

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO: R.T.; K.G-T.; N.H-T.; AND
E.H-T.,
JACQUELINE G,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES

No. 70210

**DOCKETING STATEMENT
CIVIL APPEALS**

Electronically Filed
May 02 2016 02:13 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Second Department 2
County Washoe Judge William Maddox, Senior Judge
District Ct. Case No. FV14-03897

2. Attorney filing this docketing statement:

Attorney John Reese Petty Telephone (775) 337-4827
Firm Washoe County Public Defender's Office
Address 350 South Center Street, Fifth Floor, P.O. Box 11130, Reno, Nevada 9520-0027

Client(s) Jacqueline Guerrero (Mother)

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Tyler M. Elcano Telephone (775) 337-5700
Firm Washoe County District Attorney's Office
Address One South Sierra Street, P.O. Box 11130, Reno, Nevada 89520

Client(s) Washoe County Department of Social Services

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
☐ Venue
☒ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

The Washoe County Department of Social Services petitioned the family district court for an order terminating the mother's parental rights to her children. Following a six-day bench trial in front of the family district court, the family court judge issued an order terminating her parental rights months later.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

To terminate parental rights a family court must find both parental fault and that termination is in the best interests of the children. Does the record contain clear and convincing evidence of either parental fault or that termination is in the best interests of the children?

Is the family court's findings of fact properly supported by evidence in the record?

Do the family court's legal conclusions constitute legal error?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Unknown

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Under NRAP 17(a)(12) appeals from orders terminating parental rights must be decided by the Supreme Court.

14. Trial. If this action proceeded to trial, how many days did the trial last? 6 _____

Was it a bench or jury trial? Bench _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Mar 21, 2016

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Mar 21, 2016

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed Apr 18, 2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) _____

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The Family Court's order terminating appellant's parental rights is a final judgment of an action commenced in the Second Judicial District Court.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Jacqueline Guerrero (Mother-Respondent)

Roberto Taylor, Kayleigh Guerrero-Taylor, Nathan Hunt Taylor, and Ethan Hunt-Taylor (Minor Children)

Washoe County Department of Social Services (Petitioner)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Petitioner claimed parental fault and best interest. Mother denied these claims. Order terminating parental rights filed on March 21, 2016.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

JACQUELINE GUERRERO

Name of appellant

JOHN REESE PETTY

Name of counsel of record

May 2, 2016

Date

Signature of counsel of record

Washoe County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 2nd day of May, 2016, I served a copy of this completed docketing statement upon all counsel of record:

☒ By personally serving it upon him/her,* or

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

* Service of this document is made through this Court's eflex Master Service List

Dated this 2nd day of May, 2016

Signature

1 **3637**
2 CHRISTOPHER J. HICKS, DA
3 Tyler M. Elcano, DDA
4 Nevada Bar No. 10578
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-5700
8 Attorney for Petitioner

9
10 **IN THE FAMILY DIVISION**
11
12 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13
14 **IN AND FOR THE COUNTY OF WASHOE**

15 **IN THE MATTER OF THE PARENTAL**
16 **RIGHTS AS TO:**

17 **ROBERTO TAYLOR,**
18 **KAYLEIGH GUERRERO-TAYLOR,**
19 **NATHAN HUNT-TAYLOR, AND**
20 **ETHAN HUNT-TAYLOR,**

21 **MINOR CHILDREN.**

)
)
)
) Case No. FV14-03897
)
) Dept. No. 2
)
)
)

22 **AMENDED PETITION TO TERMINATE PARENTAL RIGHTS**

23 The amended petition of the Supervisor of the Washoe County
24 Department of Social Services, ("WCDSS") respectfully shows:

25 **I**

26 This petition involves the following children:

Roberto Taylor ("Roberto") whose date of birth is June 15, 2007;

Kayleigh Guerrero Taylor ("Kayleigh") whose date of birth is
February 13, 2010;

Nathan Hunt-Taylor ("Nathan"), whose date of birth is June 29,
2011; and

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///

1 Ethan Hunt-Taylor ("Ethan"), whose date of birth is January 1,
2 2014.

3 The children presently reside in family foster care in Sun
4 Valley, Nevada, where they were placed by WCDSS.

5 II

6 The mother of the above-identified children is Jacqueline
7 Guerrero ("Ms. Guerrero"), whose date of birth is June 15, 1990, and
8 whose residential address is the Committee to Aid Abused Women Shelter
9 whose administrative office is located at 1735 Vassar Street, Reno,
10 Nevada, 89502. The physical location of their shelter is confidential.
11 Her last known physical address was 536 Grand Canyon Boulevard, Reno,
12 Nevada 89502.

13 The father of the above-identified children, via signed
14 affidavits of paternity, is Robert Hunt-Taylor ("Mr. Hunt-Taylor"),
15 whose date of birth is November 4, 1988, and whose last known address
16 is 2071 West 4th Street, Space 45, Reno, Nevada 89503.

17 III

18 WCDSS has custody of Roberto, Kayleigh, Nathan, and Ethan by
19 virtue of orders of this Court, the last of which is dated April 15,
20 2015, as to Roberto, Kayleigh, and Nathan, and May 21, 2015, as to
21 Ethan.

22 IV

23 The nearest known maternal relatives who reside in the state of
24 Nevada are Maureen Salazar and Francisco Guerrero who are the parents
25 of Ms. Guerrero. There are no paternal relatives who reside in the
26 State of Nevada.

1 V

2 To the best of Petitioner's knowledge, there is no legal
3 guardian appointed for Roberto, Kayleigh, Nathan, and/or Ethan in the
4 State of Nevada or elsewhere.

5 VI

6 Pursuant to NRS 128.050(2)(g), Roberto, Kayleigh, Nathan, and
7 Ethan are not known to be Indian children.

8 VII

9 Roberto, Kayleigh, Nathan, and Ethan are receiving public
10 assistance in the form of Medicaid.

11 VIII

12 The acts complained of herein occurred in Washoe County, Nevada.
13 The facts bringing this matter within the purview of Nevada Revised
14 Statutes Chapter 128 are as follows:

15 (a) On or about April 19, 2013, WCDSS received a report that
16 Ms. Guerrero and Mr. Hunt-Taylor were being evicted from their motel
17 room due to nonpayment.

18 (b) On or about April 19, 2013, Ms. Guerrero and Mr. Hunt-
19 Taylor both stated to WCDSS Emergency Response Unit ("ERU") they do
20 not have the resources, i.e. housing and financial income, to provide
21 the basic needs for their children even though Ms. Guerrero receives
22 cash benefits in the amount of \$513.00 from Nevada State Welfare. Ms.
23 Guerrero could not explain as to where the cash benefits from Nevada
24 State Welfare went or how it was used.

25 (c) On or about April 19, 2013, Ms. Guerrero and Mr. Hunt-
26 Taylor reported they exhausted all housing resources to include Family

1 Shelter, Family Promise, Women's Shelter, Men's Shelter, and the
2 Prayer House through the Gospel Mission. Ms. Guerrero and Mr. Hunt-
3 Taylor accessed these services from April of 2012, to December of
4 2012. The Family Shelter and the Family Promise provided the
5 following information:

6 (1) Ms. Guerrero and Mr. Hunt-Taylor were in the Family
7 Shelter from April of 2012, to September of 2012. Ms. Guerrero
8 and Mr. Hunt-Taylor were kicked out of the shelter due to non-
9 compliance, i.e. the family did not complete their case plan with
10 regards to finding employment and housing; and

11 (2) Mr. Hunt-Taylor was kicked out of Family Promise for
12 allegedly stealing belongings from the director;

13 (d) On or about April 24, 2013, staff at Libby Booth Elementary
14 School reported to WCDSS the following:

15 (1) Roberto had missed approximately 45 days of school
16 this year;

17 (2) Roberto has been tardy on 8 separate occasions due to
18 the family being transient;

19 (3) Roberto was taken to SAARB in February of 2013, due to
20 his poor attendance;

21 (4) Ms. Guerrero and Mr. Hunt-Taylor did not attend the
22 SAARB meeting and failed to reschedule the meeting even though
23 the school was willing to assist with transportation and offered
24 to complete the SAARB meeting through a conference call;

25 (5) The school offered services for Ms. Guerrero and Mr.
26 Hunt-Taylor to include Child In Transition for transportation to

1 and from school for Roberto in order to assist with his
2 attendance;

3 (6) Due to Roberto's poor attendance, Roberto's academics
4 have suffered which have caused speech and language delays.
5 Consequently, Roberto will be retained in kindergarten.

6 (e) On June 20, 2013, the Court found Roberto, Kayleigh, and
7 Nathan were children in need of protection pursuant to NRS
8 432B.330(2)(b) as Ms. Guerrero and Mr. Hunt-Taylor, persons
9 responsible for their welfare, have failed, although financially able
10 to do so or been offered financial or other means to do so, to provide
11 for the education of the children.

12 (f) On April 30, 2013, Ms. Guerrero and Mr. Hunt-Taylor were
13 substantiated by WCDSS for the neglect of Roberto, Kayleigh, and
14 Nathan.

15 (g) On May 8, 2013, a case plan and service agreement ("CPSA")
16 was developed to assist Ms. Guerrero and Mr. Hunt-Taylor in reunifying
17 with the children. The objectives of the CPSA for Ms. Guerrero and
18 Mr. Hunt-Taylor included but were not limited to the following:
19 obtainment and sustainment of stable housing, Ms. Guerrero complete a
20 psycho-social evaluation and comply with the recommendations, work
21 with a Human Support Specialist or Cabinet Worker for budgeting, time
22 management, and daily routines, maintain current government benefits,
23 and prioritize spending to provide for housing and her children's
24 basic needs.

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1 (h) On or about July 11, 2014, WCDSS social worker Denise Tyre
2 ("Ms. Tyre") received a report that Ms. Guerrero was struggling to
3 meet Ethan's basic needs and to provide a safe home for Ethan.

4 (i) On or about July 31, 2014, a domestic violence incident
5 occurred between Mr. Hunt-Taylor and Ms. Guerrero. As a result
6 thereof, Mr. Hunt-Taylor was arrested by Reno Police Department
7 ("RPD") and charged with domestic violence.

8 (j) On or about August 18, 2014, Ms. Guerrero reported to Ms.
9 Tyre she was moving from the home she shared with Mr. Hunt-Taylor
10 following this incident.

11 (k) On or about August 27, 2014, Ms. Guerrero reported to Ms.
12 Tyre she obtained services from Reno Police Department Victim Services
13 ("RPDVS") and RPDVS would be paying her deposit for a new apartment at
14 Bicentennial Apartments.

15 (l) On or about September 5, 2014, Ms. Tyre verified with RPDVS
16 and the manager at Bicentennial Apartments that Ms. Guerrero had not
17 obtained her apartment.

18 (m) On or about August 27, 2014, Ms. Guerrero reported to Ms.
19 Tyre she lost her only bottle for Ethan and did not have resources to
20 obtain another bottle.

21 (n) On or about September 10, 2014, Ms. Guerrero reported to
22 Ms. Tyre she was having difficulty obtaining supplies for Ethan and
23 was in need of diapers.

24 (o) On or about September 11, 2014, Ms. Tyre conducted a home
25 visit at the residential address provided by Ms. Guerrero for Ethan

26 ///

1 and herself at 1485 West 4th street #38, Reno, Nevada 89503. Ms. Tyre
2 observed the following:

- 3 (1) Multiple pet urine stains and wet spots on the carpet;
- 4 (2) Dog feces in the middle of the floor;
- 5 (3) A mattress with some blankets and clothing on top of
6 it;
- 7 (4) Several soiled diapers on the floor;
- 8 (5) A strong urine and feces odor;
- 9 (6) Clothing that Ms. Tyre had observed Ms. Guerrero
10 wearing multiple previous occasions;
- 11 (7) Children and adult clothing on the floor soiled with
12 animal urine;
- 13 (8) Baby food and canned food items; and
- 14 (9) Multiple small items scattered on the ground that
15 are choking hazards for Ethan.

16 (p) On or about September 11, 2014, Ms. Guerrero reported to
17 Ms. Tyre she was on her way to her residence located at 1485 West 4th
18 street #38, Reno, Nevada 89503 to clean it.

19 (q) On or about October 30, 2014, pursuant to NRS
20 432B.330(1)(b), Mr. Hunt Taylor, a person responsible for the welfare
21 of Ethan, was found to have subjected Ethan to neglect. On or about
22 November 13, 2014, pursuant to MRS 4321B.330(1)(b), Ms. Guerrero, a
23 person responsible for the welfare of Ethan, was found responsible for
24 his neglect.

25 (r) On or about October 24, 2014, the CPSA was amended to
26 include Ethan.

1 (s) Ms. Guerrero has failed to substantially comply with her
2 CPSA. Ms. Guerrero has failed to demonstrate an ability to maintain
3 stable housing or to budget appropriately. Further, she has failed to
4 address any of the safety concerns which brought all four children
5 into care, she has not consistently attended therapy, and she is
6 unable to demonstrate an ability to ensure the children attend
7 necessary appointments and school. Although Ms. Guerrero has recently
8 entered the Committee to Aid Abused Women Shelter and has attended
9 therapy regularly for approximately three weeks, this is a first
10 throughout the duration of her two-year involvement with WCDSS.
11 Further, Ms. Guerrero has failed to demonstrate an ability to maintain
12 employment or stable housing.

13 (t) Likewise, Mr. Hunt-Taylor has failed to substantially
14 comply with his CPSA. Mr. Hunt-Taylor has failed to demonstrate an
15 ability to maintain stable housing or to budget appropriately.
16 Further, Mr. Hunt-Taylor continues to test positive for marijuana and
17 occasionally for methamphetamines. Mr. Hunt-Taylor is not currently
18 involved in services to address his substance abuse.

19 (u) Additionally, for the first year the children were in the
20 care and custody of WCDSS, Mr. Hunt-Taylor failed to consistently
21 visit his children. Since he was arrested in July of 2014, Mr. Hunt-
22 Taylor has demonstrated more interest in visits and presently attends
23 approximately 80% of his visits. Mr. Hunt-Taylor's last visit with
24 the children was on June 26, 2015. Ms. Guerrero has been consistent
25 with her visits with the children and last visited them on June 26,
26 2015. Ms. Guerrero last contacted WCDSS regarding the welfare of her

1 children on June 23, 2015. Ms. Guerrero and Mr. Hunt-Taylor have not
2 provided any cards or letters for their children but have occasionally
3 provided toys, snacks, and clothes. Ms. Guerrero and Mr. Hunt-Taylor
4 have not paid child support on behalf of their children.

5 (v) Roberto, Kayleigh, Nathan, and Ethan are presently placed
6 in a foster home. Roberto is eight years old, is a healthy child, and
7 has demonstrated no behavioral issues. Roberto does well in school
8 but has a slight speech delay which is addressed by an Individual
9 Education Plan. Kayleigh is five years old and has a feisty
10 personality. Kayleigh is very bright but has speech delays. Nathan
11 is four years old and is very sweet and loving. Nathan also has a
12 slight speech delay. Ethan is one year old and is a very active and
13 happy baby. Nathan has speech and gross motor delays and receives
14 services through Advanced Pediatrics to address these issues. Ethan
15 has had afebrile seizures over the last year, but is otherwise a
16 healthy child. The children are thriving in their current foster home
17 and the foster family does wish to adopt all four children.

18 Based upon the foregoing, as well as evidence to be presented at
19 trial, pursuant to NRS Chapter 128, grounds exist for terminating the
20 parental rights of Ms. Guerrero, the mother of Roberto, Kayleigh,
21 Nathan, and Ethan, and Mr. Hunt-Taylor, the father of Roberto,
22 Kayleigh, Nathan, and Ethan, in that:

23 (A) Pursuant to NRS 128.105(1), the best interests of Roberto,
24 Kayleigh, Nathan, and Ethan will be served by the termination of the
25 parental rights of their biological parents.

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1 (B) Pursuant to NRS 128.105(2)(b), Roberto, Kayleigh, Nathan,
2 and Ethan are neglected children as Ms. Guerrero and Mr. Hunt-Taylor
3 have, by reasons of their faults or habits, neglected and refused to
4 provide the children with proper parental care. Ms. Guerrero and Mr.
5 Hunt-Taylor have neglected or refused to provide proper or necessary
6 subsistence, education, medical or surgical care, or other care
7 necessary for the health, morals, or well-being of Roberto, Kayleigh,
8 Nathan, and Ethan.

9 (C) Pursuant to NRS 128.105(2)(c), Ms. Guerrero and Mr. Hunt-
10 Taylor are unfit parents in that, by reason of their faults or habits
11 or conduct toward Roberto, Kayleigh, Nathan, and/or Ethan or other
12 persons, they have failed to provide the children with proper care,
13 guidance, and support.

14 (D) Pursuant to NRS 128.105(2)(d), Ms. Guerrero and Mr. Hunt-
15 Taylor have failed to adjust, in that they have been unable or
16 unwilling within a reasonable period of time to remedy substantially
17 conditions which led to the out-of-home placement of Roberto,
18 Kayleigh, Nathan, and Ethan, notwithstanding reasonable and
19 appropriate efforts on the part of WCDSS to return the children.

20 (E) Pursuant to NRS 128.105(2)(e), there is risk of serious
21 physical, mental or emotional injury to Roberto, Kayleigh, Nathan, and
22 Ethan if they are returned to, or remains in the home of Ms. Guerrero
23 and/or Mr. Hunt-Taylor.

24 (F) Pursuant to NRS 128.105(2)(f), there have been only token
25 efforts or no efforts by Ms. Guerrero and Mr. Hunt-Taylor:

26 (1) To support or communicate with the children;

- 1 (2) To prevent neglect of the children;
2 (3) To avoid being an unfit parent;
3 (4) To eliminate the risk of serious physical, mental or
4 emotional injury to the children.

5 (G) Roberto, Kayleigh, and Nathan have been placed outside of
6 their home and in care for 26 months out of the last 26 months. Ethan
7 has been placed outside of his home for ten out of the last ten
8 months. Therefore, the presumptions in NRS 128.109(1) and (2) apply
9 to Roberto Kayleigh, and Nathan and may apply to Ethan at the time of
10 trial.

11 WHEREFORE, Petitioner respectfully requests this Court issue the
12 following orders:

13 1. Terminating the parental rights of Ms. Guerrero, mother to
14 Roberto, Kayleigh, Nathan, and Ethan, and Mr. Hunt-Taylor, father to
15 Roberto, Kayleigh, Nathan, and Ethan, and declaring Roberto, Kayleigh,
16 Nathan, and Ethan be free from their custody and control.

17 2. Vesting custody and control of Roberto, Kayleigh, Nathan,
18 and Ethan in WCDSS and authorizing and empowering WCDSS to execute all
19 necessary consents to the adoption of the children.

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1 3. Granting WCDSS such other and further relief which the
2 Court may deem just and proper in the premises.

3 AFFIRMATION PURSUANT TO NRS 239B.030

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

6 Dated this 17th day of July, 2015.

7 CHRISTOPHER J. HICKS
8 Washoe County District Attorney

9 By: Tyler M. Elcano
10 Deputy District Attorney
11 Attorney for Petitioner

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1
2 AFFIDAVIT IN SUPPORT OF
3 AMENDED PETITION TO TERMINATE PARENTAL RIGHTS

4 STATE OF NEVADA

5 COUNTY OF WASHOE

6 I, Sherri Cline, being first duly sworn, on oath depose and say:

7 1. I do hereby swear under penalty of perjury that the
8 assertions of this affidavit are true. I am the Children's Services
9 Coordinator of the Washoe County Department of Social Services, the
10 Petitioner herein.

11 2. I have read the foregoing amended petition and know the
12 contents thereof. The same is true of my own knowledge, except as to
13 matters which are therein stated on information and belief, and as to
14 those matters I believe it to be true.

15 Further affiant sayeth naught.

16 Sherri Cline
17 Sherri Cline
18 Children's Services Coordinator

19 SIGNED and SWORN to before me

20 this 16th day of July 2015,

21 by Sherri Cline.

22 Marta Segreda
23 NOTARY PUBLIC



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

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In the Matter of Roberto Taylor, DOB 06-15-2007 Kayleigh Guerrero-Taylor, DOB 02-13-2010 Nathan Hunt-Taylor, DOB 06-29-2011 and Ethan Hunt-Taylor, DOB 01-01-2014 Minor Children.	Case No. FV 14-03897 Dept. No. D2
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ORDER TERMINATING PARENTAL RIGHTS

This matter came before the Court pursuant to an Amended Petition to Terminate Parental Rights filed on July 17, 2015. A trial was held in this matter on August 31 through September 4, 2015 and then on September 15, 2015. Post trial briefing was completed on or around October 19, 2016. Washoe County Social Services was represented by Washoe County Deputy District Attorney Tyler M. Elcano at all times. Jacqueline Guerrero was present and represented by Washoe County Deputy Public Defender Lee Elkins at all times.

The four children who are the subject of this Petition are Roberto Taylor ("Roberto"), whose date of birth is June 15, 2007; Kayleigh Guerrero Taylor ("Kayleigh"), whose date of birth is February 13, 2010; Nathan Hunt-Taylor ("Nathan"), whose date of birth is June 29, 2011; and Ethan Hunt-Taylor ("Ethan"), whose date of birth is January 1, 2014.

The children's biological mother is Jacquelyn Guerrero. The children's legal father

1 is Robert Hunt-Taylor.

2 After a review of the pleadings, testimony and evidence presented at trial, the
3 Court GRANTS the Amended Petition for Termination of Parental Rights.

4 **THE AMENDED PETITION FOR TERMINATION OF PARENTAL RIGHTS**

5 The Petitioner's assert in their Amended Petition for Termination of Parental
6 Rights that grounds exist for terminating the parental rights of Ms. Guerrero, the mother
7 of Roberto, Kayleigh, Nathan, and Ethan, and Mr. Hunt-Taylor, the father of Roberto,
8 Kayleigh, Nathan, and Ethan on the grounds that:

9 1. Pursuant to NRS 128.105(1), the best interests of Roberto, Kayleigh,
10 Nathan, and Ethan will be served by the termination of the parental rights of their
11 biological parents.

12 2. Pursuant to NRS 128.105(2)(b), Roberto, Rayleigh, Nathan, and Ethan are
13 neglected children as Ms. Guerrero and Mr. Hunt-Taylor have, by reasons of their faults
14 or habits, neglected and refused to provide the children with proper parental care. Ms.
15 Guerrero and Mr. Hunt-Taylor have neglected or refused to provide proper or necessary
16 subsistence, education, medical or surgical care, or other care necessary for the health,
17 morals, or well-being of Roberto, Kayleigh, Nathan, and Ethan.

18 3. Pursuant to NRS 128.105(2)(c), Ms. Guerrero and Mr. Hunt-Taylor are
19 unfit parents in that, by reason of their faults or habits or conduct toward Roberto,
20 Kayleigh, Nathan, and/or Ethan or other persons, they have failed to provide the children
21 with proper care, guidance, and support.

22 4. Pursuant to NRS 128.105(2)(d), Ms. Guerrero and Mr. Hunt-Taylor have
23 failed to adjust, in that they have been unable or unwilling within a reasonable period of
24 time to remedy substantially conditions which led to the out-of-home placement of
25 Roberto, Kayleigh, Nathan, and Ethan, notwithstanding reasonable and appropriate
26 efforts on the part of WCDSS to return the children.

27 5. Pursuant to NRS 128.105(2)(e), there is risk of serious physical, mental or
28 emotional injury to Roberto, Kayleigh, Nathan, and Ethan if they are returned to, or

1 remains in the home of Ms. Guerrero and/or Mr. Hunt-Taylor.

2 6. Pursuant to NRS 128.105(2)(f), there have been only token efforts or no
3 efforts by Ms. Guerrero and Mr. Hunt-Taylor:

4 (1) To support or communicate with the children;

5 (2) To prevent neglect of the children;

6 (3) To avoid being an unfit parent;

7 (4) To eliminate the risk of serious physical, mental or emotional injury to
8 the children.

9 7. Roberto, Kayleigh, and Nathan have been placed outside of their home and
10 in care for 26 months out of the last 26 months. Ethan has been placed outside of his
11 home for ten out of the last ten months. Therefore, the presumptions in NRS 128.109(1)
12 and (2) apply to Roberto Kayleigh, and Nathan and may apply to Ethan at the time of
13 trial.

14 STATEMENT OF PROCEEDINGS

15 Roberto, Kayleigh, and Nathan were removed from parental custody on or about
16 April 19, 2013, pursuant to 432B proceedings in the underlying dependency matter.
17 Ethan was removed from parental custody on or about September 11, 2014, pursuant to
18 432B proceedings in the underlying dependency case. The children presently reside in
19 family foster care with Sandra Matute ("Ms. Matute").

20 The children's biological mother is Jacquelyn Guerrero. The children's legal father
21 is Robert Hunt-Taylor.

22 A succinct and thorough summary of the proceedings in this case up until the time
23 of trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court
24 in this Order Terminating Parental Rights.

25 TRIAL

26 The following persons testified at the trial in this matter:

27 1. Andrea Menesini, a Social Worker with the Washoe County Department of
28 Social Services.

- 1 2. Alicia Kraft, a Social Worker with the Washoe County Department of
2 Social Services.
- 3 3. Erika Meszaros, a Worker with the Emergency Response Unit of the
4 Washoe County Department of Social Services.
- 5 4. Denise Tyre, a Social Worker with the Washoe County Department of
6 Social Services.
- 7 5. Suzanne Aberasturi, Ph.D., a psychologist specializing in neuropsychology.
- 8 6. Amanda Buttacavoli, a Licensed Clinical Social Worker working as an
9 independent contractor with Healing Minds.
- 10 7. Rocio Lopez, a Social Worker with the Washoe County Department of
11 Social Services.
- 12 8. Deken Gossett, a Marriage and Family Therapist intern working with
13 Clover Community Counseling.
- 14 9. Belinda Boan, a Family Nurse Practitioner, working with Sequel Family
15 Alliance.
- 16 10. Brianna Carter, a psychotherapist and a Marriage and Family Counselor
17 employed by Great Basin Behavioral Health and Wellness.
- 18 11. Julius Rogina, Ph.D., a clinical and forensic phytologist.
- 19 12. Sandra Matute, the foster parent who has custody of the subject children.
- 20 13. Dori Orlich, a Licensed Clinical Social Worker working independently.
- 21 14. Cassondra Pasley, a supervisor at the Children's Cabinet.
- 22 15. Malia Seronio, a Permanency Worker with the Washoe County Department
23 of Social Services.
- 24 16. Cynthia Heldenbrand, a Social Worker supervisor at the Nevada State
25 Welfare Office.
- 26 17. Maribel Stalker and Troy Stalker, co-tenants with Jacqueline Guerrero.
- 27 18. Malia Seronio, a Social Worker with the Washoe County Department of
28 Social Services.

1 19. Rocky Mateo, a worker at the Children's Cabinet who supervises the Safety
2 Intervention Permanency System.

3 20. Dustin Hall, a Safety Intervention Permanency System. case manager at the
4 Children's Cabinet.

5 21. Jacqueline Guerrero, the mother of Roberto Taylor, Kayleigh Guerrero
6 Taylor, Nathan Hunt-Taylor and Ethan Hunt-Taylor.

7 A succinct and thorough summary of the testimony of some of the witnesses at
8 trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court in
9 this Order Terminating Parental Rights. The Court finds that the testimony of the
10 witnesses called by the Petitioner were convincing.

11 STATEMENT OF ISSUES OF LAW

12 "Termination of parental rights is 'an exercise of awesome power.'" *Matter of*
13 *Parental Rights as to N.J.*, 116 Nev. 790, 795, 8 P.3d 126, 129 (2000) (quoting *Smith v.*
14 *Smith*, 102 Nev. 263, 266, 720 P.2d 1219, 1220 (1986), overruled on other grounds by
15 *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126). Moreover, the Nevada Supreme Court has
16 characterized the severance of the parent-child relationship as "'tantamount to imposition
17 of a civil death penalty.'" *Id.* (quoting *Drury v. Lang*, 105 Nev. 430, 433, 776 P.2d 843,
18 845 (1989)).

19 In order to terminate a parent's rights, a petitioner must prove: (1) that termination
20 is in the child's best interests, and (2) that there is parental fault. *See Matter of Parental*
21 *Rights as to K.D.L.*, 118 Nev. , 58 P.3d 181, 186 (2002). Accordingly, the Nevada
22 Supreme Court has adopted the best interests/parental fault standard. *See id.* Further, the
23 Court has stated: "Although the best interests of the child and parental fault are distinct
24 considerations, determining the best interests of the child necessarily includes
25 considerations of parental fault, and both standards must be proven by clear and
26 convincing evidence." *Id.* (emphasis added).

27 A. Best Interests of the Child

28 As to the best interests of the child, NRS 128.109(2) provides that when a child

1 has been placed outside his home pursuant to NRS chapter 432B, and "has resided outside
2 of his home pursuant to that placement for 14 months of any 20 consecutive months, the
3 best interests of the child must be presumed to be served by the termination of parental
4 rights."

5 Additionally, NRS 128.005 sets forth factors to be considered in determining the
6 best interests of the child. Specifically, NRS 128.005(2)(c) provides that the "continuing
7 needs of a child for proper physical, mental and emotional growth and development are
8 the decisive considerations in proceedings for termination of parental rights." See *Matter*
9 *of N.J.*, 116 Nev. at 8009 8 P.3d at 132-33 ("These factors allow the district court to
10 consider the distinct facts of each case in deciding whether or not to terminate parental
11 rights.").

12 **B. Parental Fault**

13 In addition to considering the best interests of the child, parental fault must be
14 shown by clear and convincing evidence. NRS 128.105(2) provides that parental fault can
15 be shown by one of the following:

- 16 (a) Abandonment of the child;
- 17 (b) Neglect of the child;
- 18 (c) Unfitness of the parent;
- 19 (d) Failure of parental adjustment;
- 20 (e) Risk of serious physical, mental or emotional injury to the child if he were
21 returned to, or remains in, the home of his parent or parents;
- 22 (f) Only token efforts by the parent or parents: (1) To support or communicate with
23 the child; (2) To prevent neglect of the child; (3) To avoid teeing an unfit parent;
24 or (4) To eliminate the risk of serious physical, mental or emotional injury to the
25 child; or
- 26 (g) With respect to termination of the parental rights of one parent, the
27 abandonment by that parent.

1 I. Neglect (NRS 128.105(b))

2 A neglected child is defined as a child:

- 3 1. Who lacks the proper parental care by reason of the fault or
4 habits of his or her parent, guardian or custodian;
5 2. Whose parent, guardian or custodian neglects or refuses to
6 provide proper or necessary subsistence, education, medical or surgical
7 care, or other care necessary for the child's health, morals or well-being;
8 3. Whose parent, guardian or custodian neglects or refuses to
9 provide the special care made necessary by the child's physical or mental
10 condition;
11 4. Who is found in a disreputable place, or who is permitted to
12 associate with vagrants or vicious or immoral persons; or
13 5. Who engages or is in a situation dangerous to life or limb, or
14 injurious to health or morals of the child or others, and the parent's neglect
15 need not be willful.

16 In determining neglect, the Court shall consider, without limitation, repeated or
17 continuous failure by the parent, although physically and financially able, to provide the
18 child with adequate food, clothing, shelter, education or other care and control necessary
19 for the child's physical, mental and emotional health and development . . . " NRS
20 128.106(5). "[N]eglect must be serious and persistent and sufficiently harmful to the child
21 so as to mandate a forfeiture of parental rights. In such a case a parent may be adjudged to
22 be unsuitable to maintain the parental relationship and, therefore, to deserve to lose it."

23 *Champagne v. Welfare Division*, 100 J1ev. 640, 648, 691 P.2d 849, 855 (1984),
24 overruled on other grounds and superseded by statute on other grounds as recognized by
25 *Matter of Parental Rights as to N.J.*, 116 Nev. '90, 8 P.3d 126, (2000).

26 The level of neglect necessary to satisfy the statute has been identified and
27 discussed by the Nevada Supreme Court. *Cf. Matter of Parental Rights*
28 *as to D.R.H.*, 120 Nev. 422, 429, 92 P.3d 1230, 1234 (2004) (children were neglected

1 where parent used drugs, there was domestic violence in the home while the children
2 were present, and the children were unsupervised, dirty, and injured while in their parent's
3 care); *In the Matter of the Parental Rights as to N.J.*, 125 Nev. 835, 221 P.3d at 1262,
4 (2009), (child was neglected where mother had ongoing addiction to drugs, missed half of
5 the scheduled visitations during the first 17 months of the child's life, and never provided
6 any financial assistance).

7 II. Unfitness of the Parent (NRS 128.105(c))

8 An unfit parent is defined as “any parent of a child who, by reason of the parent’s
9 fault or habit or conduct toward the child or other persons, fails to provide such child with
10 proper care, guidance and support.” Similar to neglect, the considerations enumerated in
11 NRS 128.106 shall also be taken into account to determine if an individual is an unfit
12 parent.

13 In accordance with NRS 128.106(1), to determine if a parent is unfit, the Court
14 must consider “[e]motional illness, mental illness or mental deficiency of the parent
15 which renders the parent consistently unable to care for the immediate and continuing
16 physical or psychological needs of the child for extended periods of time.” Additionally,
17 when determining if a parent is unfit, the court shall consider the “[r]epeated or
18 continuous failure by the parent, although physically and financially able, to provide the
19 child with adequate food, clothing, shelter, education or other care and control necessary
20 for the child’s physical, mental, and emotional health and development” NRS
21 128.106(5). Finally, the court shall consider the “[i]nability of appropriate public or
22 private agencies to reunite the family despite reasonable efforts on the part of the
23 agencies” when determining if a parent is unfit. NRS 128.106(8).

24 Unfitness generally includes continued drug use, criminal activity, domestic
25 violence, or an overall inability to provide for the child's 'physical, mental or emotional
26 health and development.” (Citation omitted)

27 III. Parental Adjustment (NRS 128.105(d))

28 Failure of parental adjustment occurs when a parent is unable or unwilling to

1 correct the circumstances, conduct or conditions which led to the placement of a child
2 outside the home. See NRS 128.0126.

3 NRS 128.109(1)(b) provides that if a parent fails to comply substantially with the
4 case plan within six months after its inception, there is a presumption that the parent has
5 failed to adjust. The Nevada Supreme Court, however, has stated that "[t]he parent . . .
6 must be shown to be at fault in some manner . . . [and] cannot be judged unsuitable by
7 reason of failure to comply with requirements and plans that are . . . impossible . . . to
8 abide by." *Champagne v. Welfare Division*, 100 Nev. 640, 652, 691 P.2d 849, 857
9 (1984), overruled on other grounds by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

10 Moreover, the Court has recognized that failure of parental adjustment as a basis for
11 termination is "fraught with difficulties and must be applied with caution." *Matter of*
12 *Parental Rights of Montgomery*, 112 Nev. 719, 729, 917 P.2d 949, 956 (1996) (quoting
13 *Champagne*, 100 Nev. at 652, 691 P.2d at 857), superseded by statute on other grounds
14 as recognized by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

15 IV. Risk of serious physical, mental or emotional injury to the child if
16 the child were returned to, or remains in, the home of his or her parent or parents
17 (NRS 128.105(e))

18 In interpreting this provision, the Nevada Supreme Court has stated as follows:
19 "[A]buse of a child may or may not render a parent unsuitable to be a parent . . . Such a
20 risk may be mitigated, and a child may be safely returned to the home; or the risk may be
21 of such magnitude and persistency as to render the parent unsuitable and justify forfeiture
22 of parental rights." *Champagne v. Welfare Division*, 100 Nev. at 649, 691 P.2d at 855,
23 overruled on other grounds and superseded by statute on other grounds as recognized by
24 *Matter of Parental Rights as to NJ.*, 116 Nev. 790, 8 P.3d 126, (2000).

25 V. Token Efforts (NRS 128.105(f))

26 NRS 128.109(1)(a) provides that "[i]f the child has resided outside of his home
27 pursuant to [chapter 432B of NRS] for 14 months of any 20 consecutive months, it must
28 be presumed that the parent or parents have demonstrated only token efforts to care for

1 the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.”

2 **C. Additional findings which may be necessary**

3 **I. Efforts toward reunification**

4 Because the children are not currently in their mother's custody, NRS 128.107
5 requires this Court to consider:

6 1. The services provided or offered to the parent or parents to facilitate a
7 reunion with the child.

8 2. The physical, mental or emotional condition and needs of the child and the
9 child's desires regarding the termination, if the court determines the child is of sufficient
10 capacity to express his or her desires.

11 3. The effort the parent or parents have made to adjust their circumstances,
12 conduct or conditions to make it in the child's best interest to return the child to his or her
13 home after a reasonable length of time, including but not limited to:

14 (a) The payment of a reasonable portion of substitute physical care and
15 maintenance, if financially able;

16 (b) The maintenance of regular visitation or other contact with the children
17 which was designed and carried out in a plan to reunite the child with the
18 parent or parents; and

19 (c) The maintenance of regular contact and communication with the
20 custodian of the child.

21 4. Whether additional services would be likely to bring about lasting parental
22 adjustment enabling a return of the child to the parent or parents within a predictable
23 period.

24 **FINDINGS AND CONCLUSIONS**

25 1. Roberto, Kayleigh, and Nathan were removed from parental custody by the
26 Washoe County Department of Social Services on April 19, 2013, and, pursuant to the
27 underlying NRS 432B dependency matter, have remained in the care and custody of
28 Washoe County Department of Social Services. They have therefore been placed outside

1 of their home in the care and custody of Washoe County Department of Social Services in
2 excess of 28 of the last 28 consecutive months.

3 2. The presumptions in NRS 128.109(1)(a) and 128.109(2) apply. Pursuant to
4 NRS 128.109(1)(a), it is presumed Ms. Guerrero has demonstrated only token efforts to
5 care for Roberto, Kayleigh, and Nathan pursuant to NRS 128.105(f)(2). Parental fault is
6 established pursuant to NRS 128.105(2)(f). Pursuant to NRS 128.109(2), it is presumed
7 the best interests of Roberto, Kayleigh, and Nathan are served by the termination of Ms.
8 Guerrero's parental rights. The Court finds that Ms. Guerrero did not overcome the NRS
9 128.109 presumption and therefore, the Court finds it is in the best interest of Roberto,
10 Kayleigh, and Nathan that Ms. Guerrero's parental rights are terminated.

11 3. Petitioner, Washoe County Department of Social Services, has proven, by
12 clear and convincing evidence the existence of parental fault on the part of Ms. Guerrero.
13 Ms. Guerrero has failed to have a stable income. She has failed to have a stable and safe
14 place for the children to live. Finally, she has not addressed her own severe emotional
15 and mental illnesses. Further, clear and convincing evidence exists which demonstrates
16 that the best interests of the Roberto, Kayleigh, Nathan and Ethan are served by
17 termination of Ms. Guerrero's parental rights.

18 3. Ms. Guerrero has made efforts to assume all of her responsibilities as a
19 parent but falls short in each of the important areas required. It is suggested that poverty
20 is what has caused her failure to do what is necessary to reunify with her children. That is
21 not all the truth. She has not consistently remained employed enough to support the
22 children financially. She has not been able to maintain a stable and safe place for the
23 children to live. Finally, she has not persisted in addressing here own emotional and
24 mental illnesses. The Court is uncertain as to whether or not she can achieve any of the
25 above. Additionally, it appears that her conduct has imperiled her opportunity to receive
26 food stamps and her right to receive Temporary Aid for Needy Families is running out
27 which means that even with government assistance, she would not be able to provide for
28 her children. If the Court could place the children in suspended animation and hope that

1 Ms. Guerrero could make substantial changes in a short time, it would. However, the
2 children lives are moving on and the Court cannot stop that. No time remains in order to
3 give Ms. Guerrero time to do what she has not done over that last several months and
4 years. If the Roberto, Kayleigh, Nathan and Ethan were returned to her care at this time,
5 she has no means to support them and no means with which to provide a stable and safe
6 place for them to live. The children would be at an increased and untenable risk of
7 re-removal over an inability to provide even for their basic needs.

8 4. Roberto, Kayleigh, Nathan and Ethan are thriving in their potential adoptive
9 placement. Family bonds are developing and they are demonstrating an abiding sense of
10 safety, consistency, bonding and attachment. Their best interests are served by
11 termination of their mother's parental rights and the opportunity to remain in their current
12 home.

13 5. Washoe County Department of Social Services has provided reasonable
14 efforts to prevent the out of home placement of Roberto, Kayleigh, Nathan and Ethan.
15 From the time of removal in April 19, 2014 and September 11, 2014, and since, Washoe
16 County Department of Social Services has attempted to engage Ms. Guerrero and support
17 her ability to care for all of her children. Services were offered to her in various ways
18 including referral to the Children's Cabinet. She was given counseling support to address
19 her emotional and mental problems. Washoe County Department of Social Services made
20 repeated attempts, across multiple providers and modalities, to engage Ms. Guerrero in
21 services. Ms. Guerrero made some efforts to avail herself of the services provided to her
22 but invariably failed to completely follow through. Her failure to follow through as much
23 as any other fact frustrated any chance of reunification.

24 The perfect is the enemy of good! The Court has reviewed the more than 1200
25 pages in the Court file, the transcript of the trial in this matter and the pleadings filed by
26 counsel both before and after the trial. It is extremely difficult to terminate a person's
27 rights to their children. It is unimaginable that anyone would do so with less than clear
28 and convincing evidence that termination was in the best interest of the children. The

1 Court has a great deal of sympathy for Jacquelyn Guerrero. She has made some effort but
2 again when necessary fails to follow through to accomplish necessary tasks. A minimal
3 level must be achieved, not perfection, but a minimal level must be achieved in order to
4 provide children with the basic necessities. Ms. Guerrero has not achieved that level over
5 the course of this case and the Court is not convinced she could in the future.

6 For all of the reasons stated above, the Petition to Terminate the Parental Rights of
7 Jacquelyn Guerrero to Roberto Taylor, Kayleigh Guerrero Taylor, Nathan Hunt-Taylor
8 and Ethan Hunt-Taylor is hereby GRANTED.

9 **IT IS SO ORDERED.**

10 DATED this 21st day of March, 2016.

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12 William A. Maddox
13 Senior District Court Judge
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court and that on the 21 day of March 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to the following and I electronically filed the foregoing with the Clerk of the Court System which will send a notice of electronic filing to the following:

Lee Elkins, Esq.

Jenna Garcia, Esq.

Tyler Elcano, Esq.


Administrative Assistant

2540
CHRISTOPHER J. HICKS
District Attorney
Tyler M. Elcano, DDA
Bar Number: 10578
P.O. Box 11130
Reno, Nevada 89520-3083
(775) 337-5700
Attorneys for: Washoe County Department
Of Social Services
IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO:

ROBERTO TAYLOR,
KAYLEIGH GUERRERO-TAYLOR,
NATHAN HUNT-TAYLOR, AND
ETHAN HUNT-TAYLOR,

MINOR CHILDREN.

Case No. FV14-03897

Dept. No. 2

NOTICE OF ENTRY OF ORDER

TO: Jacqueline Guerrero; Lee Elkins, Deputy Public Defender for Ms.
Guerrero; Robert Hunt-Taylor; Jenna Garcia for Mr. Hunt-Taylor:

PLEASE TAKE NOTICE that an ORDER TERMINATING PARENTAL RIGHTS was
entered in the above entitled matter on 21ST day of March, 2016, copy
of which is attached hereto.

Dated this 21st day of March, 2016.

CHRISTOPHER J. HICKS
Washoe County District Attorney

By: /s/ Tyler M. Elcano
Tyler M. Elcano
Deputy District Attorney
Attorney for Petitioner

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CERTIFICATE OF SERVICE BY MAIL

I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. On the 21st day of March, 2016, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to following:

Lee Elkins, Deputy Public Defender

Jenna Garcia, Deputy Alternate Public Defender

AFFIRMATION PURSUANT TO NRS 239b.030

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

/s/ L. Todd

L. Todd

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5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

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9 In the Matter of

10 Roberto Taylor, DOB 06-15-2007
11 Kayleigh Guerrero-Taylor, DOB 02-13-2010
12 Nathan Hunt-Taylor, DOB 06-29-2011 and
13 Ethan Hunt-Taylor, DOB 01-01-2014

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14 Minor Children.

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17 Terminate Parental Rights filed on July 17, 2015. A trial was held in this matter on
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20 was represented by Washoe County Deputy District Attorney Tyler M. Elcano at all
21 times. Jacqueline Guerrero was present and represented by Washoe County Deputy
22 Public Defender Lee Elkins at all times.

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25 ("Kayleigh"), whose date of birth is February 13, 2010; Nathan Hunt-Taylor ("Nathan"),
26 whose date of birth is June 29, 2011; and Ethan Hunt-Taylor ("Ethan"), whose date of
27 birth is January 1, 2014.

28 The children's biological mother is Jacquelyn Guerrero. The children's legal father

1 is Robert Hunt-Taylor.

2 After a review of the pleadings, testimony and evidence presented at trial, the
3 Court GRANTS the Amended Petition for Termination of Parental Rights.

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10 Nathan, and Ethan will be served by the termination of the parental rights of their
11 biological parents.

12 2. Pursuant to NRS 128.105(2)(b), Roberto, Rayleigh, Nathan, and Ethan are
13 neglected children as Ms. Guerrero and Mr. Hunt-Taylor have, by reasons of their faults
14 or habits, neglected and refused to provide the children with proper parental care. Ms.
15 Guerrero and Mr. Hunt-Taylor have neglected or refused to provide proper or necessary
16 subsistence, education, medical or surgical care, or other care necessary for the health,
17 morals, or well-being of Roberto, Kayleigh, Nathan, and Ethan.

18 3. Pursuant to NRS 128.105(2)(c), Ms. Guerrero and Mr. Hunt-Taylor are
19 unfit parents in that, by reason of their faults or habits or conduct toward Roberto,
20 Kayleigh, Nathan, and/or Ethan or other persons, they have failed to provide the children
21 with proper care, guidance, and support.

22 4. Pursuant to NRS 128.105(2)(d), Ms. Guerrero and Mr. Hunt-Taylor have
23 failed to adjust, in that they have been unable or unwilling within a reasonable period of
24 time to remedy substantially conditions which led to the out-of-home placement of
25 Roberto, Kayleigh, Nathan, and Ethan, notwithstanding reasonable and appropriate
26 efforts on the part of WCDSS to return the children.

27 5. Pursuant to NRS 128.105(2)(e), there is risk of serious physical, mental or
28 emotional injury to Roberto, Kayleigh, Nathan, and Ethan if they are returned to, or

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2 6. Pursuant to NRS 128.105(2)(f), there have been only token efforts or no
3 efforts by Ms. Guerrero and Mr. Hunt-Taylor:

4 (1) To support or communicate with the children;

5 (2) To prevent neglect of the children;

6 (3) To avoid being an unfit parent;

7 (4) To eliminate the risk of serious physical, mental or emotional injury to
8 the children.

9 7. Roberto, Kayleigh, and Nathan have been placed outside of their home and
10 in care for 26 months out of the last 26 months. Ethan has been placed outside of his
11 home for ten out of the last ten months. Therefore, the presumptions in NRS 128.109(1)
12 and (2) apply to Roberto Kayleigh, and Nathan and may apply to Ethan at the time of
13 trial.

14 **STATEMENT OF PROCEEDINGS**

15 Roberto, Kayleigh, and Nathan were removed from parental custody on or about
16 April 19, 2013, pursuant to 432B proceedings in the underlying dependency matter.
17 Ethan was removed from parental custody on or about September 11, 2014, pursuant to
18 432B proceedings in the underlying dependency case. The children presently reside in
19 family foster care with Sandra Matute ("Ms. Matute").

20 The children's biological mother is Jacquelyn Guerrero. The children's legal father
21 is Robert Hunt-Taylor.

22 A succinct and thorough summary of the proceedings in this case up until the time
23 of trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court
24 in this Order Terminating Parental Rights.

25 **TRIAL**

26 The following persons testified at the trial in this matter:

27 1. Andrea Menesini, a Social Worker with the Washoe County Department of
28 Social Services.

- 1 2. Alicia Kraft, a Social Worker with the Washoe County Department of
2 Social Services.
- 3 3. Erika Meszaros, a Worker with the Emergency Response Unit of the
4 Washoe County Department of Social Services.
- 5 4. Denise Tyre, a Social Worker with the Washoe County Department of
6 Social Services.
- 7 5. Suzanne Aberasturi, Ph.D., a psychologist specializing in neuropsychology.
- 8 6. Amanda Buttacavoli, a Licensed Clinical Social Worker working as an
9 independent contractor with Healing Minds.
- 10 7. Rocio Lopez, a Social Worker with the Washoe County Department of
11 Social Services.
- 12 8. Deken Gossett, a Marriage and Family Therapist intern working with
13 Clover Community Counseling.
- 14 9. Belinda Boan, a Family Nurse Practitioner, working with Sequel Family
15 Alliance.
- 16 10. Brianna Carter, a psychotherapist and a Marriage and Family Counselor
17 employed by Great Basin Behavioral Health and Wellness.
- 18 11. Julius Rogina, Ph.D., a clinical and forensic phytologist.
- 19 12. Sandra Matute, the foster parent who has custody of the subject children.
- 20 13. Dori Orlich, a Licensed Clinical Social Worker working independently.
- 21 14. Cassondra Pasley, a supervisor at the Children's Cabinet.
- 22 15. Malia Seronio, a Permanency Worker with the Washoe County Department
23 of Social Services.
- 24 16. Cynthia Heldenbrand, a Social Worker supervisor at the Nevada State
25 Welfare Office.
- 26 17. Maribel Stalker and Troy Stalker, co-tenants with Jacqueline Guerrero.
- 27 18. Malia Seronio, a Social Worker with the Washoe County Department of
28 Social Services.

1 has been placed outside his home pursuant to NRS chapter 432B, and "has resided outside
2 of his home pursuant to that placement for 14 months of any 20 consecutive months, the
3 best interests of the child must be presumed to be served by the termination of parental
4 rights."

5 Additionally, NRS 128.005 sets forth factors to be considered in determining the
6 best interests of the child. Specifically, NRS 128.005(2)(c) provides that the "continuing
7 needs of a child for proper physical, mental and emotional growth and development are
8 the decisive considerations in proceedings for termination of parental rights." See *Matter*
9 *of N.J.*, 116 Nev. at 8009 8 P.3d at 132-33 ("These factors allow the district court to
10 consider the distinct facts of each case in deciding whether or not to terminate parental
11 rights.").

12 **B. Parental Fault**

13 In addition to considering the best interests of the child, parental fault must be
14 shown by clear and convincing evidence. NRS 128.105(2) provides that parental fault can
15 be shown by one of the following:

- 16 (a) Abandonment of the child;
 - 17 (b) Neglect of the child;
 - 18 (c) Unfitness of the parent;
 - 19 (d) Failure of parental adjustment;
 - 20 (e) Risk of serious physical, mental or emotional injury to the child if he were
21 returned to, or remains in, the home of his parent or parents;
 - 22 (f) Only token efforts by the parent or parents: (1) To support or communicate with
23 the child; (2) To prevent neglect of the child; (3) To avoid teeing an unfit parent;
24 or (4) To eliminate the risk of serious physical, mental or emotional injury to the
25 child; or
 - 26 (g) With respect to termination of the parental rights of one parent, the
27 abandonment by that parent.
- 28

1 I. Neglect (NRS 128.105(b))

2 A neglected child is defined as a child:

- 3 1. Who lacks the proper parental care by reason of the fault or
4 habits of his or her parent, guardian or custodian;
- 5 2. Whose parent, guardian or custodian neglects or refuses to
6 provide proper or necessary subsistence, education, medical or surgical
7 care, or other care necessary for the child's health, morals or well-being;
- 8 3. Whose parent, guardian or custodian neglects or refuses to
9 provide the special care made necessary by the child's physical or mental
10 condition;
- 11 4. Who is found in a disreputable place, or who is permitted to
12 associate with vagrants or vicious or immoral persons; or
- 13 5. Who engages or is in a situation dangerous to life or limb, or
14 injurious to health or morals of the child or others, and the parent's neglect
15 need not be willful.

16 In determining neglect, the Court shall consider, without limitation, repeated or
17 continuous failure by the parent, although physically and financially able, to provide the
18 child with adequate food, clothing, shelter, education or other care and control necessary
19 for the child's physical, mental and emotional health and development . . . " NRS
20 128.106(5). "[N]eglect must be serious and persistent and sufficiently harmful to the child
21 so as to mandate a forfeiture of parental rights. In such a case a parent may be adjudged to
22 be unsuitable to maintain the parental relationship and, therefore, to deserve to lose it."

23 *Champagne v. Welfare Division*, 100 Nev. 640, 648, 691 P.2d 849, 855 (1984),
24 overruled on other grounds and superseded by statute on other grounds as recognized by
25 *Matter of Parental Rights as to N.J.*, 116 Nev. '90, 8 P.3d 126, (2000).

26 The level of neglect necessary to satisfy the statute has been identified and
27 discussed by the Nevada Supreme Court. *Cf. Matter of Parental Rights*
28 *as to D.R.H.*, 120 Nev. 422, 429, 92 P.3d 1230, 1234 (2004) (children were neglected

1 where parent used drugs, there was domestic violence in the home while the children
2 were present, and the children were unsupervised, dirty, and injured while in their parent's
3 care); *In the Matter of the Parental Rights as to N.J.*, 125 Nev. 835, 221 P.3d at 1262,
4 (2009), (child was neglected where mother had ongoing addiction to drugs, missed half of
5 the scheduled visitations during the first 17 months of the child's life, and never provided
6 any financial assistance).

7 II. Unfitness of the Parent (NRS 128.105(c))

8 An unfit parent is defined as "any parent of a child who, by reason of the parent's
9 fault or habit or conduct toward the child or other persons, fails to provide such child with
10 proper care, guidance and support." Similar to neglect, the considerations enumerated in
11 NRS 128.106 shall also be taken into account to determine if an individual is an unfit
12 parent.

13 In accordance with NRS 128.106(1), to determine if a parent is unfit, the Court
14 must consider "[e]motional illness, mental illness or mental deficiency of the parent
15 which renders the parent consistently unable to care for the immediate and continuing
16 physical or psychological needs of the child for extended periods of time." Additionally,
17 when determining if a parent is unfit, the court shall consider the "[r]epeated or
18 continuous failure by the parent, although physically and financially able, to provide the
19 child with adequate food, clothing, shelter, education or other care and control necessary
20 for the child's physical, mental, and emotional health and development" NRS
21 128.106(5). Finally, the court shall consider the "[i]nability of appropriate public or
22 private agencies to reunite the family despite reasonable efforts on the part of the
23 agencies" when determining if a parent is unfit. NRS 128.106(8).

24 Unfitness generally includes continued drug use, criminal activity, domestic
25 violence, or an overall inability to provide for the child's 'physical, mental or emotional
26 health and development." (Citation omitted)

27 III. Parental Adjustment (NRS 128.105(d))

28 Failure of parental adjustment occurs when a parent is unable or unwilling to

1 correct the circumstances, conduct or conditions which led to the placement of a child
2 outside the home. See NRS 128.0126.

3 NRS 128.109(1)(b) provides that if a parent fails to comply substantially with the
4 case plan within six months after its inception, there is a presumption that the parent has
5 failed to adjust. The Nevada Supreme Court, however, has stated that "[t]he parent . . .
6 must be shown to be at fault in some manner . . . [and] cannot be judged unsuitable by
7 reason of failure to comply with requirements and plans that are . . . impossible . . . to
8 abide by." *Champagne v. Welfare Division*, 100 Nev. 640, 652, 691 P.2d 849, 857
9 (1984), overruled on other grounds by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.
10 Moreover, the Court has recognized that failure of parental adjustment as a basis for
11 termination is "'fraught with difficulties and must be applied with caution.'" *Matter of*
12 *Parental Rights of Montgomery*, 112 Nev. 719, 729, 917 P.2d 949, 956 (1996) (quoting
13 *Champagne*, 100 Nev. at 652, 691 P.2d at 857), superseded by statute on other grounds
14 as recognized by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

15 IV. Risk of serious physical, mental or emotional injury to the child if
16 the child were returned to, or remains in, the home of his or her parent or parents
17 (NRS 128.105(e))

18 In interpreting this provision, the Nevada Supreme Court has stated as follows:
19 "[A]buse of a child may or may not render a parent unsuitable to be a parent . . . Such a
20 risk may be mitigated, and a child may be safely returned to the home; or the risk may be
21 of such magnitude and persistency as to render the parent unsuitable and justify forfeiture
22 of parental rights." *Champagne v. Welfare Division*, 100 Nev. at 649, 691 P.2d at 855,
23 overruled on other grounds and superseded by statute on other grounds as recognized by
24 *Matter of Parental Rights as to NJ.*, 116 Nev. 790, 8 P.3d 126, (2000).

25 V. Token Efforts (NRS 128.105(f))

26 NRS 128.109(1)(a) provides that "[i]f the child has resided outside of his home
27 pursuant to [chapter 432B of NRS] for 14 months of any 20 consecutive months, it must
28 be presumed that the parent or parents have demonstrated only token efforts to care for

1 the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.”

2 **C. Additional findings which may be necessary**

3 **I. Efforts toward reunification**

4 Because the children are not currently in their mother's custody, NRS 128.107
5 requires this Court to consider:

6 1. The services provided or offered to the parent or parents to facilitate a
7 reunion with the child.

8 2. The physical, mental or emotional condition and needs of the child and the
9 child's desires regarding the termination, if the court determines the child is of sufficient
10 capacity to express his or her desires.

11 3. The effort the parent or parents have made to adjust their circumstances,
12 conduct or conditions to make it in the child's best interest to return the child to his or her
13 home after a reasonable length of time, including but not limited to:

14 (a) The payment of a reasonable portion of substitute physical care and
15 maintenance, if financially able;

16 (b) The maintenance of regular visitation or other contact with the children
17 which was designed and carried out in a plan to reunite the child with the
18 parent or parents; and

19 (c) The maintenance of regular contact and communication with the
20 custodian of the child.

21 4. Whether additional services would be likely to bring about lasting parental
22 adjustment enabling a return of the child to the parent or parents within a predictable
23 period.

24 **FINDINGS AND CONCLUSIONS**

25 1. Roberto, Kayleigh, and Nathan were removed from parental custody by the
26 Washoe County Department of Social Services on April 19, 2013, and, pursuant to the
27 underlying NRS 432B dependency matter, have remained in the care and custody of
28 Washoe County Department of Social Services. They have therefore been placed outside

1 of their home in the care and custody of Washoe County Department of Social Services in
2 excess of 28 of the last 28 consecutive months.

3 2. The presumptions in NRS 128.109(1)(a) and 128.109(2) apply. Pursuant to
4 NRS 128.109(1)(a), it is presumed Ms. Guerrero has demonstrated only token efforts to
5 care for Roberto, Kayleigh, and Nathan pursuant to NRS 128.105(f)(2). Parental fault is
6 established pursuant to NRS 128.105(2)(f). Pursuant to NRS 128.109(2), it is presumed
7 the best interests of Roberto, Kayleigh, and Nathan are served by the termination of Ms.
8 Guerrero's parental rights. The Court finds that Ms. Guerrero did not overcome the NRS
9 128.109 presumption and therefore, the Court finds it is in the best interest of Roberto,
10 Kayleigh, and Nathan that Ms. Guerrero's parental rights are terminated.

11 3. Petitioner, Washoe County Department of Social Services, has proven, by
12 clear and convincing evidence the existence of parental fault on the part of Ms. Guerrero.
13 Ms. Guerrero has failed to have a stable income. She has failed to have a stable and safe
14 place for the children to live. Finally, she has not addressed her own severe emotional
15 and mental illnesses. Further, clear and convincing evidence exists which demonstrates
16 that the best interests of the Roberto, Kayleigh, Nathan and Ethan are served by
17 termination of Ms. Guerrero's parental rights.

18 3. Ms. Guerrero has made efforts to assume all of her responsibilities as a
19 parent but falls short in each of the important areas required. It is suggested that poverty
20 is what has caused her failure to do what is necessary to reunify with her children. That is
21 not all the truth. She has not consistently remained employed enough to support the
22 children financially. She has not been able to maintain a stable and safe place for the
23 children to live. Finally, she has not persisted in addressing her own emotional and
24 mental illnesses. The Court is uncertain as to whether or not she can achieve any of the
25 above. Additionally, it appears that her conduct has imperiled her opportunity to receive
26 food stamps and her right to receive Temporary Aid for Needy Families is running out
27 which means that even with government assistance, she would not be able to provide for
28 her children. If the Court could place the children in suspended animation and hope that

1 Ms. Guerrero could make substantial changes in a short time, it would. However, the
2 children lives are moving on and the Court cannot stop that. No time remains in order to
3 give Ms. Guerrero time to do what she has not done over that last several months and
4 years. If the Roberto, Kayleigh, Nathan and Ethan were returned to her care at this time,
5 she has no means to support them and no means with which to provide a stable and safe
6 place for them to live. The children would be at an increased and untenable risk of
7 re-removal over an inability to provide even for their basic needs.

8 4. Roberto, Kayleigh, Nathan and Ethan are thriving in their potential adoptive
9 placement. Family bonds are developing and they are demonstrating an abiding sense of
10 safety, consistency, bonding and attachment. Their best interests are served by
11 termination of their mother's parental rights and the opportunity to remain in their current
12 home.

13 5. Washoe County Department of Social Services has provided reasonable
14 efforts to prevent the out of home placement of Roberto, Kayleigh, Nathan and Ethan.
15 From the time of removal in April 19, 2014³ and September 11, 2014, and since, Washoe
16 County Department of Social Services has attempted to engage Ms. Guerrero and support
17 her ability to care for all of her children. Services were offered to her in various ways
18 including referral to the Children's Cabinet. She was given counseling support to address
19 her emotional and mental problems. Washoe County Department of Social Services made
20 repeated attempts, across multiple providers and modalities, to engage Ms. Guerrero in
21 services. Ms. Guerrero made some efforts to avail herself of the services provided to her
22 but invariably failed to completely follow through. Her failure to follow through as much
23 as any other fact frustrated any chance of reunification.

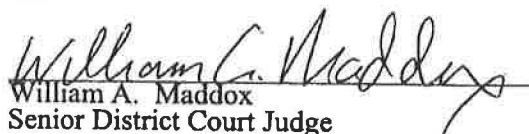
24 The perfect is the enemy of good! The Court has reviewed the more than 1200
25 pages in the Court file, the transcript of the trial in this matter and the pleadings filed by
26 counsel both before and after the trial. It is extremely difficult to terminate a person's
27 rights to their children. It is unimaginable that anyone would do so with less than clear
28 and convincing evidence that termination was in the best interest of the children. The

1 Court has a great deal of sympathy for Jacquelyn Guerrero. She has made some effort but
2 again when necessary fails to follow through to accomplish necessary tasks. A minimal
3 level must be achieved, not perfection, but a minimal level must be achieved in order to
4 provide children with the basic necessities. Ms. Guerrero has not achieved that level over
5 the course of this case and the Court is not convinced she could in the future.

6 For all of the reasons stated above, the Petition to Terminate the Parental Rights of
7 Jacquelyn Guerrero to Roberto Taylor, Kayleigh Guerrero Taylor, Nathan Hunt-Taylor
8 and Ethan Hunt-Taylor is hereby GRANTED.

9 **IT IS SO ORDERED.**

10 DATED this 21st day of March, 2016.

11 
12 William A. Maddox
13 Senior District Court Judge
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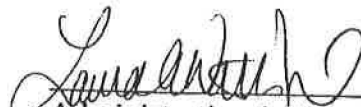
CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court and that on the 21 day of March 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to the following and I electronically filed the foregoing with the Clerk of the Court System which will send a notice of electronic filing to the following:

Lee Elkins, Esq.

Jenna Garcia, Esq.

Tyler Elcano, Esq.


Administrative Assistant