you may step  
20 down.

21 MR. CORDES: (Chuckle.)

22 MS. DOUGLAS: Thank you.

23 MR. CORDES: And with that, Judge, The State would rest.

24 MS. SIMPKINS: And, Your Honor, I'm sure you -- I just

1 let my witness go. We're not going to get to her today  
2 obviously. It's -- Michelle Jordan's my last witness.

3 THE COURT: Yeah. Well, no, it's four twenty-five.

4 Okay. I previously indicated that I correctly  
5 assumed we would not complete the case today. The -- other  
6 than the Wednesday before Thanksgiving my calendar is packed  
7 every other day of the week with trials or hearings until  
8 December the 14th. That is a Friday.

9 MR. CORDES: Judge, State is available. Thank you.

10 MS. SIMPKINS: I am usually available unless I have  
11 another TPR. Hold on.

12 (MS. SIMPKINS LOOKS FOR PAPERS IN HER BOX.)

13 Mr. Cordes, I won't let you get away from me at all.

14 Looks good. December 14th.

15 THE COURT: Nine a.m.

16 MS. SIMPKINS: Nine a.m.

17 MR. CORDES: Thank you, Your Honor.

18 MS. SIMPKINS: Thank you, Your Honor.

19 MR. CORDES: Appreciate your time and consideration.

20 THE COURT: All right, thank you. And as previously  
21 indicated -- now I don't know how you're going to do this.

22 MS. SIMPKINS: Oh, I'm sorry. Ms. Molinar has a  
23 contested hearing that day. Can we get another day?

24 THE COURT: Not until next year.

1 MS. MOLINAR: Well I can reschedule if Jason's willing  
2 to.

3 THE COURT: Yeah, I think you need to reschedule the  
4 contested hearing.

5 MS. MOLINAR: If you can tell Jason to do it; that's  
6 fine. All right.

7 MS. SIMPKINS: December 14th.

8 MR. CORDES: Judge, The State will make arrangements to  
9 stipulate --

10 THE COURT: Reschedule?

11 MR. CORDES: -- to a continuance of that matter so Ms.  
12 Molinar can yet be present.

13 THE COURT: All right. As Ms. DeBerry -- as far as she's  
14 concerned, we'll be able to -- we'll be able to call her and  
15 she can appear telephonically through the court system and  
16 it's going to be, you know, recorded. Everything will be  
17 recorded; you'll be able to hear the testimony.

18 However, you're not going to be able to consult with  
19 her through the system. So you'll need to make some  
20 arrangements if she chooses not to be here, some arrangements  
21 to be on a cell phone or something with her separately if  
22 consultation with her is necessary. I'm willing to make an  
23 accommodation and recess between direct examination and cross  
24 examination so that you can have some time to consult with her

1 before you do your cross and vice versa. But I don't know  
2 what other way to accommodate her physical absence from the  
3 courtroom.

4 MS. SIMPKINS: Well I'm sure if she chooses to be here  
5 she can. We'll put our heads together and see if -- if we can  
6 come up with a solution.

7 THE COURT: Yeah, absolutely. I mean, the preference is  
8 that she be here.

9 MS. SIMPKINS: Um-hmm (in the affirmative).

10 THE COURT: But my point is the next date is going to go  
11 forward --

12 MS. SIMPKINS: Right.

13 THE COURT: -- whether she's here or not.

14 THE MARSHAL: No outstanding documents or evidence,  
15 exhibits?

16 THE COURT: Just what I've got.

17 THE MARSHAL: Okay.

18 MR. CORDES: I believe the judge has them.

19 THE MARSHAL: Perfect.

20 MR. CORDES: Thank you.

21 Thank you, Judge.

22 THE MARSHAL: Have a nice weekend everybody.

23 MS. SIMPKINS: Thank you.


24 THE COURT: All right. Have a good weekend.

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(THE PROCEEDING ENDED AT 16:41:59.)

\* \* \* \* \*

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

  
DARRYL THOMAS,  
Transcriber II

1 TRANS

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4 COPY

*John L. Harrison*  
CLERK OF THE COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8  
9 In the Matter of the ) CASE NO. D-11-446967-R  
10 Parental Rights as to: )  
11 AAMIYAH DE'NASIA LAMB, )  
12 CHRISTOPHER LAMONT BYNUM, JR., )  
Minors. )  
\_\_\_\_\_ )

13  
14  
15 BEFORE THE HONORABLE ROBERT W. TEUTON, DISTRICT COURT JUDGE

16  
17 TRANSCRIPT RE: NON-JURY TRIAL VOL. IV

18  
19 FRIDAY, MARCH 15, 2013

1 APPEARANCES:

2 For The State of Nevada: RONALD L. CORDES, ESQ.  
3 Senior District Attorney  
4 Juvenile Division  
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6 Las Vegas, Nevada 89101  
7 (702) 455-5320

8 The Natural Mother: KEAUNDRA LOUISE DeBERRY  
9 (Appearing Telephonically)  
10 For The Natural Mother: MELINDA E. SIMPKINS, ESQ.  
11 Deputy Special Public Defender  
12 300 South 3rd St., 8th Floor  
13 Las Vegas, Nevada 89155  
14 (702) 455-6273

15 DEANNA M. MOLINAR, ESQ.  
16 Deputy Special Public Defender  
17 300 South 3rd St., 8th Floor  
18 Las Vegas, Nevada 89155  
19 (702) 455-6273

20 Also Present: MICHELLE DOUGLAS  
21 Department of Family Services  
22  
23  
24

I N D E X   O F   W I T N E S S E S

VOIR  
DIRE

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	
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\* \* \* \* \*

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STATE'S WITNESSES

(None offered herein.)

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1 LAS VEGAS, NEVADA

FRIDAY, MARCH 15, 2013

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

3 (THE PROCEEDING BEGAN AT 09:26:57.)

4 (THE MARSHAL IS DISCUSSING THE CONFERENCE CALLING SYSTEM TO  
5 THE ATTORNEYS.)

6 THE COURT: Why don't we get her on the phone first and  
7 then I'll --

8 (PHONE RINGS OUT AND GOES TO VOICEMAIL.)

9 I hope it's a long mailbox.

10 (CLERK AND MARSHAL HAVE A BRIEF DISCUSSION REGARDING ANOTHER  
11 ATTEMPT FOR THE PHONE CALL.)

12 (PHONE RINGS OUT AGAIN AND VOICEMAIL PICKS UP.)

13 THE MARSHAL: Okay. What do you want to do?

14 MS. SIMPKINS: Borrow your gun.

15 MS. MOLINAR: (Chuckle.)

16 THE MARSHAL: With or without bullets.

17 MR. CORDES: Take your client first before you make any  
18 decisions about yourself (chuckle).

19 MS. SIMPKINS: (Laughing.)

20 (WHEREUPON, THE MATTER WAS TRAILED AT 09:28:55 AND RECALLED AT  
21 09:42:37.)

22 (ANOTHER ATTEMPT AT PHONE CALL.)

23 (PHONE RINGS OUT AND NO ANSWER.)

24 THE MARSHAL: Okay. Are you ready to go on the record,

1 Judge?

2 THE COURT: Yeah, just a minute.

3 THE MARSHAL: Okay.

4 (WHEREUPON THE MATTER WAS TRAILED AT 09:43:28 AND RECALLED AT  
5 09:43:57.)

6 THE COURT: Okay, we are on the record in Case Number  
7 446967.

8 Appearances, please.

9 MR. CORDES: Good morning, Your Honor. Ron Cordes, Clark  
10 County District Attorney's Office, Bar Number 4955. With me  
11 is Michelle Douglas from the Clark County Department of Family  
12 Services.

13 MS. SIMPKINS: Melinda Simpkins, Deputy Special Public  
14 Defender, Bar Number 7911, appearing on behalf of natural  
15 mother, Keaundra DeBerry.

16 MS. MOLINAR: Deanna Molinar, Deputy Special Public  
17 Defender, Bar Number 12045, also present on behalf of the  
18 natural mother, Keaundra DeBerry.

19 THE COURT: Alright. The record should reflect that Ms.  
20 Berry (sic) was authorized to appear telephonically since her  
21 testimony had previously been taken, and she was subject to  
22 examination and cross examination. That this morning we've  
23 spent considerable time calling two different numbers,  
24 receiving voice mailbox messages. She's not answered the

1 phone.

2 Pursuant to the Court rules, it's incumbent upon the  
3 party, or the person who is going to be appearing  
4 telephonically, to make arrangements to be available at the  
5 specified time. We will proceed in her absence.

6 MR. CORDES: Thank you.

7 MS. SIMPKINS: And, Your Honor, just for the record,  
8 ethically, I have a duty to my client, so if I could just -- I  
9 would be requesting a continuance. She has been in almost  
10 constant contact with my office for the past two weeks. We've  
11 gotten this telephone number from her. She -- my  
12 understanding is made arrangements with her employer so that  
13 she could be present today. And I'm sorry, I don't know why  
14 we can't reach her. I hate to think something had happened to  
15 her, but I know that she did make special arrangements. And  
16 like I say, she has been, repeatedly, calling me. So I would  
17 ask for the continuance, and I have no other choice.

18 THE COURT: Alright.

19 MR. CORDES: Judge, State's opposed. Obviously she knew  
20 about today's date, based upon those representations. She was  
21 supposed to be available. I ask to proceed. This matter has  
22 been now cont --

23 THE COURT: Alright. I appreciate the necessity of you  
24 making a record. The motion to continue is denied.

1 MS. SIMPKINS: Thank you, Your Honor.

2 THE COURT: Alright. So where are we? Has the State  
3 actually rested? I think -- because I know we took the  
4 testimony of the counselor/therapist --

5 MS. SIMPKINS: Out of order for me.

6 THE COURT: -- Ms. Fortune. And I don't remember if we  
7 took that out of order or as your first witness.

8 MS. SIMPKINS: We did take that out of order. She was  
9 the first witness called. She was taken out of order, Your  
10 Honor.

11 THE COURT: Alright.

12 MS. SIMPKINS: And --

13 MR. CORDES: I do believe the State rested and this --

14 THE COURT: Okay. Fine.

15 MR. CORDES: -- we were on the Respondent's case.

16 THE COURT: Ms. Simpkins?

17 MS. SIMPKINS: Very briefly. We would call Michelle  
18 Douglas to the stand.

19 THE COURT: Alright.

20 (MS. DOUGLAS TAKES THE STAND.)

21 THE CLERK: You do solemnly swear the testimony you're  
22 about to give in this action, shall be the truth, the whole  
23 truth, and nothing but the truth, so help you God?

24 MS. DOUGLAS: Yes. I do.

1 THE CLERK: Please state your name for the record.

2 MS. DOUGLAS: Michelle Douglas.

3 THE CLERK: Thank you.

4 MICHELLE DOUGLAS

5 having been called as a witness by the Respondent and being  
6 first duly sworn, testifies as follows:

7 DIRECT EXAMINATION

8 BY MS. SIMPKINS:

9 Q Ms. Douglas, are you still the supervisor of this  
10 case -- over this case?

11 A No, I am not.

12 Q Okay. What unit did it go -- or who's the case  
13 worker now? Do you know?

14 A I'm the supervisor. I transferred it to was Patrick  
15 Mitchell. I'm not sure who the supervisor is -- I mean, who  
16 the case worker is at this time.

17 Q Are you aware that the children have been pulled  
18 from their grandmother in Louisiana?

19 A No.

20 Q Okay.

21 MS. SIMPKINS: No further questions, Your Honor.

22 MR. CORDES: I have no follow-up on that, Your Honor.

23 THE COURT: You sure? Alright. You may step down.

24 Thank you very much.

1 MS. DOUGLAS: You're welcome.

2 (MS. DOUGLAS LEAVES THE STAND.)

3 MS. SIMPKINS: Michelle Jordan. She's in the hallway.

4 (THE WITNESS ENTERS THE COURTROOM.)

5 THE MARSHAL: Do you want to leave your stuff back here  
6 or at the corner of the table?

7 MS. JORDAN: Yeah. I'll take it with me.

8 THE MARSHAL: Okay. Right there.

9 (THE WITNESS TAKES THE STAND.)

10 THE CLERK: Please remain standing and raise your right  
11 hand.

12 You do solemnly swear the testimony you're about to  
13 give in this action shall be the truth, the whole truth, and  
14 nothing but the truth, so help you God?

15 MS. JORDAN: I do.

16 THE CLERK: Thank you. Please state your name for the  
17 record.

18 MS. JORDAN: Michelle Jordan.

19 THE CLERK: Jordan?

20 MS. JORDAN: Uh-hmm (in the affirmative).

21 THE CLERK: Thank you.

22 MS. JORDAN: Uh-hmm (in the affirmative).

23 THE MARSHAL: Okay. Just speak loud enough for everybody  
24 to hear.

1 MS. JORDAN: Okay.

2 THE MARSHAL: Thank you.

3 THE COURT: You may proceed.

4 MS. SIMPKINS: Thank you, Your Honor.

5 **MICHELLE JORDAN**

6 having been called as a witness by the Respondent and being  
7 first duly sworn, testifies as follows:

8 **DIRECT EXAMINATION**

9 BY MS. SIMPKINS:

10 Q Ms. Jordan, are you familiar with my client,  
11 Keaundra DeBerry?

12 A I am.

13 Q And how are you familiar with her?

14 A I was her caseworker.

15 Q When were you on her case?

16 A I'm not exactly sure the dates when I started. So,  
17 I think I started with her either in 2010, 2008. I'm not  
18 really sure which date I started with her.

19 Q Were you the on -- well, when did you stop working  
20 with her?

21 A Um, I stopped becoming a caseworker in December of  
22 2012.

23 Q Okay. Were you on her case from -- were you --  
24 well, let me back up. Were you her permanency worker from the



1 very beginning? Or...

2 A That's correct.

3 Q Okay. So, you -- up until December 2012 were you  
4 the only permanency worker on her case?

5 A I was the only one assigned to her case. Yes.

6 Q Okay. Do you know her children?

7 A I do.

8 Q Okay. What are their names?

9 A Aamiyah Lamb and Christopher Bynum.

10 Q And how old is Aamiyah?

11 A I'm thinking Aamiyah should be about -- she might be  
12 eight now. I'm not sure. And Christopher, maybe, I would  
13 say, three or four. I'm not really -- somewhere like that.

14 Q When was the last time you saw the kids? Do you  
15 recall?

16 A The last time I saw the kids was when I took them to  
17 Louisiana. I don't know if that was in -- I think it was 2010  
18 when I transported them to Louisiana.

19 Q Have you talked to them since then? On the  
20 telephone?

21 A I have talked to Aamiyah since then.

22 Q Did Aamiyah ever, yes or no, indicate to you whether  
23 she wanted to return home to Mom?

24 A Yes. She has indicated that she wants to.

1 Q Let me take you back to December of 2010. Was  
2 Keaundra pregnant at that time?

3 A I think so, but, you know, I didn't see Keaundra  
4 though.

5 Q Okay.

6 A Um, so, I know she had another baby. I don't know  
7 exactly when she had that other baby, though.

8 Q How do you know she had another baby?

9 A Um -- and I've never seen that other baby. But I  
10 have heard from her mom, as well as from one of her  
11 therapists, who said the baby had come into that office.

12 Q Okay.

13 A But I've never seen the baby. So...

14 Q Okay. Did you have any occasion with regard to that  
15 new baby to call in a call to the hotline in the state where  
16 she was living?

17 A Not to the hotline. Mm-hmm (in the negative).

18 Q And you say not to the hotline. Have you ever had  
19 occasion to make a call to any other agency with regard to  
20 that child?

21 A Um, I spoke with, I think, her therapist because I  
22 wanted somebody to -- to take a look at the baby.

23 Q Okay.

24 A To make sure that that baby was fine.

1 Q Okay.

2 A Um, so that's what it -- that's what I did.

3 Q And did she do that, to your knowledge?

4 A She did.

5 Q Okay. So to your knowledge, has there ever been any

6 Child Protective Services involvement with the new baby?

7 MR. CORDES: Objection, Your Honor.

8 THE COURT: What --

9 MR. CORDES: She would lack personal knowledge.

10 THE COURT: I'm sorry?

11 MS. SIMPKINS: I'm asking --

12 THE COURT: Well --

13 MS. SIMPKINS: -- about her knowledge.

14 THE COURT: -- she asked to her knowledge.

15 MR. CORDES: Well, it would be based upon hearsay. It  
16 wouldn't be on any personal observation. She said she'd never  
17 seen the child. She's only getting this information from  
18 speaking to other individuals.

19 THE COURT: Well let me ask. Was the baby born in Clark  
20 County?

21 THE WITNESS: No, Your Honor. Not to my knowledge. Was  
22 not.

23 THE COURT: Do you have knowledge of reports that are  
24 made to CPS agencies in other states as a matter of your job?

1 THE WITNESS: I do not have knowledge of it.

2 THE COURT: Objection sustained.

3 BY MS. SIMPKINS:

4 Q Do Aamiyah and Christopher Jr. visit with the new  
5 baby?

6 A Um, according to the grandmother, yes, they have  
7 visited with the new baby.

8 Q Was there ever a sibling visitation order in this  
9 case?

10 A No.

11 Q Now you submitted a case plan on this case around  
12 about March of 2011, correct?

13 A I'm -- I'm not sure what the date is, so -- cuz I'm  
14 not looking at dates. But --

15 Q Does that sound about right to you?

16 A Um, I -- I think one may have been submitted before  
17 that, and that's why I'm saying I'm not sure. Um, I know a  
18 case plan was submitted.

19 Q Okay. Would it refresh your recollection to look at  
20 the case plan?

21 A Yes.

22 Q Okay. I have three different ones.

23 A Uh-hmm (in the affirmative).

24 Q Does that sound about right? That there were --

1 A It could be.

2 Q -- more than one.

3 A Yes. It could be.

4 MS. SIMPKINS: May I approach the witness, Your Honor?

5 THE COURT: You may. Just show Mr. Cordes what you're  
6 going to show the witness.

7 (MR. CORDES REVIEWS THE DOCUMENT.)

8 MR. CORDES: Thanks.

9 MS. SIMPKINS: Uh-hmm (in the affirmative).

10 Take a look at each of those please, and let me know  
11 when you're done.

12 THE WITNESS: Okay.

13 (PAUSE.)

14 Okay.

15 BY MS. SIMPKINS:

16 Q Does that refresh your recollection, Ms. Jordan?

17 A Uh-hmm (in the affirmative).

18 Q Okay. And did you submit a case plan in March of  
19 2011?

20 A Yes. Uh-hmm (in the affirmative).

21 MS. SIMPKINS: May I approach, Your Honor, to retrieve  
22 them?

23 THE COURT: You may.

24 BY MS. SIMPKINS:

1 Q Thank you.

2 A Uh-hmm (in the affirmative).

3 Q Now, with regard to the case plan that was submitted  
4 to the Court, it included drug treatment. But isn't it true  
5 that was removed from the case plan by the hearing master?

6 A That's -- yes. Uh-hmm (in the affirmative).

7 Q And as far as parenting is concerned, did Keaundra  
8 complete parenting?

9 A She did.

10 Q Okay. And you attached proof to a court report,  
11 didn't you?

12 A I did.

13 Q Okay. And as far as housing is concerned, did --  
14 during your tenure on the case, did Keaundra show you proof of  
15 housing?

16 A She did.

17 Q And did you attach proof of that to the court  
18 reports?

19 A I did.

20 Q And, to your knowledge, does she continue to  
21 maintain that housing?

22 A Um, different housing. It's a different housing, to  
23 my knowledge. Not the same one.

24 Q And, so, explain to me. Where was the original

1 housing?

2 A The original housing was in Louisiana --

3 Q Uh-hmm (in the affirmative).

4 A -- when I first started with her. It was in  
5 Louisiana. And then, I believe, she has moved to South  
6 Carolina.

7 Q Uh-hmm (in the affirmative).

8 A So I think her housing is -- my last knowledge she  
9 was in South Carolina.

10 Q And that was the house she inherited from her  
11 father, correct?

12 A That's correct.

13 Q Okay. Now, did Keaundra keep in touch with you  
14 throughout the life of the case?

15 A She did.

16 Q What about income? Has she had income?

17 A She has. Uh-hmm (in the affirmative).

18 Q And income really wasn't the main concern for her,  
19 was it?

20 A No. Mm-hmm (in the negative).

21 Q Now with regard to physical abuse, she completed two  
22 treatment programs. One in Louisiana and one in South  
23 Carolina, correct?

24 A Uh-hmm (in the affirmative).

1 Q Is that a -- you got to say, yes or no.

2 A Yes.

3 Q Okay. Now the first one that she completed, that  
4 was the one in Louisiana. Did you submit that to Court -- to  
5 the Court as well?

6 A I did.

7 Q Okay. And in September of 2011, I believe, the  
8 Court found that wasn't good enough, right?

9 A Yeah. The Court wanted her to do more.

10 Q And that was despite the Department being satisfied  
11 with the program that she had completed, right?

12 A We were satisfied that she had completed the  
13 program.

14 Q Isn't it true that in September of 2011, you advised  
15 the Court that Mom had completed physical abuse counseling,  
16 parenting and had stable housing, and asked the Court to  
17 postpone the termination of parental rights?

18 A That's correct.

19 Q Okay. Now, the Court wanted Mom to admit that she  
20 had held the iron to the baby's face, didn't they?

21 A That's my understanding.

22 Q Okay. And, but for Mom's refusal to admit that she  
23 held the iron to the baby's face, she could have had her  
24 children back, couldn't she?



1 MR. CORDES: Objection, Your Honor. Call for  
2 speculation. She's not the judicial officer.

3 THE COURT: Sustained.

4 BY MS. SIMPKINS:

5 Q But for Mom's refusal to admit that she held the  
6 iron to the baby's face, the Department would have advocated  
7 for reunification, correct?

8 A Um, we would have. We would have asked the Court  
9 for it.

10 Q Now, with regard to the counseling that she received  
11 in Louisiana, what did you do to obtain that counseling for  
12 her?

13 A We actually had to go and find an agency that could  
14 actually help her, because she didn't have income. And this  
15 was when she was in Louisiana, and Louisiana did not have any  
16 programs. So, we had to go out and seek out and find a  
17 program for her.

18 Q Uh-hmm (in the affirmative).

19 A And eventually we were able to.

20 Q Okay.

21 A Um, and -- yeah. We were able to find one that  
22 would actually -- we couldn't find any physical abuse  
23 counselors there in Louisiana, and then she didn't have funds.

24 Q Now, with regard to physical abuse counseling, is

1 there such a service here in Las Vegas had she been here, she  
2 could have availed herself of?

3 A Yes. We do have something here.

4 Q Okay. And who is that?

5 A I believe that's through, um, Pat -- Red Rock.

6 Q Okay.

7 A Yeah.

8 Q And if there were no physical abuse counselors in  
9 Louisiana, did you do anything to make sure that the Louisiana  
10 therapist knew what the Department wanted her to cover?

11 A We did. We actually sent over, um, exactly what we  
12 needed to be done.

13 Q Okay.

14 A We sent that over to the counselor.

15 Q Didn't you contact Red Rock to find out exactly what  
16 subjects they covered as well?

17 A That's correct.

18 Q Okay. And did you also advise Miss -- well the  
19 Louisiana counselor with regard to the abuse findings by the  
20 Court here?

21 A Yes. We advised them.

22 Q Okay. Now, when Mom completed that counseling,  
23 there were no further recommendations, were there?

24 A Not -- no, not from us.

1 Q From the counselor?

2 A No.

3 Q Now, Ms. Jordan, let me ask you a little bit about  
4 DFS policies and procedures. You -- you filed several court  
5 reports with the Court over -- with your tenure on the case,  
6 didn't you?

7 A I did.

8 Q Okay. And is it DFS policy that you have to have  
9 your supervisor sign off on those?

10 A That is. Uh-hmm (in the affirmative).

11 Q Okay. And as far as you're concerned, did you have  
12 your supervisor sign off on -- on all of your court reports?

13 A I did. If -- yeah.

14 Q And did you write -- well, was there a time when you  
15 were on leave during your time on Keaundra's case?

16 A There was. Uh-hmm (in the affirmative).

17 Q Do you remember when that was?

18 A Um, I was out from, I would say, almost like the --  
19 the beginning of January I was in and out because I was  
20 dealing with some -- my mom was terminally ill. And then, I  
21 again was out, myself, in February, all the way until April.

22 Q And that's 2012?

23 A 2012, yes.

24 THE COURT: Effectively you were off January to April --

1 THE WITNESS: Yeah.

2 THE COURT: -- of 2012?

3 THE WITNESS: I was in and out in January, and then I was  
4 out -- in and out. And then I was gone for some time there.

5 BY MS. SIMPKINS:

6 Q So, did you write -- there was court report that was  
7 dated March of 2012. Did you write that report?

8 A I would -- I don't think I was here for March 2012.  
9 I wasn't in the office, March 2012.

10 Q Okay. Who was your supervisor at the time?

11 A Michelle Douglas.

12 THE COURT: I'm sorry. Who was it?

13 THE WITNESS: Michelle Douglas.

14 (BRIEF PAUSE.)

15 MS. SIMPKINS: Court's indulgence. I'm trying to  
16 differentiate between the questions I've already asked Ms.  
17 Douglas and the questions I need to ask Ms. Jordan.

18 BY MS. SIMPKINS:

19 Q There was a report filed April 11th, 2012. Were you  
20 still on leave when that report was filed?

21 A Yes.

22 Q Okay. Ms. Jordan, during your time on the case, has  
23 Keaundra maintained contact with her children?

24 A Yes. She has, to my knowledge.

1 Q How often? Do you know?

2 A Um, I think she had -- and then I don't know a  
3 hundred percent for sure, cuz they were out of state. But --  
4 so I can't really say how often she was with them, but I would  
5 say regular contact.

6 MR. CORDES: Objection, Your Honor. Then it would call  
7 for speculation.

8 THE WITNESS: Okay.

9 MS. SIMPKINS: Well, Your Honor, as part of her job duty,  
10 she is supposed to gather this information and present it to  
11 the Court.

12 MR. CORDES: Well --

13 THE COURT: Well, it may have been the phrasing that the  
14 witness used or -- I don't know. You need to rephrase.

15 MICHELLE JORDAN

16 testifies as follows on:

17 EXAMINATION

18 BY THE COURT:

19 Q Did you receive information from your counterparts  
20 in Louisiana?

21 A I did.

22 Q Alright.

23 A Uh-hmm (in the affirmative).

24 Q And did that information include information of

1 contacts that the natural mother had with the children?

2 A It did. Uh-hmm (in the affirmative).

3 Q Based upon that information, what can you testify  
4 regarding the extent of the contacts that the natural mother  
5 had with the children?

6 A Um, that the nat -- natural mother had regular phone  
7 contact with the children, and then, um, at times, they would  
8 go -- go to like a family reunion out of state to South  
9 Carolina to see Mom, when Mom moved to South Carolina. But  
10 she had regular phone contact with the children.

11 THE COURT: Alright. Go ahead Ms. Simpkins.

12 MS. SIMPKINS: Thank you, Your Honor.

13 **DIRECT EXAMINATION (Continued)**

14 BY MS. SIMPKINS:

15 Q Now, do you know where the dad is?

16 A To my knowledge, he was in, um, a jail or a prison  
17 in Louisiana.

18 Q Okay. Do you know if he's still there or --

19 A I do not.

20 Q Okay. When was the last time you had contact with  
21 Keaundra?

22 A Um, I think when we were here in court, the last  
23 time we were here in court in -- I would say -- was it  
24 November of 2012?

1 Q That's correct. Okay. Do you know when the last  
2 time Dad had any contact with Mom?

3 MR. CORDES: Objection, Your Honor.

4 THE WITNESS: Okay.

5 MR. CORDES: Call for speculation.

6 MS. SIMPKINS: I asked her if she knew.

7 THE COURT: Alright. Either based upon personal  
8 knowledge or information as reported to you from Louisiana, do  
9 you know the contact information concerning the father?

10 THE WITNESS: Um, based on, um, information from,  
11 Keaundra, the last time she had contact with him was, um,  
12 right before he went to jail. I think somewhat -- he was  
13 arrested in South Carolina and extradited to Louisiana. But I  
14 don't know what the time frame is on that.

15 (BRIEF PAUSE.)

16 BY MS. SIMPKINS:

17 Q So let me move forward a little bit. When Mom found  
18 out, or Keaundra found out, that the Court was dissatisfied  
19 with the treatment she received in Louisiana, do you know what  
20 she did?

21 A Um, I can't say what she did. Um --

22 Q Well, did there come a time when she obtained other  
23 treatment?

24 A She did. She obtained other treatment.

1 Q Okay. And who was that through?

2 A In -- and I wasn't instrumental in getting that  
3 treatment started. So I don't -- I know it was from Jane  
4 Fondue, is what I later found out. I think her name --

5 Q Fortune?

6 A Fortune. See, excuse me.

7 Q That's okay (chuckle).

8 A I made her a dip. Whatever.

9 Q Is that correct? Fortune correct? Or Fondue  
10 correct?

11 A It's Fortune.

12 (LAUGHTER IN THE COURTROOM.)

13 THE COURT: You were thinking of fondue, but --

14 THE WITNESS: I know.

15 MS. SIMPKINS: You're making me hungry.

16 THE WITNESS: Uh-hmm (in the affirmative).

17 MS. SIMPKINS: Okay. Alright.

18 BY MS. SIMPKINS:

19 Q Did you, during your course of being the permanency  
20 worker on the case, did you have occasion to contact Ms.  
21 Fortune with regard to the treatment?

22 A Yes. I have.

23 Q Did you do essentially the same thing with Ms.  
24 Fortune that you did with the Louisiana therapist and inform



1 her of what she needed to cover?

2 A I did.

3 Q Okay. And in your September 2012 court report, you  
4 indicated that Mom had, in fact, been cooperative with the  
5 Department and participated in physical abuse therapy in two  
6 separate states, right?

7 A That's correct.

8 Q Okay. And in September 2012, you also indicated to  
9 the Court that she had a job and had stable housing and  
10 regular contact with her children, right?

11 A That's correct.

12 Q Would you agree that there is a bond between  
13 Keaundra and her children?

14 A I would agree.

15 Q Okay. Do you know -- are -- do you have any  
16 information that Mom provides any support for her children?

17 A I do not have that information.

18 Q Ms. Jordan, would you agree that the main reason you  
19 recommended termination of parental rights as the permanency  
20 plan is because Mom had not fully articulated to the agency  
21 that she accepted responsibility for the injury caused to her  
22 son, Christopher?

23 A I would.

24 Q And when you say, "fully accept responsibility," I

1 believe that was your -- the language that you used in the  
2 report, you mean to say that she burned the child with an iron  
3 herself?

4 A I don't know if she did that or not, so I can't -- I  
5 wasn't there. So I can't say if she did that.

6 Q Okay. So what did you want her to articulate then?

7 A I wanted her to accept the responsibility that  
8 either she burned her child or somebody burned her child, and  
9 that she was responsible for that child, whether she did it or  
10 somebody else.

11 Q So, did you have cause to discuss this with Ms.  
12 Fortune? Specifically, what you were looking for from Mom?

13 A Um, I don't know if I would -- I'm not sure if I  
14 went in detail with Ms. Fortune on it or not.

15 Q Were you satisfied with Ms. Fortune's assessment of  
16 Keaundra's therapy?

17 A I was. Uh-hmm (in the affirmative).

18 Q Did you have any further concerns or any areas that  
19 you thought Ms. Fortune needed to cover with Mom in therapy?

20 A Um, I think I wanted her to -- to discuss her role  
21 in the injury of the child if she was not going to accept the  
22 fact that she actually burned him, she needed to accept the  
23 role that the child has an injury. And the injury is there  
24 for some -- something put the injury there --

1 Q Uh-hmm (in the affirmative).

2 A -- and that she was just not -- she wasn't  
3 supervising him --

4 Q Uh-hmm (in the affirmative).

5 A -- I -- she burned him or she wasn't supervising him  
6 when he got burned. And so it was hard for us to get her to  
7 understand her role in his injury.

8 Q Okay. When was the last time you talked to Ms.  
9 Fortune? Do you remember?

10 A I -- I think the same time when we were here in  
11 court.

12 Q Oh.

13 A And I -- I only said hello to them. I didn't have  
14 conversations with them.

15 Q Okay. Let me --

16 A That was just the last time.

17 Q -- when you talked --

18 A Yeah, okay.

19 Q Let me rephrase that question then. When was the  
20 last time you talked to Ms. Fortune, in depth, about this  
21 case?

22 A Um -- and that I don't recall, actually, when I  
23 spoke to her, cuz I have spoken to her on a couple of  
24 occasions. It was probably prior to her coming down here for

1 court.

2 Q So -- and I'm not trying to put words in your mouth,  
3 Ms. Jordan, so correct me if I'm wrong.

4 A Okay.

5 Q You would have been satisfied if Mom would have been  
6 able to articulate how she had lacked supervision over the  
7 child which caused the child to be burned?

8 A I would have been -- I would have been satisfied if  
9 she had gone through the physical abuse program.

10 Q Uh-hmm (in the affirmative).

11 A Okay.

12 Q Uh-hmm (in the affirmative).

13 A And be able to articulate what happened to her son.

14 Q Uh-hmm (in the affirmative).

15 A And move forward from there.

16 Q Okay. Fair enough.

17 Mmmm. Excuse me.

18 Have you noticed any -- in your contact with  
19 Keaundra, from the very beginning of the case, until you were  
20 off the case in December 2012, have you noticed any change in  
21 Mom's demeanor or behavior since you got on the case, until  
22 you got off the case?

23 A I have.

24 Q What did you notice?

1           A     Well, when I first met her, she was over-the-top;  
2 very loud and, you know, just wanting to explain, "I didn't do  
3 this to him. I blah, blah." She was very adamant that she  
4 didn't do it. She was very loud, and she could be  
5 intimidating. And so it was hard, sometimes, to actually talk  
6 to her because she was just -- she was totally convinced that,  
7 "I didn't do this, and somebody has to listen to me. If I  
8 have to call the FBI, somebody's going to listen." And then,  
9 over -- over time we were able to get her to, um, bring her  
10 levels down, so that somebody could actually hear her, and  
11 listen to her, and have an intelligent conversation with her.  
12 So she changed from being over-the-top, to somebody that you  
13 could actually -- actually talk to and listen to you.

14           Q     Okay. During your time on the case, did you ever  
15 interview the daughter who was actually present when this  
16 happened?

17           A     I don't know if I want to say as much as an  
18 interview; I did talk to her.

19           Q     Uh-hmm (in the affirmative). Did she -- she's never  
20 indicated to you that Mom held the iron to the baby's face,  
21 has she?

22           A     No. She did not indicate that to me.

23           Q     Okay. And has she ever changed her story as to what  
24 happened?

1 A Not to me.

2 Q Now, Ms. Jordan --

3 THE COURT: She being -- excuse me, she being the  
4 daughter or --

5 MS. SIMPKINS: The daughter.

6 THE COURT: -- she being the mother?

7 MS. SIMPKINS: The daughter.

8 BY MS. SIMPKINS:

9 Q Now, did there come a time when Ms. Cheryl Cooke was  
10 your supervisor that you discussed with her about going back  
11 to the DA's office to ask them to take another look at the  
12 case?

13 A Yes. We did. Uh-hmm (in the affirmative).

14 Q What happened with that?

15 A Um, when we went back to the DA's office to ask them  
16 to take a look at it, um, it had already been decided on  
17 though.

18 Q Uh-hmm (in the affirmative).

19 A So -- and that was to, you know, my misunderstanding  
20 of the Court systems actually, until one of the judges  
21 actually made it clear to me that, "Look, this has already  
22 been ruled upon, It's..." I think they took it up to a higher  
23 court, also. So we did ask them to take another look at it,  
24 but we were told that it's already been decided on.

1 Q Okay. And during your time on this case, was  
2 Keaundra ever able to articulate to you, the signs and  
3 symptoms of physical abuse, and some things that she could do  
4 to avoid physical abuse of her child?

5 A She was able to. Uh-hmm (in the affirmative).

6 Q Okay.

7 THE COURT: Said she was?

8 THE WITNESS: Yes.

9 BY MS. SIMPKINS:

10 Q Now, when you met with Keaundra in July of 2012,  
11 your case notes indicate you -- that she demonstrated change  
12 of behavior. What did you mean by that?

13 A Um, she was just a changed person. She was a person  
14 who was -- who was ready to, um, to listen, you know, to some  
15 of the -- the charges that were against her. Because she was  
16 just totally in disbelief that the charges were there and that  
17 this is how the system goes. So, she was able to sit down and  
18 look at the paperwork, and start to say, "Okay. That's not  
19 what I thought was going on." Whereas before, she just wasn't  
20 listening to anything. So she had changed, by, "Now I'm ready  
21 to listen. I see what's going on now, and I can understand  
22 what you're saying now."

23 Q Ms. Jordan, during your tenure on the case and the  
24 various reports that were filed, there are references to

1 Q Okay. And during your time on this case, was  
2 Keaundra ever able to articulate to you, the signs and  
3 symptoms of physical abuse, and some things that she could do  
4 to avoid physical abuse of her child?

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7 THE COURT: Said she was?

8 THE WITNESS: Yes.

9 BY MS. SIMPKINS:

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11 your case notes indicate you -- that she demonstrated change  
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14 who was -- who was ready to, um, to listen, you know, to some  
15 of the -- the charges that were against her. Because she was  
16 just totally in disbelief that the charges were there and that  
17 this is how the system goes. So, she was able to sit down and  
18 look at the paperwork, and start to say, "Okay. That's not  
19 what I thought was going on." Whereas before, she just wasn't  
20 listening to anything. So she had changed, by, "Now I'm ready  
21 to listen. I see what's going on now, and I can understand  
22 what you're saying now."

23 Q Ms. Jordan, during your tenure on the case and the  
24 various reports that were filed, there are references to



1 another doctor in Louisiana who saw the child directly, the  
2 child that was injured. Did you see those records?

3 A I did.

4 Q Okay. Do you know who obtained those records?

5 A They were obtained by the investigator, actually.  
6 They were actually in the file.

7 MS. SIMPKINS: I have no further questions, Your Honor.

8 THE COURT: Mr. Cordes, any questions?

9 MR. CORDES: Yes, Your Honor.

10 **MICHELLE JORDAN**

11 testifies as follows on:

12 **CROSS EXAMINATION**

13 BY MR. CORDES:

14 Q Alright. So, Ms. Jordan, your last contact with the  
15 mother was November 2012. Is that correct?

16 A That's -- that's -- that I can think, yeah.

17 Q Okay. And during that contact, it was a brief  
18 contact here at the court where you said, "Hello."

19 A That's correct.

20 Q Did you discuss any substantive issues with the  
21 mother during that contact?

22 A Not at all.

23 Q Now, the mother told you that the father was  
24 arrested in South Carolina. Is that correct?

1 A That's what she told me.

2 Q Okay. When did she tell you that information?

3 A I'm going to say it was probably on a phone call and  
4 it was at -- had to be in -- I don't know if it was November,  
5 December. I'm not really sure when she told me that though.

6 Q Of what year?

7 A Of 2012.

8 Q Okay. So November or December of 2012 --

9 A It was --

10 Q -- you had a phone call with the mother, where she  
11 told you he was arrested in South Carolina.

12 A Right. And I'm not really sure when she told me  
13 that, is what I want to say. I'm just guessing when I say, at  
14 that time frame. But it was in 2012.

15 Q Okay. What do you recall about the conversation  
16 with the mother involving the father's arrest in South  
17 Carolina?

18 A I recall her saying that he was there and that  
19 someone, I don't know how the police ended up there, okay, cuz  
20 -- I'm not really sure how they ended up there. But that they  
21 had, um, transported him back to Louisiana.

22 Q Okay. And --

23 A Extradited him there.

24 Q And did the mother indicate whether or not the

1 contact with the father occurred around the same time that the  
2 family reunion had taken place?

3 A I don't know if she's -- if she's saying during that  
4 time or not, either. And, I'm -- I'm almost thinking she said  
5 that she was told to call the police because he was there, but  
6 I'm not really sure.

7 Q So, then the mother's last contact with the father,  
8 was in South Carolina, some time in 2012?

9 A To my knowledge.

10 Q Based on your conversation with the mother?

11 A Yes.

12 Q Now, the mother's explanation for the injury to the  
13 child was that the child kissed an iron. Is that correct?

14 A That's correct.

15 Q And that explanation has been consistent since the  
16 initial removal in 2010 up and through your last interaction  
17 with the mother some time towards the end of 2012. Is that  
18 correct?

19 A Yes.

20 Q She has never provided another explanation to you  
21 relative to the burn to the face. Is that correct?

22 A No.

23 Q Now, did Ms. DeBerry discuss with you any domestic  
24 violence issues that she had with the father of the child?

1           A     She has hinted around to -- and I think it came more  
2 from her mother, that there's domestic violence issues going  
3 on. She and I have discussed domestic violence. So, we did.  
4 She did not tell me of an act with him, but we have discussed  
5 domestic violence because her mother said there's domestic  
6 violence going on. So...

7           Q     Okay. So when you say we discussed it --

8           A     Uh-hmm (in the affirmative).

9           Q     -- what was Ms. DeBerry's response to you --

10          A     Uh-hmm (in the affirmative).

11          Q     -- relative to allegations that there may be  
12 domestic violence in her relationship with the father?

13          A     She did not, outright, say, "Yes, we have domestic  
14 violence." She just engaged with the conversation as I was  
15 saying, "You know, if there's domestic violence, you should  
16 seek treatment for it." So...

17          Q     To your knowledge, did she ever engage in any  
18 domestic violence counseling?

19          A     I don't know if she discussed it with this -- no, I  
20 don't know if she did or not.

21          Q     When you spoke to Ms. Fortune --

22          A     Uh-hmm (in the affirmative).

23          Q     -- in South Carolina --

24          A     Uh-hmm (in the affirmative).

1 Q -- did you tell her that the Agency had concerns  
2 relative to domestic violence based on reports from family  
3 members?

4 A I did.

5 Q Did you ask Ms. Fortune to incorporate your concerns  
6 relative to domestic violence into the counseling with Ms.  
7 DeBerry?

8 A I think I did a verbal with her.

9 Q And you told Ms. Simpkins that there was no  
10 information relative to financial support for the subject  
11 minors. Is that because the mother never produced  
12 documentation to support any payments?

13 A Right. I can -- I can remember her purchasing  
14 things for the kids, cuz I do remember the grandmother telling  
15 me that -- she calls her, Kiki (phonetic herein), that Kiki  
16 bought the kids this, that and that. So she would show that  
17 her daughter was, um, helping to provide some things for the  
18 kids.

19 Q Now you told Ms. Simpkins that you believe there was  
20 a bond between the mother and the children.

21 A Yes.

22 Q What do you mean by bond?

23 A Well, um, her -- the daughter would -- whenever --  
24 when they were here in Las Vegas, she always cried, "I want my

1 mom. I want to go home to my mom." When the daughter was  
2 moved, even in with the grandmother, she'd always ask me, "Ms.  
3 Jordan, when can I go home to my mom? I want to go home to my  
4 mom." So...

5 Q What about Christopher?

6 A Christopher was too young. And when I met  
7 Christopher, he was pretty young. He wasn't verbal when he  
8 was here in Las Vegas. So when I transported him there, he --  
9 you know, he was still -- I didn't really get to talk with  
10 Christopher as much, cuz he was a baby. More of a --

11 Q Okay.

12 A -- non-verbal.

13 Q Alright. So Christopher really never lived in the  
14 home with the mother?

15 A Um, I believe he did. Um, when they were here in  
16 Las Vegas --

17 Q Right.

18 A -- he lived with the mother.

19 Q Until he was burned.

20 A Right. Uh-huh (in the affirmative).

21 Q Okay.

22 A And then of --

23 Q But following that --

24 A No.

1 Q -- back in 2010 --

2 A No.

3 Q -- until now.

4 A He was with the grandma.

5 Q Did any father claiming to be the father of the  
6 children, come forward to establish paternity, or any way  
7 assert their rights as a father?

8 A No.

9 Q Okay.

10 A No.

11 Q Did you ever have contact with Christopher Bynum's  
12 alleged father or putative father?

13 A Uh-hmm (in the affirmative). I had --

14 Q What contact --

15 A -- phone contact with him.

16 Q Okay.

17 A Uh-hmm (in the affirmative).

18 Q And when did that take place? Way back in 2010?

19 A It did. Uh-hmm (in the affirmative).

20 Q Okay.

21 A I've talked to him, actually -- yeah, I've talked to  
22 him then. I may have spoken to him twice.

23 Q Throughout --

24 A Throughout, yes.

1 Q Okay.

2 A Uh-hmm (in the affirmative).

3 Q Do you recall, approximately, when the last  
4 conversation was?

5 A I would say more like, maybe in 2011, maybe 2012.

6 Q Okay. And then after that conversation, ever  
7 receive any financial support for the benefit of his child?

8 A No.

9 Q Any cards, gifts, letters? Did he make any kind of  
10 attempt to provide emotional support for his child?

11 A Not that -- not to my knowledge.

12 Q Were you clear with him that his child was in foster  
13 care?

14 A I was. I would say that, um, Mr. Bynum did visits  
15 with his -- with his children, along with -- with Ms. DeBerry  
16 when they would visit at the grandparent's house. He has, on  
17 occasion, been there for a visit with the kids.

18 Q When they lived in Louisiana together?

19 A When they lived in Louisiana, yes. And Mr. Bynum  
20 was trying to get his son to his mother.

21 Q Okay. And then how about as to Aamiyah's father, or  
22 possible father? Any contact with that individual?

23 A No. I've tried to do -- I did diligent searches for  
24 them, sent letters for them, and everything. But I was never



1 able to get anyone to -- to respond.

2 Q Okay. And so did any man claiming to be the father  
3 of Aamiyah provide any financial support for the benefit of  
4 that child while you were the case manager?

5 A No.

6 Q Okay. Did anyone claiming to be the father of  
7 Aamiyah provide any emotional support by way of letters,  
8 gifts, cards, anything for the benefit of Aamiyah's emotional  
9 support?

10 A No.

11 Q So, as you sit here today, the injury to Christopher  
12 is still unexplained based on the lack of a medically  
13 consistent explanation. Is that correct?

14 A I'm sorry. Can you --

15 Q As you sit here today --

16 A Uh-hmm (in the affirmative).

17 Q -- the injury to Christopher is still unexplained  
18 based upon no medically consistent explanation. Is that  
19 correct?

20 A We do have two different explanations. So...

21 Q Correct.

22 A Yeah.

23 Q And you understand that both of those explanations

24 A Uh-hmm (in the affirmative).

1 Q -- have been checked with a doctor --  
2 A Okay.  
3 Q -- and are not consistent with the explanation. Is  
4 --  
5 A Yes.  
6 Q -- that your understanding?  
7 A Yes. Uh-hmm (in the affirmative).  
8 Q Okay. As you sit here today, based on all of your  
9 conversations with Ms. DeBerry --  
10 A Uh-hmm (in the affirmative).  
11 Q -- you don't know if she, in fact, burned  
12 Christopher, do you?  
13 A I do not, cuz, I was not there. So I -- mm-hmm (in  
14 the negative).  
15 Q Okay. And as you sit here today, you don't know for  
16 a fact that Mr. Bynum burned -- or excuse me, Mr. --  
17 A Uh-hmm (in the affirmative).  
18 Q -- Bynum burned Christopher, right?  
19 A I do not.  
20 Q Okay.  
21 A Mm-hmm (in the negative).  
22 Q Now, was it your understanding from speaking to Ms.  
23 DeBerry that Mr. Bynum was actually in the home with her and  
24 the children on the day of the injury?

1 A That was not my understanding.

2 Q What was your understanding?

3 A We didn't discuss where -- well -- I bel -- he was  
4 not there, as far as I was concerned. Um, from my  
5 conversations with her, he wasn't -- when she recounted what  
6 happened, he was not there.

7 Q Now, you indicated that the mother actually  
8 completed two treatment programs for the physical abuse,  
9 correct?

10 A That's correct.

11 Q Alright. After completing those programs, she still  
12 did not demonstrate the behavioral changes that the Department  
13 required for the children to be safely returned to her care.  
14 Is that correct?

15 A I know after the first one she wasn't. I'm not sure  
16 about the second one.

17 Q Because you had transferred the case by then?

18 A Yeah. I had -- I had not come back to court to --  
19 for the second one.

20 Q Okay. Is there a difference between simply going to  
21 classes and demonstrating behavioral changes from an agency's  
22 perspective in assessing a family?

23 A Yes. There is.

24 Q Okay. Now, do you recall the last time you did a

1 safety assessment on this family?

2 A I do not.

3 Q And do your policies and procedures require that you  
4 do a safety assessment before each court hearing?

5 A That's correct. Uh-hmm (in the affirmative).

6 Q And when you do that safety assessment for the  
7 children, are you assessing their current location, or are you  
8 assessing the parental home?

9 A Um, it should be the home that -- that the actual  
10 kids are in.

11 Q Okay.

12 A That's the one --

13 Q So, in September --

14 A -- that I was assessing.

15 Q -- of 2012 --

16 A Uh-hmm (in the affirmative).

17 Q -- before the last court report that you generated  
18 --

19 A Uh-hmm (in the affirmative).

20 Q -- you would have done a safety assessment based  
21 upon the children's location with their maternal grandmother.  
22 Is that correct?

23 A That's correct. Uh-hmm (in the affirmative).

24 Q And do you recall that the safety assessment at that

1 time was that the children were safe with their grandmother?

2 A It would have been if there was one done .

3 Q Since the children were removed from the care of the  
4 parents --

5 A Uh-hmm (in the affirmative).

6 Q -- would you ever have personally conducted a safety  
7 assessment of Ms. DeBerry's home, or would that have been the  
8 investigator?

9 A Since they were removed?

10 Q Correct.

11 A Um, since she was out of state, I would not have  
12 been able to do a safety assessment of her home.

13 MR. CORDES: Thank you, I have no further questions for  
14 this witness.

15 THE COURT: Any redirect?

16 MS. SIMPKINS: Yes, Your honor.

17 MICHELLE JORDAN

18 testifies as follows on:

19 REDIRECT EXAMINATION

20 BY MS. SIMPKINS:

21 Q Ms. Jordan, let me back you up a little bit. Mr.  
22 Cordes was asking you about the telephone call from Mom in  
23 November, December of 2012, where she indicated to you that  
24 the dad had been arrested.

1 A Uh-hmm (in the affirmative).

2 Q Okay. That happened prior to the telephone call,  
3 correct?

4 A Yes.

5 Q Do you know how -- how much prior to the telephone  
6 call?

7 A I do not.

8 Q I mean, it wasn't the day before, was it? It had  
9 been a while, hadn't it?

10 A I cannot -- I honestly cannot say. I'd have to  
11 actually look and see. When he was actually arrested, I don't  
12 know.

13 Q Okay. Do you think it would refresh your  
14 recollection to look at a printout from the Bossier, Louisiana  
15 -- Bossier City, Louisiana Sheriff's Office?

16 A I guess that would show me when he was arrested, but  
17 it's -- I don't know if I spoke to her, if he had been just  
18 arrested a couple of days ago, or a month ago. That's the  
19 part I'm not sure, um, when I talked to her versus him being  
20 arrested.

21 Q Well, your previous testimony was, you talked to her  
22 in November, 2000 -- or December 2012, right?

23 A Uh-hmm (in the affirmative). I talked to her in  
24 December of -- in -- I talked to her either November or -- I

1 know I talked to her in November, cuz --

2 Q Okay.

3 A -- she was here.

4 Q Okay.

5 A But I spoke to her about him being arrested, prior  
6 to that. So -- but I don't know exactly when.

7 Q Okay. You don't know when you talked to her?

8 A Mm-hmm (in the negative). I could have talked to  
9 her in November, and she said, " He's arrested." And then she  
10 came down here. And I know haven't -- I didn't speak to her  
11 after November.

12 Q Okay.

13 A So, it would be prior to November --

14 Q So --

15 A -- or prior.

16 Q It could have been from January 1st to November 1st

17 --

18 A Could have been.

19 Q -- 2012.

20 A Yeah.

21 Q Okay. So there's really no way for you to tell.

22 A Mm-hmm (in the negative).

23 Q Okay. Fair enough. Now, when Mr. Cordes was asking  
24 you about Mom, stating that the baby kissed the iron, that's

1 what the daughter told you, isn't it?

2 A That's what the daughter told me.

3 Q Okay. So, was Mom repeating what the daughter had  
4 said?

5 A No. Mom didn't repeat what the -- Mom didn't repeat  
6 what the daughter said.

7 Q Okay.

8 A Mom -- mom repeated -- Mom told me that she was not  
9 in the room --

10 Q Okay.

11 A -- is what she said.

12 Q Okay. Now, with regard to the domestic violence  
13 issues, Ms. Jordan, isn't it true that domestic violence was  
14 dismissed from the petition by Hearing Master Femiano after  
15 the court hearing?

16 A To my knowledge.

17 Q Okay. And with regard to the bond, Mr. Cordes was  
18 asking you about the bond between the children and Aamiyah,  
19 always stating to you that she, "Wanted to go home. When can  
20 I go home." Do you know where the children are now?

21 A I do not.

22 Q Okay.

23 A Mm-hmm (in the negative).

24 Q Are you aware that they had been removed from the



1 grandmother?

2 MR. CORDES: Objection, Your Honor. Calls for --

3 MS. SIMPKINS: I'm asking as to --

4 MR. CORDES: -- speculation.

5 MS. SIMPKINS: -- her knowledge.

6 MR. CORDES: She just said she doesn't know where they  
7 are.

8 MS. SIMPKINS: Well, being where they are, versus had  
9 they been removed, are two different questions.

10 MR. CORDES: Okay. Alright. Well it assumes facts not  
11 in evidence, Your Honor.

12 MS. SIMPKINS: How can I put them into evidence if I  
13 can't ask a question.

14 THE COURT: Well, she's -- overruled. Go ahead.

15 BY MS. SIMPKINS:

16 Q Are you aware that they've been removed from the  
17 grandmother, or no?

18 A Um, I just -- just recently became aware. I have no  
19 idea where they're at.

20 Q Okay. With regard to -- you indicated that there  
21 were two different explanations as to the injury to this  
22 child. Were you talking about the two different doctor's  
23 explanations?

24 A Yes.

1 Q Okay. So, we have one doctor, Dr. Mehta who said  
2 that it was abuse, based on her review of the photos. And  
3 then we have the other doctor from Louisiana who actually  
4 looked at the child and said it was not abuse, correct?

5 A That's correct.

6 Q Okay. And Mr. Cordes asked you about Mom  
7 demonstrating a behavioral change, you said, "On the first --  
8 after the first therapy she didn't, but after the second  
9 therapy, you're not sure." Right?

10 A Well it -- it wasn't actually after the therapies  
11 that she -- she just started -- she started to change.

12 Q Okay.

13 A Is what she started to do. She started to change --

14 Q And --

15 A -- probably after the first therapy. It's not --

16 Q And your prior testimony was that you were never  
17 really specific with Ms. Fortune as to what you wanted to see  
18 from Mom, right? I'm not trying to put words in your mouth.

19 A I was specific with her, with -- we actually sent  
20 over a list to her saying, "This is what we'd like to have  
21 done."

22 Q Okay. So --

23 A It was pretty specific.

24 Q -- that was a list of specific topics to cover --

1 A Uh-hmm (in the affirmative).  
2 Q -- like you sent to the first therapist, correct?  
3 A That's correct.  
4 Q Okay.  
5 A It was pretty specific.  
6 Q Okay. But as far as outcomes, as far as exactly  
7 what you want Mom to say, exactly what you want to see from  
8 Mom, that wasn't very specific was it?

9 A I don't know, cuz I think it was all spelled out.  
10 It was all spelled out in the forms that we sent to her.

11 MS. SIMPKINS: Your Honor, I have no further questions.

12 THE COURT: Mr. Cordes, any follow-up?

13 MR. CORDES: Just briefly.

14 **MICHELLE JORDAN**

15 testifies as follows on:

16 **RECROSS EXAMINATION**

17 BY MR. CORDES:

18 Q Ms. Jordan, you are aware that the Court sustained  
19 the physical abuse allegations against Ms. DeBerry, based upon  
20 a trial, correct?

21 A I am aware of that, Your Honor --

22 Q Okay.

23 A -- I mean, Sir.

24 Q Yes. And so, as it stands right now, Christopher

1 was physically abused by Ms. DeBerry, resulting in the child  
2 being placed into the care of the Department. Is that  
3 correct?

4 A That's correct.

5 Q And at the time the Court made that determination,  
6 they were aware that a doctor had rendered a different  
7 opinion, after the children had been taken to Louisiana and  
8 hidden by Ms. DeBerry and Mr. Bynum, correct?

9 MS. SIMPKINS: I'm going to object, Your Honor. I -- I  
10 don't -- that would have been the CPS investigator.

11 MR. CORDES: Judge, it's part of the juvenile file.  
12 There was an allegation.

13 MS. SIMPKINS: Well, that evidence was not allowed in  
14 during the contested hearing. It's in the findings because it  
15 wasn't certified copy.

16 THE COURT: So there's no evidence in the record, then,  
17 that a medical doctor has ---

18 MS. SIMPKINS: Well there --

19 THE COURT: -- found these not to be --

20 MS. SIMPKINS: No. There's -- there's --

21 THE COURT: -- abuse?

22 MS. SIMPKINS: -- repeated references in the J file to  
23 these reports by the Department, in their reports to the  
24 Court. Okay.

1 THE COURT: The Louisiana reports.

2 MS. SIMPKINS: Right. And in the findings from the  
3 hearing master, she refused to allow that to be admitted as  
4 evidence because there weren't certified copies.

5 THE COURT: And there's no evidence in the record that --

6 MR. CORDES: That that opinion exists.

7 THE COURT: -- that these injuries were anything other --  
8 that these injuries were of a non-accidental nature. Is that  
9 what you're saying?

10 MS. SIMPKINS: No. I -- I'd disagree with that, Your  
11 Honor. Because the Department has --

12 THE COURT: Well if the records --

13 MS. SIMPKINS: -- repeatedly --

14 THE COURT: -- weren't admitted --

15 MS. SIMPKINS: -- indicated. But the Department has  
16 repeatedly admitted that those records exist. So that's an  
17 admission of party-opponent, and I would suggest to you that  
18 that is evidence.

19 MR. CORDES: Well, Judge, respectfully, I disagree with  
20 that interpretation. Just because the Department references  
21 inadmissible evidence, doesn't then make it admissible.

22 MS. SIMPKINS: Well, it's in front of the Court now.

23 MR. CORDES: There's nothing in front of the Court, other  
24 than this testimony.

1 THE COURT: What was the question that you objected to?

2 MS. SIMPKINS: I don't even remember. I'm sorry.

3 THE COURT: Neither do I. Did you want to repeat the  
4 question, Mr. Cordes, or --

5 MR. CORDES: No, Judge. I'll move on at this point.

6 Actually, I have no further questions.

7 THE COURT: Okay.

8 MS. SIMPKINS: I have nothing further, Your Honor.

9 THE COURT: Thank you, Ms. Jordan. Thank you for your  
10 testimony.

11 MS. JORDAN: Thank you, Your Honor.

12 THE COURT: Have a good day.

13 MS. JORDAN: You too.

14 (THE WITNESS LEAVES THE STAND AND EXITS THE COURTROOM.)

15 MS. SIMPKINS: And at this time, the only other issue  
16 that I have, is I have an exhibit, a proposed exhibit, from  
17 the -- a certified copy of the records of the Las Vegas  
18 Municipal Court with regard to the domestic violence that Mr.  
19 Cordes questioned my client about. And I would move for  
20 admission of that at this point in time.

21 I had this dropped off on me.

22 MR. CORDES: Yeah.

23 MS. SIMPKINS: Did you get it?

24 MR. CORDES: Judge, I have no opp --

1 THE COURT: No objection?

2 MR. CORDES: It's a certified copy of a legal document.

3 THE MARSHAL: Ma'am.

4 THE COURT: Alright. That'll be Defense Exhibit what?

5 THE CLERK: "D".

6 THE COURT: Okay. It'll be admitted.

7 (DEFENSE'S EXHIBIT D IS ADMITTED.)

8 MS. SIMPKINS: And at this time we would rest, Your

9 Honor.

10 THE COURT: Any rebuttal?

11 MR. CORDES: No rebuttal witnesses, Your Honor.

12 THE COURT: Okay. Are the parties prepared to argue?

13 MR. CORDES: Yes, Your Honor.

14 MS. SIMPKINS: Could we take two minutes. I need to run

15 to the --

16 THE COURT: Yeah, as a matter of fact --

17 MS. SIMPKINS: Yeah.

18 THE COURT: -- it might be a good idea. Well take a --

19 MR. CORDES: Want to do five?

20 THE COURT: We'll take ten minutes.

21 MR. CORDES: Ten minutes.

22 THE COURT: Quarter of.

23 MR. CORDES: Okay.

24 MS. SIMPKINS: Okay.

1 MR. CORDES: Thanks, Judge.

2 (WHEREUPON, THE MATTER WAS TRAILED AT 10:39:17 AND RECALLED AT  
3 10:54:08.)

4 THE COURT: Okay. We are back on the record in 446967.  
5 Counsel and Ms. Douglas are present.

6 Mr. Cordes?

7 **CLOSING STATEMENT BY MR. CORDES**

8 MR. CORDES: Thank you, Your Honor. Judge, as set forth  
9 in the Petitioner's pretrial memorandum, the State  
10 respectfully submits that the evidence by way of the witnesses  
11 that you've heard, as well as the documentary evidence that  
12 has now been admitted into the Court record, clearly, and  
13 convincingly establishes that Christopher and Aamiyah were  
14 removed from the parents' care in 2010.

15 As such, this Court is required, by the statutes, to  
16 apply certain presumptions in 128.109. Specifically, this  
17 Court must presume that the termination is in these children's  
18 best interest based upon the length of time that the children  
19 have been out of the home, the fact that the parents have  
20 neglected the children for a period in -- approximately  
21 thirty-four months, up and through today's date, and other  
22 parental faults that exist. Specifically, the Court should  
23 apply 128.109, token efforts as to both parents, and  
24 specifically, a failure of parental adjustment based upon the



1 length of time from the original case plan in March 2011, up  
2 and through today's date.

3           Additionally, Your Honor, the State would submit  
4 that the evidence has demonstrated that Christopher sustained  
5 an unexplained injury. The explanation previously provided by  
6 the mother, which she remains consistent to through the  
7 testimony she provided before Your Honor, is that Christopher  
8 was accidentally burned with an iron. That explanation was  
9 determined by medical experts at the time of the underlying  
10 adjudicatory hearing to be inconsistent with the extent and  
11 nature of the injuries sustained by Christopher. The mother  
12 has not provided any additional explanation, which may justify  
13 --

14 (COURTROOM PHONE RINGS)

15           MR. CORDES: -- the injuries sustained by Christopher.

16           As such --

17           THE MARSHAL: Defense, they're calling you now.

18           MR. CORDES: Oh.

19           MS. SIMPKINS: You're kidding me.

20           THE MARSHAL: I'm sorry. Do you want me to --

21 (PAUSE WHILE THE MARSHAL ANSWERS COURTROOM PHONE.)

22           Department "D."

23           Right. Hold on, hold on.

24 (THE MARSHAL INQUIRES TO THE COURT.)

1           So do we want to call her back at this number so she  
2 can hear the end of it?

3           THE COURT:   Sure.

4           THE MARSHAL:  Rosa, do you have --

5           THE CLERK:   Yes.

6           THE MARSHAL:  318--

7           THE CLERK:   I got it.

8           THE MARSHAL:  -- 617-8319?

9           THE CLERK:   Yes.  She needs to hang-up though.

10          (THE MARSHAL SPEAKING TO THE CALLER.)

11          THE MARSHAL:  Okay, Keaundra.  What I need you do.  We're  
12 going to hang up and then we're going to call you, so make  
13 sure you stay by the phone, so you can get the phone call.

14          (BRIEF PAUSE.)

15                 Okay.  Give me that number; 843-487-8256.  Okay,  
16 stay right there, we're going to call you.  Bye.

17                 Did you get the number, Rosa?

18          THE CLERK:   843-487-8256.

19          THE MARSHAL:  Perfect.

20          (BRIEF CONVERSATION BETWEEN THE MARSHAL AND THE CLERK AS THE  
21 NUMBER IS DIALED.)

22          (PHONE DIALS OUT.)

23          MS. DeBERRY:  Hello.

24          THE MARSHAL:  Hello, is this Keaundra?

1 MS. DeBERRY: Yes, it is.

2 THE MARSHAL: Okay. Can you hear me? This is the Family  
3 Court in Las Vegas.

4 MS. DeBERRY: Yes, Ma'am. I can hear you all.

5 THE MARSHAL: Okay. We're just doing closing arguments  
6 in your case, because we started this morning at 9:00 a.m. So  
7 --

8 MS. DeBERRY: Okay.

9 THE MARSHAL: -- you're going to hear the attorneys.

10 THE COURT: Ms. DeBerry, this is --

11 MS. DeBERRY: Okay.

12 THE COURT: -- this is Judge Teuton. Can you hear me  
13 alright?

14 MS. DeBERRY: Yes.

15 THE COURT: Alright. Mr. Cordes and Ms. Douglas from the  
16 Department of Family Services are present, as are your  
17 attorney, Melinda Simpkins and Ms. Molinar.

18 Mr. Cordes -- we called repeatedly -- this isn't  
19 directed at you. We did call two or three times to separate  
20 numbers, before we proceeded taking testimony this morning,  
21 and we got your voicemail. At this stage of the proceedings,  
22 Mr. Cordes is making his closing argument. You can listen to  
23 that, and then you can hear Ms. Simpkins argue on your behalf,  
24 and any rebuttal.

1           Alright?

2           MS. DeBERRY: That -- could you repeat that for me one  
3 more time?

4           THE COURT: Yeah. Basically, Mr. Cordes is now arguing,  
5 Ms. Simpkins will then argue. Mr. Cordes will have an  
6 opportunity to respond, and then the case will be submitted to  
7 me for a decision.

8           Alright?

9           MS. DeBERRY: Okay.

10          THE COURT: Mr. Cordes, will you say something just to  
11 make sure she can hear you?

12          MR. CORDES: Yes. Good morning, Ms. DeBerry.

13          MS. DeBERRY: Good --

14          THE COURT: Did you hear Mr. Cordes?

15          MS. DeBERRY: -- morning.

16          THE COURT: Were you able to hear Mr. Cordes.

17          MS. DeBERRY: Yes. I was able to hear him.

18          THE COURT: Alright. Ms. Simpkins.

19          MS. SIMPKINS: Hi Keaundra.

20          MS. DeBERRY: Hi.

21          THE COURT: Alright.

22                 Okay. Mr. Cordes you may proceed.

23          MR. CORDES: Thank you, Your Honor.

24                 Additionally, Your Honor, I believe the testimony

1 that you heard, combined with the documentary evidence,  
2 supports the fact that, in light of the nature of the injury,  
3 which the District Court has already confirmed as being  
4 physical abuse by Ms. DeBerry, renders her to qualify as an  
5 unfit parent.

6 As such, the State is requesting the Court make a  
7 finding that Ms. DeBerry is unfit, based upon the nature of  
8 the injuries that Christopher sustained, that her failure to  
9 successfully make behavioral changes by way of the case plan  
10 objectives set forth for her, specifically, her failure to  
11 identify the nature of the injuries Christopher sustained, and  
12 the circumstances that led to the physical injuries sustained  
13 by Christopher, is a failure of parental adjustment.

14 The evidence also supported, by clear and convincing  
15 testimony and documentary evidence, that Ms. DeBerry has only  
16 made token efforts to comply with her case plan, change her  
17 circumstances, and avoid being an unfit parent.

18 As to the fathers. The evidence has demonstrated  
19 that Mr. Bynum and any other man claiming to be the father of  
20 these children, has abandoned the children. They have not  
21 provided any financial support, or emotional support, in at  
22 least the last six months, and specifically, Mr. Bynum, has  
23 not been involved in these children's lives since sometime in  
24 2010, shortly after their removal, but for one brief

1 conversation, according to Ms. Jordan, wherein he was informed  
2 that the children are still in care, and he took no further  
3 steps after that. Indications by way of Ms. Bynum's -- or Ms.  
4 DeBerry's conversations with Ms. Jordan, indicate that he may  
5 actually have committed further criminal conduct and may have  
6 been incarcerated towards the end of this case, rendering him  
7 to either abandon or have neglected the children.

8           Additionally, Your Honor, the evidence has  
9 demonstrated neglect for a period of approximately thirty-four  
10 months, during which time this case has been regularly  
11 reviewed by the Juvenile Court, determination has been made  
12 that the children could not be returned to the care of the  
13 parents based upon their circumstances and the nature of these  
14 injuries. And we would be submitting a request that the Court  
15 make a finding of neglect by Ms. Deberry, as well as the named  
16 father, and any potential fathers.

17           In assessing the best interest, Your Honor, the  
18 Court is required to determine the parental fitness, as well  
19 as the best interest together. And given the length of time  
20 that these children have been in the care of the Department,  
21 in foster care, respectfully submit that the evidence has also  
22 demonstrated that their best interest would be achieved by  
23 freeing them for purposes of adoption.

24           And with that, we would respectfully submit it.

1 THE COURT: Ms. Simpkins?

2 CLOSING STATEMENT BY MS. SIMPKINS

3 MS. SIMPKINS: Thank you, Your Honor.

4 It's been a while, so I've written down a lot of  
5 things. Your Honor, in the Petition to Terminate Parental  
6 Rights, the State alleged every ground, and I believe, we can  
7 pretty much dispense with abandonment. I further believe that  
8 we can dispense with token efforts. I believe the evidence is  
9 clear that by the time Mom eventually got to the contested  
10 hearing, and got her case plan, the State was basically ready  
11 to file for termination of parental rights because due to the  
12 numerous continuances, she -- that worked against her.

13 Once she obtained a case plan, I would submit she  
14 immediately started working that case plan. And that at the  
15 start of this trial, I told you -- and the evidence presented  
16 throughout the trial, indicated that Mom has completed that  
17 case plan. And that's what the Department has repeatedly put  
18 in their reports to the Court.

19 Accordingly, Your Honor, I would submit that token  
20 efforts does not apply even under the presumptions in NRS  
21 128.109. So I would submit that we're left basically with  
22 four allegations of parental fault: neglect, unfitness, risk  
23 of harm and failure of parental adjustment. And that's  
24 basically to correct the conditions which led to the removal.

1 Starting with neglect. Neglect regards, again, "The  
2 condition of a child, lack in proper parental care by reason  
3 of the fault or habits of the parent. If the parent neglects  
4 or refuses to provide proper or necessary care, subsistence,  
5 education, medical or surgical care, or other care necessary  
6 for the child's health, morals or well being, or it's a parent  
7 who engages in a situation" -- I'm sorry -- "Put's the child  
8 in a situation that's dangerous to life, limb, injurious to  
9 health or morals, and the neglect need not be willful."  
10 Again, that's NRS 128.014.

11 And the Supreme Court has explained this definition  
12 in more detail in the Champagne decision which, although  
13 reversed on other grounds, I cite it every time I'm in front  
14 of you, Your Honor. I know the Court is familiar with it, but  
15 it is the seminal law on this case, and it's a term applied to  
16 the child. And basically it's a child who lacks the proper  
17 parental care by reason of parental fault. And what this --  
18 what the Champagne court said is, to provide a jurisdictional  
19 basis for termination, neglect must be serious and persistent  
20 and be sufficiently harmful to the child so as to mandate  
21 forfeiture of parental rights.

22 Now, in the matter currently before the Court,  
23 there's no indication that these children have lacked  
24 necessary care due to the faults or habits of their mother.



1 The issue as propounded by the State throughout these  
2 proceedings as physical abuse. And I would submit, Your  
3 Honor, nobody really believes this happened. That wasn't the  
4 State's theory of the case, that my client physically --

5 MR. CORDES: Objection, Your Honor --

6 MS. SIMPKINS: -- abused this child at the contested  
7 hearing.

8 MR. CORDES: -- that mis-states the evidence.

9 MS. SIMPKINS: Well, Your Honor, it's in front of the  
10 Court already.

11 THE COURT: Well, we're kind of limited to the findings  
12 that have been made.

13 MR. CORDES: "No one really believes that" is not the  
14 evidence before the Court, Your Honor. So...

15 MS. SIMPKINS: Again, that's argument, Your Honor.

16 THE COURT: You can argue, Ms. Simpkins.

17 MS. SIMPKINS: Further, the evidence established that my  
18 client kept in contact with the children while they were with  
19 her mother and out of her care, and that she provided for  
20 these children while they were in her mother's care. And, in  
21 addition, I'd take this opportunity to remind the Court that  
22 Keaundra DeBerry has a child in her care. And so, if she's so  
23 neglectful, and so unfit, you would think that she couldn't  
24 have these children, that she wouldn't have that child.

1           There's been no injury to this after-born child.  
2   There was no call to the hotline in South Carolina. There was  
3   not report to authorities. And as we stand here today, this  
4   child continues to reside with his mother, again, with no ill  
5   effects. Your Honor, the -- all the evidence presented to  
6   this Court, indicates that the injury to Christopher Jr. was  
7   an isolated incident. You've heard nothing about Mom using  
8   improper discipline to discipline these children. You have  
9   heard nothing about any prior instances of abuse or neglect or  
10   involvement with CPS. So, based upon the Nevada Supreme  
11   Court's explanation of the neglect statute, every indication  
12   is that there was not serious and persistent neglect. And,  
13   accordingly, the State's argument on this ground must fail.

14           With regard to unfitness, that's under 128.018, "A  
15   parent of a child, who, by reason of the parent's fault or  
16   habit or conduct toward the child or other persons, fails to  
17   provide such child with proper care." And again, unfitness  
18   deals with the condition of the parent. Champagne has  
19   indicated also, "That the unfitness has to be severe and  
20   persistent, as such to render the child -- the parent  
21   unsuitable to maintain a parental contact."

22           NRS 128.016 and -- oh -- I'm sorry -- 106 and 107,  
23   indicate, "Specific considerations when determining the  
24   neglect and unfitness and when a child is not in the physical

1 custody of the parent." And I would submit that there are --  
2 there are two that really apply, or that may apply here. And  
3 one is the, "Conduct to a child of a physical, emotional, or  
4 sexually cruel or abusive nature." And the second one is,  
5 "Unexplained injury."

6 With regard to conduct of a child -- conduct toward  
7 a child of a physically abusive nature, when this case came  
8 in, the basic allegation was that in -- was that Christopher  
9 Bynum Sr. had burned the baby with an iron. And, Your Honor,  
10 I would submit, again, that was the theory of the case in the  
11 beginning. But if you look at how this case started, and the  
12 record submitted in this case -- but I would submit you have  
13 to look at how this case started, the records submitted in  
14 this case, and Ms. Fortune's testimony; the therapist, Jane  
15 Fortune, who came to testify.

16 We know from Ms. Jordan's testimony, that the  
17 daughter has repeatedly said, "The baby kissed the iron." The  
18 daughter who was the witness, who was in the room -- the only  
19 witness in the room at the time, and she has never changed her  
20 story. There is repeated reference by the Department in court  
21 reports as to a doctor in Louisiana who actually, physically  
22 examined the child and found no evidence abuse -- of abuse.  
23 And they made these representations to the Court, even despite  
24 Dr. Mehta's testimony that there was physical abuse, at the

1 contested hearing, and even despite the fact that the hearing  
2 master denied the request to admit those records because they  
3 weren't certified.

4           Clearly, set out as the only reason to deny  
5 admission in the findings, is lack of certification. And I  
6 would note, that Counsel couldn't have obtained those records,  
7 because they were from a doctor out of state in Louisiana.  
8 Our subpoenas don't work there. And our office tried to  
9 obtain the records; we were unsuccessful. I would note that  
10 the only way Counsel could have received those records was  
11 through DFS with the State. So the question as to  
12 authenticity is not really taken well.

13           Nonetheless, the Department continued to reference  
14 this doctor who examined the child and they found that no  
15 abuse occurred. In addition, there was evidence that DFS  
16 requested that the DA take another look at the case, even  
17 after the contested hearing had already been decided.

18           The Department referred Mom to two therapists, one  
19 in Louisiana and one in South Carolina. The reports from both  
20 therapists are included in the "J" file. Mom successfully  
21 completed that therapy. And Jane Fortune, who came to  
22 testify, has extensive -- whose extensive experience in  
23 working with abusive parents and abused children, repeatedly  
24 indicated to this Court, that Keaundra DeBerry does not

1 exhibit any symptoms of being an abusive parent.

2 She talked about past behaviors being predictors of  
3 future behaviors, and Mr. Cordes repeatedly asked her about  
4 this issue. And she indicated that past behaviors were not a  
5 good indicator, that past behaviors indicate only a propensity  
6 for future behaviors. And when I asked her to elaborate, she  
7 gave examples. She indicated in child abuse, when a person  
8 has abused a child, they will not typically say, "I want to go  
9 abuse my child again. I want to go hurt my child again." But  
10 red flags in Ms. Fortune's head, are that, "Mommy and Daddy  
11 beat me, and it worked well for me. I believe in spanking."  
12 "What do you spank with?" "I spank with a switch. I spank  
13 with a belt." That's the predictor that they are verbalizing  
14 another intent. If they're verbalizing behavior, Ms. Fortune  
15 indicated, until the behavior takes place, you can only form  
16 some prediction of the future based on what they're saying.

17 Now, I would submit, Your Honor, that we predict  
18 things every day. Who's going to win a basketball game? You  
19 know, what numbers are going to come up in the lottery? If I  
20 put three dollars in Mega Bucks, will that -- will I win  
21 millions? What's the weather going to be like? Am I going to  
22 get a raise this year? I've got a lottery ticket. That's my  
23 prediction of what those numbers are going to come up. And, I  
24 can tell you, that based on the numbers that I've picked,

1 every single one of those numbers has come up before.

2 Now, you carry -- what the State was advocating to  
3 its logical conclusion, I should be winning that lottery.  
4 Because the -- those numbers have come up in the past, now  
5 that's a good indicator that they're going to come up now. I  
6 can tell you that UNLV has won the NCAA tournament in the  
7 past. Is that a good indicator that they're going to win this  
8 year? I can tell you that it rained in Las Vegas before. Is  
9 that a good indicator that it's going to rain today? No, Your  
10 Honor, there has to be more.

11 Ms. Fortune was right. Past behavior is an  
12 indicator, but without more, only the propensity is there.  
13 There must be other signs or indications. Every parent, I  
14 would submit, has the propensity to abuse the child. Does  
15 that mean that we should terminate every parents' rights  
16 because of that propensity?

17 Ms. Fortune stated that she saw no indication of any  
18 red flags, nothing indicating any more than a propensity to  
19 abuse children, even knowing that the hearing master found  
20 that Keaundra physically abused her child. Ms. Fortune  
21 believes that Keaundra is a low risk to re-offend, regardless  
22 of the hearing master's finding, which I submit to you could  
23 never be wrong. And, for the record, I'm being very sarcastic  
24 here. No one actually believes that Keaundra DeBerry

1 physically abused her child.

2 With regard to the unexplained injury, which is the  
3 crux of the State's case, I submitted a memorandum pursuant to  
4 Eighth Judicial District Court Rule 7.27, outlining the  
5 concerns with mandating that a parent admit to a crime in  
6 order to be reunified with their child. I would note that  
7 Keaundra has never admitted that she held an iron to the  
8 baby's face, and she never will. This, however, is exactly  
9 what the Court and what DFS is requiring her to do, what the  
10 State is requiring her to do. And this is, in a nutshell, is  
11 why we're here today.

12 Now, you take a look at her case plan. One of the  
13 action steps is, and I quote, "She will be able to articulate  
14 in dialogue, with the specialist and therapist, the sequence  
15 of events which resulted in physical abuse as sustained by the  
16 Court, and how she will be able to ensure that no future  
17 physical abuse to Christopher Jr. occurs."

18 Now, the Court found that Keaundra physically abused  
19 this child resulting in a burn to the child's face. What  
20 Doctor Mehta testified, and it's in the findings, was that the  
21 burn was caused by holding an iron to the baby's skin. This  
22 is in -- again, in the findings. Thus, in order to meet this  
23 objective of her case plan, Keaundra would have to say that  
24 she held an iron to her baby's face, and she's simply not

1 going to do it. That's a crime, Your Honor. And, I would  
2 submit, not only is the County being sued over this very issue  
3 right now, but the extensive case law --

4 MR. CORDES: Objection.

5 MS. SIMPKINS: -- which I've cited in my --

6 MR. CORDES: Objection, Your Honor.

7 THE COURT: As to the --

8 MR. CORDES: The County being sued over this very thing.

9 MS. SIMPKINS: They are being sued over this very thing,  
10 Your Honor. It's been in the newspaper.

11 MR. CORDES: There's no evidence before the Court.

12 THE COURT: No. There's no evidence before the Court.

13 MR. CORDES: Counsel is still limited in her argument to  
14 the evidence --

15 THE COURT: To the evidence.

16 MR. CORDES: -- that was admitted.

17 THE COURT: The objection is sustained.

18 MR. CORDES: Thank you, Your Honor.

19 MS. SIMPKINS: The extensive case law, which I cited in  
20 my brief, indicates that this violates -- this practice  
21 violates a parent's rights and that a court cannot require a  
22 parent to admit to a crime before their children will be  
23 returned. The Court -- what the Court can require is therapy,  
24 but they can't require an admission. The question is whether



1 that therapy would be successful without an admission. Has  
2 the parent corrected the conditions? Again, failure of  
3 parental judgement, has the parent corrected the conditions  
4 which led to the removal?

5 With regard to that issue, I would urge the Court to  
6 look at the M.D.O. case that is out of Minnesota that I cited  
7 in our brief. There, the Court found, that if the State is  
8 advocating that there can be no rehabilitation without an  
9 admission, they bear the burden of proving that assertion.  
10 Here, we only have the testimony of Jane Fortune. A  
11 professional with years of experience in treating both  
12 physically abused children and physically abusive parents.  
13 Her testimony is un-rebutted by any equally qualified witness.  
14 DFS may be dissatisfied with the treatment, that's  
15 questionable because of what they put in their court reports.

16 The State is certainly dissatisfied with the  
17 treatment, but neither DFS nor the State has any type of  
18 contact with Keaundra DeBerry or did not have the type of  
19 contact with Keaundra DeBerry that Jane Fortune had. We  
20 engage professionals, like Ms. Fortune, every day because  
21 that's the type of expertise we lack, the necessary training  
22 and experience to evaluate a parent and to make a  
23 determination.

24 Ms. Fortune's determination was that Ms. DeBerry's

1 treatment was successful, and she's low risk to re-offend.  
2 Accordingly, the State cannot prove failure of parental  
3 adjustment. And that's all the evidence that has been offered  
4 to this Court regarding her treatment. And even though the  
5 State has yet to hear the explanation of the injury that they  
6 want to hear, the State has not proven that that treatment was  
7 unsuccessful. Unexplained injury, again, is only one factor  
8 in an unfitness determination, Your Honor, and it is not  
9 dispositive of the issue.

10 With regard to risk of harm, NRS 128.105 allows this  
11 Court to, "Terminate parental rights based upon risk of  
12 serious physical, mental, or emotional injury to the child, if  
13 the child were returned to or remains in the home of his  
14 parent or parents." Neither Nevada case law or statutory law  
15 defines this term, other than that simple definition.  
16 However, one could extrapolate that based upon the  
17 requirements of neglect and unfitness, the risk of harm also  
18 has to have serious injury and be severe and persistent, more  
19 than just a simple risk.

20 Further, as Ms. Fortune told you, the only -- a good  
21 indicator -- or an indicator, I'm sorry, of future risk would  
22 be by prior actions. And Ms. Fortune explained that theory in  
23 detail. I'm not going to go over it again because I've  
24 already argued it, but I'll take this opportunity to remind

1 the Court that Ms. Fortune sees no indicators and she sees no  
2 red flags from Keaundra DeBerry of future abusive treatment.

3 Injury by the plain language of the statute is  
4 required to be severe. And with that being said, as to the  
5 risk of harm, we take that risk every day a child is placed  
6 with a foster parent. We take that risk every time a child is  
7 placed with an adoptive parent or guardian. We take that risk  
8 every time a child is placed in foster care. Children are  
9 abused in foster care on a regular basis, even when the State  
10 has stepped in to protect them.

11 I'd submit, Your Honor, that such risk can never be  
12 fully negated. And thus in order to terminate, it has to be a  
13 severe risk, not just any risk. And, again, Keaundra  
14 successfully completed her therapy. She completed her case  
15 plan and has demonstrated changed behaviors as testified to by  
16 Ms. Fortune, and has admitted, by the Department, in stating  
17 that -- in the court reports that she has completed her case  
18 plan and completed therapy. Now, not only has Keaundra found  
19 -- been found to be a low-risk to re-offend, but again, she  
20 has another child in her care with no involvement from CPS in  
21 any state.

22 So I would submit any risk of harm has been  
23 mitigated, and the State has failed to prove this ground as  
24 well.

1           The Court's indulgence, I'm sorry.

2           THE COURT: Uh-hmm (in the affirmative).

3           MS. SIMPKINS: With regard to what Ms. Jordan said on the  
4 stand that she had never really, fully, articulated to Jane  
5 Fortune what they expected to see or what they expected to  
6 hear from Keaundra, there were no details. I would submit the  
7 Champagne case indicates that -- in the Champagne case, many  
8 plans proposed to the Murphy's, failed to specify relevant  
9 criteria to determine successful completion.

10           The -- in People vs. C.A.K., that's a court out of  
11 Col -- that was a case out of Colorado, the lower court order  
12 -- court's order terminating parental rights for the  
13 appellant's failure to successfully complete treatment plans  
14 was reversed. The Colorado court held that if a trial court  
15 intends the successful completion of a treatment plan, as a  
16 condition for the return of the child, then the treatment plan  
17 must specify what the relevant criteria will be to determine  
18 success. Even after all that testimony there's no clear  
19 indication what the relevant criteria is that Keaundra must  
20 meet to determine her success, other than admitting to a  
21 crime.

22           NRS 128.107 includes considerations where a child is  
23 not in the physical custody of the parent, services provided  
24 or offered to the parent to facilitate reunification. DFS

1 provided services to Keaundra, Keaundra participated in every  
2 single one. And when it comes time for DFS, basically to put  
3 their money where their mouth is and give Keaundra's children  
4 -- or, I'm sorry, recommend returning Keaundra's children,  
5 they oppose because she hasn't admitted to a crime.

6 Your Honor, a case plan is a defined term under NRA  
7 -- NRS 128.0155, and it's, "A written agreement between the  
8 parents of a child who is the subject -- who is subject to the  
9 jurisdiction of the juvenile court, and the agency having  
10 custody of the child which the primary objective -- with the  
11 primary objective of reunifying the family, or if the parents  
12 fail to comply with the terms, freeing the child for  
13 adoption." Again, an agreement between Keaundra and DFS, it's  
14 a contract. She's not contracting for the return of the  
15 child. What she's contracting for is DFS's recommendation to  
16 return the child, and DFS failed to live up to their end of  
17 that bargain.

18 They indicate they haven't seen behavioral changes.  
19 But I would submit, Your Honor, how can Keaundra demonstrate  
20 these changes to anyone, if the two -- if you won't allow her  
21 to have unsupervised visits, or even return the children to  
22 her? We have to -- and when we look at the child that  
23 Keaundra does have in her care, there haven't been any  
24 problems.

1 As to the desires of the child. Ms. Jordan  
2 testified that the child, at least the daughter who was verbal  
3 at the time, has repeatedly requested to come home to her mom,  
4 has begged to come home to her mom. Every time she talked to  
5 Ms. Jordan, she wanted to come home to her mom.

6 Efforts of the parents to adjust their  
7 circumstances. I would submit Keaundra has done everything  
8 that she's been asked to do, and there have been no additional  
9 services offered or required. There's no evidence that they  
10 asked her to do anything additional than what she had already  
11 done. Keaundra's bonded to these children, she maintained  
12 contact with her mother about the children. She sends support  
13 for the children when they were with her mother. She has  
14 housing for herself and the kids, and she can support herself  
15 and the children.

16 The other factor is whether additional services  
17 would be likely to bring about a lasting change, enabling the  
18 return of the child within a predictable period. And if it's  
19 a concern, she could continue counseling with Jane Fortune.  
20 We could have involvement, they've -- you've heard testimony  
21 about a family reunion in South Carolina. There's family  
22 everywhere. Family -- we could have family involvement. We  
23 could place the children in South Carolina with family there,  
24 and Mom could progress to unsupervised visitation, overnights,

1 weekends and then home. It doesn't have to go quickly, but I  
2 would submit, Your Honor, it should have moved forward. We  
3 shouldn't be sitting here now, with no further services  
4 offered to this family. We cannot judge whether Keaundra has  
5 made a lasting change unless we give her the chance to  
6 demonstrate that.

7 As for the best interest of the children, there's  
8 evidence that she -- they are bonded, or at least the daughter  
9 is bonded to her mother. She begs to go home. Mom calls the  
10 children numerous times; she sends support for them. I mean,  
11 I've already gone over all this, so I won't bother you with it  
12 now. But she shows a deep and loving bond with her children  
13 and wants them back in her care. She's completed her case  
14 plan in order to effectuate that reunification, and the only  
15 issue is her refusal to admit to a crime. I would submit,  
16 Your Honor, termination of parental rights is not in the  
17 children's best interest.

18 With regard to the domestic violence, and I've  
19 submitted proof to the Court that there -- no charges have  
20 been filed against my client. The State asked my client a  
21 number of questions about DV, they asked Ms. Jordan about DV.  
22 Keaundra denied DV. Again, no charges ever filed, no  
23 conviction ever existed, nothing has been provided to this  
24 Court with regard to that. And further, I would note that

1 this was heard by the hearing master at the contested hearing  
2 and denied, despite my client's testimony regarding the same  
3 incident that she described to you. It's in the findings.

4 And I know Your Honor is aware that you can't  
5 impeach a witness with a misdemeanor conviction unless it  
6 involves veracity, and we don't even have a misdemeanor  
7 conviction here. So I would ask this Court not to be  
8 distracted by this issue. This is not an issue at all.

9 A last word about the presumptions. Again,  
10 continuances requested by former counsel and by the DA's  
11 office, work to deprive the family of time -- timely  
12 resolution. Keaundra has done more than token efforts. She  
13 has complied with the case plan within six months after the  
14 date on which the plan was commenced, and there are no  
15 presumptions, given that token efforts is out -- that apply to  
16 parental fault. In order to terminate, again, there must be  
17 parental fault, there must be best interest.

18 I would submit, Your Honor, Mom is in a position to  
19 immediately care for these children, but she has never been  
20 given that opportunity and based upon her refusal to admit to  
21 a crime. There have been no objective standards articulated  
22 by the Department against which the Court can measure  
23 Keaundra's progress. The only evidence presented as to her  
24 rehabilitation or risk to re-offend was presented by Ms.



1 Fortune. It's un-rebutted. Therapy has been successful.

2 As Ms. Fortune indicated, "My experience in working  
3 with women who have battered children or battered spouses,  
4 typically, they have a history of abuse themselves by a  
5 parent, a spouse, boyfriend, girlfriend. There's anger.  
6 There's trauma which manifests as anger, and it's taken out on  
7 the children. I don't see that in her, in Keaundra. I don't  
8 hear it in her history, I have to stretch to believe that of  
9 her, and I don't stretch that far." And I would submit, I  
10 would ask the Court, you shouldn't stretch that far either.

11 So, with that, we would request that the petition be  
12 denied.

13 MR. CORDES: Judge, you don't need to go outside of the  
14 jurisdiction. Case law in the state of Nevada is very clear.  
15 K.D.L., specifically instructs this Court to look at a  
16 parent's case plan compliance. And it's not simply going to  
17 classes, checking off the boxes that I went. It is doing the  
18 behavioral changes. We have not seen that from Ms. DeBerry  
19 because she hasn't even started to address the issue that  
20 brought Christopher and Aamiyah to the attention of the  
21 Department back in 2010.

22 She needs no additional time; she's had plenty of  
23 time. So this red herring about these delays and the  
24 evidence, all that was resolved. She had a case plan in March

1 of 2011. She still, through this date, has not completed the  
2 case plan. For Counsel to argue that it's completed, is  
3 contrary to the evidence that you heard. Ms. DeBerry,  
4 herself, sat on the stand and said, "What I told the Court  
5 back in 2010, is how Christopher was injured." Well, we know  
6 that a hearing master and a District Court judge, both believe  
7 that that explanation by Ms. DeBerry was not consistent with  
8 the totality of the evidence.

9 Counsel would insist that, "Well, we dismissed the  
10 domestic violence, but you know how hearing masters could be  
11 wrong sometimes. So the physical abuse finding is not  
12 correct." That's contrary to the evidence. The evidence is  
13 very clear. Hearing Master made a determination after  
14 assessing the credibility and weighing the evidence, and a  
15 District Court judge affirmed that decision. Ms. DeBerry is a  
16 physical abuser of a child. There is no dispute. So, to try  
17 and couch this any different way, is a disservice to this  
18 Court and these children.

19 Ms. DeBerry failed, failed to tell the Court, failed  
20 to tell the Department of Family Services, how Christopher  
21 sustained that very serious physical injury to his face, which  
22 was consistent, based on medical testimony of an iron being  
23 held to his face and burning him.

24 Ms. DeBerry is unfit. Case law in Nevada is very

1 clear. Statutorily, it is set forth in NRS 128. There's no  
2 dispute based upon this evidence that she is an unfit parent.  
3 Your Honor, the presumptions apply, she needs no additional  
4 time in this matter. Obviously, any additional time is not  
5 going to bring her to the point of helping her in counseling.  
6 She's told Your Honor she is never going to say she burned  
7 that child. If she never tells the Department or this Court  
8 what happened, appropriate counseling cannot be undertaken.

9           You heard Ms. Fortune. She wasn't a very  
10 respectable professional. I think her testimony was  
11 questionable on numerous levels. As it relates to her  
12 counseling, very minimal involvement with Ms. DeBerry. If  
13 you'll recall, there was a couple sessions, no counseling for  
14 a number of months, and then a quick session that Ms. DeBerry  
15 attempted to get re-engaged in.

16           Your Honor, these children need to be done with  
17 foster care. The only way to achieve that, in these three  
18 years, is to grant this termination; free them for adoption.

19           Thank you.

20           THE COURT: Alright. Well, unfortunately, I need to go  
21 back and -- I want to review my notes. But as I'm listening  
22 to the argument today, if I understand -- and I'm going to ask  
23 each of you to comment. If I understand the statutes, failure  
24 of parental adjustment, compliance with the case plan, and

1 correcting those faults or habits or whatnot of the parent,  
2 that caused the child to come into custody. There's been  
3 argument that I am bound in this proceeding by finding that  
4 Ms. DeBerry was the physical abuser as the hearing master had  
5 found below.

6           The -- quite frankly, the issue I've got is that the  
7 evidence that's presented in this proceeding, may be different  
8 than the evidence that was presented before the hearing  
9 master. And, in fact, I doubt if there was evidence before  
10 the hearing master which came in, in this case, that Aamiyah,  
11 the daughter, had told the investigator, Ms. Cummings, that  
12 she was the one that was supposed to be watching Christopher.  
13 But, that the boyfriend, that is Mr. Bynum, had said that  
14 Christopher had tried to kiss the iron, which indicates to me  
15 that the boyfriend was present and gave an explanation to  
16 Aamiyah.

17           We have Ms. DeBerry testifying before the hearing  
18 master and testifying before this court, that Mr. Bynum was  
19 not even present. Her testimony was that Mr. Bynum didn't  
20 return to the residence till that afternoon, after he picked  
21 up Aamiyah from school. It's interesting that Mr. Bynum,  
22 following the child sustaining this injury, left the state to  
23 Louisiana with the child -- flew the child to Louisiana.

24           What concerns me in this case is that Ms. DeBerry

1 continues to maintain the position that she did not, and Mr.  
2 Bynum did not, injure this child, that this was an accidental  
3 injury. I am convinced, based upon the review of the findings  
4 of the hearing master, that this injury was non-accidental;  
5 that it was intentionally inflicted.

6 The question I've got, and I want to add one last  
7 finding from Ms. Fortune, and she was asked about this.  
8 Discussing the incident with Ms. Fortune, her report, and she  
9 testified, "That Ms. DeBerry stated that the father of the  
10 children was in the apartment." Which is absolutely  
11 inconsistent with her testimony before the hearing master, and  
12 her testimony before this court.

13 The issue in my mind, is not necessarily compliance  
14 with the case plan, but the question of unfitness in that the  
15 evidence would support a finding that she has consistently  
16 protected an abusing individual from appropriate punishment  
17 and prosecution, by allowing that individual to leave the  
18 state with the victim, by testifying before a hearing master,  
19 and testifying in this court, that that person wasn't present.

20 And if that is the finding of this Court, then it  
21 would seem to me, that unfitness would be the appropriate  
22 finding and not necessarily failure of parental adjustment, if  
23 the failure of parental adjustment criteria is restricted to a  
24 case plan, which required an admission to a factual finding

1 that was made as a result of testimony presented in that  
2 proceeding, which may not, in fact, be a correct factual  
3 finding based upon subsequently discovered testimony and  
4 evidence. That's the issue I'm wrestling with in my mind.

5 Mr. Cordes, do you care to comment? Ms. Simpkins,  
6 do you care to comment?

7 MR. CORDES: I do, Your Honor. I believe, as well as  
8 unfitness, then the findings by the Court, or the topic that  
9 you have just discussed, also leads to a determination as to  
10 an unreasonable risk of harm to the children or child, should  
11 you return the children. Because, if in fact, Ms. DeBerry has  
12 not been truthful before the hearing master, not been truthful  
13 before this Court, and really knows that Mr. Bynum was the  
14 perpetrator of the physical abuse, she has maintained contact,  
15 at least we know by the testimony, that he was in South  
16 Carolina within the same area that she lives in, was arrested,  
17 and returned to Louisiana based upon her own testimony and  
18 statements to Ms. Jordan.

19 So, you -- the Court, I believe, should question  
20 whether or not a return would potentially subject these  
21 children to future contact with Mr. Bynum as a result of Ms.  
22 DeBerry's willingness to protect him from appropriate  
23 punishment. So -- and I do understand as it relates to the  
24 failure of parental adjustment. But the State and the Court

1 are bound by the evidence that was admitted, and therefore  
2 prepared a case plan upon the testimony.

3 THE COURT: I understand.

4 MR. CORDES: And so I don't think the State or these  
5 children, specifically, should be punished by the fact that  
6 Ms. DeBerry was not forthcoming with evidence that could have  
7 changed the case plan.

8 THE COURT: Ms. Simpkins?

9 MS. SIMPKINS: Well, Your Honor, I had occasion to review  
10 Ms. Fortune's testimony last night. And, all due respect to  
11 the Court, you asked her about that when we submitted the  
12 report. You asked her about that, and she indicated to you,  
13 after I questioned her, that that was -- she had mistakenly  
14 written that in her report, that Mr. Bynum was in the  
15 apartment. She indicated to you that she -- that was her  
16 mistake, that Mom had been completely consistent with her, and  
17 that Mr. Bynum was not in the apartment. That's -- that's the  
18 evidence that is before the Court.

19 I don't -- I can't recall any specific time that my  
20 client ever indicated that Mr. Bynum was in the apartment.  
21 Her testimony, if I recall correctly, and again, it's been a  
22 long time, was that Mr. Bynum was at the apartment, he dropped  
23 -- I believe he dropped off the children and then he left.  
24 And at the time of the injury, Mom was in the bathroom and the

1 child, her daughter, was standing right there. So, I don't  
2 have any indication that Mr. Bynum was ever --

3 THE COURT: Okay. Alright. On -- on the factual issue,  
4 I will -- luckily it's the last note I have from her  
5 testimony.

6 MS. SIMPKINS: Right. It's only the last one.

7 THE COURT: So I don't have to listen to all of it. I  
8 will go back and review it.

9 But -- and I think, I can't tell from this if it was  
10 during cross examination or if, in fact, it was my question,  
11 but I make the note that the State's proposed Exhibit 2, which  
12 was subsequently admitted -- or the Defense Exhibit 2 -- no  
13 it's the State's Exhibit 2, January 2nd, 2012, Defendant  
14 states that the father was in the room but not -- was in the  
15 home but not in the room, which is what it says in her report.  
16 I'll go back and listen to the actual testimony, just to  
17 verify or refute, what my notes and what her report says.

18 But on the subsequent issue -- or the underlying  
19 issue as to the interplay between the case plan, the findings  
20 that were made in the underlying proceeding, versus findings  
21 that may be made as a result of testimony that wasn't admitted  
22 or offered in the underlying proceeding.

23 Comments on that.

24 MS. SIMPKINS: Well, the -- in -- when you -- and I'm not



1 exactly sure, exactly what you're asking me, Your Honor. My  
2 initial reaction was that there was a recent case out of the  
3 Supreme Court, and I'm sorry, I can't -- it's not coming to my  
4 brain right now. About how the hearing master's findings are  
5 not binding on the District Court, but I know that you have a  
6 District Court hear -- master already supporting these  
7 findings.

8 But I would submit to this Court, that you are free  
9 to make your own findings, because this is a different  
10 proceeding. Although, that is evidence in this proceeding, I  
11 think you're free to make your own findings here. If that  
12 answers your question.

13 THE COURT: Yeah, it tends to. Alright.

14 In any event, I will take this matter under  
15 advisement, and I'll try to make the decision as soon as  
16 possible. It has been --

17 MS. SIMPKINS: Thank you, Your Honor.

18 THE COURT: -- pending for quite a while.

19 MR. CORDES: Thank you, Your Honor. Appreciate your time  
20 this morning.


21 MS. DOUGLAS: Thank you.

22 THE COURT: Thank you.

23 (THE PROCEEDING ENDED AT 11:37:58.)

24 \* \* \* \* \*

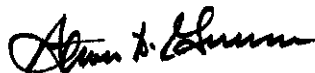
1 ATTEST: I do hereby certify that I have truly and correctly  
2 transcribed the digital proceedings in the above-entitled case  
3 to the best of my ability.

4   
5 DARRYL THOMAS,  
6 Transcriber II  
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1 **ROC**  
2 DAVID M. SCHIECK  
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6 Deputy Special Public Defender  
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12 msimpkins@clarkcountynv.gov  
13 Attorneys for Keaundra Deberry



CLERK OF THE COURT

DISTRICT COURT  
FAMILY DIVISION - JUVENILE  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11  
12 Plaintiff,

13 vs.

14 KEAUNDRA DEBERRY,  
15 Defendant.

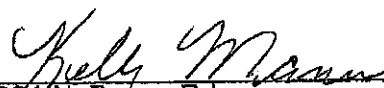
CASE NO. D-11-446967-R  
DEPT. NO. D

RECEIPT OF COPY

16  
17 RECEIPT of a copy of the Las Vegas Municipal Court Records for case number  
18 C0716427A is hereby acknowledged.

19  
20 Dated: 12-06-12

DISTRICT ATTORNEY OFFICE - JUVENILE  
RON CORDES, ESQ.

21  
22  
23  
24   
25 601 N. Pecos Rd.  
26 Las Vegas, NV 89101  
27  
28

SPECIAL PUBLIC  
DEFENDER

CLARK COUNTY  
NEVADA

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

FILED

JAN 2 9 56 AM '13

*[Signature]*  
CLERK OF COURT

IN THE MATTER OF THE PARENTAL  
RIGHTS OF:  
AAMIYAH LAMB, CHRISTOPHER  
BYNUM, JR.,  
MINOR(S).

CASE NO: D-11-446967-R  
DEPARTMENT C

**NOTICE OF RESCHEDULING OF HEARING**

Please be advised that the date and time of a hearing set before the Honorable  
**ROBERT W. TEUTON** has been changed. The Trial, presently scheduled for the 29<sup>th</sup>  
day of January at 1:30 pm, has been rescheduled to the 15<sup>th</sup> day of March, 2013, at  
9:00 AM.

HONORABLE ROBERT W. TEUTON

By: ROSA ARDESCH

Rosa Ardesch  
Court Clerk – Department D

## CERTIFICATE OF MAILING

I hereby certify that on the above file stamped date:

☒ I mailed, via first-class mail, postage fully prepaid the foregoing Notice of Rescheduling of Hearing to:

Christopher Lamont Bynum  
10 W End ST  
Tallulah LA 71282

Joseph Lamb  
660 E New Hope RD APT #A5  
Goldsboro NC 27534  
Graves Virgil  
506 16th AVE  
Dillon SC 29536  
Ronald L Cordes  
601 North Pecos Road  
Las Vegas NV 89101

Melinda E Simpkins, Esq. (Deanna Molinar, Esq.)  
330 South Third Street Suite 800  
Las Vegas NV 89155

☒ I placed a copy of the foregoing Notice of Rescheduling of Hearing in the appropriate attorney folder located in the Clerk of the Court's Office:

Ronald L. Cordes  
Melinda E. Simpkins  
Deanna M Molinar

**ROSA ARDESCH**

---

Rosa Ardesch  
Court Clerk – Department D.

1  
2 NEO

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

3  
4  
5 In The Matter of:

6 Aamiyah Lamb,

CASE NO. D-446967

7 And

DEPT. D


8 Christopher Bynum.

9 Minors.

10 **NOTICE OF ENTRY OF ORDER**

11 Please take notice that a **DECISION** was entered in the foregoing action and the  
12 following is a true and correct copy thereof.

13 Dated: April 29, 2013.

14   
15 Jaclyn Millsap, Esq.  
16 Law Clerk  
17 Family Division, Department D


18 **CERTIFICATE OF SERVICE**

19 A copy of the foregoing **DECISION** was:

20 Placed in the attorney folders for the Plaintiff and Defendant and/or placed in the U.S.  
21 Mail to the following persons:

22 **Ron Cordes, Esq.**  
23 Attorney for the Clark County  
24 Department of Family Services  
25 601 N. Pecos Road  
26 Las Vegas, NV 89101

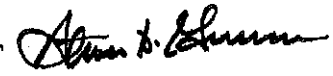
**Deanna Molinar, Esq.**  
Attorneys for Respondent  
601 N. Pecos  
Las Vegas, NV 89101

27   
28 Jaclyn Millsap, Esq.  
Law Clerk  
Family Division, Department D

**ROBERT W. TEUTON**  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. D  
LAS VEGAS NV 89101

EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

In the Matter of the Parental Rights of: )  
Aamiyah Lamb, )  
and ) Case No. D-446967  
Christopher Bynum. ) Department D  
Minors. )

**DECISION**

This matter was initiated by the filing of the Petition to Terminate Parental Rights on May 24, 2011. Service of Process was completed and the first hearing was held August 26, 2011 and was continued to a status check on October 7, 2011. The first trial was scheduled for January 23, 2012, and following a number of continuances and intervening motions, finally commenced November 2, 2012 and closing arguments were held March 15, 2013. Chief Deputy District Attorney Ron Cordes presented evidence and argument on behalf of the Department of Family Services. Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar represented Respondent mother Keandra Louise Deberry. Respondents Virgil Graves, Joseph Lamb and Christopher Lamont Bynum made no appearances. Service was made by publication on June 13, 20 and 27, 2011 and July 5, 2011. Accordingly, this Court has proper jurisdiction over this matter.

The Court heard testimony from Roberta Cummings, Michelle Douglas, Michelle Jordan, Jane Fortune and Keundra Deberry. Additionally, the birth certificates of the two minor children, Aamiyah De'Nasia Lamb and Christopher Lamont Bynum, Jr., were

**ROBERT W. TEUTON**  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. D  
LAS VEGAS NV 89101

1  
2 admitted into evidence as was a certified copy of proceedings in case J-10-319959, an  
3 assessment letter dated June 6, 2012, a letter from Jane Fortune dated July 12, 2012, a deed  
4 of distribution of land, respondent's pay stubs and a certified City of Las Vegas Municipal  
5 Court Judgment of dismissal in case C0716427A.

6  
7 The Court has taken into consideration the testimony of the named witnesses,  
8 reviewed the admitted documentary evidence and considered argument of counsel.

9 THE COURT FINDS by clear and convincing evidence that the allegations in  
10 paragraphs I through VII of the Petition in this case are true.

11 THE COURT FINDS by clear and convincing evidence that the minor children  
12 were taken into protective custody on May 12, 2010 and have continuously resided outside  
13 Respondents' home ever since, a period of time through commencement of the trial in this  
14 matter of 30 months and 35 months through the date of this decision.

15 THE COURT FINDS that the statutory presumptions set forth in NRS 128.109 (1)  
16 (a) (token efforts) and NRS 128.109 (2) (best interest of the child) apply and that the  
17 burden is shifted to the parents to demonstrate by a preponderance of evidence that their  
18 parental rights should not be terminated.

19 THE COURT FINDS by clear and convincing evidence that Joseph Lamb had no  
20 contact with Aamiyah Lamb since 2005; and failed to provide any financial support on  
21 behalf of Aamiyah Lamb. Accordingly,  
22

23 THE COURT FINDS that the parental rights of Joseph Lamb as to Aamiyah Lamb  
24 be terminated as Joseph Lamb abandoned and neglected Aamiyah Lamb.  
25  
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27  
28

**ROBERT W. TEUTON**  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. D  
LAS VEGAS NV 89101



1  
2 THE COURT FINDS by clear and convincing evidence that any other person  
3 claiming paternity of Aamiyah Lamb had no contact with Aamiyah Lamb since birth and  
4 failed to provide any financial support on behalf of Aamiyah Lamb.

5 THE COURT FINDS that the parental rights of any other person claiming paternity  
6 of Aamiyah Lamb should be terminated as said person has abandoned and neglected  
7 Aamiyah Lamb.  
8

9 THE COURT FINDS that the natural mother of Aamiyah Lamb had named Virgil  
10 Graves as a father of Aamiyah Lamb and further finds that DNA testing was done and that  
11 Virgil Graves was excluded as the father of Aamiyah Lamb.

12 THE COURT FINDS by clear and convincing evidence that Christopher Bynum  
13 had no contact with Christopher Lamont Bynum, Jr., since 2010 and failed to provide any  
14 financial support on behalf of Christopher Lamont Bynum, Jr. Accordingly,  
15

16 THE COURT FINDS that the parental rights of Christopher Bynum as to  
17 Christopher Lamont Bynum, Jr., should be terminated as Christopher Bynum abandoned  
18 and neglected Christopher Bynum, Jr.

19 THE COURT FINDS that a case plan was developed as a result of the sustained  
20 allegations against Christopher Bynum which included, inter alia, substance abuse  
21 assessment and follow recommendations, maintain contact with the Department of Family  
22 Services, complete a domestic violence assessment and follow recommendations.  
23

24 THE COURT FINDS by clear and convincing evidence that Christopher Bynum  
25 failed to comply with his case plan within a reasonable period of time.  
26  
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28

**ROBERT W. TEUTON**  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. D  
LAS VEGAS NV 89101

1  
2 THE COURT FINDS that the parental rights of Christopher Bynum as to  
3 Christopher Lamont Bynum, Jr., should be terminated due to failure of parental  
4 adjustment, unfitness, and token efforts.

5 THE COURT FINDS that Christopher Lamont Bynum, Jr., was the subject of a  
6 petition in J-319959 which alleged he was physically abused and/or improperly supervised  
7 resulting in his sustaining a triangle shaped burn to his face consistent with the shape of an  
8 iron. Keaundra Louise Deberry, natural mother of both children, was found to have  
9 physically abused Christopher Lamont Bynum, Jr. The finding was predicated upon  
10 testimony that the injury was not accidental based on the burn not being a glancing type  
11 burn, but an impression burn indicating that the iron had been held against the skin.  
12 Additionally, the degree of the burn indicated that it was held to the skin, as the natural  
13 reaction would have been to pull away from the iron. Finally, Keaundra Louise Deberry  
14 testified that she was the only adult present at the time of the injury. A case plan was  
15 developed which required, inter alia, that Keaundra Louise Deberry complete age  
16 appropriate parenting classes, maintain housing and provide proof of income. The case  
17 plan objective concerning physical abuse required her to "[t]horoughly, comprehensively,  
18 convincingly, and in a forthright manner, address precipitating risk factors, triggers and  
19 sequence of antecedent events that led to the physical abuse sustained by the Court as to  
20 his/her children (sic) Christopher Bynum, Jr. and actively participates in the development  
21 of a safety plan to prevent recurrence." The action steps to achieve the physical abuse  
22 objective included completing an assessment and engaging in counseling.  
23  
24  
25  
26  
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1  
2 THE COURT FINDS that Keundra Deberry consistently maintained that the injury  
3 to Christopher Lamont Bynum, Jr., was accidental, in that the child pulled on the electrical  
4 cord causing the iron to fall off the furniture and it accidentally burned him.

5 THE COURT FINDS that Keundra Deberry completed age appropriate parenting  
6 classes and otherwise complied with the case plan. However, she failed to comply with  
7 that aspect of the case plan which required her to address the risk factors and sequence of  
8 events that lead to the physical injury sustained by Christopher Bynum, Jr. Jane Fortune,  
9 the counselor Keundra Deberry saw in South Carolina, testified at the trial. Additionally,  
10 two written statements from Ms. Fortune were admitted into evidence. Her Diagnostic  
11 Assessment Summary (June 6, 2012; State Exhibit 2) recounts Ms. Deberry as stating, in  
12 part, "she was in her apartment getting ready for work when her then one year old son  
13 burnt his face with a hot iron she had sat up on the dresser." This report recounts Ms.  
14 Deberry's statement that the father (Christopher Bynum, Sr.) "was in the apartment,  
15 however, was not in the room were (sic) the incident occurred." Ms. Fortune elaborated on  
16 this aspect of her report by stating that Ms. Deberry said over and over to her that the  
17 father had been in the apartment but had left. Respondent's Exhibit A, Ms. Fortune's  
18 report dated July 7, 2012, indicates that Keundra Deberry was counseled on accepting  
19 responsibility for failing to supervise the child which neglect resulted in the injury to the  
20 child.  
21  
22  
23

24 THE COURT FINDS that the statutory presumption that she has only engaged in  
25 token efforts has not been overcome by a preponderance of evidence.

26 THE COURT FINDS that Ms. Deberry has not substantially complied with the  
27 case plan in that, although she has technically completed the parenting courses and  
28

1  
2 engaged in counseling, the "circumstances, conduct or conditions" which lead to the  
3 removal of Christopher Lamont Bynum, Jr., from her care were not remedied.

4 Accordingly,

5 THE COURT FINDS clear and convincing evidence of failure of parental  
6 adjustment which renders Keundra Deberry an unfit parent as well as Keundra Deberry  
7 having engaged in no more than token efforts.  
8

9 THE COURT FINDS clear and convincing evidence that it is in the best interest of  
10 Aamiyah Lamb and Christopher Lamont Bynum, Jr., that the parental rights of Keundra  
11 Deberry (both children), Joseph Lamb (Aamiyah Lamb), any other person claiming  
12 paternity of Aamiyah Lamb, and Christopher Bynum, Sr. (Christopher Lamont Bynum, Jr.)  
13 be terminated so rendering the children eligible for adoption.  
14

15 The Clark County District Attorney is directed to prepare an Order terminating the  
16 respective parental rights and submit it directly to the Court for signature.  
17

18  
19 DATED this 29 of April, 2013.  
20

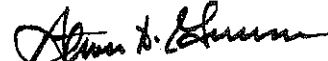
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22 

23 ROBERT W. TEUTON  
24 DISTRICT COURT JUDGE  
25  
26  
27  
28

ROBERT W. TEUTON  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. D  
LAS VEGAS NV 89101

STEVEN B. WOLFSON  
DISTRICT ATTORNEY  
Jennifer Kuhlman  
Deputy District Attorney  
Juvenile Division  
Nevada Bar No. 10113  
601 North Pecos  
Las Vegas, Nevada 89101  
(702) 455-5320

  
CLERK OF THE COURT

**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, 9 Years and 02 Month(s) of  
Age.

COURT CASE NO.: J-10-319959-P1  
DEPT.: FAMILY JUVENILE  
COURTROOM: HM FEMIANO - #22

CHRISTOPHER LAMONT BYNUM, JR  
Date of Birth: 03-28-2009  
A Minor, 4 Years and 00 Month(s) of  
Age.

**OUT-OF-HOME PLACEMENT ORDER - Licensed Foster Home**

This matter having come on for Permanency and Placement Review before  
the Family Court, Eighth Judicial District, County of Clark, State of Nevada, Clark County  
Department of Family Services, on this 28 day of March, 2013, with parent(s) DEBERRY,  
KEAUNDRA; BYNUM SR., CHRISTOPHER L. (father a to CHRISTOPHER LAMONT  
BYNUM, JR.; LAMB, JOSEPH (father as to AAMIYAH DE NASIA LAMB)  
not being present in Court, and subject minor(s) being available to the Court, and the  
Court finding that the minor(s) come(s) within the provisions of NRS 432B.410, 432B.550,  
432B.580, 432B.590, and 432B.600, and good cause being shown;

**THE COURT FINDS** that continuation of the minor(s) in the home of the parent(s)/guardian(s), DEBERRY, KEAUNDRA; BYNUM SR., CHRISTOPHER L. (father) to CHRISTOPHER LAMONT BYNUM, JR.; LAMB, JOSEPH , is contrary to the welfare of the child(ren);

**THE COURT FURTHER FINDS** that reasonable efforts have been made as cited in the Permanency and Planning Review Report to prevent or eliminate the need for removal of the child(ren) from DEBERRY, KEAUNDRA home;

**THE COURT FURTHER FINDS** that reasonable efforts have been made as cited in the Permanency and Planning Review Report to make it possible for the child(ren) to return to the home of DEBERRY, KEAUNDRA ; accordingly,

**IT IS HEREBY RECOMMENDED** that AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT BYNUM, JR are continued as Wards of the Family Court as children in Need of Protection;

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

...  
...  
...

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

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

**IT IS FURTHER RECOMMENDED** that continuation of reasonable efforts to reunify AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT BYNUM, JR with DEBERRY, KEAUNDRA , as required by NRS 432B.393 is consistent with the Permanency Plan;

**IT IS FURTHER RECOMMENDED** that the following efforts that have been made by the Clark County Department of Family Services to meet the permanency goal are reasonable efforts: -Maintained communication with Ms. Deberry

-Submitted diligent searches for Mr. Bynum

-Submitted diligent searches for Mr. Lamb

-Contacted Bossier Parish Maximum Security Facility in Louisiana as to obtain information related to Mr. Bynum's release date.

-Contacted Bossier City Police Jail in Louisiana as to obtain information as to Mr. Bynum's release date.

...

...

...

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

**IT IS FURTHER RECOMMENDED** that:

☐ Child Support is waived;

☐ Child support is ordered in the amount of \$\_\_\_\_\_ for

per child;

**IT IS FURTHER RECOMMENDED** that the AAMIYAH DE NASIA LAMB and  
CHRISTOPHER LAMONT BYNUM, JR are placed in a licensed foster home.

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



IT IS FURTHER RECOMMENDED that this matter be reviewed on the 5th  
day of September, 20 13, at the hour of 2:30 p.m., Department:  
Family Juvenile.

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

Dated this 29 day of April, 20 13.

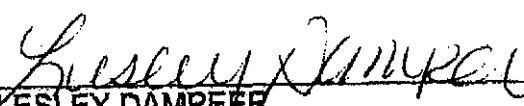
  
JUVENILE HEARING MASTER *LB*

IT IS SO ORDERED.

Dated this 29 day of April, 20 13.

  
DISTRICT JUDGE - JUVENILE *B*  
Cynthia N. Giuliani

Submitted by:

  
LESLEY DAMPEER  
CASE MANAGER  
DEPARTMENT OF FAMILY SERVICES

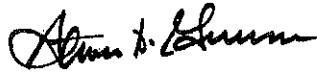
Submitted by:

STEVEN B. WOLFSON  
DISTRICT ATTORNEY

By:   
Deputy District Attorney

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

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05/28/2013 02:42:34 PM



CLERK OF THE COURT

1 **NOAS**  
2 **DAVID M. SCHIECK**  
3 **SPECIAL PUBLIC DEFENDER**  
4 Nevada Bar #0824  
5 **MELINDA SIMPKINS, ESQ.**  
6 **Deputy Special Public Defender**  
7 Nevada Bar #7911  
8 **DEANNA M. MOLINAR, ESQ.**  
9 **Deputy Special Public Defender**  
10 Nevada Bar #12045  
11 330 South Third Street, Suite #800  
12 Las Vegas, Nevada 89155  
13 (702) 455-6266  
14 (702) 380-6948 fax  
15 msimpkins@clarkcountynv.gov  
16 Attorney for KEAUNDRA DEBERRY  
17

18 **EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION**

19 **CLARK COUNTY, NEVADA**

20 In the Matter of  
21 the Parental Rights as to:

22 AAMIYAH DE'NASIA LAMB,  
23 CHRISTOPHER LAMONT BYNUM, JR  
24 Minors.

Case No.: D-11-446967-R  
Dept. No. D  
Courtroom: 11

25 **NOTICE OF APPEAL**

26 **TO: THE STATE OF NEVADA, STEVE WOLFSON, DISTRICT ATTORNEY,**  
27 **COUNTY OF CLARK, STATE OF NEVADA and DEPARTMENT OF THE**  
28 **EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, FAMILY**  
29 **DIVISION, IN AND FOR THE COUNTY OF CLARK.**

30 NOTICE is hereby given that Respondent, KEAUNDRA DEBERRY., by  
31 and through his attorneys, DAVID M. SCHIECK, Special Public Defender and  
32 MELINDA E. SIMPKINS, ESQ., and DEANNA M. MOLINAR, ESQ., Deputy  
33 Special Public Defenders, hereby appeals to the Supreme Court of the State of  
34 Nevada from the Findings of Fact, Conclusions of Law and Order Terminating  
35 Parental Rights filed on April 29, 2013, and served on counsel by mail on April

1 29, 2013, as to the above-captioned minor child.

2 DATED this 28<sup>th</sup> day of May, 2013

3 DAVID M. SCHIECK  
SPECIAL PUBLIC DEFENDER

4 By

MELINDA E. SIMPKINS, ESQ.  
Deputy Special Public Defender  
Nevada Bar #7911  
330 So. Third St., Suite #800  
Las Vegas, Nevada 89155  
(702) 455-6265

FOR

5  
6  
7  
8  
9 **CERTIFICATE OF MAILING**

10 I certify that on the 28<sup>th</sup> day of May, 2013, I mailed a true and correct copy  
11 of the above and foregoing **Notice of Appeal** in the Post Office at Las Vegas,  
12 Nevada, enclosed in a sealed envelope upon which first-class postage was fully  
13 prepaid, addressed to the following:

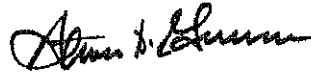
14 Ronald Cordes, Esq.  
15 Deputy District Attorney, Family Division  
16 601 No. Pecos Rd.  
Las Vegas, Nevada 89101

17  
18  
19 VERONICA AYALA

1 NOAS  
2 DAVID M. SCHIECK  
3 SPECIAL PUBLIC DEFENDER  
4 Nevada Bar #0824  
5 MELINDA SIMPKINS, ESQ.  
6 Deputy Special Public Defender  
7 Nevada Bar #7911  
8 DEANNA M. MOLINAR, ESQ.  
9 Deputy Special Public Defender  
Nevada Bar #12045  
330 South Third Street, Suite #800  
Las Vegas, Nevada 89155  
(702) 455-6266  
(702) 380-6948 fax  
msimpkins@clarkcountynv.gov  
Attorney for KEAUNDRA DEBERRY

Electronically Filed  
05/28/2013 02:42:34 PM

Electronically Filed  
Jun 04 2013 03:41 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court



CLERK OF THE COURT

10 EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION

11 CLARK COUNTY, NEVADA

12 In the Matter of  
13 the Parental Rights as to:  
14 AAMIYAH DE'NASIA LAMB,  
15 CHRISTOPHER LAMONT BYNUM, JR  
16 Minors.

Case No.: D-11-446967-R  
Dept. No. D  
Courtroom: 11

17  
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21 COUNTY OF CLARK, STATE OF NEVADA and DEPARTMENT OF THE  
22 EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, FAMILY  
DIVISION, IN AND FOR THE COUNTY OF CLARK.

23  
24 NOTICE is hereby given that Respondent, KEAUNDRA DEBERRY., by  
25 and through his attorneys, DAVID M. SCHIECK, Special Public Defender and  
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2 DATED this 28<sup>th</sup> day of May, 2013

3 DAVID M. SCHIECK  
4 SPECIAL PUBLIC DEFENDER

5 By

MELINDA E. SIMPKINS, ESQ.  
Deputy Special Public Defender  
Nevada Bar #7911  
330 So. Third St., Suite #800  
Las Vegas, Nevada 89155  
(702) 455-6265

FOR

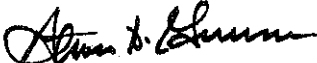
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14 Ronald Cordes, Esq.  
15 Deputy District Attorney, Family Division  
16 601 No. Pecos Rd.  
Las Vegas, Nevada 89101

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19 VERONICA AYALA  
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1 **ASTA**  
2 **CLARK COUNTY SPECIAL PUBLIC DEFENDER**  
3 **DAVID M. SCHIECK**  
4 Nevada Bar #0824  
5 **MELINDA E. SIMPKINS, ESQ.**  
6 Deputy Special Public Defender  
7 Nevada Bar #7911  
8 **DEANNA M. MOLINAR, ESQ.**  
9 Deputy Special Public Defender  
10 Nevada Bar #12045  
11 330 South Third Street, Suite #800  
12 Las Vegas, Nevada 89155  
13 (702) 455-6265  
14 Attorneys for KEAUNdra DEBERRY

  
CLERK OF THE COURT

**DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA**

10 In the Matter of  
11 the Parental Rights as to:

12 **AAMIYAH DE'NASIA LAMB,**  
13 **CHRISTOPHER LAMONT BYNUM, JR**

14 Minors.

Case No.: D-11-446967-R  
Dept. No. D  
Courtroom: 11

**CASE APPEAL STATEMENT**

- 15 1. Appellant filing this case appeal statement: Keaundra Deberry  
16 2. Judge issuing the decision, judgment, or order appealed from:  
17 Honorable Robert W. Teuton.  
18 3. All parties to the proceedings in the district court, family division (the  
19 use of et al. to denote parties is prohibited): State of Nevada, Petitioner;  
20 Aamiyah Lamb, minor; Christopher Bynum, Jr., minor; Keaundra Deberry and  
21 Christopher Bynum, Sr., Respondents; and all persons claiming paternity of  
22 the above-captioned children.  
23 4. All parties involved in this appeal (the use of et al. to denote parties  
24 is prohibited): Keaundra Deberry, Appellant; The State of Nevada,  
25 Respondent.  
26 5. Name, law firm address, and telephone number of all counsel on  
27 appeal and party or parties whom they represent:  
28

1 DAVID M. SCHIECK  
2 Clark County, Nevada  
3 Special Public Defender  
4 MELINDA E. SIMPKINS, ESQ.  
5 Deputy Special Public Defender  
6 DEANNA M. MOLINAR, ESQ.  
7 Deputy Special Public Defender  
8 330 South Third Street, #800  
9 Las Vegas, Nevada 89155  
10 (702) 455-6265

STEVE WOLFSON, ESQ.  
Clark County, Nevada  
District Attorney  
RON CORDES, ESQ.  
Deputy District Attorney  
601 No. Pecos Rd.  
Las Vegas, Nevada 89101  
(702) 455-5878

Counsel for Appellant

Counsel for Respondent

6. Whether Appellant was represented by appointed or retained  
counsel in the District Court: Appointed.

7. Whether Appellant is represented by appointed or retained counsel  
on appeal: Appointed.


8. Whether Appellant was granted leave to proceeding forma pauperis,  
and the date of entry of the district court order granting such leave: N/A

9. Date proceedings commenced in the District Court (e.g., date  
complaint, indictment, information, or petition was filed): Petition to  
Terminate Parental Rights filed on May 24, 2011.

DATED this 28<sup>th</sup> day of May, 2013.

DAVID M. SCHIECK  
CLARK COUNTY SPECIAL PUBLIC DEFENDER

By


  
MELINDA E. SIMPKINS, ESQ.  
Deputy Special Public Defender  
Nevada Bar #7911  
330 So. Third Street, Suite #800  
Las Vegas, Nevada 89155  
(702) 455-6265

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**CERTIFICATE OF MAILING**

I certify that on the 28<sup>th</sup> day of May, 2013, I mailed a true and correct copy of the above and foregoing **Case Appeal Statement** in the Post Office at Las Vegas, Nevada, enclosed in a sealed envelope upon which first-class postage was fully prepaid, addressed to the following:

Ronald Cordes, Esq.  
Deputy District Attorney, Family Division  
601 No. Pecos Rd.  
Las Vegas, Nevada 89101

  
\_\_\_\_\_  
VERONICA AYALA



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

  
CLERK OF THE COURT

**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 9 years, 00 Months of Age

COURT CASE NO.: J-10-319959-P1  
DEPT.: FAMILY JUVENILE

CHRISTOPHER LAMONT BYNUM JR.  
Date of Birth: 03-28-2009  
A Minor 4 years, 05 Months of Age

**REPORT FOR PERMANENCY AND PLACEMENT REVIEW**

Date of Hearing: 09-05-2013

Time of Hearing: 01:30 PM

Courtroom: HM FEMIANO - #22

Attachment: A: AAMIYAH's Mental Health  
Assessment  
B: CHRISTOPHER's Children's Uniform  
Mental Health Assessment.  
C: NVICPC Emails

**CONCERNING:**

Father: JOSEPH LAMB  
DOB: 07-30-1986  
Address: JOSEPH LAMB (is the father as to AAMIYAH LAMB) DOB 7/3/86.  
Last known address: 500 Whitfield Drive, Goldsboro, NC 27530

CHRISTOPHER BYNUM SR. DOB: 01-06-1975 (Mr. Bynum is the father  
as to minor CHRISTOPHER BYNUM JR. and Keandre Bynum). Last  
Known Address: Bossier City Jail; 620 Benton Road, Bossier City, LA  
71111.

1  
2 Mother: KEAUNDRA DEBERRY  
3 DOB: 11-20-1986  
4 Address: 502 Henry Street, Latta, South Carolina, 29565.  
5 Keaundre Bynum (DOB: DOB 12/29/2010) resides with Ms. Keaundra  
6 Siblings: Deberry.

- 7  
8 ☒ The Indian Child Welfare Act does not apply.  
9 ☐ The Indian Child Welfare Act does apply.

10 **NOTIFICATION OF HEARING AND TYPE OF SERVICE**

11 Mother: Ms. Deberry Parental Rights were Terminated on April  
12 29, 2013  
13 Father(s): Mr. Lamb and Mr. Bynun Sr. Parental Rights were  
14 Terminated on April 29, 2013.  
15 Current Placement: As to CHRISTOPHER's foster parents, notification was  
16 sent via email on August 26, 2013 and in person on  
17 August 27, 2013. As to AAMIYAH's foster parent,  
18 notification was provided in person on August 23, 2013  
19 and via email on August 26, 2013.  
20 CASA: Not Applicable  
21 Child's Attorney: Not Applicable  
22 Mother's Attorney: Not Applicable  
23 Father's Attorney: Not Applicable  
24 Tribe: Not Applicable

25 **REMOVAL DATE:**

26 May 21, 2010

27 **TRIAL HOME VISIT DATES:**

28 Not Applicable

29 **REASON FOR CUSTODY AND COURT JURISDICTION (formally known as  
30 Wardship):**

31 AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT BYNUM, were  
32 made Wards of the Juvenile Court and placed in the custody of Clark County  
33 Department of Family Services (DFS) on March 1, 2011 due to being  
34 adjudicated neglected and abused children within the meaning of the law. The  
35 Petition #1 dated May 17, 2010 stated the following;

36 "The subject minors' mother is KEAUNDRA DEBERRY. The identity of  
37 AAMIYAH'S father is unknown to DFS. CHRISTOPHER BYNUM, SR. is the  
38 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.

DEBERRY-J-10-319959-P1

(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."

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

☒ Were Reasonable Efforts

For: AAMIYAH LAMB and  
CHRISTOPHER BYNUM, JR  
For:

☐ Were Not Reasonable Efforts

**PERMANENCY GOAL AND PROJECTED DATE OF ACHIEVEMENT:**

☐ Reunification

With:

☒ Termination of Parental Rights and Adoption

By:

☐ Guardianship

By:

☐ Long Term Relative Placement

With:

☐ Other Planned Permanent Living

With:

Arrangement

Projected Date of Achievement:

June 2014

1 **CONCURRENT PERMANENCY GOAL:**

- 2 ☐ Reunification With:  
3 ☐ Termination of Parental Rights and Adoption By:  
4 ☐ Guardianship By:  
5 ☐ Long Term Relative Placement With:  
6 ☐ Other Planned Permanent Living With:  
Arrangement

7 **RATIONALE FOR PERMANENCY PLAN:**

8 On April 29, 2013, Ms. DeBerry, Mr. Lamb and Mr. Bynum Sr.'s Parental  
9 Rights were Terminated. Therefore during this review period efforts were made  
10 to have AAMIYAH and CHRISTOPHER with their great maternal uncle, Darrell  
11 Deberry and his wife, Tasha DeBerry, in South Carolina of whom has been  
12 identified as an adoptive resource. ICPC was referred on April 17, 2013. There  
13 have been ongoing delays in processing this referral and repeated requests to  
14 obtain a status update to determine the barriers of the delay. Specialist received  
15 a response on June 21, 2013, stating that SCICPC was unable to open the  
16 electronic files and failed to notify NVICPC of the issue. It was at this time the  
17 ICPC referral was resubmitted. In August 2013, another request was submitted  
18 to inquire the status of the ICPC referral. It was reported that the case was once  
19 again delayed because the referral was sent to the wrong county by ICPC, as the  
20 address was on the borderline of another county, hence located in Dillon County  
21 instead of Marion County. SCICPC has acknowledged their mistake and reported  
22 that they would expedite the ICPC process. The County Director of Dillon County,  
23 Karen English, contact person in Dillon county for ICPC studies, was notified  
24 about the delay. On August 29, 2013, DFS SUP, Michelle Maese, sent a third  
25 email requesting information. Due to the delay in the ICPC. The Department will  
26 begin recruitment for an adoptive home.

27 **PARENTS' PROGRESS:**

28 **Visitation:** Ms. Deberry, Mr. Lamb, and Mr. Bynum Sr.'s Parental Rights were  
Terminated as of April 29, 2013.

**Housing:** Ms. Deberry, Mr. Lamb and Mr. Bynum Sr.'s Parental Rights were  
Terminated as of April 29, 2013.

**Employment:** Ms. Deberry, Mr. Lamb and Mr. Bynum Sr.'s Parental Rights  
were Terminated as of April 29, 2013.

**Counseling:** Ms. Deberry, Mr. Lamb and Mr. Bynum Sr.'s Parental Rights  
were Terminated as of April 29, 2013.

**Parenting:** Ms. Deberry, Mr. Lamb and Mr. Bynum Sr.'s Parental Rights were  
Terminated as of April 29, 2013.

1 Other:

2  
3 **CHILD (REN)'S CURRENT PLACEMENT:**

4 AAMIYAH and CHRISTOPHER are placed in separated foster homes.

5 It is unknown if these placements are within close proximity to the parent(s) for  
6 AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT BYNUM JR .  
7 Parental rights of Ms. Deberry, Mr. Lamb, and Mr. Bynum Sr. were terminated  
8 on April 29, 2013.

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

11 **CHILD (REN)'S WELL BEING:**

12 **Education** – AAMIYAH completed her 2012-2013 school year at Elise L. Wolff,  
13 E.S. located at 1001 Seven Hills Dr., Henderson, NV 89052; Office: (702) 799-  
14 2230; Fax: (702) 799-2257, where she was enrolled in Ms. Ms. Chailton's 3<sup>rd</sup>  
15 grade class. During her enrollment AAMIYAH did not have any academic or  
16 disciplinary issues, as she successfully advanced to the 4<sup>th</sup> grade. AAMIYAH  
has returned to Elise L. Wolff, E.S. during this 2013-2014 school year where  
she is enrolled in Ms. Thorne's 4<sup>th</sup> grade class. In speaking about AAMIYAH  
about the starts of the school year, she reports of her excitement to return to  
school

17 CHRISTOPHER's Individualized Educational Program "hereinafter", IEP,  
18 was completed via Child Find on May 23, 2013. Per the outcome of the IEP,  
19 CHRISTOPHER was assigned to the eligibility category of Developmental  
20 Delay, which reflects deficits in his self-help skills and social and emotional  
21 development. During the 2013-2014 school year, CHRISTOPHER will begin Pre-  
K at Gordon McCaw, E.S. located at 330 Tin St., Henderson, NV 89015-7330;  
Office: (702) 799-8930; Fax: (702) 799-8910.

22 **Placement** – AAMIYAH has been at her current Higher Level of Care  
23 "hereinafter", HLOC, foster home since May 23, 2013, where she resides with  
24 three other female foster children who are of similar in age. Initially, AAMIYAH  
25 struggled with adjusting to her new placement as evident by her testing  
26 boundaries, refusing to adhere to house rules or directives, not accepting  
27 responsibility for her actions, manipulation, dishonesty, etc. However, with the,  
28 dedication of her foster parents, and AAMIYAH feeling safe, AAMIYAH's  
behaviors improved. According to AAMIYAH's foster parents reported, that had  
adjusted well and stated that there are not major issues to report. They  
reported AAMIYAH getting along well with her foster siblings. Foster parents'  
reports that they are a very active family and the children attended the Boys  
and Girls Club during the summer where they were going swimming and field

trips. She adds that AAMIYAH is also participating in a church play. During a routine home visit, this Specialist has observed AAMIYAH interactions between foster family. This Specialist noticed AAMIYAH's happy demeanor as she jokes and laughs with her foster family. When given a directive, AAMIYAH is very respectfully. This Specialist has also observed AAMIYAH and her foster siblings playing Barbie dolls, playing school etc. AAMIYAH has reported to this Specialist she like her foster family and reported of no concerns regarding her placement or foster parents. Prior to AAMIYAH's current placement, her previous placement was disrupted due to AAMIYAH's sexual reactive behaviors towards another 14 year male foster child. As a result, AAMIYAH was placed in a HLOC home with only female foster children.

CHRISTOPER has been at his current HLOC foster care placement since August 16, 2013. Prior to this placement, his previous foster parents were unable to manage CHRISTOPHER's impulsive and physically aggressive behaviors; as a result, his placement was disrupted. Presently, CHRISTOPHER is placed in a foster home, which implement plethora of consistent and stern boundaries, routines and also attend fun outings which include attending movies, going out to dinner, etc. Despite CHRISTOPHER's issues, the foster parents are willing to work with CHRISTOPHER and ensure that his well-being needs are being met.

**Emotional/Counseling** – AAMIYAH is seen by Christina Cosner form All About You Counseling located at 2904 West Horizon Ridge Parkway Suite 10, Henderson, NV. 89052; Office: (702) 292-3774; Fax: (702)754-0808. AAMIYAH intake assessment was completed on May 7, 2013 (Attachment A) and currently receiving weekly one-hour therapy sessions with Ms. Cosner. Per Ms. Cosner, AAMIYAH was given the following diagnoses, 309.28 Adjustment Disorder with Mixed Anxiety and Depressed Mood and 995.53 Sexual Abuse of Child (Attention on the Victim). AAMIYAH's therapy treatment goals focus on assisting AAMIYAH to resolve feelings of loss, fear, and depression from being separated from biological mother; reduce the intensity of emotional symptoms related to AAMIYAH's history of abuse; and to stabilize AAMIYAH's anxiety level while increasing her ability to function on a daily basis. In addition to weekly therapy sessions, AAMIYAH also receives Basic Skills Training "hereinafter" BST and Psychosocial Rehabilitative "hereinafter", PSR, services. AAMIYAH's BST treatment goals focus on the assisting AAMIYAH on the appropriate develop of social skills and self-care skills. AAMIYAH's PSR treatment goals focus on behavioral management, which AAMIYAH learn how to positively reflect anger, manage conflicts, express frustrations verbally, and learn the relationship between actions and consequences; and developing effective communication skills.

CHRISTOPHER is seen by Annah-Lizah Vaquilar of Early Childhood Mental Health Services located at 4538 W. Craig Rd. Ste 290, N. Las Vegas, NV 89032; Office: (702) 486-5614; Fax: (702)486-5630. CHRISTOPHER completed his intake assessment on March 26, 2013 (Attachment B), where he

1 was provided the following diagnoses 312.9 Disruptive Behavioral Disorder and  
2 995.52 Neglect of Child (Attention is on Victim). Christopher attends weekly  
3 individual therapy session with care provider participation. According to Ms.  
4 Vaquilar she is working with the foster parents in developing and implementing  
5 a behavioral chart which will assist with reinforcing CHRISTOPHER's positive  
6 behaviors. In addition, she assist CHRISTOPHER in learning to identify and  
7 label feelings as well as teach CHRISTOPHER relaxation techniques. In  
8 addition, to therapy, CHRISTOPHER is scheduled to begin Day Treatment  
9 services beginning September 3, 2013 via Early Childhood Mental Health  
10 Services of which he will attend Monday through Thursday from 12:30 -3:00  
11 P.M.

12 **Medical/Dental** – AAMIYAH is seen by Dr. Charles Crispen of  
13 Family/Children's Urgent and Care Pediatric Clinic located at 1600 W. Sunset  
14 Road, Suite A, Henderson, NV 89014; Office: (702) 898-6400; Fax: (702) 898 –  
15 7032, for all medical needs. AAMIYAH next wellness check up has been  
16 scheduled for August 30, 2013 at 8:00 A.M. On September 20, 2013 at 11:30  
17 A.M., AAMIYAH is scheduled to seen by Dr. Carlos Luna, a pediatric  
18 cardiologist of the Children's Heart Center located at 10001 S Eastern Ave Ste  
19 300, Henderson, Nevada 89052-3908; Office: (702) 732-1290. Reason for the  
20 appointment is to address AAMIYAH weight gain. In addition, AAMIYAH is  
21 scheduled to be seen on September 10, 2013 at 10:15 A.M. to be seen by an  
22 Ear, Nose and Throat Specialist, Dr. Randall T. Weingarten located at 10410 S.  
23 Eastern Ave., Suite 110, Henderson, NV 89052; Office: (702) 617-9599; Fax:  
24 (702) 614-8937. Purpose of this appointment is to address AAMIYAH's enlarge  
25 tonsils. AAMIYAH last Early and Periodic Screening, Diagnostic and Treatment  
26 hereinafter, EPSDT, was held on March 14, 2013. AAMIYAH's immunizations  
27 are current. AAMIYAH is seen at Dentalville located at 9210 S Eastern Ave  
28 #130m Las Vegas, NV 89123; Office: (702) 492-6606 for all dental needs.  
AAMIYAH's dental hygiene is good as there are no concerns at this time.

CHRISTOPHER is seen at Positively Kids /Child Haven for all medical  
needs. CHRISTOPHER last EPSDT appointment was held on August 22, 2103  
with DR. Ghaenian for the purpose of a well check. CHRISTOPHER's  
immunizations are and there are no major medical concerns to report at this  
time. CHRISTOPHER is seen at Positively Kids/Child Haven for all dental need.  
CHRISTOPHER last dental was held on June 7, 2013 of which Dr. Matthew  
Matteucci conducted CHRISTOPHER's dental examination of which  
CHRISTOPHER had 5 cavities filled. He is scheduled for a follow up  
appointment in six months.

**Safety** – This Specialist will continue to conduct routine child contact visits and  
will complete quarterly out of home placement safety checks as to ensure  
AAMIYAH LAMB and CHRISTOPHER BYNUM, JR. are safe. If needed,  
referrals will be submitted on behalf of AAMIYAH LAMB and CHRISTOPHER  
BYNUM, JR. as to address any concerns or needs.

**Psychiatric Services** –

1 Are the children listed in report currently on any psychotropic medication?

2 No

3 Has a Court appointed a person to be legally responsible for the children's  
4 psychiatric services?

5 No

6 When was the children's last appointment? Not Applicable

7 When will the children have an appointment? Not Applicable

8 **SIBLING CONTACT:**

9 ☐ Placed Together

10 ☒ Not Placed Together -Keaundre Bynum: DOB (12/29/10) resides with Ms.  
DeBerry in South Carolina.

11 AMMIYAH and CHRISTOPHER are placed in a separate HLOC foster home  
12 due to the specific needs of the children. In March 2013, both were placed  
together in a DFS foster home, however due to AAMIYAH's sexual reactive  
13 behaviors within the home, a 10 day notice was submitted. There are continued  
efforts to locate a home for both children that is conducive to meet the needs of  
14 each child. An ideal home for AAMIYAH was to be placed in a HLOC foster  
home with no other male siblings, with the exception of her brother; and for  
15 CHRISTOPHER an ideal HLOC foster home with parents who will be patient in  
addressing CHRISTOPHER's hyperactive and physical aggressive behaviors.  
16 As a result, the children were separated and placed in separated foster homes.  
AAMIYAH and CHRISTOPHER have sibling visits every Saturday in the  
17 community and supervised by the foster parents, and well as phone contact. In  
addition to the community visits, AAMIYAH and CHRISTOPHER also  
18 participate in Child Focus' Sibling Preservation Program.

19  
20 **REASONABLE EFFORTS TO ACHIEVE THE PERMANENCY PLAN:**

21 **On behalf of the parents:**

22 1) TPR was granted on April 29, 2013 as to Ms. Deberry; Mr. Lamb; and Mr.  
Bynum Sr.

23 **On behalf of the child (ren):**

24 2) Specialist maintained on going communication with AAMIYAH and  
CHRISTOPHER's care providers via telephone, email and in person.

25 3) Specialist completed and submitted an ICPC referrals for AAMIYAH and  
26 CHRISTOPHER on April 17, 2013 to be placed and adopted by great maternal  
uncle Darrell Deberry in South Carolina.

27 4) Specialist has maintain communication with Mr. Darrell Deberry via  
telephone.

28 5) Specialist maintained contacted with NV ICPC monthly as to obtain update  
date status as to AAMIYAH and CHRISTOPHER's ICPC referral.



- 1 6) Specialist has maintained on going communication with AAMIYAH and  
2 CHRISTOPHER's services providers via in person, phone and email.  
3 7) Specialist has coordinated siblings visits.  
4 8) Specialist had completed and submitted referrals on behalf of AAMIYAH and  
5 CHRISTOPHER to participate in Child Focus's Sibling Preservation Program.  
6 9). Specialist attended Child and Family Team Meetings on behalf of the  
7 AAMIYAH and CHRISTOPHER.  
8 10). Specialist coordinated and attend CHRISTOPHER's Child Find  
9 assessment.

10 **GOALS FOR THE NEXT REVIEW PERIOD:**

11 Establish permanency for the AAMIYAH DE NASIA LAMB and CHRISTOPHER  
12 LAMONT BYNUM, JR.

13 **SUMMARY AND RECOMMENDATIONS:**

14 On April 29, 2013, Parental Rights were Terminated as to Ms. DeBerry, Mr.  
15 Lamb, and Mr. Bynum Sr.

16 AAMIYAH began her 4<sup>th</sup> grade year at Elise L. Wolff, E.S. During AAMIYAH  
17 previous school year, there are no academic or behavioral issues to report.  
18 CHRISTOPHER began his Pre-K year at Gordon McCaw, E.S., where he has  
19 been assigned an IEP to address his developmental delays in the area of self-  
20 help skills and social/emotional.

21 In April 2013, AAMIYAH and CHRISTOPHER placement was disrupted due  
22 to problematic behaviors of AAMIYAH exhibiting sexually reactive behaviors  
23 towards another male foster sibling. Despite the efforts to implement a safety  
24 plan, and increase supervision, at a child and family team meeting, the foster  
25 parent reported that her home was not conducive to meet the needs of the  
26 children. Therefore, diligent efforts were implemented to locate a HLOC foster  
27 home for the placement of the AAMIYAH and CHRISTOPHER. Presently, the  
28 children are placed in separate HLOC foster homes as of May 2013. Despite  
initial challenges, both AAMIYAH and CHRISTOPHER are adjusting well to  
their placements.

AAMIYAH and CHRISTOPHER receive weekly individual therapy services.  
In addition, AAMIYAH participate in BST and PSR services as CHRISTOPEHR  
participate in BST services and is schedule to begin day treatment services  
with Early Childhood Mental Health Services on Sept. 3, 2013.

Overall AAMIYAH and CHRISTOPHER are healthy children as there are no  
major health issues to report at this time. AAMIYAH and CHRISTOPHER's  
immunization are us are up to date.

1 It is the recommendations of Clark County Department of Family Services  
2 that AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT BYNUM JR.  
3 remain under the jurisdiction of the Family Court and in the legal custody of  
4 Clark County Department of Family Services. That AAMIYAH DE NASIA LAMB  
5 and CHRISTOPHER LAMONT BYNUM JR. remain in an out of home  
6 placement until on adoption is achieved. The Department respectfully request  
7 that a recruitment order to begin exploring adoptive resources in the event that  
8 ICPC in South Carolina is not approved.

9  
10 **CHILD SUPPORT:**

11 Not Applicable

12  
13 **WHEREFORE, DEPARTMENT OF FAMILY SERVICES RESPECTFULLY  
14 RECOMMENDS:**

- 15 (1) That AAMIYAH DE NASIA LAMB and CHRISTOPHER LAMONT  
16 BYNUM JR. remain under the jurisdiction of the Family Court and  
17 in the legal custody of the Clark County Department of Family  
18 Services;  
19 (2) That the efforts made by the Department of Family Services are  
20 found to be reasonable efforts as outlined in this report;  
21 (3) The Department respectfully request that a recruitment order to  
22 begin exploring adoptive resources in the event that ICPC in South  
23 Carolina is not approved.  
24 (4) That this matter be brought back for Formal Review in six months.

25 Submitted By:

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LESLEY DAMPEER  
CASE MANAGER  
CLARK COUNTY  
DEPARTMENT OF FAMILY SERVICES

MICHELLE MAESE  
SUPERVISOR

DATE: August 28, 2013  
COURT CASE NO.: J-10-319959-P1



**All About You Counseling and Support Services**  
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**Phone: 702-292-3774**  
**Fax: 702-754-0608**  
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### INITIAL MENTAL HEALTH ASSESSMENT

**Client Name:** Lamb, Aamiyah

**Date of Assessment:** 05/07/2013

**Insurance Number:** 00000602597 **Insurance Type:** FFS

**Date of Birth:** 01/04/2004

**Sex:** Female

**Age:** 9

**Clinician:** Christina Cosner, CSW-Intern

#### LEGAL GUARDIAN(S) INFORMATION:

**Legal Guardian(s) Name:** Lesley Dampeer

**Relationship to Client:** DFS Worker

**Address:** 522 E. Lake Mead Pkwy Suite 5  
Henderson, NV 89015

**Phone - Cell:** 591-0192

**Phone - Work:** 455-8448

**Phone -** \_\_\_\_\_

**E-mail:** Lesley.dampeer@clarkcountynv.gov

#### RESIDENCE INFORMATION:

**Custodian(s) Name:** Child Haven (Beazer Cottage)

**Relationship to Client:** \_\_\_\_\_

**Address:** 701 N. Pecos Rd. Bldg K  
Las Vegas, NV 89101

**Phone - Work:** 455-6536

**Phone -** \_\_\_\_\_

**Phone -** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

<b>Axis I:</b>	309.28 Adjustment Disorder with Mixed Anxiety and Depressed Mood 995.53 Sexual Abuse of Child (Attention on the Victim)
<b>Axis II:</b>	799.9 Deferred
<b>Axis III:</b>	799.9 Deferred
<b>Axis IV:</b>	<input checked="" type="checkbox"/> <b>Primary Support Group:</b> Client is separated from her biological mother and maternal grandparents, and has been sexually abused by several close family members. <input type="checkbox"/> <b>Social Environment:</b> <input type="checkbox"/> <b>Educational:</b> <input type="checkbox"/> <b>Occupational:</b> <input checked="" type="checkbox"/> <b>Housing:</b> Client has been removed from several foster placements because of behaviors and is now in a temporary foster placement <input type="checkbox"/> <b>Economic:</b> <input type="checkbox"/> <b>Access to Health Care:</b> <input type="checkbox"/> <b>Legal System/Crime:</b> <input type="checkbox"/> <b>Other Psychosocial and Environmental Problems:</b>
<b>Axis V:</b>	Current: GAF = 40      Past: GAF (Highest in Last Year) =

**Client Name:** Lamb, Aamiyah

**DOB:** 01/04/2004

**Rev.** 02/2013

CASII Score: 25 Level: 05 Date of Scoring: 05/10/2013	ECS II Score: Date of Scoring:	LOCUS Score: Date of Scoring:	Level:
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Department of Family Services (DFS) reports Aamiyah and her 4 year old brother previously resided with their maternal grandparents for three years in Louisiana under an ICPC agreement. However, on February 14, 2013 and CPS Investigation was initiated as a result of information of Aamiyah's disclosure of being touched inappropriately by her 16 year old uncle who resided in the home. The investigation revealed that the sexual incidents, which involved penetration, between Aamiyah and her uncle occurred between the summer of 2012 and December 2012. It is also suspected that she witnessed the abuse of her younger sibling by mom's statement that she was present, and it is suspected that she witnessed domestic violence between her biological mother and step-father.

DFS is requesting that Aamiyah receive victimization therapy services.

Aamiyah was moved back to Las Vegas and placed into foster care. Aamiyah was removed from the first foster care placement to reunify siblings, and was removed from the second foster placement for allegations against Aamiyah stating she tried to perform oral sex on 14 year old foster brother. It was reported that Aamiyah stated the foster brother forced her into performing oral sex. The last foster placement was on April 30, 2013 in which the foster parents picked up Aamiyah and sibling and returned them the same day because of Aamiyah's presenting sexual behaviors towards a younger foster child; Aamiyah was found in bed unclothed with a foster sibling (7yrs old) who appeared to be terrified. It was recently disclosed by Aamiyah that she was sexually abused by her step-father who has been placed in jail and under investigation. It is reported that Aamiyah displays increased preoccupation with sexual behaviors (boundaries). Some of her preoccupations with sexual behaviors reported are unusual closeness with her siblings, peeking on other foster siblings while they are in the bathroom, and entering into bathroom with foster siblings when repeatedly told not to.

Aamiyah is currently residing at Child Haven. As a result, Aamiyah has changed schools several times with changes in foster placements. While at Child Haven, she occasionally sleep walks and complains of being scared of a ghost named "Toby" who she sees at night; she states when she turns on the lights she is no longer frightened. It is reported Aamiyah eats about 6 times per day and is at an unhealthy weight.

It is reported Aamiyah occasionally becomes physically aggressive towards toddlers, making statements such as "I don't like babies". It is suspected that she presents these feelings because her 2 year old brother is living with her biological mother, and she may hold some resentment.

Aamiyah reports that she becomes angry when someone hits her or takes her toys. She becomes sad when discussing her mom and related she misses her mom.

☐ Yes ☐ No ☒ Not Assessed

Comments:

#### REFERRAL INFORMATION:

Presenting Problem(s):

Client Name: Lamb, Aamiyah

DOB: 01/04/2004

Rev. 02/2013

DPS Worker reports Aamiyah and her 4 year old brother previously resided with their maternal grandparents for three years in Louisiana under an ICPC agreement. However, on February 14, 2013 and CPS investigation was initiated as a result of information of Aamiyah's disclosure of being touched inappropriately by her 16 year old uncle who resided in the home. The investigation revealed that the sexual incidents, which involved penetration, between Aamiyah and her uncle occurred between the summer of 2012 and December 2012. I am requesting that Aamiyah receive victimization therapy services.

Referral Source:

Lesley Darnpeer, DPS worker

### BIO-PSYCHO-SOCIAL HISTORY:

#### 1. Client Demographic Information:

Aamiyah is a 9 year old female, black, black hair, brown eyes, average height, and reported by DFS to be over weight based on her age.

#### 2. Family Information and living environment:

Aamiyah has 2 younger brothers age 4 and 2 years; one (4 yr old) is currently residing at Child Haven in Howard Cottage and the other (2 yr old) lives with the biological mother in South Carolina. It was reported that over 3 years ago, Aamiyah's younger brother had an unexplained injury on his face that was reported to CPS and an investigation was opened. Shortly after, Aamiyah's biological mother neglected to get the younger sibling necessary medical attention and unlawfully moved herself and all three children to Louisiana with the maternal grandparents. Aamiyah and two siblings lived with the maternal grandparents for 3 years in Louisiana under an ICPC agreement and in February 2013, Aamiyah reported that she was being sexually molested by her 16 year old uncle. After investigation, it was determined that there was penetration and her uncle was prosecuted. Following, Aamiyah was moved back to Las Vegas and placed into foster care. Aamiyah was removed from the first foster care placement to reunify siblings, and was removed from the second foster placement for allegations against Aamiyah stating she tried to perform oral sex on 14 year old foster brother. It was reported that Aamiyah stated the foster brother forced her into performing oral sex. The last foster placement was on April 30, 2013 in which the foster parents picked up Aamiyah and sibling and returned them the same day because of Aamiyah's presenting sexual behaviors towards a younger foster child; Aamiyah was found in bed unclothed with a foster sibling (7yrs old) who appeared to be terrified. It was recently disclosed by Aamiyah that she was sexually abused by her step-father who has been placed in jail and under investigation. Aamiyah's biological mother denies any sexual abuse; but it is believed that the biological mother is lying to protect her husband.

DFS worker reports that Aamiyah's biological mother's rights have been terminated on April 30, 2013. Aamiyah's biological father lives in North Carolina, but has no contact with Aamiyah. It is believed he may have been involved in Aamiyah's life when she was an infant and suspected abuse against Aamiyah, but it is unknown.

#### 3. Family Mental Health History:

It is reported that Aamiyah's biological mother was recently diagnosed with situational depression.

#### 4. Family Substance Abuse History:

It is reported that Aamiyah's step-father was a chronic marijuana and methamphetamine user and it is suspected that Aamiyah was exposed to substance abuse.

#### 5. Mother's Health During Pregnancy/Birth:

Did the mother use any alcohol, tobacco, drugs, or prescribed medication during or 3 months prior becoming pregnant with the client?

☒ No ☐ Yes ☐ Unknown ☐ Probable

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Comment: Aamiyah's biological mother denies any substance use.

6. Client Developmental History -- Did the child meet milestones on target?

☐ No ☐ Yes ☒ Unknown

Comments: (walking, talking, potty training).

(For the client's age group, check all symptoms that apply):

ZERO to 18 Months	
Based upon the reported information, the client demonstrated:	
<input type="checkbox"/> Excessive crying	<input type="checkbox"/> Arching/stiffening when held or touched
<input type="checkbox"/> Cannot be consoled by caregiver	<input type="checkbox"/> Requires extensive assistance to initiate/maintain sleep
<input type="checkbox"/> Other (Specify):	
<input type="checkbox"/> None of these	
Comment: It is unknown.	

18 to 36 Months	
Any of the above, plus:	
<input type="checkbox"/> Extremely destructive, dangerous, violent behaviors	<input type="checkbox"/> Excessive, frequent tantrums
<input type="checkbox"/> Persistent, intentional aggression	<input type="checkbox"/> Excessive, persistent self-injurious behaviors
<input type="checkbox"/> Challenging behaviors/does not follow directions	<input type="checkbox"/> Absence of fear or awareness of danger
<input type="checkbox"/> Other (Specify):	
<input type="checkbox"/> None of these	
Comment: It is unknown.	

36 to 48 Months	
Any of the above, plus:	
<input type="checkbox"/> Unintelligible speech	<input type="checkbox"/> Excessively withdrawn
<input type="checkbox"/> Does not play, interact with peers	<input type="checkbox"/> Unusual eating patterns or non-food items
<input type="checkbox"/> Clear loss of previously attained skills	<input type="checkbox"/> None of these
<input type="checkbox"/> Other (Specify):	
Comment: It is unknown.	

Has the client ever indicated or been exposed to extreme violent behavior?	
<input type="checkbox"/> Physical abuse victim	<input checked="" type="checkbox"/> Witnessed physical abuse
<input checked="" type="checkbox"/> Sexual abuse victim	<input type="checkbox"/> Witnessed sexual abuse
<input type="checkbox"/> Domestic violence victim	<input checked="" type="checkbox"/> Witnessed domestic violence
<input checked="" type="checkbox"/> Other (Specify): It was reported Aamiyah tried to perform oral sex on 14 year old foster brother. It was reported that Aamiyah stated the foster brother forced her into performing oral sex.	
<input type="checkbox"/> None of these	
Comment: It is reported that Aamiyah is a victim of sexual abuse. It is suspected that she witnessed the abuse of her younger sibling by mom's statement that she was present, and it is suspected that she witnessed domestic violence between her biological mother and step-father.	

Does the client manifest persistent difficulties or disruptive behaviors sufficient to jeopardize home or school placement?	
<input type="checkbox"/> Impulsive verbal outbursts	<input type="checkbox"/> Excessive non-compliance
<input type="checkbox"/> Constant challenging of authority	<input checked="" type="checkbox"/> Requires constant direction, supervision in activities

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<input type="checkbox"/> Requires total attention	<input type="checkbox"/> Overly jealous of caregiver's relationships with others
<input type="checkbox"/> Wanders the house at night	<input type="checkbox"/> Excessive truancy
<input type="checkbox"/> Fails to respond to limit setting, other discipline	
<input checked="" type="checkbox"/> Other (Specify): Increased sexual behaviors	
<input type="checkbox"/> None of these	

Comment: It is reported that Aamiyah displays increased sexual behaviors and previous foster parent related that Aamiyah had to constantly be re-directed with activities and she becomes easily distracted. Some of her increased sexual behaviors reported are unusual closeness with her siblings, peeking on other foster siblings while they are in the bathroom, and entering into bathroom with foster siblings when repeatedly told not to.

Has the client exhibited any of the following behavior?	
<input type="checkbox"/> Fire-setting	<input type="checkbox"/> Cruelty to animals
<input type="checkbox"/> Excessive, compulsive self-stimulating behavior	<input type="checkbox"/> Excessive, compulsive self-injurious behaviors
<input type="checkbox"/> Hallucinations (including alcohol/drug induced)	
<input type="checkbox"/> Other (Specify):	
<input checked="" type="checkbox"/> None of these	

Comment:

### 7. Client Medical History:

Has the client ever had an accident or injury resulting in: (select all that apply).

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Head Trauma           | <input type="checkbox"/> Blurred vision | <input type="checkbox"/> Headaches      |
| <input type="checkbox"/> Loss of consciousness | <input type="checkbox"/> Unknown        | <input type="checkbox"/> Not Applicable |

Comments: It is reported Aamiyah has asthma and enlarged tonsils.

### 8. Client Mental Health History:

No mental health history or previous therapy reported at the time of intake.

### 9. Current Medication(s):

Medication Name	Dosage and Frequency	Start Date	End Date
None reported at the time of intake.			

Comments:

### 10. Client Substance Abuse History:

☒ No ☐ Yes

- |   |  |
|---|--|
| <input type="checkbox"/> Alcohol          | <input type="checkbox"/> Methamphetamine |
| <input type="checkbox"/> Heroin/Opium     | <input type="checkbox"/> Morphine        |
| <input type="checkbox"/> Cocaine          | <input type="checkbox"/> PCP             |
| <input type="checkbox"/> LSD              | <input type="checkbox"/> Methadone       |
| <input type="checkbox"/> Marijuana        | <input type="checkbox"/> None of these   |
| <input type="checkbox"/> Other (Specify): |  |

Comments: None reported at the time of intake.

### 11. Client Legal History:

None reported at the time of intake.

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**12. Client's Current Educational Information and any significant Educational History:**

Aamiyah is in 3<sup>rd</sup> grade and recently just started a new school at new placement of child haven. It is reported Aamiyah does well in school and has never received reports for negative behaviors. It was related that she seems to act differently in school settings.

**13. Client Social Relationship(s) (Peers, School):**

Aamiyah makes friends easily, but becomes inappropriate in a one-on-one and secluded setting.

Has the client been in danger to self?	
<input type="checkbox"/> Reckless, Puts Self In Danger	<input type="checkbox"/> Suicidal Ideation
<input type="checkbox"/> Suicide Plan	<input type="checkbox"/> Suicide Gesture
<input type="checkbox"/> Suicide Attempt(s)	<input type="checkbox"/> Cutting/Self-harm
<input checked="" type="checkbox"/> None of these	<input type="checkbox"/> Head Banging
<input type="checkbox"/> Other (Specify):	
Comment: (Frequency and duration)	

Has the client been in danger to others?	
<input checked="" type="checkbox"/> Physical Assault	<input checked="" type="checkbox"/> Sexual Assault, Molestation
<input type="checkbox"/> Other (Specify):	
<input type="checkbox"/> None of these	
Comment: It is reported Aamiyah occasionally becomes physically aggressive towards toddlers, making statements such as "I don't like babies". It is suspected that she presents these feelings because her 2 year old brother is living with her biological mother, and she may hold some resentment. It is suspected that Aamiyah has sexually assaulted her foster siblings and younger biological siblings.	

Has the client experienced any of the following stressful life events?	
<input checked="" type="checkbox"/> Family Separation	<input type="checkbox"/> Family Divorce
<input type="checkbox"/> Family Accident	<input type="checkbox"/> Family Illness
<input checked="" type="checkbox"/> Death/Loss in the Family	<input checked="" type="checkbox"/> Death/Loss in a Close Relationship
<input type="checkbox"/> Parent or Caregiver Job Change	<input checked="" type="checkbox"/> Client Changes School
<input checked="" type="checkbox"/> Family Move	<input type="checkbox"/> Family Financial Problems
<input type="checkbox"/> Other (Specify):	
<input type="checkbox"/> None of these	
Comment: It is reported that Aamiyah has been separated from her biological mother and maternal grandparents, and been placed in foster care at Child Haven. As a result, Aamiyah has changed schools several times with changes in foster placements.	

Has the client ever feared that he/she will be injured or killed?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
Comment:		

Has the client ever feared that a family member or anyone else will be injured or killed?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
Comment:		

**14. Client Personal Beliefs, Religious, Spiritual, or Cultural Practices:**

Client was unable to articulate any specific practice at the time of intake.

**15. Strengths and Interests of the Client:**

Aamiyah reports that she enjoys watching TV and listening to music.

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**Sleeping Patterns:**Does the client experience any sleeping problems: *(select all that apply)*

- |   |  |
|---|--|
| <input type="checkbox"/> Staying Asleep?  | <input type="checkbox"/> Early Awakening?          |
| <input type="checkbox"/> Insomnia?        | <input checked="" type="checkbox"/> Nightmares?    |
| <input type="checkbox"/> Night Terrors?   | <input checked="" type="checkbox"/> Sleep Walking? |
| <input type="checkbox"/> Hypersomnia?     | <input type="checkbox"/> Enuresis?                 |
| <input type="checkbox"/> Falling Asleep?  |  |
| <input type="checkbox"/> Other (Specify): |  |

Comments: It is reported that since Aamiyah has been placed at Child Haven, she occasionally sleep walks and complains of being scared of a ghost named "Toby" who she sees at night; she states when she turns on the lights she is no longer frightened.

**Eating Patterns:**

- |   |  |
|---|--|
| <input type="checkbox"/> Normal (breakfast, lunch, dinner)? | <input type="checkbox"/> Average Weight?         |
| <input type="checkbox"/> Lack of Appetite?                  | <input type="checkbox"/> Weight Loss?            |
| <input checked="" type="checkbox"/> Increased Appetite?     | <input checked="" type="checkbox"/> Weight Gain? |
| <input type="checkbox"/> Pica?                              |  |
| <input type="checkbox"/> Other (Specify):                   |  |

Comments: It is reported Aamiyah eats about 6 times per day and is at an unhealthy weight.

**Mood Disorder:**

- |   |   |
|---|---|
| <input type="checkbox"/> No Impairment    | <input type="checkbox"/> Hostile          |
| <input type="checkbox"/> Apprehensive     | <input type="checkbox"/> Depressed        |
| <input checked="" type="checkbox"/> Angry | <input type="checkbox"/> Fearful          |
| <input type="checkbox"/> Anxious          | <input checked="" type="checkbox"/> Sad   |
| <input type="checkbox"/> Mood Swings      | <input type="checkbox"/> Other (Specify): |

Comments: Aamiyah reports that she becomes angry when someone hits her or takes her toys. She becomes sad when discussing her mom and related she misses her mom.

**Schizophrenia and Other Psychotic Disorders:**

- |  |   |
|--|---|
| <input type="checkbox"/> Hostility or Suspiciousness       | <input type="checkbox"/> Delusions                    |
| <input type="checkbox"/> Deterioration of Personal Hygiene | <input type="checkbox"/> Hallucinations               |
| <input type="checkbox"/> Inability to Cry or Express Joy   | <input type="checkbox"/> Disorganized Thinking        |
| <input type="checkbox"/> Depression                        | <input type="checkbox"/> Disorganized Speech          |
| <input type="checkbox"/> Oversleep or Insomnia             | <input type="checkbox"/> Flat or Inappropriate Affect |
| <input type="checkbox"/> Other (Specify):                  | <input checked="" type="checkbox"/> None of these     |

Comments:

**Anxiety Disorders:**

- |   |  |
|---|--|
| <input type="checkbox"/> Feeling of Panic, Fear, and Uneasiness | <input type="checkbox"/> Palpitations                      |
| <input type="checkbox"/> Uncontrollable, Obsessive Thoughts     | <input type="checkbox"/> Dry Mouth                         |
| <input type="checkbox"/> Cold or Sweaty Hands and/or Feet       | <input type="checkbox"/> Nausea                            |
| <input type="checkbox"/> Shortness of Breath                    | <input type="checkbox"/> An Inability to be Still and Calm |
| <input type="checkbox"/> Oversleep or Insomnia                  | <input type="checkbox"/> Dizziness                         |
| <input type="checkbox"/> Other (Specify):                       | <input checked="" type="checkbox"/> None of these          |

Comments:

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**Conduct:**

- ☐ Aggression to People and/or Animals?  
☐ Destruction of Property?  
☐ Deceitfulness or Theft?  
☐ Serious Violation of Rules?  
☐ Other (Specify):

Comments: None reported at the time of intake.

**Attention/Concentration/Hyperactivity:**

- |  |  |
|--|--|
| <input type="checkbox"/> Difficult Paying Attention      | <input type="checkbox"/> Frequent Shifts from on Uncompleted Activity to Another |
| <input checked="" type="checkbox"/> Easily Distracted    | <input type="checkbox"/> Failure to complete Tasks (e.g. homework, chores)       |
| <input type="checkbox"/> Inability to Sustain Attention  | <input type="checkbox"/> Fidgeting   |
| <input type="checkbox"/> Procrastination                 | <input type="checkbox"/> Often Talking Excessively                               |
| <input type="checkbox"/> Frequent Shifts in Conversation | <input type="checkbox"/> Getting Up Frequently to Walk or Run Around             |
| <input type="checkbox"/> Other (Specify):                | <input type="checkbox"/> None of these   |

Comments: Previous foster mother reports Aamiyah becomes easily distracted and tends to "zone out" with TV.

**Impulse Control:**

- ☐ Aggressive Impulse (e.g. serious assault or destruction of property)  
☐ Stealing Objects not Needed for Personal Use or Monetary Value  
☐ Pathological Gambling  
☐ Pulling Hair Out for Pleasure, Gratification, or Relief of Tension  
☐ Other (Specify):

Comments: None reported at the time of intake.

**Physical Abuse and Neglect:**

None reported at the time of intake.

**Sexual Abuse:**

It is reported that Aamiyah was sexually abused by her maternal uncle, and suspected by her step-father and biological father. It was reported Aamiyah tried to perform oral sex on 14 year old foster brother. It was reported that Aamiyah stated the foster brother forced her into performing oral sex.

**Suicidal Ideation:**

Denied at the time of intake.

**Homicidal Ideation:**

Denied reported at the time of intake.

16. Was a safety plan discussed and created with client (including appropriate contact provided)?

☒ No ☐ Yes

Comments:

**General Functioning:****Appearance:**

☐ Physically Unkempt, Unclean ☐ Disheveled ☐ Inappropriate Attire ☒ Appropriate Attire ☐ Well-groomed

**Psychomotor and Behavioral Functioning:****Speech:**

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<b>Rate:</b> <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Slow <input type="checkbox"/> Rapid/Pressured	<b>Tone:</b> <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Loud <input type="checkbox"/> Soft-Spoken <input type="checkbox"/> Monotone	<b>Articulation:</b> <input checked="" type="checkbox"/> Clear/Coherent <input type="checkbox"/> Stuttered <input type="checkbox"/> Mumbled <input type="checkbox"/> Slurred
<b>Psychomotor Movement:</b> <input type="checkbox"/> Psychomotor Retardation <input type="checkbox"/> Abnormal Movement <input type="checkbox"/> Tremors <input type="checkbox"/> Unnatural Gait <input type="checkbox"/> Restless/Fidgety	<b>Eye Contact:</b> <input type="checkbox"/> Natural <input type="checkbox"/> Intense/Unwavering <input checked="" type="checkbox"/> Avoidant	<b>Client's Behavior Toward Assessor:</b> <input type="checkbox"/> Cooperative <input type="checkbox"/> Uncooperative <input checked="" type="checkbox"/> Guarded <input type="checkbox"/> Agitated <input type="checkbox"/> Threatening <input type="checkbox"/> Aggressive <input type="checkbox"/> Provocative
<b>Client's Reported Daily Pattern of Functioning:</b> <b>Energy Level:</b> <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Fatigued <input type="checkbox"/> Increased		
<b>Sexual:</b> <input type="checkbox"/> Natural <input type="checkbox"/> Decreased Libido <input checked="" type="checkbox"/> Increased Libido <input type="checkbox"/> Unknown		
<b>Emotional Functioning:</b> <b>Mood:</b> <input checked="" type="checkbox"/> Euthymia <input type="checkbox"/> Sadness/Depressed <input type="checkbox"/> Anger/Hostility <input type="checkbox"/> Irritation/Frustration <input type="checkbox"/> Anxious <input type="checkbox"/> Anhedonia <input type="checkbox"/> Euphoria/Elation		
<b>Affect:</b> <input checked="" type="checkbox"/> Congruent <input type="checkbox"/> Incongruent <input type="checkbox"/> Blunted/Flat <input type="checkbox"/> Alexithymic		
<b>Cognitive Functioning:</b> <b>Sensorism:</b> Oriented to: <input checked="" type="checkbox"/> Person <input checked="" type="checkbox"/> Place <input checked="" type="checkbox"/> Time <input checked="" type="checkbox"/> Situation		
<b>Attention/Concentration:</b> <input type="checkbox"/> Alert/Oriented <input type="checkbox"/> Disoriented/Incoherent <input checked="" type="checkbox"/> Easily Distracted		
<b>Memory:</b> <input checked="" type="checkbox"/> Immediate Recall <b>Memory Impairment:</b> <input type="checkbox"/> Short Term <input type="checkbox"/> Long Term		
<b>Judgment:</b> <input type="checkbox"/> Appropriate Conclusions <input type="checkbox"/> Impaired to Reasonable Decisions <input type="checkbox"/> Impulsive Judgments/Behaviors		
<b>Insight:</b> <input type="checkbox"/> Awareness <input type="checkbox"/> Denial <input type="checkbox"/> Projection/Blaming Others		
<b>Thought Pattern:</b> <input checked="" type="checkbox"/> Coherent <input type="checkbox"/> Tangential/Increase of Thoughts <input type="checkbox"/> Confused/Decrease of Thoughts		
<b>Thought Content:</b> <b>General:</b> <input type="checkbox"/> Obsessions <input type="checkbox"/> Loosening of Association <input type="checkbox"/> Flight of Ideas		
<input type="checkbox"/> Hallucinations: Type: <input type="checkbox"/> Auditory <input type="checkbox"/> Visual <input type="checkbox"/> Olfactory <input type="checkbox"/> Tactile		
<input type="checkbox"/> Delusions: Type: <input type="checkbox"/> Paranoid <input type="checkbox"/> Grandiose <input type="checkbox"/> Bizarre <input type="checkbox"/> Erotic		
<input type="checkbox"/> Suicidal Ideations: Level of Severity: <input type="checkbox"/> Thought(s) <input type="checkbox"/> Plan/Intent <input type="checkbox"/> Attempt(s)		
<input type="checkbox"/> Homicidal Ideations: Level of Severity: <input type="checkbox"/> Thought(s) <input type="checkbox"/> Plan/Intent <input type="checkbox"/> Attempt(s)		

17. Client confidentially consent was reviewed verbally and client was provided with a hard copy?

☐ No ☒ Yes

Comments: Client is residing in Child Haven. Client confidentiality was reviewed with client and client acknowledged understanding. Copy of rights was not given due to the location of the client at time of intake. When client is placed in a foster placement she will be provided with documentation regarding policy on confidentiality.

### SUMMARY AND RECOMMENDATIONS:

Client Name: Lamb, Aamiyah

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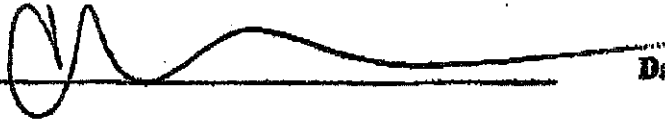
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- ☒ Individual Therapy
- ☐ Family Therapy
- ☐ Group Therapy
- ☐ Psychiatric Services

- ☒ Psychosocial Rehabilitation
- ☒ Basic Skills Training
- ☐ School Re-Entry
- ☐ Psychological Testing

Comments:

Assessing Clinician Signature:



Date: 05/10/2013

Client Name: Lamb, Aamiyah

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**ORIGINAL**

Child's Name: BYNUM, CHRISTOPHER

Medical Record #: 905015931

Child's DOB: 3/28/2009

Assessing Program / Agency:

Assessment Date: 3/26/2013

Assessing Professional / Title: VAQUILAR, ANNAH-LIZAH

Data Entry By: Annah-Lizah Vaquilar

Data Entry Date: 4/8/2013

**Legal Custodian / Guardian response:**

The Department of Family Services (DFS) worker, Lesley, referred Christopher for services due to aggressive behaviors towards authority figures and peers in the previous foster home.

**1. What issues do the family / caregiver and the child identify as problematic and in need of treatment?**

**Parent / Caregiver response:**

Foster mother, Melanie, reports that Christopher does not follow directions. He seems to be in his own little world. He will look at you and will not respond. He has sexual behaviors, defiance, noncompliance, and impulsivity. He has hit a teacher and threw a chair at school.

**2. What strengths and abilities (skills and talents) can each bring to bear on those issues?**

**Legal Custodian / Guardian response:**

Christopher is a determined young kid.

**Parent / Caregiver response:**

Christopher has excellent communication and is very smart. He knows his shapes, colors, and can count.

**1. Has the child been a danger to others?**

None of these

**2. Has the child been a danger to self?**

None of these

**3. Has the child experienced any of the following stressful events within the past 12 months?**

Child changes schools

Other significant event

Other: Christopher is in his fourth placement.

**4. Has the child ever feared that she/he will be injured or killed? No**

**5. Has the child ever feared that a family member will be injured or killed? No**

For the client's age group, all symptoms that apply include the following:

**01-18 months:**

Needs asst. to initiate/maintain sleep

**18 - 36 months: Any of the above, plus**

Extremely destructive dangerous behavior

Persistent, intentional aggression

Challenging / does not follow directions

**3 - 6 years: Any of the above, plus**

Excessive withdrawn

**Has the child experienced or been exposed to extreme, violent behavior in the last 90 days?**

None of these

**Does the child manifest persistent difficulties or disruptive behaviors sufficient to jeopardize home or school placement?**

Excessive non-compliance  
Constant challenging of authority  
Req constant supervision in activities  
Requires total attention  
Fail respond limit setting / discipline  
Has the child exhibited bizarre or unusual behavior in the last 90 days?  
None of these

**1. With whom does the child live?**

Since 03/01/13 Christopher and his sister, Aamiyah (9), have been placed with Melanie (foster mother), Melanie's daughter (21), Melanie's son (13), Melanie's adopted son (7), and a foster daughter (20 months).

**2. As a family / caregiver, what strengths and positive influences do you find in your current living arrangement / relationships?**

The family provides safety, patience, routine, and structure.

**3. What is the child's current living situation: physical arrangements, others living in the home?**

Christopher shares a room with Melanie's adopted son (7).

**4. How would you characterize the child's relationships and interactions with the family/caregiver, siblings, and/or others living in the home?**

Christopher is closest to Aamiyah. Christopher has conflict with everyone in the home but he has the most conflict with Melanie's adopted son.

**5. What stressors can you identify in your current family's living arrangements / relationships?**

Christopher needs constant line of sight supervision.

**6. In what social / recreational activities or hobbies does the child engage?**

Christopher likes trucks, balls, super heroes, riding the tricycle, and going to McDonalds.

**7. Are there any social / recreational activities or hobbies the family does together?**

The family enjoys going to the park and watching movies at home.

**8. Do you have any personal, religious, spiritual, or cultural practices or beliefs that you want to be taken into account when working with you and your child?**

The family is Christian. Christopher goes to the youth program and gives the teachers a hard time. He would always climb on Aamiyah and kiss her. Christopher and Melanie's adopted son were separated into a younger class.

**9. Is there anything else you'd like us to know?**

Termination of parental rights have been filed. There has not been a ruling yet. DFS may file for an ICPC with a maternal uncle in South Carolina who is an adoptive resource.

**Mother's Health During Pregnancy / Birth:**

**1. In the three months before pregnancy, did the mother use any alcohol, tobacco, drugs, or prescribed medications? Unknown**

*If yes, what specifically was used?* Natural mother, Keaundry Deberry, was not available for the assessment. Her phone numbers were out of service and she did not respond to the clinician's email.

**2. During the pregnancy, did the mother continue to use alcohol, tobacco, drugs, or prescribed medications? Unknown**

**3. Did the mother... (Select all that apply)**

Unknown

**Medications used:**

**5. Was the child born on schedule? Unknown**

**7. Was the delivery...**

Unknown

**8. Any health complications for the mother following birth? Unknown**

**Child's Postnatal Health:**

**10. Any problems during infancy regarding...**

Unknown

**Comment:**

**Child's Milestones:**

11. At what age did the child (in months):

	Months		Months
Begin to sit up?	Yes	Use single words? (e.g., mama, dada)	Yes
Begin to crawl?	Yes	String two or more words together?	Yes
Begin to walk?	Yes	Toilet Training?	Yes

1. How would you characterize the child's general medical condition?

Christopher has allergies, eczema, and had a sinus infection.

2. Does the child have: (Select all that apply)

Allergies

3. When was the child's last physical examination? 3/14/2013

If yes, describe: Christopher was diagnosed with allergies and a sinus infection.

4. Are the child's immunizations current? Yes

5. Does the child see a doctor regularly? Yes

If yes, describe: Christopher sees Dr. Plmekel at northwest Pediatrics for well checks.

6. Has the child ever been hospitalized for a medical condition? Unknown

If yes, how often, for what condition(s), duration, and outcome(s)?

7. Has the child had a history of accidents or repeated accidents? Unknown

If yes, describe...

8. Has the child had an accident or injury resulting in: (select all that apply)

Unknown

9. Does the child experience any sleeping problems: (select all that apply)

Falling asleep

If yes to "Falling asleep", then where does the child fall asleep and what is used to help sleep (TV, parent,

video, radio, bottle, pacifier, other)

Christopher sings and talks to himself.

10. Does the child experience: (select all that apply)

Not applicable

11. Any other medical or physical issues regarding the child that should be noted? No

If yes, describe...

12. Any other medical or physical issues regarding the child's family / caregivers that should be noted?

Yes

13. How would you rate the child regarding his/her:

Hearing	Good
Vision	Good
Gross motor coordination	Good
Fine motor coordination	Good
Speech articulation	Excellent
Emotional regulation	Poor *
Sensory integration	Good

\* Please describe any difficulties: Christopher is aggressive.

3. Does the child's family / caregivers have a current / past history of alcohol or substance abuse? Yes

Identify family member role(s) and details including treatment outcomes:

Christopher's father sold marijuana.

4. Have there been any legal / other consequences of family / caregiver substance abuse? Yes

If yes, describe:

If yes, describe: Christopher's father was released from jail in Louisiana in December of 2012 and his current whereabouts are unknown.

5. Has the child had any alcohol or substance abuse treatment, to include: (select all that apply)

Not applicable

Outcomes:

1. Has the child reached puberty? No
3. Is the child sexually active? No
4. Has the child received sex education? No
5. Has the child ever engaged in any inappropriate sexual behavior? Yes  
*If yes, describe:* Christopher took Melanie's son's pillow and "humped" it. He has poked a peer's private area at daycare. When Melanie gave him a bath Christopher rubbed his pants. He also kisses Aamiyah inappropriately.
6. Describe any history of sexual victimization:  
Aamiyah was sexually abused but it is unknown if Christopher was abused as well. The children were placed with their grandparents but it was found that the perpetrator was living in the home and they were removed.

1. Has the child ever: (select all that apply)  
None applicable
2. Does your family have current or past involvement with the Child Welfare system? Yes  
Comment:  
Christopher in in DFS custody.
3. Does your child have an assigned Child Welfare worker? Yes  
Name:  
Lesley Dampier

1. Has the child ever received a mental health diagnosis? No
2. Has the child had psychological testing in the past? No
3. Has the child had any history of emotional or physical abuse? Yes  
*If yes, describe:* Christopher was burnt on his face with an iron, he had other unexplained injuries, the family failed to seek medical treatment, they absconded to Louisiana, and he was brought back to Las Vegas.
4. Has the child ever been exposed to violence? Unknown.  
*If yes, describe:* There was domestic violence from Christopher's father towards his mother.
5. Has the child ever been prescribed medication(s) for psychological, emotional, or behavioral problems?  
No

1. Describe the child's educational strengths and resources:  
Christopher does not attend school.
2. List daycare, preschools, schools attended:  
Christopher attends Watch me Grow daycare and was in daycare in Louisiana.
3. Child's current grade level: n/a
4. Describe how the child is currently functioning academically:  
Christopher knows his colors, numbers, shapes, some letters, and special positions.
5. Describe the child's behaviors in school and abilities / difficulties in getting along with teachers, principals, classmates:  
Christopher is aggressive every day, more than once a day. This occurred in Louisiana as well. This is mostly with peers. Once when he was redirected by a teacher he hit the teacher. He called a peer a "bitch". He may be asked to leave.
- Has the child:  
None of the above are applicable. Yes

Appearance

Appropriate  
Neat



Behavior	Loud Domineering Restless
Mood	No impairment
Perception	No impairment
Intelligence Functioning	No impairment
Orientation	No impairment

**Diagnosis:**

Axis 1 - 1: 312.9 / DISRUPTIVE BEHAVIOR DISORDER NOS

Axis 1 - 2: 996.52 / NEGLECT OF CHILD (IF FOCUS OF ATTENTION IS ON VICTIM)

Axis 1 - 3: / Unknown

Principal Diagnosis: 312.9 / DISRUPTIVE BEHAVIOR DISORDER NOS

**Child Qualifies as Severely Emotionally Disturbed (SED)**

SED Date	Y / N	SED Determined By
3/28/2013	Yes	VAQUILAR, ANNAH-LIZAH

Assessment	Date	Score
CAFAS [children 72 months and older]		0
PECFAS [children 36-72 months]	3/28/2013	110

**NECSET / CASII**

**ECSI**

Date of Assessment 3/28/2013

Entry By: Annah-Lizah Vaquilar

Entry On: 4/3/2013 / 02:33 PM

- |   |   |
|---|---|
| I. Degree Of Safety   | 4 |
| II. Caregiving Relationships                                  | 4 |
| III. Caregiving Environment                                   |   |
| A. Caregiving Environment Strengths                           | 2 |
| B. Caregiving Environment Stressors                           | 4 |
| IV. Functional / Developmental Status                         | 4 |
| V. Impact of Medical / Developmental / Mental Health Problems | 4 |

Final Services Intensity Level 3

**VI. Services Profile**

**A. Final Involvement Score**

i. Child Involvement

ii. Caregiver Involvement

**B. FH**

**C. Effectiveness**

Final Services Profile Score \_\_\_\_\_

**1. Clinical summary of assessment findings and identification of current family strengths and needs.**

Christopher came to the office for an assessment with foster mother, Melanie, and DFS worker, Lesley. Christopher ambulated well and was appropriately dressed.

At the previous placement Christopher kicked the foster mother in the groin and threw things at her. Christopher has broken toys and a bed out of anger. He has hit and spit at Melanie's 7 year old adopted son. He has pushed, hit, and snatched toys from the 20 month old foster sister. Christopher has taken the door off the hinges. He will rip his own pillow, and punches the bed. Sometimes he will cry, yell, and scream. He pinches peers at daycare. Christopher will just stare at the caregiver when given directions. In the morning he will scream at the baby and go into Aamiyah's (sister) room even though he was redirected not to. He went into Melanie's son's room and grinded on his pillow. When Melanie took it away from him he cried "like it was the end of the world". He tries to go into the bathroom with Aamiyah and she does not set boundaries with him. He has smeared his feces. He frequently climbs under the bed and gets stuck. He has poor self-help skills and did not know how to brush his teeth or bathe independently.

Christopher lays down for bed between 7:00pm-7:30pm. He gets out of bed, runs into other people's rooms, talks, and sings himself to sleep. He falls asleep by 8:30pm and sleeps through the night. He wears pull ups and wets it. Melanie wakes him up at 8:00am. He refuses to take a nap. He receives 11 of the 11.5 recommended hours of sleep. No sensory issues have been noted.

When Christopher was placed Melanie told Christopher her name and since then he has called her, Ms. Melanie. He frequently interrupted and engaged Melanie in conversation. He transitioned well to clean up and leaving.

Christopher seems to fit the criteria for disruptive behavior disorder NOS and physical abuse/neglect.

2. **Summary of family/caregiver and childhood expectations for intervention and anticipated outcomes.**  
Melanie expects Christopher to be able to follow directions and accept limits. She expects him to stop being aggressive with peers. She expects him to stop all sexualized behaviors.
3. **Clinical recommendations regarding treatment approach.**
  1. Christopher does qualify for mental health services at this time to address his aggression, not following directions, and sexual behaviors.
  2. Christopher is eligible for targeted case management services. A targeted case management assessment is being recommended to identify specific needs.
  3. Christopher does not need mental health rehabilitative services at this time.
  4. Christopher is currently having his needs met in a family foster home.
4. **Discharge Planning**  
Christopher may be in therapy for 6-12 months. The discharge criteria is to stop all sexualized behaviors against others, reduce to 2 incidents of hitting per month, to fall asleep within 30 minutes, and to follow directions within 2 prompts. A TPR has been filed against the natural parents. There is a possible ICPC to a maternal uncle in South Carolina in progress.

Submitted by: VAQUILAR, ANNAH-LIZAH

4/8/2013

Approved by:

## **Lesley Dampeer**

---

**From:** NV ICPC [nvicpc@dcfs.nv.gov]  
**Sent:** Tuesday, May 21, 2013 9:07 AM  
**To:** SCICPC@dss.sc.gov  
**Cc:** Lesley Dampeer  
**Subject:** FW: Status Updates

Please see email below requesting a status update.

Thank you.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to nvicpc@dcfs.nv.gov*  
*"Devoted to every child's journey home" ~NVICPC*

---

**From:** Lesley Dampeer [mailto:lesdam@ClarkCountyNV.gov]  
**Sent:** Tuesday, May 21, 2013 7:54 AM  
**To:** NV ICPC  
**Cc:** Lesley Dampeer  
**Subject:** Status Updates

Dear NVICPC,

May I receive a status update as to the following case:

**Case #:** 1362112  
**Subject minors:** Aamiyah Lamb and Christopher Bynum, Jr.  
**To be placed with:** Maternal uncle, Darrell DeBerry  
**State:** South Carolina

Thank You

Lesley Dampeer, MA  
Family Services Specialist II  
Clark County Department of Family Services  
522 E. Lake Mead Pkwy., Suite 5  
Henderson, NV 89015  
Office: (702) 455-8448  
Fax: (702) 455-7961  
Email: [Lesley.Dampeer@ClarkCountyNV.gov](mailto:Lesley.Dampeer@ClarkCountyNV.gov)  
(Please note my regular day off is every other Monday and on the alternate Monday I am off at 4 P.M.)

Sherrie,  
I am not locating this case here. Was this sent by email?

**Patricia J Cokley**  
Program Coordinator II  
SC DSS, ICPC Unit  
803-898-7330 (O) 803-898-7897 (Fax) [patricia.cokley@dss.sc.gov](mailto:patricia.cokley@dss.sc.gov) (email)  
[SCICPC@dss.sc.gov](mailto:SCICPC@dss.sc.gov) for emails with attachments

---

**From:** NV ICPC [<mailto:nvicpc@dcsf.nv.gov>]  
**Sent:** Thursday, June 20, 2013 4:33 PM  
**To:** ICPC  
**Cc:** Lesley Dampeer ([lesdam@ClarkCountyNV.gov](mailto:lesdam@ClarkCountyNV.gov))  
**Subject:** FW: Status Updates

2<sup>nd</sup> Request for Update

Please see email below requesting a status update.  
Thank you.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to [nvicpc@dcsf.nv.gov](mailto:nvicpc@dcsf.nv.gov)*

*"Devoted to every child's journey home" ~NVICPC*

---

**From:** Lesley Dampeer [<mailto:lesdam@ClarkCountyNV.gov>]  
**Sent:** Thursday, June 20, 2013 1:17 PM  
**To:** NV ICPC  
**Cc:** Lesley Dampeer  
**Subject:** RE: Status Updates

Dear NV ICPC,  
Unfortunately, I never received a status update in regards to the following case,  
Case #: 1362112  
Subject minors: Aarniyah Lamb and Christopher Bynum, Jr.  
To be placed with: Maternal uncle, Darrell DeBerry  
State: South Carolina

A court hearing is approaching and I would like to present to the judge an update as it relates to the status of the children's ICPC referral.

Thank You

---

**From:** NV ICPC [<mailto:nvicpc@dcfs.nv.gov>]  
**Sent:** Tuesday, May 21, 2013 9:07 AM  
**To:** [SCICPC@dss.sc.gov](mailto:SCICPC@dss.sc.gov)  
**Cc:** Lesley Dampeer  
**Subject:** FW: Status Updates

Please see email below requesting a status update.

Thank you.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to [nvicpc@dcfs.nv.gov](mailto:nvicpc@dcfs.nv.gov)*  
*"Devoted to every child's journey home" ~NVICPC*

---

**From:** Lesley Dampeer [<mailto:lesdam@ClarkCountyNV.gov>]  
**Sent:** Tuesday, May 21, 2013 7:54 AM  
**To:** NV ICPC  
**Cc:** Lesley Dampeer  
**Subject:** Status Updates

Dear NVICPC,

May I receive a status update as to the following case:

**Case #:** 1362112  
**Subject minors:** Aamiyah Lamb and Christopher Bynum, Jr.  
**To be placed with:** Maternal uncle, Darrell DeBerry  
**State:** South Carolina

Thank You

Lesley Dampeer, MA  
Family Services Specialist II  
Clark County Department of Family Services  
522 E. Lake Mead Pkwy., Suite 5  
Henderson, NV 89015  
Office: (702) 455-8448  
Fax: (702) 455-7961  
Email: [Lesley.Dampeer@ClarkCountyNV.gov](mailto:Lesley.Dampeer@ClarkCountyNV.gov)  
(Please note my regular day off is every other Monday and on the alternate Monday I am off at 4 P.M.)

## Lesley Dampeer

---

**From:** NV ICPC [nvicpc@dcss.nv.gov]  
**Sent:** Thursday, June 20, 2013 1:33 PM  
**To:** SCICPC@dss.sc.gov  
**Cc:** Lesley Dampeer  
**Subject:** FW: Status Updates

2<sup>nd</sup> Request for Update

Please see email below requesting a status update.

Thank you.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to nvicpc@dcss.nv.gov*

*"Devoted to every child's journey home" ~NVICPC*

---

**From:** Lesley Dampeer [mailto:lesdam@ClarkCountyNV.gov]  
**Sent:** Thursday, June 20, 2013 1:17 PM  
**To:** NV ICPC  
**Cc:** Lesley Dampeer  
**Subject:** RE: Status Updates

Dear NV ICPC,

Unfortunately, I never received a status update in regards to the following case,

Case #: 1362112

Subject minors: Aamiyah Lamb and Christopher Bynum, Jr.

To be placed with: Maternal uncle, Darrell DeBerry

State: South Carolina

A court hearing is approaching and I would like to present to the judge an update as it relates to the status of the children's ICPC referral.

Thank You

---

**From:** NV ICPC [mailto:nvicpc@dcss.nv.gov]  
**Sent:** Tuesday, May 21, 2013 9:07 AM  
**To:** SCICPC@dss.sc.gov  
**Cc:** Lesley Dampeer  
**Subject:** FW: Status Updates

Please see email below requesting a status update.

Thank you.

*Sherrie Connell*

*Administrative Assistant III*

*Nevada ICPC*

*Division of Child & Family Services*

*4126 Technology Way, 3<sup>rd</sup> Floor*

*Carson City, NV 89706*

*775-684-4420 Direct Line*

*775-684-4456 Fax*

*\*Please send all ICPC inquiries to [nvicpc@dcsf.nv.gov](mailto:nvicpc@dcsf.nv.gov)*

*"Devoted to every child's journey home" ~NVICPC*

---

**From:** Lesley Dampeer [<mailto:lesdam@ClarkCountyNV.gov>]

**Sent:** Tuesday, May 21, 2013 7:54 AM

**To:** NV ICPC

**Cc:** Lesley Dampeer

**Subject:** Status Updates

Dear NVICPC,

May I receive a status update as to the following case:

**Case #:** 1362112

**Subject minors:** Aamiyah Lamb and Christopher Bynum, Jr.

**To be placed with:** Maternal uncle, Darrell DeBerry

**State:** South Carolina

Thank You

Lesley Dampeer, MA

Family Services Specialist II

Clark County Department of Family Services

522 E. Lake Mead Pkwy., Suite 5

Henderson, NV 89015

Office: (702) 455-8448

Fax: (702) 455-7961

Email: [Lesley.Dampeer@ClarkCountyNV.gov](mailto:Lesley.Dampeer@ClarkCountyNV.gov)

(Please note my regular day off is every other Monday and on the alternate Monday I am off at 4 P.M.)

**Lesley Dampeer**

---

**From:** NV ICPC [nvicpc@dcsf.nv.gov]  
**Sent:** Friday, June 21, 2013 2:22 PM  
**To:** Lesley Dampeer  
**Subject:** FW: Status Updates  
**Attachments:** New Referral Documents

Lesley, SC ICPC was unable to open the electronic files to the case mentioned below so they have never received the documents. NVICPC is mailing the documents today.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to nvicpc@dcsf.nv.gov*  
*"Devoted to every child's journey home" ~NVICPC*

---

**From:** NV ICPC  
**Sent:** Friday, June 21, 2013 12:34 PM  
**To:** 'ICPC'  
**Subject:** RE: Status Updates

Yes, I have attached the documents for you. Please confirm receipt.

*Sherrie Connell*  
*Administrative Assistant III*  
*Nevada ICPC*  
*Division of Child & Family Services*  
*4126 Technology Way, 3<sup>rd</sup> Floor*  
*Carson City, NV 89706*  
*775-684-4420 Direct Line*  
*775-684-4456 Fax*  
*\*Please send all ICPC inquiries to nvicpc@dcsf.nv.gov*  
*"Devoted to every child's journey home" ~NVICPC*

---

**From:** ICPC [mailto:scicpc@dss.sc.gov]  
**Sent:** Friday, June 21, 2013 12:28 PM  
**To:** NV ICPC  
**Subject:** RE: Status Updates



**Michelle Maese**

---

**Subject:** RE: DeBerry [SC# 0001155280]

---

**From:** Laura Parks [mailto:lparks@dcfs.nv.gov] **On Behalf Of** NV ICPC  
**Sent:** Friday, August 30, 2013 8:41 AM  
**To:** Michelle Maese  
**Cc:** 'Bobby.Seepersaud@dss.sc.gov'  
**Subject:** RE: DeBerry [SC# 0001155280]

I sent this message to SC ICPC yesterday. Please be patient as all agencies are busy with new referrals and all of the paperwork that goes with them.

Thank you,

Laura Parks, LSW  
Social Services Program Specialist II, ICPC Liaison  
4126 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-684-4445  
Fax: 775-684-4456

**PLEASE DO NOT RESPOND OR REQUEST INQUIRIES THROUGH MY EMAIL ADDRESS REGARDING ICPC CASES. ALL INQUIRIES SHOULD BE MADE TO THE FOLLOWING ADDRESS: NVICPC@DCFS.NV.GOV**

**"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

---

**From:** Michelle Maese [mailto:MichelleM@ClarkCountyNV.gov]  
**Sent:** Friday, August 30, 2013 8:39 AM  
**To:** NV ICPC  
**Cc:** 'Bobby.Seepersaud@dss.sc.gov'  
**Subject:** FW: DeBerry [SC# 0001155280]

Please assist.

---

**From:** Michelle Maese  
**Sent:** Thursday, August 29, 2013 11:53 AM  
**To:** Laura Parks; Traci Nellis; Lesley Dampeer; Jason Frierson  
**Subject:** Re: DeBerry [SC# 0001155280]

Hi Laura,

I am writing to request an update ASAP as to the status of this ICPC. I know you have worked diligently to get us an answer, however we still do not have one. As you know, the TPR was granted in April and the ICPC was submitted by the worker shortly after. The worker was informed almost 90 days later that ICPC sent it to the wrong county and they could not open the attachment.

It was discussed below that ICPC would be expedited. We have heard nothing and I know you have tried. We have court next Thursday. The children are free for adoption and the family is an adoptive resource, however we have no word if we can place them because we have no approval / denial.

Can you please let us know the status.

We will be submitting recruitment paperwork for another home concurrently as the children are in separate homes.

Thank you  
MM

Sent from my HTC EVO 4G LTE exclusively from Sprint

----- Reply message -----

From: "Laura Parks" <[lparks@dcfs.nv.gov](mailto:lparks@dcfs.nv.gov)>  
To: "Michelle Maese" <[Mitchelm@ClarkCountyNV.gov](mailto:Mitchelm@ClarkCountyNV.gov)>  
Subject: DeBerry [SC# 0001155280]  
Date: Thu, Aug 22, 2013 8:10 AM

Hello Michelle,

I sent a request for update yesterday. I have not received a response back from SC ICPC. Once I do I will forward the response immediately.

Thank you,

Laura Parks, LSW  
Social Services Program Specialist II, ICPC Liaison  
4126 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-884-4445  
Fax: 775-884-4456

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**"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

---

**From:** Michelle Maese [<mailto:Mitchelm@ClarkCountyNV.gov>]  
**Sent:** Thursday, August 22, 2013 5:52 AM  
**To:** Laura Parks  
**Cc:** Lesley Dampeer  
**Subject:** Re: DeBerry [SC# 0001155280]

Can we please have an update.

Sent from my HTC EVO 4G LTE exclusively from Sprint

----- Reply message -----

From: "Michelle Maese" <[Mitchelm@ClarkCountyNV.gov](mailto:Mitchelm@ClarkCountyNV.gov)>  
To: "Laura Parks" <[lparks@dcfs.nv.gov](mailto:lparks@dcfs.nv.gov)>  
Cc: "Lesley Dampeer" <[lesdam@ClarkCountyNV.gov](mailto:lesdam@ClarkCountyNV.gov)>, "Michelle Maese" <[Mitchelm@ClarkCountyNV.gov](mailto:Mitchelm@ClarkCountyNV.gov)>  
Subject: DeBerry [SC# 0001155280]  
Date: Tue, Aug 20, 2013 11:01 AM

Hi Laura,

I am checking on this case listed below. We have court next week and the Hearing Master would like an update about expediting the ICPC.

---

**From:** Lesley Dampeer  
**Sent:** Friday, August 16, 2013 3:27 PM  
**To:** Michelle Maese  
**Subject:** FW: DeBerry [SC# 0001155280]  
**Importance:** High

---

**From:** Laura Parks [<mailto:lparks@dcfs.nv.gov>] **On Behalf Of** NV ICPC  
**Sent:** Wednesday, August 07, 2013 2:03 PM  
**To:** Lesley Dampeer  
**Subject:** FW: DeBerry [SC# 0001155280]  
**Importance:** High

Hello Lesley,

Please see response from SC ICPC below.

Thank you,

Laura Parks, LSW  
Social Services Program Specialist II, ICPC Liaison  
4126 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-684-4445  
Fax: 775-684-4456

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**"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

---

**From:** Seepersaud, Bobby [<mailto:Bobby.Seepersaud@dss.sc.gov>]  
**Sent:** Wednesday, August 07, 2013 1:49 PM  
**To:** NV ICPC  
**Cc:** English, Karen  
**Subject:** RE: DeBerry [SC# 0001155280]  
**Importance:** High

Laura,

This case is DELAYED because it was sent to the wrong county – the address was on the borderline of another county. It was finally determined that the resource resides in DILLON County instead of MARION County. As you may have noticed on the last transmittal dated 7-24-13, that's the date that I sent it to Dillon county. I am hoping that they will speed this study up as requested by me to Dillon DSS. Please be patient with us as we work through this. Karen English is the County Director and my contact person in Dillon county for ICPC studies. I have copied her on this email.

*In order to expedite your request please do not staple or send 2 sided copies.  
PLEASE INCLUDE SC CASE NUMBER IN ALL CORRESPONDENCE TO ME.*

*THANKS*

**BOBBY SEEPERSAUD**  
ICPC CONSULTANT  
SC DEPARTMENT OF SOCIAL SERVICES  
1535 CONFEDERATE AVENUE EXT.  
PO BOX 1520  
COLUMBIA, SC 29202-1520  
TEL: 803-898-7504  
FAX: 803-898-7897

---

**From:** Laura Parks [<mailto:lparks@dcfs.nv.gov>] **On Behalf Of** NV ICPC  
**Sent:** Wednesday, August 07, 2013 3:51 PM  
**To:** Seepersaud, Bobby  
**Subject:** FW: DeBerry [SC# 0001155280]

RE: AAMYIAH LAMB and CHRISTOPHER BYNUM

Hello Bobby,

May we please get an update regarding the above case? Please see email chain.

Thank you,

Laura Parks, LSW  
Social Services Program Specialist II, ICPC Liaison  
4128 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-684-4445  
Fax: 775-684-4456

**PLEASE DO NOT RESPOND OR REQUEST INQUIRIES THROUGH MY EMAIL ADDRESS REGARDING ICPC CASES. ALL INQUIRIES  
SHOULD BE MADE TO THE FOLLOWING ADDRESS: [NVICPC@DCFS.NV.GOV](mailto:NVICPC@DCFS.NV.GOV)  
"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

---

**From:** Lesley Dampeer [<mailto:lesdam@ClarkCountyNV.gov>]  
**Sent:** Wednesday, August 07, 2013 11:35 AM  
**To:** NV ICPC  
**Subject:** FW: DeBerry [SC# 0001155280]

Dear NVICPC

I received an update this ICPC referral regarding placement of subject minors (Aamiyah Lamb and Christopher Bynum Jr.) with great maternal uncle in South Carolina.

Thank You

---

**From:** Michelle Maese  
**Sent:** Wednesday, July 31, 2013 10:14 AM  
**To:** 'Laura Parks'

**Cc:** Lesley Dampeer  
**Subject:** RE: DeBerry [SC# 0001155280]

Thank you. Does this mean the home was approved?

---

**From:** Laura Parks [mailto:lparks@dcfs.nv.gov]  
**Sent:** Wednesday, July 31, 2013 8:08 AM  
**To:** Michelle Maese  
**Subject:** FW: DeBerry [SC# 0001155280]

Hello Michelle,

Please see response from SC ICPC. I will forward the locals response once I receive it.

Thank you,

Laura Parks, LSW  
Social Services Program Specialist II, ICPC Liaison  
4126 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-684-4445  
Fax: 775-684-4456

**PLEASE DO NOT RESPOND OR REQUEST INQUIRIES THROUGH MY EMAIL ADDRESS REGARDING ICPC CASES. ALL INQUIRIES SHOULD BE MADE TO THE FOLLOWING ADDRESS: NVICPC@DCFS.NV.GOV**  
**"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

---

**From:** Seepersaud, Bobby [mailto:Bobby.Seepersaud@dss.sc.gov]  
**Sent:** Wednesday, July 31, 2013 8:06 AM  
**To:** Laura Parks  
**Cc:** English, Karen  
**Subject:** FW: DeBerry [SC# 0001155280]

Hi Laura,

This case for foster home licensing was sent to my local on 7-24-2013. I don't have any specific updates at this time. But I will definitely follow up with the local for a feedback/update

**KAREN,**

Can you assist as to the progress on this foster home study request?

**From:** Laura Parks [mailto:lparks@dcfs.nv.gov] **On Behalf Of** NV ICPC  
**Sent:** Monday, July 29, 2013 2:16 PM  
**To:** ICPC  
**Subject:** FW: DeBerry

Hello SC ICPC,

Please see email below from NV Local requesting status of home study.

Thank you,

Laura Parks, LSW

Social Services Program Specialist II, ICPC Liaison  
4126 Technology Way, 3rd Floor  
Carson City, NV 89706  
775-684-4445  
Fax: 775-684-4456

**PLEASE DO NOT RESPOND OR REQUEST INQUIRIES THROUGH MY EMAIL ADDRESS  
REGARDING ICPC CASES. ALL INQUIRIES SHOULD BE MADE TO THE FOLLOWING ADDRESS:  
NVICPC@DCFS.NV.GOV  
"DEVOTED TO EVERY CHILD'S JOURNEY HOME"**

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**From:** Michelle Maese [<mailto:Mitchelm@ClarkCountyNV.gov>]  
**Sent:** Monday, July 29, 2013 10:38 AM  
**To:** NV ICPC  
**Cc:** Lesley Dampeer  
**Subject:** DeBerry

Hi,  
Can we please have an update on the DeBerry Case. AAMYIAH LAMB and CHRISTOPHER BYNUM.  
Placement will be with great maternal uncle in South Carolina. His name is Darrell Deberry.

Thanks,

Respectfully,

**Michelle R. Maese**  
Department of Family Services  
Family Services Supervisor  
522 E. Lake Mead Parkway, Henderson NV 89015  
Phone (702)455-1183; Fax (702) 455-7961  
Child Abuse and Neglect hotline: 399-0081

**"The only person you are destined to become, is the person you decide to be"**

**\* Ralph Waldo Emerson \***