hour.

MS. ELCANO: Your Honor, there is an interpreter, which, unfortunately, does take more time.

THE COURT: That's fine. Go ahead.

MR. ELKINS: I'm not criticizing anyone, Judge. Just making a record.

CROSS-EXAMINATION

BY MR. ELKINS:

Q Good afternoon, Ms. Matute.

A Good afternoon.

Q When the three older children first came into your care, they were well-behaved, were they not?

A Yes.

Q They were polite?

A Well, not so much.

Q Oh, okay. Do you recall telling the caseworkers that they were well-behaved children?

A Yes.

Q And when Kayleigh came in your care, she was toilet-trained, right, potty-trained?

A Yes.

Q And is it fair to say that when you were first taking care of them, they very much looked forward

to seeing their parents at visits?

A Yes. At first, yes.

Q In fact, Roberto had a birthday in June, did he not?

A Yes.

Q And that was at Circus Circus?

MS. ELCANO: Objection. What year, please?

MR. ELKINS: June of this year, at Circus Circus.

THE WITNESS: Yes.

BY MR. ELKINS:

Q And you invited Ms. Guerrero to attend, did you not?

A No.

Q Did she attend the birthday?

A Yes.

Q So she asked to attend?

A Yes.

Q And Roberto was happy to see her, wasn't he?

A Yes.

Q Ms. Matute, isn't it a fact that this conversation you're talking about that you had with Roberto, didn't he say that you were caring for the children for the money?

MS. ELCANO: I'm sorry. Could I have that question read back?

THE COURT: Just ask it again.

MR. ELKINS: Okay.

BY MR. ELKINS:

Q The conversation you referred to with Roberto, didn't the -- the statement that he said his mother made, wasn't it that you were caring for the children for the money?

MS. ELCANO: Objection. Vague. What conversation?

MR. ELKINS: There's been only one statement about the conversation with the children that's in the record.

THE COURT: Objection is overruled.

Go ahead and answer the question.

THE WITNESS: No.

BY MR. ELKINS:

Q The children never said anything to you about you caring for them for money?

A Yes. Yes, but using different language that I can't say here.

Q They said "money"; correct?

A Yes, they did use the word "money."

Q Thank you.

Hasn't Roberto also said to you that he was sad because his parents don't have the money to take care of him?

MS. ELCANO: Objection. Hearsay.

MR. ELKINS: Judge, hearsay can be used to rebut hearsay.

THE COURT: Objection is overruled.

MS. ELCANO: Your Honor, just as long as it's not admitted for the truth of the matter asserted and the limited capacity --

MR. ELKINS: Child's state of mind.

THE COURT: We already heard what the children have to say, so he has a right to go into what they said. Objection is overruled.

Go ahead.

BY MR. ELKINS:

Q Do you want me to repeat the question?

A Yes.

Q Hasn't Roberto said that he's sad because his parents cannot take care of him because they don't have money?

A At first, yes.

Q Ms. Matute, you are a professional daycare or

childcare provider; correct?

A Could you repeat the question, please?

Q Certainly. Your profession is -- you get paid to care for children; correct?

A Not professional, not a daycare professional.

Q The record should reflect the witness used the word "daycare" in English.

Didn't you testify that you take children into your home and that you are paid -- that you run a daycare?

A Yes. I take care of two to three children, take care of them during the day, daycare.

Q You get paid for that; correct?

A Yes.

Q Do you have a license?

A No. Because they're my friends' kids.

Q I see. So it's not a commercial arrangement?

A No. Because I'll take care of the -- one of my daughter's kids, but I don't advertise these services commercially.

Q Didn't you tell me that you routinely care -- excuse me -- didn't you tell the Court that you routinely care for three or four children, two in the morning and two in the afternoon, and you get paid for

that?

A Yes.

Q And didn't you say that that's a daycare?

A It's not -- -- it's not a daycare, but I help out my friends, and then I also have the benefits.

Q You mean you get paid?

A Yes.

Q Did you tell Washoe County Department of Social Services, when they placed children in your home, that you were running a daycare?

A No. Because I wasn't taking care of any kids at that time.

Q When these children were placed in your home in May of 2013, did you tell the Washoe County Department of Social Services that you were running a daycare?

MS. ELCANO: Objection. Asked and answered.

MR. ELKINS: I'm being specific about the date, Judge.

THE COURT: Objection is overruled.

Go ahead.

THE WITNESS: I've been taking care of kids from that date onwards. Kids sometimes come, sometimes go, so sometimes I have kids, sometimes not.

/////

BY MR. ELKINS:

Q So the answer is you did not tell the Washoe County Department of Social Services that you were running a daycare; correct?

A Well, let me explain.

When the social worker came to my house to see about the license, she asked me about my income, and I said, "Well, I have two or three kids that I take care of every now and then," and she never commented about that at all.

Q So they didn't ask if you had a license to operate a daycare?

A No.

Q Ms. Matute, have any of the 14 foster children that you have had in your home been removed by the Washoe County Department of Social Services from you for reasons other than adoption or reunification?

A Just for adoption and reunification.

Q So no child has ever been removed from your home because of concerns about your foster care?

A No.

Q Okay. Ms. Matute, isn't it true that you've told the caseworkers on more than one occasion that you thought that Ms. Guerrero was a good mom?

A I don't remember.

Q You said that Kayleigh and Nathan get speech therapy at Advanced Pediatrics?

A I'm sorry?

Q I believe you testified that Kayleigh and Nathan get speech therapy at Advanced Pediatrics?

A Yes.

Q Who pays for that?

A Medicare covers it.

Q And you take Kayleigh out of school on Wednesdays to go there?

A No. She goes in the morning, then she goes back to school. She has therapy, she has lunch, and then she goes back to school.

Q And you said that's not a problem for the school because she's five?

A What do you mean?

Q Didn't you testify that that's okay with the school because she's only five and she's in pre-K?

A Did I say that?

Q I'm asking you. That's what I thought --

A I don't remember.

Q Okay. Is she in pre-K?

A Kayleigh?

Q Yes.
A Kindergarten.
Q Kindergarten, okay. And she's five?
A (Witness nods head.)
Q And does the school have any problems with you taking her out to go to speech therapy?
A As long as I bring back the therapy report.
Q Okay. When you were asked to describe how you care for your children or the children in your home, you said that you work with the kids in an efficient manner; correct?
A I'm not perfect, but I do -- I do everything that a mom should do for her kids.
Q Why did you use the word "efficient"?
A Did I use the word "efficient"?
Q That's what I heard. Did you not use the word "efficient"?
A I don't remember.
Q Okay. By the way, you also have someone in your home who assists you to care for the children when you are doing other things, and this person is paid; is that correct?
A Sorry?
Q You have another person in your home who

assists you to care for the children when you are doing errands or other things, and that person is paid; correct?

THE INTERPRETER: I'm sorry. The interpreter would like clarification. Is it "paid" --

MR. ELKINS: "Paid."

THE WITNESS: Yes, I have a person who helps me.

BY MR. ELKINS:

Q And you pay her or him?

A Yes.

Q Is that to take care of the two children who come to you or is it to take care of your own children or is it to take care of your foster children? Who do you pay this person to care for?

A Would you like me to explain?

Q Yes.

A Okay. Well, I have a person -- like when I'm here right now, I have somebody at my house taking care of Ethan and Nathan, and then when I get back, she will leave.

Q Okay. And didn't you also say that you have a person come in and take care of the children when you take other children to appointments and things like that?

A Another person?

Q No. The same person, I assume.

A To their appointments? Well, no, because they're at school. So I'll take Nathan and Kayleigh, I'll take Ethan with me, but all the other kids are at school all day.

Q When does this person who you pay come to help you care for the children?

A Well, one example is like right now she's at my house.

Q I heard that, but when else do you pay this person to come and help you care for the children?

A Well, like a medical emergency, if I can't take the kids, just things like that when I can't take the kids.

Q So in the last six months, how many times has the person you pay been in your home to help you take care of your kids?

(Interpreter interpreted question.)

You don't keep records?

A In six months? Well, I don't keep records, so it's just, you know, when I need her, I call her and she comes.

Q Okay. Thank you.

Ms. Matute, this isn't the first time you've been in court, is it?

MS. ELCANO: Objection. Vague.

THE COURT: She can answer yes or no.

MS. ELCANO: I'm just wondering what type of court are we talking about.

MR. ELKINS: Okay. I'll be more specific.

BY MR. ELKINS:

Q Ms. Matute, you had a divorce granted, I think it was finalized two months before the children were placed in your home; is that correct?

MS. ELCANO: Objection. Relevance.

THE COURT: You know, we've gone into her capability of taking care of the children. I suppose that a divorce is relevant to whether or not -- if I understand correctly, part of the reasoning I have to engage is whether or not the kids are better off with her.

MR. ELKINS: That's correct. And how stable her home is.

MS. ELCANO: It's a comparison, Your Honor.

THE COURT: I think divorce is relevant. Objection overruled.

Go ahead and answer the question.

BY MR. ELKINS:

Q Isn't that true, that you had a divorce finalized two months before the children were placed in your home?

A Two months before? I don't remember. I don't remember the time.

Q You don't remember when your divorce was finalized?

A Thank God I don't remember. I don't remember.

Q You were divorced from Urbano Perez; correct?

A Urbano Perez.

Q Isn't it a fact, Ms. Matute, that Mr. Perez obtained a temporary protection order against you in January of 2013?

MS. ELCANO: Objection, Your Honor. This is not relevant, a temporary protection order.

THE COURT: You've got to be kidding me. You're actually saying that when -- objection overruled.

Go ahead. Answer the question.

THE WITNESS: We both obtained one.

BY MR. ELKINS:

Q Okay. So is it fair to say there was a great deal of conflict in your relationship?

A No. We just couldn't agree as to the kids.

Q So that's why you got mutual protection orders, because you couldn't agree about the kids?

A Also not to argue.

Q Ms. Matute, isn't it true that two months after the children were placed in your home, you sought to stop visits by Mr. Urbano Perez with his children?

A Yes.

Q Was there a lot of conflict between you and Mr. Perez?

A Disagreements.

Q You did not want Mr. Perez coming to the home to see his children; is that correct?

A Not if it wasn't going to be at the appropriate times.

Q I see. Isn't it true, though, that you ultimately sought and obtained an order from the Court completely suspending his visits with his children?

MS. ELCANO: Your Honor, again, I object. I don't think that the custody proceedings related to her own biological children are relevant to these termination proceedings.

THE COURT: You talked a lot about domestic violence in regards to her and now that's not relevant in

regards to -- objection is overruled.

Go ahead.

BY MR. ELKINS:

Q Can you answer my question?

A Could you repeat the question?

Q Sure. Isn't it true that you ultimately obtained an order from a Court completely suspending Mr. Perez's visits with his children?

A That's not true.

Q I think we've already established that you sought an order to suspend his visits; correct?

A Yes. Yes.

Q And what happened to the order that you sought?

A There were changes. There were limits imposed as to where Urbano Perez could take the kids because they would have been in danger.

Q What would they have been in danger from?

A They were being sexually touched by a cousin or -- by a nephew of their father, and so that's why I did not want them to go to that house, and that's why I was opposed to him taking them there.

Q I'm sorry to have to ask you these upsetting questions.

Did you notify Child Protective Services about these allegations of sexual touching?

A Yes.

Q Was there an investigation?

A I made a police report.

Q Was Mr. -- I'm sorry. This cousin, did he live -- was it a man?

A He was a kid who was older than my kids.

Q Okay. And where did this juvenile live?

A They lived in Reno, but their dad would take them to visit there when he had them.

Q Are we talking about Mr. Perez?

A Yes. Urbano Perez.

Q So you're telling the Court, if I understand you correctly, that you believe that your children were sexually abused in the custody of their father?

A It's not something I believe. The kids told me that.

Q So you don't believe what the kids told you?

A It's not whether I believed it or not. That's what the kid told me, and I believe my kids.

Q So you do believe that they were sexually abused?

A Well, he touched them.

Q Did you ever get therapy for your children?

A Yes.

Q Was there a caseworker assigned from the Washoe County Department of Social Services?

A They gave me the information.

Q So no social worker ever came to your home or did an investigation?

A The thing was that the case had already gone to the courts, so they told me just to go to court. I did it myself, I went and did it myself.

Q So there was never any supervision by social workers?

A What kind of supervision?

Q Did they ever come to your home and monitor the situation?

A They go every month.

Q Yes. Because you have foster children?

A Uh-huh.

Q I'm talking about in relation to the sexual abuse of your own children, did Washoe County Department of Social Services ever send caseworkers into your home to supervise the home?

A I got a call and it was the social worker regarding the license.

Q And so you had to defend your license?

A No. I just showed her the paperwork I had gotten from court.

Q Okay. So they never opened an investigation; they never sent a caseworker to your home to monitor the situation, nothing like that?

A Yes. They asked me how the case was going, if the kids had gone back there, all the information about the case.

Q I see. When did that occur? Let me be specific. When did the conversation about your license occur?

A I don't remember.

Q When did it occur in relation to when you filed for divorce?

A In relation to the day when I asked for divorce?

Q Yes.

A I don't remember. It's been more than three years.

Q Okay. So the allegations about sexual abuse occurred and your children were telling you about that, and you continued to be married to Mr. Perez; correct?

A I had already asked for a divorce.

Q That was my question.

And was Mr. Perez still coming to the home and seeing your children?

A We were separated, we weren't divorced at that point, and so he could come and take the kids without the need for any kind of order because we had both agreed that, and then that happened, the kids told me, and by that time we had already started our divorce proceedings.

Q And did he continue to come and take the kids?

A Yes.

Q For how long did that continue?

A Without a court order or when we had our mutual agreement?

Q When you had your mutual agreement.

A Yes, he would come take the kids, but at some point I decided that the time of day was not appropriate because the kids were in kindergarten and prekindergarten, and that I did not think that those times were appropriate for them to go out.

Q So the argument over visitation was timing; is that correct?

A Well, yeah. It was an issue due to the

times, but then also -- well, why not just mention it -- he also wanted to get back together with me, and I did not want that, and so there was disagreement.

Q So did you sometimes have arguments in the home about that?

A Well, he had already left. He wasn't there anymore.

Q When you said he tried to get back together with you, did he come to your home?

MS. ELCANO: Your Honor, I'm objecting again. This woman has clearly taken the proper steps to remedy the situation, it is not a current issue today, and I don't think it's relevant to the termination proceedings. I think we've gone long enough and far enough into this.

THE COURT: Let's wrap it up pretty soon.

MR. ELKINS: Okay, Judge.

BY MR. ELKINS:

Q Did he come over?

MS. ELCANO: Objection. Vague.

MR. ELKINS: Okay. Sorry.

BY MR. ELKINS:

Q After May of 2013 and before the order suspending visitation which -- well, you say it was never completely suspended, but after May of 2013 there were

times when Mr. Perez would come over; right?

A No. He had to go pick up the kids at a specific point, not at my house.

Q Okay. So I'm clear, at no point was Social Services involved in an investigation of your children being sexually touched while in the custody of their father; is that correct?

A No, that's not correct.

Q So there was an investigation?

A No. I filled out all my paperwork, I gave it to them, so I'm assuming that when they get the paperwork they become involved.

Q To whom did you give that paperwork?

A To the social worker that had to do with the licensing.

Q And just to be clear, after your children told you that, the father continued to take them on visits and spend time with them; correct?

THE INTERPRETER: I'm sorry. The interpreter needs a repetition of the question.

BY MR. ELKINS:

Q After this was told to you, the father continued to take the children on visits and return them; correct?

MS. ELCANO: Objection. Vague.

THE WITNESS: I don't understand. After they told me what?

BY MR. ELKINS:

Q After the children told you they had been sexually abused by their cousin while in the custody of their father, their father continued to be allowed to take them on visits away from your home and bring them back; correct?

MS. ELCANO: Your Honor, this has been asked and answered. We're at the level where the witness is being badgered. I think we need to move on.

THE COURT: Objection is overruled. Let's get through this. Quit making these objections. It's got to get confusing to her because we're making objections. We went through the issue with her about domestic violence. That's one of the bases upon which you think I should terminate her parental rights, and yet you're suggesting that this is not relevant? So objection is overruled. Get through it.

MR. ELKINS: I'm almost done, Judge.

THE COURT: You better get done real quick.

MR. ELKINS: This is intended to be my last question.

BY MR. ELKINS:

Q Isn't it correct that after your children told you that they had been sexually touched while in the custody of their father, that you continued to allow him to come and pick them up, take them out, and bring them back?

A No, that's not true.

Q I'm sorry, Ms. Matute.

Didn't you tell me that he continued to have visits with the children after that?

A That was -- a judge ordered that but with limits, so he couldn't take them to that house, he couldn't -- they couldn't be around that kid, so there were limits. I asked for the visits to be canceled completely, but the judge ordered that he could have visits with those limits, so I had to obey and -- because I was -- I couldn't say I wasn't going to follow that because I didn't have the authority to do that. It was an order from the judge.

Q I see. So when you told me earlier that the dispute about visitation was over timing, that wasn't entirely true; correct?

THE COURT: Let's be done. I understand now. I'm done.

MR. ELKINS: Okay, Judge. Thank you very much. Let's move on. No further questions.

THE COURT: Do you have more questions? Do you have any redirect.

MS. ELCANO: I do, Your Honor.

MR. ELKINS: My client needs to leave the courtroom.

THE COURT: Well, for just a minute because we need to get done.

MR. ELKINS: I'll allow Ms. Elcano to redirect without her here. She's so upset, Judge.

THE COURT: How long are you going to be?

MS. ELCANO: I just have four or five questions.

THE COURT: Make it quick, and I don't need you to go into this -- into this anymore.

MS. ELCANO: I'll do my very best, Your Honor.

REDIRECT EXAMINATION

BY MS. ELCANO:

Q Ms. Matute, when your children, Anthony and Jaer, made these reports of inappropriate touching to you, what steps did you take to protect your children?

A Well, first of all, I called their dad and I told him he needed to meet me at the police station because we needed to make a report.

Q And you made a report to the police station; correct?

A Yes.

Q And to be clear, the person identified as making the inappropriate touching was not your husband?

A No.

Q It was an individual who was related to your husband, a relative?

A Yes. A nephew, my ex-husband's nephew.

Q And what is the current visitation schedule between Jaer and Alberto [sic] and Mr. Perez?

A Jaer, Anthony, and the kids? What?

Q I'm sorry. How often does Mr. Perez see Jaer and Anthony?

A The court order was that it was going to -- we were going to do one week him, one week me, and then one year he would have vacation time and the other year I would have vacation time, but he hasn't participated in that.

Q When is the last time Mr. Perez saw your children, saw Jaer and Anthony?

A He picked them up yesterday from school.

Q Have Roberto, Kayleigh, Nathan or Ethan ever seen Mr. Perez or been around Mr. Perez?

A Yes, they have seen him.

Q Were you present during that time?

A Yes. Because it was outside the --

THE INTERPRETER: May I ask for clarification?

MS. ELCANO: Yes.

THE WITNESS: It was outside Social Services when he went to pick up his kids.

BY MS. ELCANO:

Q Have they ever interacted with Mr. Perez, Roberto, Kayleigh, Nathan or Ethan?

A Well, whenever I went to pick up my kids or if we bumped into him.

Q Have they ever been alone with Mr. Perez?

A Oh, no, no.

Q Have Roberto, Kayleigh, Nathan or Ethan ever met the nephew of Mr. Perez's who your sons identified as doing inappropriate touching?

A No.

Q And I just want to go back to -- quickly, do you recall approximately what year you separated from

your husband?

A I think it was in 2012.

Q And you are no longer engaged in a relationship with Mr. Perez; correct?

A No. No.

Q And turning back quickly to the individual that you identified assisting you in the home, on a weekly basis how often does she come?

A The person that helps me?

Q Yes.

A Well, it's only when I have some event, like now, when I can't take the kids. So, for example, if I'm going to the doctor, she will come and take care of them.

Q So she doesn't live with you?

A Oh, no, no.

Q You don't pay her on a daily basis?

A No.

Q It's an occasional babysitter?

A Yes.

MS. ELCANO: I have no further questions.

MR. ELKINS: I have no further questions.

THE COURT: Is this witness permanently excused?

MS. ELCANO: Yes, Your Honor.

MR. ELKINS: Thank you, Judge.

THE COURT: So you're excused Court's in recess. We'll come back at 2 o'clock. It's 15 to 1:00 now, an hour and 15 minutes, 2 o'clock.

MS. ELCANO: Thank you.

(The midday recess was taken.)

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RENO, NEVADA; THURSDAY, SEPTEMBER 3, 2015; 2:02 P.M.

-oOo-

THE COURT: This is Case No. FV14-03897 in the matter of the parental rights as to the Taylor children as set out in the petition. The parties are present with their counsel.

Ms. Elcano, your next witness.

MR. ELKINS: Judge, I have an order, a point of order. I have a witness here from Nevada State Welfare I believe I mentioned before, and I had spoken to Ms. Elcano previous to the trial. We agreed that if she appeared, we could take her out of order, and I actually have --

THE COURT: What?

MS. ELCANO: That issue was not specifically addressed. We did discuss the possibility of discussing witnesses being taken out of order and addressing those as they came up. I wasn't informed of this over the lunch break.

THE COURT: Well, do you care if she's taken out of order?

MS. ELCANO: Your Honor, I have one more

witness, and I would like to conclude today and rest.

MR. ELKINS: I have an alternative suggestion.

THE COURT: Okay.

MR. ELKINS: So we have this official here from Nevada State Department of Welfare. I also have two percipient witnesses that I subpoenaed for today who will be here at 3 o'clock.

My suggestion is simply -- their testimony relates to matters that have already been testified to, so my suggestion would be, if I could put on this witness and those two and perhaps the caseworker could testify tomorrow morning, and then I have two other witnesses from Children's Cabinet who actually covered the same time frame as Ms. Seronio, so in a way I think the record will be more orderly.

That's my suggestion, my request so as not to inconvenience these witnesses and make them have to return. One of them got out of work today because he got subpoenaed and will have work obligations tomorrow, and so --

THE COURT: Is she the only witness you have done, Ms. Seronio?

MS. ELCANO: Yes. Ms. Seronio is the only

witness I have left.

THE COURT: Then let's -- she's going to be here anyway, so let's go ahead and take these witnesses and get them out of here.

MR. ELKINS: I appreciate that.

THE COURT: You've got three witnesses that absolutely need to be done today?

MR. ELKINS: Correct.

THE COURT: We're going to go till 4:30 so that your client --

MR. ELKINS: It should be more than enough time.

If it please the Court, the respondent calls Cynthia Heldenbrand.

CYNTHIA HELDENBRAND,

having been first duly sworn by the court clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ELKINS:

Q Good afternoon. Ms. Heldenbrand, do you appear today pursuant to subpoena?

A Yes.

Q Can you --

MS. ELCANO: Sorry.

MR. ELKINS: Take your time.

MS. ELCANO: Go ahead.

BY MR. ELKINS:

Q Would you mind stating your name for the record?

A Sure. Cynthia Heldenbrand.

Q Could you spell that for the court reporter?

A Sure. C-y-n-t-h-i-a H-e-l-d-e-n-b-r-a-n-d.

Q And can you tell me your current employment?

A I'm the social worker supervisor at the welfare office.

Q When you say "the welfare office," what do you mean?

A State of Nevada Welfare office.

Q Located where?

A We are at 4055 South Virginia Street.

Q What is your educational background?

A I have a bachelor's of social work from the University of Nevada, Reno.

Q What are your responsibilities at Nevada State Welfare?

A I oversee the social work division at the

welfare office. We're part of the NEON unit, which is New Employees of Nevada, so any employee who is on TANF benefits, which is Temporary Aid for Needy Families, and they have what we identify as barriers to employment, which include open CPS cases, they are assigned to a social worker who case-manages them.

Q Were you or did you supervise a case involving Jacqueline Guerrero?

A At that time I was not the supervisor.

Q Okay. Are you familiar with a caseworker by the name of Lowrey?

A Yes.

Q How do you spell that?

A It's L-o-w-r-e-y.

Q Okay. And were you in this unit -- withdrawn.

What is Mr. Lowrey's first name?

A Sara.

Q And Sara Lowrey worked in what unit?

A In the social work unit.

Q And with regard to what kind of cases?

A To clients who are on TANF and have barriers to employment.

THE COURT: Let's see if she knows. What

does "TANF" stand for?

THE WITNESS: Temporary Aid for Needy Families.

THE COURT: You're the only one that knew it. I had to look it up on the Internet.

MR. ELKINS: You'd really think you'd catch her.

BY MR. ELKINS:

Q And I'm sorry. So did you work with Ms. Lowrey?

A Yes, I did.

Q In the same unit?

A Yes.

Q And then there came a time when you were promoted to supervisor?

A Correct.

Q And where is Ms. Lowrey -- well, withdrawn.

Is Ms. Lowrey still employed in your office?

A No. She is not.

Q Did there come a time when you received a subpoena for the production of Nevada State Welfare records regarding Jackie Guerrero?

A Yes.

Q And did you produce certain documents

pursuant to that subpoena?

A Yes.

Q Does there exist anywhere in the records of the Nevada State Welfare a list of benefits paid to a client?

A Yes.

Q As a document?

A It's not one document. It's a screenshot, and you'd have to go through multiple months to get all of the months that the client was on benefits, and it can be a very confusing screen depending on what the history of the client's case is with eligibility.

Q Is there any -- well, can you just describe for the Court the recordkeeping system of the state welfare system?

A Uh-huh. It's called NOMAD. I don't know what that stands for. It's what all of our FSS, which are our Family Support Services --

THE COURT: Which stands for a lot of money in the state of Nevada?

THE WITNESS: Yes. It's a system that they use, and any time that they effect a case for benefits, all of the records go into that system. So any time a case is touched, it will reflect on that screen that

you're referring to, and it will show if we supplemented the income, if we took away the income, it will show unposted versions, it will show posted versions. It will show the history of that, but it's in multiple different screens.

So, for instance, if they clog, which is what a narrative is called within that system, it will tell what the worker did for the benefits, if the worker is thorough with their actual work, and then it will post in a different screen to show the actual benefit amount. So you have to match up the two, and it doesn't -- it doesn't flow evenly.

BY MR. ELKINS:

Q Is there any single document, screen, that shows, over a period of time, amounts of benefits paid out to a client?

A Not one screen, but multiple screens. It's the same screen. You just have to go to multiple versions of that screen to get the whole picture.

Q Could you produce a document that showed over a period of time amounts paid out to a client?

A Yes.

Q You could. A document?

A Not one document. Multiple screen shots,

yes.

Q Okay. In the case of Ms. Guerrero, you said that she had a case open with Nevada State Welfare; correct?

A Yes.

Q And who was assigned to this case?

MS. ELCANO: Your Honor, I guess I'm just a little uncertain as to time frames and involvement and personal knowledge. If we could just clear that up, I'm not trying to interrupt -- and maybe you're getting to that. I just want to make sure I understand --

MR. ELKINS: I'm on my way.

MS. ELCANO: Okay. Perfect.

BY MR. ELKINS:

Q Let me just back up.

Ms. Heldenbrand, as a supervisor in that NEON, is it, unit --

A Uh-huh.

Q -- do you have access to the NOMAD system?

A Yes. I have supervisor access to the NOMAD system.

Q And are you able, by reviewing what you just described to the judge, to glean from that system, over a period of time, benefits paid to a particular recipient?

A Yes.

Q Okay. You are, I take it, a public official?

A Yes.

Q The records in the NOMAD system, are they public records in the sense they belong to Nevada State Welfare?

A Yes.

Q Were you asked to review the NOMAD computer entries for Jacqueline Guerrero from the period of March 2013 through July of 2014?

A Yes.

Q And did you do that?

A Yes.

Q Based upon your review of the NOMAD records kept by the State of Nevada, are you able to testify as to the amounts paid to Ms. Guerrero during that period of time?

A Yes.

Q Could you do so?

A Yes. March 2013, she received $324. It was a partial payment because she turned in her application in February of 2013. However, we did not post the benefits until March of 2013 because of our time frames in order to process a new application.

From that point, from April of '13 until November of 2013, she received a benefit per month of $513. In December of '13, due to removal of her three children and because she was pregnant, there were no common children between her and the father of the children, she received a benefit in the amount of $253 because she was eligible just for herself because she was pregnant and far enough along in her pregnancy.

In January of 2014 she received a benefit in the amount of $383 for a household of three people, which is two parents and one child, because the child was born in January.

In February she received a benefit in the amount of $318 for one adult and one child.

In March, April, and May of 2014 she received a benefit in the amount of $291, and the reason for that is because they were budgeting the father of the child's income at the time. And then as of June and July of 2014 she received a benefit in the amount of $171 for a household of two adults and one child, and both parents were working and we were counting both incomes.

Q Okay. Was there ever a time, according to the records, the NOMAD records -- sounds like records that would wander off and you have to find

that -- according to NOMAD records, when Ms. Guerrero was deemed ineligible for benefits from the period March 2013 through July of 2014?

A No. She received a benefit every month during that period.

Q So by the time of the payments, she was in compliance every month?

A Yes.

Q And can you just generally describe what is necessary in order to be in compliance?

A You have to comply with the eligibility part of the program, which is turning in verifications, including what we call a 2074, which is the income verification for their employers. They have to turn in what we call TANF packets, which is different paperwork that is required in order to be on our program. They also have to recertify at certain periods of time and turn in new applications. They have to meet with workers face to face in order to go through their TANF interviews. And other than that -- they also have to turn in birth certificate records -- I'm trying to think what else -- whatever eligibility paperwork is required through that process.

Q And are people required to do anything in

order to maintain their benefits?

A Yes. They have to be in the NEON unit and they have to be case-managed by either an employment training worker or a social worker. In this case she was case-managed by a social worker, and there's other requirements in order to maintain her TANF benefits.

Q Such as?

A She has to meet with her case manager whenever requested, she has to follow what we call a personal responsibility plan, and that plan is determined by assessments that we complete during her initial appointment, and that could include -- in this case it was being in compliance with her CPS case plan, being in compliance with medical appointments, and attending mental health appointments.

Q Is there a requirement to seek work?

A Depending on the situation that the client's in, if that is a requirement that the worker feels they're able to do, there could be, but in this case --

MS. ELCANO: Objection, Your Honor. Again, I don't know that she has any personal knowledge of any of this information. It's my understanding she was only working with Ms. Lowrey. She was not the supervisor of Ms. Lowrey during the Guerrero case.

THE COURT: I didn't think you're testifying about Ms. Guerrero; you're testifying generally about --

MS. ELCANO: But then she said in this specific case this was required.

MR. ELKINS: That was volunteered, and I'll have it stricken, Judge.

BY MR. ELKINS:

Q So did something happen with regard to Ms. Guerrero's case, according to your review of the records, in or about August of 2014?

A August of 2014, she was no longer eligible for the program due to the time limits set out.

Q Could you explain the time limits to the Court?

A Sure. So TANF is a five-year federal program. The State of Nevada allows all five years. However, we break it up into two-year and one-year time frames. So you're eligible for benefits, as long as you qualify and follow the program, for two years, you can be on it for two years, and then you have to sit out for 12 months.

THE COURT: Because the grant amount varies, is there an amount limit or time limit?

THE WITNESS: Time limit. As long as their

income --

THE COURT: So she was getting $5 a month?

THE WITNESS: She can remain on the program.

THE COURT: But only for two years?

THE WITNESS: Only for two years. Then they have to sit out for 12 months, then they can come back for two years, and then they have to sit out for another 12 months, and then they can come back for one year, and then they're done for a lifetime, and that's if they use all of their time in the state of Nevada.

THE COURT: Do you know roughly what used to be Aid to Dependent Children? Does this follow up to that?

THE WITNESS: I'm pretty sure --

THE COURT: There was no limit on the number of months you could receive ADC.

THE WITNESS: We have what we call T Child, which it's not -- it's where if, like, a grandparent is taking care of the children, they can be on what we call T Child, which is still a benefit amount like TANF, but they're not case-managed and there's no lifetime.

THE COURT: It used to be that there was no limit on the time, and California had Aid to Families with Dependent Children, so you could actually not have

any children and still get benefits, but that's not the case anymore?

THE WITNESS: No.

THE COURT: All Nevada has ever had is Aid to Dependent Children.

MR. ELKINS: I have no further questions, Your Honor.

CROSS-EXAMINATION

BY MS. ELCANO:

Q Good afternoon. I just had a couple clarifying questions.

So I believe, based on what you testified to, it looks like benefits were received from March of 2013 to July of 2014?

A That's the only time frame I looked at.

Q Oh, okay. So additional benefits could be -- could have been received?

A Yes. Because as of August 2014, that's when she reached her two-year time limit sit-out period, and so, of course, March through July is not 24 months, but that is during the time frame I looked at.

Q So there could have been a time prior or obviously --

A Yes.

Q And do you have any knowledge, based on looking at that screen that you were referencing, as to the total amount or the total number of months that Ms. Guerrero has received TANF?

A I do not. The only thing I'm aware of is that as of August 2014 she reached 24 months and was required to sit out for a year.

Q Would it be fair to say that she could either be at her first two-year sit-out period or her second two-year sit-out period and you just don't know?

A Right now I believe she's in her first two-year sit-out based on looking at that screen.

Q So in theory there could be three more years of benefits that she could possibly qualify for?

A Correct.

Q I just wanted to make sure I understood. I think the judge was asking this, but just so I wrap my head around it.

So you're not only allotted X amount of dollars of TANF benefits, so even if you were getting five dollars a month for 24 months, you'd still have a sit-out period?

A Correct.

MS. ELCANO: Perfect. I don't have any further questions. Thank you.

MR. ELKINS: No further questions, Judge.

THE COURT: Is this witness permanently excused?

MR. ELKINS: Yes, sir.

THE COURT: Next witness.

MR. ELKINS: I asked the witness to come at 2:30, so I'll look to see if they're out there.

(A recess was taken.)

MR. ELKINS: Judge, they're not here yet, but it's five before 2:30.

THE COURT: Let's just be at ease for five minutes.

MR. ELKINS: I appreciate it. I did my best to time it.

(A recess was taken.)

MR. ELKINS: The respondent calls Maribel Stalker, S-t-a-l-k-e-r.

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MARIBEL STALKER,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ELKINS:

Q Please have a seat.

Good afternoon. Would you state your name for the record.

A Maribel Stalker.

Q And how do you spell your last name?

A S-t-a-l-k-e-r.

Q Ms. Stalker, have you ever testified in court before?

A A couple of days ago, yes, when I came to --

Q You don't have to tell me.

A But yes.

Q All right. I'm just going to ask you questions and you can answer the questions.

So, Ms. Stalker, do you know Jackie Guerrero?

A Excuse me?

Q Do you know Jacqueline Guerrero?

A Yes.

Q And do you see her anywhere in court today?

A Yes. She's right here (indicating).

Q Can you point to her, please?

A Right there (indicating).

Q Indicating my client.

Ms. Guerrero, are you familiar with a child of Ms. Guerrero's?

A Yes.

Q What's the child's name?

A You know what? I'm sorry, I forgot his name, but I know he was there at home. I'm not going to lie.

Q So when you say "he was there at home," where are we talking about?

A They moved in on August 15th.

Q Of what year?

A Of last year.

Q So that would have been 2014?

A Yes.

Q I'm sorry. What date?

A August 15th.

Q When you say "moved in," where?

A To my home.

Q Where was your home?

A 700 East Peckham Lane, Apartment 75, in Reno.

Q That's where you were living at the time?

A Yes.

Q Okay. And when you say they moved in, who do you mean?

A It was Jackie, Albert, the baby, yes.

Q And can you just explain who lived there and where?

A It was just my husband, myself, my daughter, Jackie, Albert, and the baby.

Q What is your husband's name?

A Troy Stalker.

Q And can you describe for the Court -- could you just generally describe the apartment for the Court?

A It was a 2-bedroom, 1-1/2 bath, a big kitchen, dining room, somewhat -- not that big of a living room, but she had, you know, things for the baby and everything --

Q Okay.

A -- and a balcony.

Q So can you tell the judge who -- well, withdrawn.

When you say she moved in, how much time did she and Albert and the baby spend there?

A Albert and Jackie, they were living with us for about a month and a half, almost two months, but

before then, it's been not even a month when Social Services came and picked up the baby.

Q So the baby was gone at that point?

A Yes.

Q So we'll get to that.

So can you describe for the Court what the sleeping arrangements were?

A The baby had his bed, she had, you know, things on the side for her baby, his food, everything, and so for them -- they were sleeping in the living room while the baby was sleeping in his playpen.

Q Okay. And can you describe that -- what you call the playpen?

A It's like a regular playpen, but then it's kind of like a bed, yes.

Q Where was that located in the apartment?

A 700 East Peckham.

Q I'm sorry. Where inside the apartment?

A In the living room, yes.

Q And you said there came a time when Social Services removed the baby?

A Yes. They came to my door and they wanted to walk in. I did not let them because they don't have a warrant to go into my home.

Q Okay. When you say "Social Services," do you recall who came to your house?

A I don't remember their names.

Q Can you describe the person?

A It wasn't them (indicating).

Q No, no. I'm not asking if it was anyone in court.

A If I see them, maybe I would know, yes.

Q Do you have any recollection what the person looked like?

A Not really, but like I said, I don't know their names or anything.

Q That's all right. Is it a man --

A If I have to see their face, I would know.

Q All right. That's fine.

Do you recall if it was a man or a woman?

A There were, like, a couple of females.

Q Okay.

A Yes.

Q I'm sorry. Did you say they came to the door? Is that what I heard you say?

A They came to my door and they asked me if Jackie was here.

MS. ELCANO: Objection, Your Honor. I would

request the witness be instructed to answer the question asked.

THE COURT: Well, she hasn't been.

Just listen to the question that you're asked and just answer that question. Okay?

THE WITNESS: Yes, sir.

THE COURT: Sometimes the formality of court is a little much for people, but just concentrate on what he's asking, and then answer just what he's asking.

THE WITNESS: Yes, sir.

BY MR. ELKINS:

Q Okay. So how did you know they were at the door?

A They banged on my door and they were looking for Jackie.

Q Okay. Well, they banged on the door, and what, if anything, did you do?

A I opened up the door, and they asked me if Jackie was there --

MS. ELCANO: Objection. Hearsay.

MR. ELKINS: It's not for the truth, Judge. It's a narrative about --

THE COURT: She can testify.

MR. ELKINS: It used to be called res gestae.

BY MR. ELKINS:

Q I'm sorry. You were saying? They asked you if --

A They asked me if Jackie was here and if they had -- if she had the baby, and I said, "Yes."

And I said, "Who are you?"

"Oh, we're here from, you know, CPS."

It was another word. It wasn't that word.

Q And what did you say or do?

A I said, "Well, do you have a warrant?"

And they said, "Yes."

And I said, "In my home?"

And they said, "No."

I said, "You know what? There's nothing you can do."

Q Then what happened?

A I closed the door on them.

Q And what happened next?

A They called the police or sheriff.

Q Just testify to what you know or what you saw. Okay?

A Yes.

Q So what did you see or hear next?

A They only said they wanted to talk to her and

if she was here with the baby, and I said, "Yeah." And I asked them, I mean, "Do you have a warrant to come to my house?"

Q We've already gone through that.

A Yes.

Q So was Ms. Guerrero present at the time in your house?

A There was no mess in my house --

Q No. Ms. Guerrero, was Jackie Guerrero there?

A Yes, she was.

Q And what, if anything, did she do?

A She tried to fight it.

Q What did --

A Not in a bad way.

Q What did she do physically, if anything?

A To be honest with you, I don't remember. I just remember me holding the baby.

Q Do you remember if Ms. Guerrero stayed in the apartment, left the apartment, anything like that?

A My apartment?

Q Yes.

A No.

Q I'm talking after -- let me be clear.

You closed the door, and where was -- where

was the social worker or social workers at that time?

A Also at the door.

Q Where was Jackie Guerrero at that time?

A Inside my house.

Q Okay. What, if anything, did Jackie Guerrero do at that time?

A All she did after -- when CPS called the sheriff, marshals or police -- I can't remember what it was --

MS. ELCANO: Your Honor, she doesn't have personal knowledge, Your Honor.

THE COURT: I tell you what. Given the difficulty that you're having questioning this witness, you can ask leading questions if that would speed this along.

BY MR. ELKINS:

Q Did there come a time when the police came?

MS. ELCANO: Your Honor, I understand you're allowing leading, but just for a record --

THE COURT: Let's just get through this.

MS. ELCANO: I know, but I have to create a record, Your Honor. Leading questions are improper unless it's a hostile witness. That determination hasn't been made, so I'm going to object.

THE COURT: Let's just get through this.

BY MR. ELKINS:

Q You said that the social workers called the police.

Did there come a time when the police came?

A That's when I let them in.

Q So who did you let in?

A All of them.

Q Who is "all of them"?

A CPS, officers that were in my house, yes.

Q And where did they go when they came into your house?

A They went straight through my kitchen, because once you walk in -- there's like two entrances. When you go in, the first one is, like, towards the kitchen, the other one is -- like the bedroom is on this side --

MS. ELCANO: Objection, Your Honor. Can she please answer the question asked? I'm sorry. We're getting a lot of --

THE WITNESS: I'm explaining.

BY MR. ELKINS:

Q That's fine. So where did they go?

A They went straight to the kitchen, through

the kitchen to the dining room.

Q Okay. And who or what was in the dining room?

A It was them, Jackie and I and Albert. Wait a minute. I don't remember if he was there or not, but it was Jackie and I and Social Services and the officers.

Q Okay. And was the baby there?

A Yes. I had him in my arms.

Q Okay. And what happened next?

A They were showing me pictures about her recent residence, where she was at, about how it was all destroyed and everything, but when they came to my house, my house was clean.

Q So they showed you photographs of a residence?

A Yes. Of the previous.

Q And did someone tell you what those were photographs of?

A They told me how she left the apartment or the place that she was at, yes.

Q So, to your knowledge, had Ms. Guerrero been living anywhere other than your home since August 15th?

A No.

MS. ELCANO: Objection. Basis.

BY MR. ELKINS:

Q Were you in your home from August 15th?

A Oh, yeah. I'm home 24/7.

Q Was Ms. Guerrero in your home during that period of time?

A Yes.

Q Thank you.

By the way, do you know the date that we're talking about?

A August 15th.

Q No, no. The date when CPS came?

A I would say, like, maybe early September. If I'm wrong, I'm sorry.

Q That's all right. It's fine.

All right. So they showed you some pictures, and then what happened?

A They showed me some pictures about where she was living at and -- you know, but other than that, I mean, she's been helping me and --

Q My question is, what happened next?

A That's when they came to my house.

Q Right. They were there; you were holding the baby; they showed you pictures.

A I was holding the baby, and the officer asked

me to give them the baby.

Q And then what happened?

A They went ahead and left, and that's when she broke down. She had, like, a major anxiety.

Q So you say they left. Did they take anything -- when you say "they," who do you mean?

A CPS.

Q Okay. Did they take anything with them when they left?

A That I remember, I don't remember. I just remember giving the baby to them.

Q So did they take the baby?

A And I was after her.

Q Did they take the baby with them?

A Yes.

Q And then you said Ms. Guerrero broke down. What do you mean? What happened?

A A big anxiety attack. She went to the bathroom, sat down, and started screaming, crying that she wanted her baby back.

Q And then what happened?

A We ended up calling REMSA, and she ended up going to the hospital, and when she came home --

Q No, no, no. So REMSA came; is that correct?

A Yes.

Q And they took Ms. Guerrero?

A To the hospital.

Q No further questions. Actually, I do have one other question.

Did Ms. Guerrero continue to reside with you or not?

A Yes.

Q And until when did she reside with you?

A Until about early October, maybe mid, if that.

Q Okay. Of what year?

A October of 2014.

MR. ELKINS: Thank you. No further questions.

THE COURT: Cross.

MS. ELCANO: The Court's indulgence, Your Honor. I'm sorry, Your Honor. I just need a minute.

THE WITNESS: Excuse me. Can I say one thing?

MR. ELKINS: No. Not unless you're asked a question.

THE COURT: Not unless you're asked a question.

MR. ELKINS: I'm sorry, Judge. I didn't mean to interject.

THE COURT: That's okay.

CROSS-EXAMINATION

BY MS. ELCANO:

Q Good afternoon.

Have you had any other contact with Child Protective Services or Social Services aside from that particular day?

A Who do you refer to, me or her?

Q Have you personally spoken to anybody else at Social Services?

A About whom?

Q About Ms. Guerrero, aside from that day.

A No.

Q You didn't attend a protective -- pardon me -- a protective custody hearing in regards to Ms. Guerrero?

A Can you specify what year, what month?

Q In September of 2014.

A When it came regarding to her kids, yes, I was in court with her.

Q And did you testify in court?

A Yeah.

Q In regards to Ms. Guerrero at a protective custody hearing?

A On her side, yes.

Q And are you in your house 24 hours a day?

A Yes.

Q You never leave your home?

A Only if I have appointments or pick up my child.

Q Okay. So you maybe left your home once or twice a day between August 17th of 2014 to September of 2014?

A I'm sorry to ask you, but who are you referring to this?

Q You. I'm asking you.

A About me or about her?

Q I'm asking about you.

A I mean, this is about her, not about me. I'm sorry.

THE COURT: You know, just listen to the question, and answer the question regardless of who it's about. Just listen to the question and answer the question.

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BY MS. ELCANO:

Q So I was asking in regards to October 17th [sic] to the end of September of 2014.

You testified that you maybe left your home once or twice a day?

A Like I said, again, normally it depends if I have to go pick up my daughter or take one of my kids to a doctor's or --

Q So you can't specifically state during that time period what you had done on those particular days; correct?

A No. Should I get reports for then or --

Q I'm sorry?

A Should I get some reports that say where I was at last year or --

THE COURT: That's just -- just answer the questions that you're asked. Go ahead.

MS. ELCANO: Thank you, Your Honor.

BY MS. ELCANO:

Q You indicated that Ms. Guerrero lived with you during that time period?

A Yes.

Q You have no knowledge as to whether or not Ms. Guerrero was living elsewhere, maintaining another

residence; is that correct?

A No. She has always been living with me.

Q So you know everything that Ms. Guerrero did during that time period and you could account for every single thing she did?

A She did her thing. She would get up, get dressed, look for a job, take her baby, come back later on during the day. Yeah, she was --

Q So there were time periods when Ms. Guerrero was gone that you were unaware of what Ms. Guerrero was doing?

A I always knew, but I never questioned her to say, "Where are you going? Where are you going to be at?" I don't do that.

MS. ELCANO: I have no further questions, Your Honor. Thank you.

MR. ELKINS: Nothing else, Judge. Thank you.

THE COURT: Does anyone want this witness back?

MR. ELKINS: No, Judge.

THE COURT: Thank you, ma'am.

MR. ELKINS: One more witness, Judge.

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TROY STALKER,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ELKINS:

Q Good afternoon. Mr. Stalker, are you here under subpoena?

A Yes.

Q Okay. Thank you.

And can you just state your name for the Court?

A Troy Stalker, S-t-a-l-k-e-r.

Q Thank you.

And, Mr. Stalker, are you employed?

A Yes, I am.

Q What do you do for a living?

A For the past nine and a half years, I work at the Walmart Distribution Center and the FTD shipping department.

Q Have you ever testified in court before?

A Yes.

Q Mr. Stalker, do you know a person by the name of Jacqueline Guerrero?

A Vaguely, yes.

Q Okay. Would you recognize her if you saw her?

A Yes.

Q Do you see her present today?

A Yes.

Q Would you indicate --

A (Indicating).

Q Indicating my client.

Mr. Stalker, where do you know Ms. Guerrero from?

A I met her through my wife and my wife's brother, so --

Q And what is your wife's brother's name?

A Edward Alverde.

Q And can you just describe for me, do you know about when you met her, approximately?

A No, I don't. It's probably about a year.

Q Did there -- well, have you ever -- well, let me ask you this.

Last year where did you reside?

A Last year, 700 East Peckham Lane, Apartment 75.

Q And with whom did you reside?

A I was living with my wife, who was just in the courtroom, and her other daughter, Bianca.

Q Did there come a time when anybody else resided with you?

A Yes.

Q Who was that?

A It was Jacqueline and her boyfriend, which I can't remember his name.

Q Anyone else?

A No.

Q Okay. Did anyone reside, to your knowledge, with Jacqueline at the time?

A It was her boyfriend.

Q Anyone else?

A I don't remember, no.

THE COURT: Was there a baby?

THE WITNESS: The baby -- the baby was there, but the baby did not live there. It was shortly after Jacqueline came, I think the same day or the day after, the baby was taken away.

BY MR. ELKINS:

Q Okay. So when did Ms. Guerrero come to live with you?

A The exact time frame, sir, I do not know.

Q Do you know the date, approximately?

A No, I do not.

MR. ELKINS: I have no further questions, Judge.

MS. ELCANO: I have no questions, Your Honor. Thank you.

THE COURT: You're excused Mr. Stalker. Thank you.

Do we want to take a short break for this afternoon and then finish her up? So let's break for about -- until 3:15.

MS. ELCANO: Your Honor, am I back on?

THE COURT: Yes.

MR. ELKINS: We don't have any other witnesses today.

THE COURT: This is your last witness.

MS. ELCANO: Yes, Your Honor.

And Ms. Seronio is testifying. Ms. Lopez has already testified. May Ms. Lopez remain?

THE COURT: Mr. Elkins, you were the one who was complaining about it.

MS. ELCANO: I think the concern was collaboration --

THE COURT: She's been a witness. I don't

think there's any problem.

MR. ELKINS: No, I don't have any problem with that.

THE COURT: She probably doesn't want to, but --

MR. ELKINS: So as I understand, then, Ms. Seronio will testify this afternoon. We have witnesses from the Children's Cabinet we've subpoenaed, and I actually thought that they would be on tomorrow afternoon based upon our earlier conversation, so I think we can reach out to them and have them tomorrow morning.

THE COURT: What you're saying, if we get done this afternoon, then we'll break, and you can start calling the witnesses tomorrow, so you've got all evening long to call whoever you need to and schedule them, I guess.

MR. ELKINS: There's only -- we only have two remaining witnesses, Judge, I think, from the Children's Cabinet.

THE COURT: We're not going to need another day on this.

MR. ELKINS: I suppose it depends how far we get today and how much time we have tomorrow. As I've said before, you know, the district attorney's case has

taken -- this is Thursday -- three and a half days. I would like my client to be able to testify at length without feeling time pressure.

THE COURT: I'm not going to put any time pressure on her in terms of time, but if you get done with your other witnesses tomorrow, we can start with her with the understanding that we'll take our time, and if we don't finish, then -- I'm not going to keep her on the stand until 8 o'clock to be done.

MR. ELKINS: All right. Thank you.

THE COURT: And did we ever get another day.

THE CLERK: We didn't. They asked to wait until tomorrow to determine what we need.

THE COURT: We'll take a 15-minute break until 3:20. We'll come back, go as far as we can with Ms. Seronio, and if you don't finish today, we'll put her on in the morning, and then you've got your witnesses. I don't know how long she's going to take, so you'll have most of tomorrow, and if we need more time after that, we'll ask for it. Okay?

MR. ELKINS: Fair enough.

THE COURT: Court's in recess.

(A recess was taken.)

THE COURT: This is Case No. FV14-03897 in

the matter of the parental rights as to the Taylor children as set out in the petition. The parties are present with their counsel.

Ms. Elcano.

MS. ELCANO: Yes, Your Honor, I would call Malia Seronio, please.

MALIA SERONIO,

having been first duly sworn by the court clerk, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. ELCANO:

Q Good afternoon. Would you state your name and spell your name for the Court.

A My name is Malia, M-a-l-i-a, Seronio, S-e-r-o-n-i-o.

Q Can you please identify your present employer?

A It is Washoe County Department of Social Services.

Q And in what capacity are you presently employed by Washoe County Department of Social Services?

A I'm a permanency worker.

Q And how long have you been employed at Washoe County Department of Social Services?

A One year and one month.

Q And where were you employed prior to Washoe County Department of Social Services?

A University of Nevada, Reno Police Services.

Q What were your job responsibilities while employed there?

A I was an administrative assistant, and I was responsible for assisting keeping the records.

Q What specialty training have you completed while employed with Washoe County Department of Social Services?

A I completed CORE or Nevada Child Welfare Academy, and that was approximately five weeks long. I also participated in training in the SAFE-Family Connections model.

Q Also known as SAFE-FC?

A Yes.

Q Thank you.

And could you please describe your educational background for the Court?

A I have a bachelor's degree in social work from the University of Nevada, Reno.

Q Are you a licensed social worker?

A I am.

Q Could you please identify and describe your duties and responsibilities as a permanency worker?

A I am tasked with providing services to families to assist them with reunification.

Q Are you familiar with Ethan Hunt-Taylor?

A I am.

Q And in what capacity?

A I am the social worker.

Q Assigned to his case?

A Yes.

Q And does Ethan have any siblings?

A He does.

Q Who are those siblings?

A Roberto Hunt-Taylor, Nathan Hunt-Taylor, and Kayleigh Guerrero-Taylor.

Q And are you the assigned social worker for Ethan's siblings?

A I am not.

Q And who is?

A Ms. Rocio Lopez.

Q Thank you.

Who is Ethan's mother?

A Jacqueline Guerrero.

Q And is she present in the courtroom today?

A She is.

Q And can you please identify her?

A She is seated next to opposing counsel.

Q Who is Ethan's father?

A Robert Hunt-Taylor.

Q And how is paternity established as to Mr. Hunt-Taylor?

A We have an affidavit of paternity.

Q That he signed?

A Yes.

Q And when were you the assigned social worker to Ethan's case?

A October 2014.

Q Did you have any previous involvement with this family?

A I did. I worked with them as an intern under Rocio Lopez.

Q And approximately when were you the intern, what time period?

A I believe I started with Ms. Lopez in August of 2013.

Q And as an intern -- can you just describe, as

an intern, what you're doing?

A My duties as an intern were basically to shadow Ms. Lopez and to complete tasks as she assigned them. I also did some individual meetings with clients, I assisted with transportation, things like that.

Q Were you specifically assigned to a particular case as an intern or to a particular worker?

A I was specifically assigned to a worker, though Ms. Lopez did have me working on specific cases.

Q Thank you.

Is Ethan's case a SAFE-FC case?

A It is.

Q And was it assigned to SAFE-FC because his siblings already had a SAFE-FC case?

A Yes.

Q Where was Ethan placed at the time this case was assigned to you?

A With Ms. Sandra Matute.

Q And where is Ethan placed today?

A With Ms. Sierra Matute.

Q Has that placement ever changed throughout the life of this case?

A No.

Q Is Ethan presently placed with his siblings?

A He is.

Q What did you do first after this case was assigned to you?

A I reviewed the Nevada Initial Assessment as well as the most recent case notes.

Q And did you staff this case with anyone upon it being assigned to you?

A Yes. I staffed with my supervisor, the assessment supervisor, Melanie Elam, as well as the assessment worker, Denise Tyre. I also staffed briefly with Ms. Rocio Lopez.

Q And after reviewing the documents you indicated you reviewed and staffing this case, what were the outstanding safety concerns which prevented Ethan from being placed safely with Ms. Guerrero?

A There were concerns about the condition of the home as well as the family's ability to provide basic needs. Mr. Hunt-Taylor had also recently been arrested for domestic violence.

Q What was the permanency plan for Ethan when this case was transferred to you?

A Reunification.

Q And did that change while you were the assigned worker?

A It did.

Q And what did it -- what plan initially did Washoe County Department of Social Services seek to change the plan to?

A Termination of parental rights.

Q And was the plan changed to termination of parental rights?

A It was not.

Q What was the plan changed to?

A A concurrent plan of reunification as well as termination of parental rights followed by adoption.

Q And can you please explain to the Court what a concurrent plan is?

A A concurrent plan indicates that I would continue working reasonable efforts with Ms. Guerrero, but I would also begin working towards termination of parental rights and steps required to do that.

Q And was this concurrent plan an agreed-upon plan by all of the parties involved in this particular case?

A It was. There was a stipulation.

MS. ELCANO: Your Honor, I would like to turn the Court's attention to Exhibit B. And I apologize, these are not each individually Bates-stamped, but it's

toward the end, and the document is entitled "Stipulation/Order Adopting a Concurrent Permanency Plan."

THE COURT: About where in the packet is it?

MS. ELCANO: I would say it's three-quarters of the way -- actually, I think it's the very last document in Exhibit B.

MR. ELKINS: It's dated January 28th, Judge.

MS. ELCANO: I apologize. Thank you.

THE COURT: Dated January 28th. When was it filed?

MS. ELCANO: It was filed --

MR. ELKINS: January 30th, Judge.

MS. ELCANO: No. I think it was --

MR. ELKINS: Top right-hand corner, it says "January 30, '15."

MS. ELCANO: That's right. I'm sorry. I looked at the wrong -- it's May 21, 2015.

MR. ELKINS: I'm sorry, Judge. That's the order. The stipulation follows, and it's dated May 21st, that's correct.

THE COURT: Okay.

MS. ELCANO: It's the very last document in B.

MR. ELKINS: That's correct.

THE COURT: Okay. I got it.

BY MS. ELCANO:

Q Okay. And as part of this agreement, isn't it correct that Washoe County Department of Social Services agreed to provide additional services for reunification to Ms. Guerrero?

A That's correct.

Q And do you recall what those services were?

A They were -- we were to continue assisting her with housing, employment, as well as mental health services, including medication.

Q And if you could please turn to Exhibit B in your book as well and to the very last document and review page 2 of that document, and let me know if there's anything additional you'd like to add.

A We were to continue providing visitation as well as transportation and material assistance for Ms. Guerrero and assistance in working with welfare to reinstate Ms. Guerrero's benefits after her sit-out period ends, as well as referral to dialectical behavioral therapy.

Q Thank you.

And it was also acknowledged and agreed that

Washoe County Department of Social Services could move forward with adding Ethan to the termination petition; is that correct?

A That's correct.

Q Thank you.

Was there a case plan and service agreement in effect for Ms. Guerrero as to Ethan when you were assigned to this case?

A There was not.

Q And did you develop one?

A I did.

Q And when, approximately?

A It would have been, I believe, in October of 2014.

Q Okay. And what goals or objectives were identified in Ms. Guerrero's case plan and service agreement?

A Ms. Guerrero was identified a behavioral, cognitive, and emotional goal. Her behavioral goals revolved around her ability to have a routine: Get up every day, attend appointments and work on time, things of that nature.

Her cognitive goal involved her ability to plan ahead and make decisions independently regarding her

children's care and safety, including a plan to maintain a clean home and support.

She also had an emotional goal which revolved around ensuring that her emotional state did not debilitate her or keep her from taking action in regards to her children.

Q Was basic needs a part of this?

A Yes.

Q And where did that fall under the behavioral, cognitive, and emotional?

A It fell both under the behavioral and the cognitive role goal.

Q And why was that identified as a need or -- pardon me -- a goal or objective for Ms. Guerrero?

A At the time of the case and throughout the case history, Ms. Guerrero had not demonstrated an ability to consistently provide for her child's basic needs.

Q And what do basic needs include? What do you mean by "basic needs"?

A Food, clothing, shelter, things of that nature.

Q So I kind of wanted to walk through this case with you.

You said you got assigned in October of 2014. When did you first speak with Ms. Guerrero?

A We spoke over the phone, but I did not meet with her in person until October 17th of 2014.

Q And why didn't you meet with her sooner?

A She did not return my phone calls, and we had established a meeting, but she did not attend.

Q Approximately how many meetings did you set?

A Approximately one or two.

Q And when you first met with Ms. Guerrero, what was discussed?

A We discussed the reason for Ethan's removal. She was very -- she was insistent that she did not understand why he was removed, so we walked through the impending danger threats that were identified, and the reasons for his removal as I understood them.

Q And you indicated that you -- I'm sorry. I forgot to write it down.

When did you draft this case plan and service agreement?

A I believe in October of 2014.

Q Okay. When did you first meet with Ms. Guerrero regarding the case plan and service agreement?

A I believe that was in November of 2014.

Q Was Ms. Guerrero present for that meeting?

A She was.

Q Was her attorney present?

A He was.

Q Did Ms. Guerrero participate in the creation of the case plan and service agreement goals and objectives?

A She did not.

Q What tasks were addressed with Ms. Guerrero to address the issue of housing for her and her children?

A We had asked that she use the housing voucher that she had at that time. We also asked her to access other community resources in order to obtain housing in that period.

Q Was this a Section 8 voucher?

A I believe so, yes.

Q Okay. And what services were offered to Ms. Guerrero to help her address this issue?

A She was referred to multiple shelters, including Case De Vida. I provided her a letter in May of this year, 2015, to assist her to get into the Committee to Aid Abused Women shelter. We had -- I also ordered her birth certificate for her so she could

complete her housing authority application after her original voucher expired. I provided transportation for her to Reno Housing Authority as well as the children's original birth certificates so that her Housing Authority application could be completed.

Q And when you say "provided transportation," what do you mean by that?

A Ms. Guerrero met me at my office, and I drove her to the Reno Housing Authority location.

Q And did you wait while she completed her application or did what she needed to do?

A Yes.

Q And then what happened after that?

A I believe I drove her -- I can't remember where I drove her after that.

Q And did you assist Ms. Guerrero while completing the application?

A She asked me a couple questions, but it wasn't anything of a serious nature.

Q Did Ms. Guerrero effectively complete any of the tasks assigned to her?

A She did not.

Q Did she participate in the services that you offered to her?

A When they were directly applied to her, yes.

Q To your knowledge where does Ms. Guerrero currently live?

A She has indicated to me that she's currently residing in the Prayer House.

Q Is that a shelter?

A Yes.

Q Throughout this case, since you were assigned in October, while you were the assigned caseworker or social worker -- pardon me -- was Ms. Guerrero able to obtain stable housing?

A She was not.

Q And where did she live at the time you were assigned to the case in October?

A She would not report to me her residence at that time. She did not report her residence to me until December of 2014.

Q And where did she live in December of 2014?

A I believe the address was 536 either Grand Canyon Street or Boulevard.

Q And where did Ms. Guerrero live subsequent to that?

A She did reside in various motels, although she was not always able to report to me which motel. She

did reside at the Committee to Aid Abused Women shelter for about a month. She was not able to extend that time because she wasn't employed.

Q What month or what time period, approximately, was she residing -- was Ms. Guerrero residing at CAAW?

A I believe she resided there from May into July.

Q Of what year?

A This year, 2015.

Q And then do you know approximately when Ms. Guerrero was no longer living at the Grand Canyon address? I think that's what you identified as the street.

A Yes. I believe it was sometime either late January or early February.

Q Of what year?

A 2015.

Q And then it's your understanding from February -- January or February to May, Ms. Guerrero was residing at hotels?

A To my knowledge, yes.

Q Okay. And do you know, when Ms. Guerrero was no longer at CAAW in July of 2015, where she moved next?

A I'm not aware.

Q Okay. And did you ask Ms. Guerrero?

A I did. She was not able to provide me with an address.

Q Okay. And when did you learn that Ms. Guerrero was at the Prayer House --

Am I saying that right?

A Yes, that's correct.

Q -- shelter?

A She actually only informed me this as of last week, August 25th.

Q So from July 2015 to late August of 2015, were you aware of Ms. Guerrero having any other residences?

A No.

Q Thank you.

I believe you indicated that cleanliness at the house was an issue when Ethan came into care. What services were offered to Ms. Guerrero to address that?

A She was offered through Children's Cabinet services for --

MR. ELKINS: Objection, Judge, unless it's within the witness's personal knowledge or something she did.

THE WITNESS: It was in her case plan and service agreement.

MR. ELKINS: Objection, Judge.

BY MS. ELCANO:

Q What services were identified in Ms. Guerrero's case plan and service agreement to address the cleanliness of the house?

A Time management through Children's Cabinet.

Q And what services specifically did you request that Children's Cabinet offer to Ms. Guerrero to address this issue?

A I asked them to sit down with her and establish a routine for her, which would have included time to maintain her house. She had also indicated to me, at one point when I visited the home, that her vacuum cleaner was broken, so I asked that they provide her with assistance in repairing her vacuum.

Q And who is "she"?

A Ms. Guerrero.

Q Thank you.

Did you offer any additional services to Ms. Guerrero to address the cleanliness and safety of the home?

A No, I did not.

Q Did Ms. Guerrero participate in these services based on your knowledge in speaking with Ms. Guerrero or with you?

A Ms. Guerrero was not consistent with Children's Cabinet, to my knowledge.

MR. ELKINS: Judge, objection, unless the witness is testifying from personal knowledge.

MS. ELCANO: I'm sorry. I thought the way I phrased the question was sufficient. Based upon her conversations with Ms. Guerrero, did she effectively engage in those services.

THE WITNESS: Ms. Guerrero frequently reported to me that she had missed appointments with Children's Cabinet, but she did obtain to my knowledge, based on her report, the vacuum belt to repair her vacuum cleaner.

BY MS. ELCANO:

Q What tasks were identified for Ms. Guerrero to address her lack of income in regards to employment or possibly receipt of governmental benefits?

A She was asked to obtain some sort of stable income.

Q And what services were offered by Social Services to Ms. Guerrero to address this?

A I personally offered her -- I provided her with copies of job opportunities. I also -- I'm sorry. I'm blanking.

Q You're fine.

A She was also offered this through Children's Cabinet as part of her --

Q Again, if you can just tell me what services you personally offered for now, and then we'll move forward from there.

A She was -- we discussed her seeking benefits through Social Security Income, and that's all I can recall at this time.

Q Okay. And did you request that Children's Cabinet offer Ms. Guerrero additional services related to the obtaining of a job?

A Yes.

Q And what services did you request Children's Cabinet offer her?

A Similar services for helping her seek employment as well as establishing a budget at such time she had employment.

Q And based on your conversations with Ms. Guerrero and your interactions with Ms. Guerrero, did she follow through with these services?

A She followed through when they were directly applied to her. However, she did not obtain a source of stable income.

Q And when you say "directly applied to her," you've used that a couple times. Can you clarify to me what you mean by that term?

A I mean when someone was in the room with her providing the services directly to her.

Q I see. And if she was asked to do it of her own volition, did she follow through with those services?

MR. ELKINS: Judge, I'm sorry to interrupt you, but this is just a vague question. It's so overbroad it doesn't relate to particular events. That's my objection. She's asking essentially apparently for a summary of a great deal of information.

THE COURT: Maybe be a little more specific.

BY MS. ELCANO:

Q So what services particularly did Ms. Guerrero follow through with or engage in?

A Ms. Guerrero did report to me attempting at several different locations, trying to seek employment. She did report to me attempting to seek employment through several temp agencies. She did report to me applying to many jobs.

Q Did you ever receive any verification from Ms. Guerrero that she actually applied to these jobs?

A Not the application, no.

Q Did Ms. Guerrero ever ask you for assistance with the job applications?

A She did not.

Q Is Ms. Guerrero presently employed to your knowledge?

A Not to my knowledge.

Q And based on your conversations with Ms. Guerrero or any pay stubs she supplied to you, was Ms. Guerrero employed from October until now, at the time you've been assigned to this case as a caseworker?

A She was employed at Motel 6 through a period from sometime in October through November. She did report to me that she was employed at the La Quinta Inn. However, I believe that this was for a very brief period of time, perhaps no more than a week or two.

Q Did Ms. Guerrero provide paycheck stubs for Motel 6?

A She did.

Q And did she provide paycheck stubs for La Quinta?

A She did not.

Q Did Ms. Guerrero indicate why she left the Motel 6 job to you?

A She had indicated that her anxiety was getting the best of her. She had indicated multiple reasons. Her register came up short at one point, and she also indicated that Alberto was coming to Motel 6 and essentially stalking her there.

Q Alberto who?

A Alberto Vazquez.

Q And when were these services provided to Ms. Guerrero, while you were the assigned social worker, that you personally provided?

A Throughout the life of the case.

Q Okay. And did Ms. Guerrero -- pardon me.

Why did you recommend that Ms. Guerrero look at SSI income?

MR. ELKINS: Objection. I don't believe that that was the testimony.

MS. ELCANO: She asked that Ms. Guerrero look at applying for SSI.

MR. ELKINS: Objection. We can have it read back, Judge. I don't think that's what the testimony is.

THE COURT: That's what I got, that she recommended she go apply for -- look into SSI.

MR. ELKINS: Discussed her receiving SSI. That's what I heard, discussed her receiving. Objection to the form of the question.

BY MS. ELCANO:

Q So you discussed Ms. Guerrero receiving SSI. What specifically was your discussion?

A That she may qualify based on the fact that she potentially had an anxiety disorder.

Q And what did you request that Ms. Guerrero do given that information?

A That she go to Social Security Income and seek services.

Q And did you provide the location of the SSI office to her?

A I don't believe I did.

Q Did Ms. Guerrero, to your knowledge, ever go and seek SSI income based on what she indicated to you?

A She had indicated to me that she had an appointment with them, I believe, in November, and then again she had indicated that she had appointments with them, I believe, sometime in January or February.

Q To your knowledge, based on conversations with Ms. Guerrero, did she ever obtain SSI income?

A Based on my conversations with her, no.

Q And did Ms. Guerrero demonstrate an ability to maintain stable employment throughout this case?

A She did not.

Q To your knowledge based on your conversations with Ms. Guerrero, did she receive TANF during the time you were assigned to this case?

A She did not.

Q And why was that based on what Ms. Guerrero informed you?

A She was on sit-out.

Q What tasks were identified by Ms. Guerrero to address her ability to pay her bills timely and consistently?

A That would have been part of her budget.

Q Let's talk a little bit about her budget.

What services did you personally offer to Ms. Guerrero to address timely paying bills and budgeting?

A Unfortunately, at the time that I had this case, Ms. Guerrero had no income with which to pay her bills.

Q Did you offer her any services then?

A Not that I can think of.

Q Okay. That's fine.

I'd like to turn next to Cognitive Goals, and I believe you identified that those were associated with planning ahead, decision-making, cleaning the home.

Why was this cognitive goal identified for Ms. Guerrero?

A We had concerns about her ability to plan ahead and make decisions independently as that had been a struggle throughout the life of the case.

Q What tasks were identified for Ms. Guerrero to complete to address this?

A We asked her to complete initially a psychological evaluation to determine her strengths and weaknesses in this area.

Q When did you ask for Ms. Guerrero to do that?

A It was part of her case plan, but we also established an appointment for her in December of 2014.

Q Why was it determined that a psychological evaluation or why did you recommend a psychological evaluation?

A Other evaluations had been completed in the past and did not appear to have uncovered the root of the matter, so we asked that this evaluation be completed to see if there were further services required.

Q So you testified you created the case plan

and service agreement in November 2014, and why did it take until December of 2014 to make that appointment?

A So I began making calls to establish in appointment in November of 2014. Unfortunately, the first available was in December 2014.

Q And who was that with?

A Dr. Rogina.

Q Based on the psychological evaluation, did you ask Ms. Guerrero to complete any other evaluations?

A Based on this evaluation, I did not.

Q Was Ms. Guerrero asked to complete any other evaluations?

A She was asked to complete a neuropsychological evaluation with Dr. Aberasturi.

Q And when?

A We were able to get appointments for her beginning in January of 2015.

Q Again, it seems like there's a month gap. Why that length of time?

A I had referred her -- unfortunately, with psychological evaluation service providers, there is often a wait to get clients in to see them, but we did not receive the psychological evaluation until January.

THE COURT: When you say you didn't receive

it, you mean the appointment?

THE WITNESS: I mean I didn't receive the report until January.

THE COURT: From Dr. Aberasturi?

THE WITNESS: Dr. Rogina.

BY MS. ELCANO:

Q Given Dr. Aberasturi's recommendations, what services did you offer to Ms. Guerrero personally?

A We referred her for dialectical behavioral therapy. We also referred her to individual therapy until such time as a dialectical behavioral therapist was available.

We also ensured that we were writing things down for Ms. Guerrero. That was part of the recommendation.

We also -- I also transported her to Northern Nevada Adult Mental Health Services in an attempt to receive services through their agency. At this time we were referred out and an appointment was made with Alliance Family Services in order to receive medication management services.

Q When did you refer Ms. Guerrero to DBT therapy, approximately?

A I provided my first referral as of March 4,

2015, I believe.

Q And who was that referral to?

A Amanda Buttacavoli.

Q And why was Ms. Guerrero referred to Ms. Buttacavoli?

A Because Ms. Buttacavoli is certified to implement dialectical behavioral therapy.

Q And who did you refer Ms. Guerrero to for individual counseling?

A Dori Orlich.

Q You indicated you transported Ms. Guerrero to NNAMHS. What do you mean by "transported"?

A I drove to her home, I picked her up that morning, and we drove to Northern Nevada Adult Mental Health Services, and then I took her home.

Q And when did you do that?

A April 3, 2014, I believe.

Q I'm sorry to backtrack. And that's 2015; correct?

A 2015, yes. Excuse me.

Q When did you refer Ms. Guerrero to Dori Orlich?

A January 2015.

Q You indicated you went to Northern Nevada

Adult Mental Health Services and were referred out.

What do you mean by that?

A They were not willing to provide services to Ms. Guerrero at that time because she was on Amerigroup Medicaid, and they were primarily focusing on Health Plan of Nevada Medicaid patients at this time due to limited resources in the community for that service.

Q And why did you take Ms. Guerrero to Northern Nevada Adult Mental Health Services?

A I wanted to ensure that she made it there and was seen.

Q Seen for what?

A Seen for mental health services.

Q Okay. And who were you referred to given that NNAMHS couldn't complete an evaluation?

A Alliance Family Services.

Q And when were you referred -- was an appointment made?

A That same day we made an appointment in our office.

Q Do you recall when the appointment was for?

A I believe it was the following week.

Q What was the service that Alliance was going to provide for Ms. Guerrero?

A Medication management.

Q Was Ms. Guerrero referred to anyone else for medication management by you?

A We had provided her with a list of Amerigroup psychiatric service supervisors. She also informed me in April of this year that she was on the wait list for Northern Nevada Hopes, and she -- I also made some phone calls to -- attempted to make phone calls for her when it appeared that she was not successful in obtaining a psychiatric appointment.

Q What is Northern Nevada Hopes, to your knowledge?

A They provide both medical primary care services as well as therapeutic and psychiatric services.

Q Was Ms. Guerrero referred to any other providers for mental health services?

A Initially in the case, through conversation with her opposing counsel, we had referred her to Mohave Mental Health Services as we felt that would be a good location for her.

Q And do you know approximately when Ms. Guerrero was referred to Mohave Mental Health Services?

A I believe that was in November of 2014.

Q And based on your conversations with Ms. Guerrero, did she take advantage of services at Mohave Mental Health?

A Through November she indicated to me she was trying to get ahold of them. Then in December she indicated that they would not see her.

Q And do you know why Mohave would not see her?

A They indicated that they would not process our voucher and they wouldn't take her insurance.

Q Okay. Had you made any attempt for look at insurance and who might take it in these particular cases?

A Yes.

Q And what specific attempts were made with Mohave?

A I called them on November 13th and specifically asked if they would take her insurance.

Q Was it your understanding they would?

A Yes.

Q Based on your conversations with Ms. Guerrero, did she take advantage of services offered at Northern Nevada Hopes?

A She indicated she was on the wait list, but I believe in May of 2015 she indicated she had not followed

up.

Q Based on your conversations with Ms. Guerrero, did Ms. Guerrero follow through with services at Alliance?

A She did.

Q And based on your conversation with Ms. Guerrero, did she engage in services with Dori Orlich?

A Sporadically.

Q And based on your conversations with Ms. Guerrero, did she engage in treatment with Amanda Buttacavoli?

A Based on my conversations with her, yes, sporadically.

Q Were there any other services offered by you to Ms. Guerrero to address this planning/following through cognitive goal?

A We would often, in our discussions, talk about planning and what she was going to do in planning ahead and following through in order to be able to provide for her children's care.

Q And when, approximately, did you have those discussions throughout the case?

A Throughout the life of the case.

Q You also talked about emotional stability being identified as a goal. We went through a lot of information.

Are there any other services provided or -- let me back up.

The services that you talked about with the psychological eval and therapy services, how do those fall in line with the emotional stability goal?

A Because through my observations and through her evaluation, it appears that her emotional stability impacts her ability to execute things cognitively.

Q And were any additional services that we haven't already spoken about offered to Ms. Guerrero to address the emotional stability and mental health aspect?

A We had discussed her receiving psychosocial rehabilitation services. However, she would have had to, to my knowledge, participate in therapeutic services consistently for 30 days in order to receive those services.

Q And had she done so?

A Not to my knowledge.

Q Was Ms. Guerrero ever pregnant during the life of this case?

A Yes.

Q And can you tell the Court --

MR. ELKINS: Judge, I'm sorry. The life of this case? I don't know what that means.

MS. ELCANO: I'm sorry. When she was the case social worker.

THE WITNESS: Yes.

BY MS. ELCANO:

Q Okay. And can you please inform the Court, while you were the social worker, when Ms. Guerrero was pregnant?

A Ms. Guerrero first reported to me she was pregnant in December of 2014 and indicated to me that she had had a miscarriage in February of 2015.

Q I'm sorry. You said in February?

A February, that's correct.

Q And to your knowledge has Ms. Guerrero been pregnant at any other time during the time you have been the assigned social worker?

A She has not personally reported this to me, no.

Q Have you asked her?

A Yes.

Q And when did you ask Ms. Guerrero when she was -- if she was pregnant?

A I believe I've asked her at intervals since June of 2015.

Q And why were you asking Ms. Guerrero this?

A Because collaterals had reported it to me.

Q Throughout the time you were the assigned social worker to this case, did Ms. Guerrero effectively address her emotional stability?

A No.

Q Did Ms. Guerrero effectively address the cognitive goal?

A No.

Q Based on your conversations with Ms. Guerrero while you have been the assigned social worker to this case, who has Ms. Guerrero been in a romantic relationship with?

A Both Mr. Hunt-Taylor and Mr. Vazquez.

Q And what concerns, if any, did you have regarding those relationships?

A At the time I received the case, Mr. Hunt-Taylor was --

MR. ELKINS: Objection. I don't know what "at the time I received the case" means.

THE COURT: That's October of 2014; right?

THE WITNESS: Correct.

MR. ELKINS: Thank you, Judge.

THE WITNESS: In October of 2014 Mr. Hunt-Taylor was incarcerated on a domestic violence charge against Ms. Guerrero. Also, Mr. Vazquez, by her report, was arrested for battery against Mr. Hunt-Taylor in December of 2014. Also, by her report, he was arrested again in May of 2015 for battery against a person he met on the street.

It was also discussed that Mr. Vazquez was repeatedly transferred to California after he was arrested here in Nevada.

BY MS. ELCANO:

Q What services were offered to Ms. Guerrero to address her relationship with Mr. Hunt-Taylor and the reported domestic violence?

A These issues would have been addressed through therapy. She was also referred to the Committee to Aid Abused Women.

Q And I believe Exhibit V, as in Victor, was entered into evidence; is that correct?

THE CLERK: Correct.

BY MS. ELCANO:

Q Could you please turn to Exhibit V, as in Victor, and can you please identify that document for the

Court?

A This is a case plan/service agreement.

Q And it is for whom?

A For Ms. Guerrero.

Q And when was it drafted?

A It looks like on October 24, 2014.

Q And can you please turn to Exhibit W?

I believe W, X, and Y were all admitted, which I will be referring to.

THE CLERK: Correct.

BY MS. ELCANO:

Q Thank you.

And can you please identify that exhibit?

A This is also a case plan and service agreement.

Q And what changed from the -- pardon me. When was W drafted?

A It looks like January 23rd of 2014.

Q What changed from Exhibit V, the case plan in October, to Exhibit W, the case plan in January?

A Can I look at them both?

Q Of course.

A I believe it was at this time that I added her neuropsychological examination. I also added that --

I also added the referral to NNAMHS for group therapy. I also added that Ms. Guerrero would obtain housing resources at this time if the voucher hadn't expired, and I believe that is everything.

Q And if you could turn to Exhibit X, and please identify that document for the Court.

A This is also a case plan and service agreement.

Q And when is it dated?

A April 21, 2015.

Q And what are the differences between Exhibits W and X?

A I believe I updated the group therapy service, and it looks like I added community resources for medication management and PSR.

Q What's PSR?

A Psychosocial rehabilitation.

Q Thank you.

And could you please turn to Exhibit Y and identify that document?

A This is a case plan and service agreement.

Q And what additional services or tasks were offered or changes made from X to Y?

A None at this time.

Q Okay. And is Y the last case plan and service agreement that was drafted for Ms. Guerrero?

A Yes.

Q And did Ms. Guerrero sign Exhibit V, as in Victor?

A She did, I believe. Yes, she did.

Q And did Ms. Guerrero sign Exhibit X, as in X-ray?

A She did.

Q Thank you.

Today has Ms. Guerrero effectively accomplished any of the goals or objectives identified in her case plan and service agreement?

A No.

Q And why not?

A She continues to be homeless, she continues to be unemployed, she continues to not regularly engage in services as she is referred and generally has not made any changes in her life.

Q And when you say "services referred," which services specifically?

A Mental health services.

Q Thank you.

And what behavioral changes has Ms. Guerrero

made since you have been the assigned social worker to this case to today?

A None.

Q Can you please describe Ms. Guerrero's contact with Ethan while you have been the assigned social worker on Ethan's case?

A She's had regularly scheduled contact with Ethan.

Q And approximately how many times a week does she visit with Ethan?

A Twice.

Q And does she consistently visit?

A She does.

Q And where do those visits occur?

A At the Washoe County Department of Social Services office.

Q And are they supervised?

A They are not.

Q And why are they on Social Services grounds?

A Ms. Guerrero had expressed to me concerns that Alberto Vazquez was potentially stalking her during visits. The agency also had concerns that Ms. Guerrero was not keeping Mr. Vazquez out of the visits.

Q Have you supervised Ms. Guerrero's visits at

all?

A I have not.

Q Do you check in on Ms. Guerrero while she's visiting?

A Occasionally, yes.

Q And have you had any concerns when you pop in on the visits?

A No.

Q Has Ms. Guerrero, to your knowledge, sent cards, gifts or letters to Ethan while you have been the assigned caseworker?

A No.

Q Has Ms. Guerrero, to your knowledge, paid any support on behalf of Ethan while you have been the assigned social worker?

A Not to my knowledge.

Q How often does Ms. Guerrero contact you while you have been the assigned social worker?

A She goes through periods of contacting me regularly and then being out of contact with me.

Q And in what manner or through what medium does Ms. Guerrero contact you?

A Both -- well, in person, over the phone, and occasionally through e-mail.

Q What typically is her contact about?

A We discuss her level of engagement in services. We also -- well, through my contact with her, I also try to elicit what she feels needs to change in her life in order for her to be able to care for her children.

Q Given this is a SAFE-FC case, how often did you initiate contact with Ms. Guerrero?

A We have scheduled contact for every week.

Q Every week?

A Yes.

Q And was that in person or --

A Yes, in-person contact every week.

Q And while you have been the assigned social worker, has Ms. Guerrero consistently attended those meetings?

A Not consistently, no.

Q How would you gauge her attendance?

A For example, at the initial -- at the beginning of the case, we met fairly consistently through October to November. We then didn't have contact through mid-November. We then didn't have contact again until mid-December. She did really good at contacting me throughout February. Then in March we did not have

regular contact for the majority of that month other than over the phone.

In more recent months, in July we had very sporadic contact. It was both because of her and I had to cancel at least one appointment with her, and in August our contact was somewhat sporadic.

Q What concerns, if any, did you have regarding your contact with Ms. Guerrero?

A That she seemed to have difficulties getting there, and although she verbalized that she knew it was important for us to meet, she was not regularly in attendance.

And on certain occasions she would vacillate back and forth between talking about that she understood she needed to change, she understood that things in her life needed to change, and at other times she would state that she didn't have any problems and that she just needed to be motivated.

Q Was Ms. Guerrero able to reunify with her children or with Ethan while you have been the assigned social worker to this case?

A No.

Q Is Ethan placed in an adoptive home?

A He is.

Q And that is with whom?

A Sandra Matute.

Q Okay. Can you please briefly describe Ethan to the Court?

MR. ELKINS: Judge, I'm going to object. This is cumulative.

MS. ELCANO: Your Honor, she is the assigned social worker and has a relationship.

THE COURT: The last three days have been cumulative, so go ahead.

THE WITNESS: Ethan is a very happy baby. He's always very smiley. In recent months he's become a lot more talkative in that he makes a lot more noise. He's very easygoing. I don't ever see him fuss a lot unless he's seeking attention.

BY MS. ELCANO:

Q Do you believe that Ethan is adoptable?

A Yes.

Q Based on your observations, can you please describe Ethan's relationship with Ms. Matute?

A Ethan is very clearly bonded to Ms. Matute. When -- whenever I do hear him fuss and she responds to him, he is immediately quieted, he smiles at her. All she has to do is talk to him and he smiles at her.

And when I am in the room, as I am generally not in his environment as frequently as Ms. Matute, he sticks very close to her and seeks her for safety and for comfort.

Q What does Ethan require from a caregiver to be in a safe and appropriate placement?

A He does need to have someone who can ensure that all of his medical needs are met, especially as he was diagnosed with febrile seizures earlier this year. He also needs to have someone who can address all of his developmental needs as well as his basic needs for food, clothing, shelter, and stability.

THE COURT: You said febrile.

THE WITNESS: Febrile, yes.

THE COURT: How do you spell that.

THE WITNESS: F-e-b-r-i-l-e.

MR. ELKINS: Febrile.

THE COURT: What?

MR. ELKINS: Febrile seizures.

BY MS. ELCANO:

Q Has Ethan had any issues adjusting to his current placement that you're aware of?

A Not that I'm aware of.

Q And can Ms. Matute currently provide all of

the needs that you identified?

A She can.

Q And has she been doing so?

A Yes.

Q And for approximately how long?

A Since September of 2014.

Q Do you believe that Ms. Guerrero has failed to adjust her behavior to enable the safe return of Ethan to her care?

A Yes, sir.

Q And what is the basis for that?

MR. ELKINS: Judge, I'm going to object. This is cumulative.

THE COURT: We've been over this.

MS. ELCANO: Your Honor, I just have three more questions.

THE COURT: Go ahead.

MS. ELCANO: I think parental adjustment is an issue here.

THE COURT: Go ahead.

THE WITNESS: This is based on the fact that Ms. Guerrero's behavior has maintained, to my knowledge, for the majority of the last two years, and throughout my involvement with her since September of last year, her

behavior has not changed at all.

BY MS. ELCANO:

Q What services, if any, could be provided to Ms. Guerrero at this juncture to bring about parental adjustment?

A None that I am aware of.

Q Do you believe that there is a risk of injury or emotional detriment to Ethan if he were removed from his siblings?

A I do.

Q And what is that?

A Ms. Guerrero is currently in an unstable environment, and, further, he is very bonded to his current caregiver.

Q In regards to his siblings, though, specifically?

A Being separated from his siblings would be very detrimental to him as he is bonded to them and he has been residing with them for the majority of the last year.

Q Do you believe that it's in Ethan's best interest that Ms. Guerrero's parental rights are terminated?

A I do.

Q And why?

A Because Ms. Guerrero has failed to make any significant changes in her life in the past year that I have had the case.

MS. ELCANO: I have no further questions. Thank you.

THE COURT: You should be able to be done by 4:30.

MR. ELKINS: Ten minutes? I actually don't think so, Judge, but I'll see what I can do.

CROSS-EXAMINATION

BY MR. ELKINS:

Q Ms. Seronio, you have been a caseworker for a year; is that correct?

A That's correct.

Q And, in fact, this was your first case, wasn't it?

A It was not.

Q Well, this is one of your first cases because you were assigned the case when you were an intern for Ms. Lopez, were you not?

MS. ELCANO: Objection. She testified she was not assigned to the case while an intern.

MR. ELKINS: Judge, this is cross-examination.

MS. ELCANO: It's a mischaracterization of the testimony as it was provided.

MR. ELKINS: I'll withdraw it.

BY MR. ELKINS:

Q Ms. Seronio, when you were an intern, were you interning with Ms. Lopez?

A I was.

Q You were. And as an intern with Ms. Lopez, didn't you see Ms. Guerrero -- didn't you follow Ms. Lopez during her dealings with Ms. Guerrero?

A I would.

Q And didn't you actually enter case notes under your own name, entered by you as an intern for Ms. Lopez in connection with Ms. Guerrero?

A That's correct.

Q Okay. So during your internship you worked with Ms. Lopez in regard to Ms. Guerrero's case; correct?

A I did.

Q Okay. And then when Ms. Guerrero's child Ethan was born, you were assigned as the caseworker for Ethan; correct?

A I was.

Q Ms. Seronio, do you recall telling -- withdrawn.

Who is Amy Reynolds?

A She's my supervisor.

Q Do you meet with Ms. Reynolds from time to time to discuss your cases?

A Yes, we do.

Q And was she your supervisor in December of last year?

A She was.

Q And do you recall meeting with her on or about December 4th of last year and discussing Ms. Guerrero's anxiety?

A I don't recall the specific conversation.

Q Do you recall telling Ms. Reynolds that you were concerned that the anxiety appears to be a crutch for Ms. Guerrero and now an excuse about anything that goes wrong? Do you recall saying that?

A I do.

Q Ms. -- I'm sorry. Could you pronounce your name for me once.

A SUR-OWN-EE-OH.

Q SUR-OWN-EE-OH. Thank you very much. I don't mean to mispronounce your name.

Ms. Seronio, you received the report from Dr. Rogina, did you not?

A I did.

Q You received the report from Dr. Aberasturi, did you not?

A I did.

Q Both of those reports recommended that Ms. Guerrero be put on medication, did they not?

A They did.

Q In the stipulation that was referred to by Ms. Elcano, which has been marked in evidence as part of B, do you recall that it states a referral for Ms. Guerrero to appropriate psychiatric services to include medication evaluation as recommended by Dr. Aberasturi and Dr. Rogina? Do you recall that as being part of the stipulation?

A Yes.

Q So in order to obtain medication for Ms. Guerrero, what did you do?

A We provided her with a list of Amerigroup providers who would have provided psychiatric services. I also made phone calls to those providers in an attempt --

Q Let me ask you -- let me just interrupt you.

When you made phone calls to those providers, was there any availability?

A There was not.

Q What else?

A I'm sorry. Let me gather my thoughts.

Q I'm sorry.

A It's okay. We did make the appointment with Alliance Family Services --

Q Let me direct you again.

MS. ELCANO: Can he let her answer the question, Your Honor?

MR. ELKINS: I'm just trying to do this in order, Judge, so I don't have to ask repeated questions.

MS. ELCANO: I think you should ask a question and let her answer and ask questions based on that. It's obviously disturbing to her and --

THE COURT: Is this causing a problem in your answers, the way he interrupts you?

THE WITNESS: It kind of discombobulates me a little.

MS. ELCANO: I request she be able to answer the question.

THE COURT: Go ahead. Answer the question. You were referring to Alliance something or other.

THE WITNESS: Alliance Family Services, I took her to Northern Nevada Adult Mental Health Services, and I believe that's everything.

BY MR. ELKINS:

Q Alliance was the registered nurse who said she didn't need medication; correct?

A Correct.

Q Northern Nevada Mental Health Services, you went with her to the interview?

A I did.

Q And they told her they wouldn't take her because she didn't have either the right kind of insurance or no insurance; correct?

A That's correct.

Q So she didn't get services there. She didn't get services, medication services, at Alliance; right?

A That's correct.

Q You had mentioned Mohave.

Isn't it a fact, Ms. Seronio, that you contacted Mohave and they informed you they did not take her insurance?

A After she had reported to me that they would not take her, I called again to verify.

Q And they reported to you that they did not

take her insurance?

A That's correct.

Q So at no time did you successfully refer Ms. Guerrero to any psychiatrist that would prescribe medication; correct?

A Correct.

Q When Ms. Guerrero -- well, withdraw that.

Do you recall who recommended that Ms. Guerrero be evaluated for eligibility for Social Services?

A I don't recall. I believe Dr. Aberasturi -- it was a discussion during our conversation with Dr. Aberasturi, but I don't recall.

Q Okay. You said that you gave her the address of the Social Security Administration?

A I did not.

Q You did not.

So you just told her, "You should go apply for Social Security"; correct?

A It was a discussion we had, yes.

Q But you didn't take any other steps; correct?

A I did not.

Q You knew at the time that she had no income at all; correct?

A I did.

Q And touching on this, Ms. Seronio, one of your tasks was budgeting with Ms. Guerrero?

A That's correct.

Q Can you tell me how you budget nothing?

A It wasn't -- we never applied that service because she didn't have a budget.

Q You mentioned the possibility of a PSR worker.

A Yes.

Q What is that again?

A A psychosocial rehabilitation worker is a person who meets with the client on a regular basis and steps them through regular tasks, such as applying for jobs and so on and so forth.

Q Weren't you doing that? Weren't you -- didn't you ask the Children's Cabinet to assist her to apply for jobs?

A I was, but a PSR worker would have been able to spend substantially more time with her on that.

Q Wouldn't a PSR -- if you're going to have PSR services, don't you have to have a residence?

A I'm not aware of that qualification.

Q Where do you think they would meet?

A I'm aware some PSR services are administered in the community.

Q How are you aware of that?

A It's through my experience with other clients.

Q You have homeless clients that get PSR services; is that what you're saying?

MS. ELCANO: Objection. Asked and answered.

THE COURT: Well, he hasn't gotten an answer.

THE WITNESS: I do not have homeless clients who have PSR services.

BY MR. ELKINS:

Q Ms. Seronio, do you recall having a conversation with Ms. Guerrero -- after you went to NNAMHS and they said they wouldn't take her, do you recall telling her that in your opinion at that time the overarching problem is her anxiety, and you were concerned that if she wasn't able to address that, then moving ahead with a case plan would be very difficult?

A Yes.

THE COURT: She's going to be here tomorrow, so let's go ahead and break for the day.

MR. ELKINS: All right, Judge. Thank you very much.

THE COURT: So we'll be in recess until 8:30 tomorrow morning. You can all be at ease.

MR. ELKINS: I would ask the witness be instructed not to discuss her testimony, Judge.

THE COURT: Do not discuss your testimony with anybody.

MR. ELKINS: Thank you.

(Proceedings adjourned at 4:32 p.m.)

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, PEGGY B. HOOGS, Certified Court Reporter in and for the State of Nevada, do hereby certify:

That the foregoing proceedings were taken by me at the time and place therein set forth; that the proceedings were recorded stenographically by me and thereafter transcribed via computer under my supervision; that the foregoing is a full, true and correct transcription of the proceedings to the best of my knowledge, skill and ability.

I further certify that I am not a relative nor an employee of any attorney or any of the parties, nor am I financially or otherwise interested in this action.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing statements are true and correct.

Dated this 22nd day of September, 2015.

Peggy B. Hoogs

Peggy B. Hoogs, CCR #160, RDR

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22nd day of July 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Tyler Elcano, Deputy District Attorney
Washoe County District Attorney's Office

I further certify that I served a copy of this document by providing a copy to:

Jacqueline Guerrero.

John Reese Petty
Washoe County Public Defender's Office

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS AS TO: R.T., K.G-T., N.H-T., AND E.H-T.,
MINOR CHILDREN,

JACQUELINE GUERRERO,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF SOCIAL SERVICES,
Respondent.

No. 70210

Electronically Filed
Aug 01 2016 11:17 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appeal from an Order Terminating Parental Rights in FV14-03897
The Second Judicial District Court of the State of Nevada
Honorable William A. Maddox, Senior District Judge, Family Division

JOINT APPENDIX VOLUME FIVE

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SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE WILLIAM A. MADDOX, SENIOR DISTRICT JUDGE

--oOo--

TERM: R. TAYLOR, K. GUERRERO-TAYLOR, N. HUNT-TAYLOR, E. HUNT-TAYLOR,

Case No. FV14-03897

Dept. No. 2

TRANSCRIPT OF PROCEEDINGS

TRIAL

DAY 4

Thursday, September 3, 2015

Reported By: PEGGY B. HOOGS, CCR 160, RDR, CRR

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RENO, NEVADA; THURSDAY, SEPTEMBER 3, 2015; 8:34 A.M.

-oOo-

THE COURT: This is Case No. FV14-03897 in the matter of the parental rights as to the Taylor children as alleged in the petition. The parties are present with their counsel.

Ms. Elcano.

MS. ELCANO: Thank you, Your Honor. I'd like to call Dori Orlich.

So the court is aware, Your Honor, in regards to an interpreter, I'm still trying to resolve that issue, so the anticipation or hope was to finish yesterday with Ms. Matute, but given we were discussing settlement, that got --

THE COURT: Is that still ongoing?

MR. ELKINS: I don't think so, Judge.

THE COURT: Have her come in. Actually, on these breaks and stuff, if you want to bring the witnesses in, bring them in, and then we can just call them up.

/////

/////

DORI ORLICH,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MS. ELCANO:

Q Good morning, Ms. Orlich.

Could you please state and spell your name for the court?

A Sure. Dori Orlich, D-o-r-i, last name Orlich, O-r-l-i-c-h.

Q And, Ms. Orlich, what is your current occupation?

A I am a psychotherapist.

Q And what licenses do you hold?

A I'm a licensed clinical social worker.

Q As a licensed clinical social worker, what are you able to do?

A I'm licensed to diagnose and treat any and all DSM diagnoses.

Q What DSM is currently in use?

A The DSM-5.

Q And how long have you been employed as a licensed clinical social worker?

A I've been licensed since 1997.

Q And are you in private practice presently?

A I'm in private practice primarily. I'm also employed one day a week by the UNR School of Medicine outpatient clinic.

Q So what do you do at the UNR outpatient clinic?

A See primarily children, adolescents, for psychotherapy as well. It's an outpatient Medicaid facility.

Q And what does your private practice encompass? What type of treatment do you do?

A Primarily individual and family therapy to adolescents, adults, families.

Q Could you please provide your educational background for the court?

A Sure. I have a bachelor's degree in biology, a master's degree in social work with a mental health concentration. After that was 3,000 post-master's supervised clinical hours and passed the State Board of Examiners licensure exam.

Q Have you engaged in any special training associated with your licensed clinical social worker license?

A I've had specialized training in treatment of trauma. I've had specialized training in play therapy. I've had specialized training in implementing cognitive behavioral therapy, specifically -- specific training and certification in trauma-focused cognitive behavioral therapy.

Q Are you trained in dialectical behavioral therapy?

A I've taken some of the initial courses and classes. I'm familiar with it. I am not certified to implement the entire protocol.

Q And are you familiar with Jacqueline Guerrero?

A Yes.

Q In what capacity were you working with Jacqueline Guerrero?

A I was her individual therapist.

Q Approximately when did you first begin to treat Ms. Guerrero?

A I received the referral in January of 2015. We met for the first time early February 4, 2015, I believe.

Q And when you first met with Ms. Guerrero, did you complete an independent evaluation?

A I did not do her initial evaluation.

Q To your knowledge who did?

A I don't know who actually completed her initial evaluation.

Q What was your understanding for why Ms. Guerrero was referred to you?

A Based on the referral information that I received from Washoe County, there were concerns that her depression and anxiety were impacting her overall ability to parent. They wanted that further assessed. There were some concerns that she had not been able to meet the physical needs of her children and provide consistent, stable housing over a period of time, and they wanted to see if some intervention would reduce some of those symptoms and see if that had an impact on how she was progressing towards reunification.

Q And approximately -- so you indicated that you -- I apologize if you answered this question, but you indicated you did not evaluate Ms. Guerrero, and why not?

A I'm not exactly sure why. It's not uncommon. Most of the time I prefer to do my own evaluations, but in some cases an initial evaluation is done by somebody else that maybe doesn't do ongoing therapy, maybe just does evaluations, and then they're referred. So I don't

know the exact reason.

Q That's fine.

Approximately how many times did you see Ms. Guerrero?

A Seven times.

Q And you said you first saw her February 4th, approximately; is that correct?

A Uh-huh.

Q In 2015?

A Uh-huh.

Q And when did you see her subsequent to that?

A Gosh. I don't know the exact dates. Seven times between 2/4 and our last one scheduled for 4/28, so over a course of months.

Q April 28, 2015; is that correct?

A Yes.

Q And what issues were you addressing with Ms. Guerrero?

A Well, identifying and addressing the barriers to successful reunification, you know, the depression, anxiety. Certainly the psychosocial stressors that were going on in her life were a huge part as well, economic problems, occupational problems, stress at being separated from her child, being able to maintain stable

housing. So in addition to the depression and anxiety, were all the psychosocial stressors.

Q How would you characterize Ms. Guerrero's level of engagement in the seven therapy sessions that you did have with her?

A I would say at first -- well, she was always cooperative and very, very pleasant. There wasn't resistance in that way. It seemed like she didn't feel like psychotherapy was something that she absolutely needed, but she was willing to participate in it.

I think engagement was affected a little bit for both of us in that it wasn't ever identified that I would be her long-term therapist. From the beginning she had -- from the evaluation, had specifically, I think, been referred to somebody that specialized and could do DBT intervention.

Q What does "DBT" stand for just so we're clear?

A Dialectical behavioral therapy.

Q Thank you.

A Do you need an explanation?

Q No, no. That's fine.

A And so initially it was -- I think they weren't able to find somebody that could start with her

right away and so, in the interim, thought it might be good to just get started someplace.

And I think things were -- you know, it looked like there was some engagement, so we continued longer than we could have, but neither one of us ever thought it was going to be a real long-term intervention relationship.

Q And approximately how long were your sessions with Ms. Guerrero?

A Fifty minutes.

Q Okay. Five zero?

A Uh-huh.

Q And were they once a week pretty consistently?

A They were scheduled once a week. There was some inconsistency.

Q In what sense?

A There were some sessions that Ms. Guerrero didn't show up to. There were a couple of others that she did call in advance and cancel, and those were able to be rescheduled. There were some sessions that were just not shown up for.

Q And so it wasn't a no call/no show?

A It was. There were some no call/no shows.

Q Where did you meet with Ms. Guerrero?

A At my office.

Q Where is that located?

A 403 Flint Street.

Q And to your knowledge was Ms. Guerrero employed during the time that you saw her?

A No, she wasn't employed during the time I saw her.

Q To your knowledge where was she living?

A Her living arrangements were unstable and kind of inconsistent during that time.

Q You indicated your last appointment, I believe, scheduled with Ms. Guerrero was April 28, 2015.

Did Ms. Guerrero attend that appointment?

A She didn't attend that appointment.

Q Can you please describe what happened that particular day?

A Yes. I did -- I got a call from Ms. Guerrero -- I can't remember if it was a few minutes before or a few minutes after her appointment was scheduled for -- and she had been coming from someplace else, and she was walking, and so she said she was going to be a little bit late, and then she didn't arrive.

Q And did you hear from Ms. Guerrero again?

A I attempted to call and I didn't.

Q And what did that behavior indicate to you?

A It was actually consistent with some other kind of situations that she described from the past where she becomes kind of overwhelmed, and her tendency was to just kind of avoid the situation when she became overanxious. So it was not completely surprising, like I said. It was consistent with some past situations she's described.

Q Did you render any specific diagnoses of Ms. Guerrero?

A I agreed with the diagnoses of generalized anxiety disorder, depression, but, also, like I mentioned earlier, the new way that the newest edition of the DSM classified diagnoses, it allows for adding psychosocial stressors as viable primary diagnoses, so I added those psychosocial stressors as diagnoses that we were working on.

Q Can you specifically identify those psychosocial stressors? I just want to make sure that I understand which --

A Sure. Relational problems. I mean, they kind of are lumped into categories. So relational problems with disruption of relationship with a child,

like a separation. It could be issues with partner relations. It could be lack of social support.

Q I'm sorry. Maybe just the psychosocial stressors specifically to Ms. Guerrero.

A Yeah. These are specific to her.

Q I'm sorry. I just want to make sure. I apologize.

A Economic problems, housing difficulties. All of those were actually now -- you can list them as primary diagnoses in addition to, you know, what traditionally are kind of the mental health diagnoses when it was on a five-axis system of diagnosis.

Q During your interactions with Ms. Guerrero, did she display any cognitive delays or difficulties communicating or understanding with you?

A I thought that was actually a strength of hers. She did a pretty good job of communicating. She could verbalize some real strengths, some insight into some things that needed to change, so cognitively I didn't see any deficits.

Q And did you feel that the therapy was beneficial? Let me restate that. Can you characterize the progress Ms. Guerrero made in your seven therapy sessions?

A Well, I think there was definitely some benefit to having a place to just kind of vent some of the frustration at the whole situation and to be able to vent some of the distress at the separation from her child and just vent some of the distress that she was having about her overall life situation. I think that was somewhat helpful.

I think it might have been more helpful if there was more consistency and, again, if there was maybe a little bit more insight into how the process could really be beneficial versus something that, you know, just had to be done. I wouldn't say there was, you know, no progress, but it was maybe kind of frustrating minimal progress.

Q When you say "more consistency," more consistency in what sense?

A Attendance.

Q By whom?

A By Ms. Guerrero.

Q Thank you.

A There was one gap in there that I had canceled.

Q And to your knowledge was Ms. Guerrero engaged in a romantic relationship?

A That's a complicated -- I know she had a relationship with the man that was -- the father of her child, but she described that as not romantic, more as a support system relationship. There was -- but there was somebody else that she was involved with as well that was more of a romantic relationship.

Q Did she ever provide a name of that individual?

A I know she provided a first name, but we didn't talk about it a lot, and, honestly, I cannot recall.

Q Fair enough.

What were your observations of Ms. Guerrero while working with her?

A That she was overwhelmed, distressed, that she was frustrated, that she loved and was bonded to her child, that she struggled to see her role and responsibility in kind of the whole situation. Again, pleasant, cooperative, able to verbalize some strengths as far as her concept of what her parental role entails, difficulties following through, some depression and certainly some anxiety. That kind of ties in with the feeling of being overwhelmed by everything.

Q And you stated she struggled to see her role

and responsibility in the situation, in the whole situation, I believe.

What do you mean by that, if you could just --

A I think there was a tendency to put blame on other people versus concentrate or recognize specifically her role in anything and her --

Q In what situation, I guess, were you referencing?

A Like the removal of her child.

Q Thank you.

And in what aspect did you see Ms. Guerrero have difficulty following through?

A Well, in my experience with her, you know, primarily with attendance and in identifying, you know, the specific things, the specific barriers to reunification, which would be independent means of support, financial support, stable, consistent, reliable, safe housing. There just have been a long period of time where those goals were not accomplished.

Q And what were your recommendations for treatment for Ms. Guerrero to address the depression and the anxiety, the psychosocial stressors, as well as the lack of follow-through?

A My recommendations that were ongoing after she finished with me or kind of what we were working on?

Q I mean, what were your recommendations for treatment while you were working with her?

A Oh, okay. Just working, for starters, on recognizing what the barriers were, what, you know, her role in those barriers being present were, what steps needed to be taken to overcome those, what was in the way of that. Worked on some coping skills for reducing stress, reducing anxiety, emotional regulation, some of those things that had sabotaged potential success along the way.

Q Did you feel that continued treatment was needed?

A I would have really liked to keep working with her. I think if Ms. Guerrero could really see and invest in the idea that it could really be beneficial, I think it would have been helpful. I didn't think she was in any huge risk to herself or somebody else if she didn't continue, but I think it would have been beneficial.

Q And as a licensed clinical social worker, are you able to make recommendations for an individual to get a psychiatric medication evaluation for psychotropic

medications?

A I can make the evaluation. I mean, I can't do the evaluation for medication, but I can make a recommendation.

Q Was a recommendation made here?

A We did discuss that medication might be something helpful in reducing the anxiety. It isn't something I would have made as a recommendation that she absolutely, positively had to follow through with. I tend to be pretty conservative when it comes to medication, especially considering that she was pregnant, so medications was something that I might have recommended kind of down the road but not immediately based on that.

Q I see.

What was Ms. Guerrero's response when you discussed the possibility of medication?

A She was ambivalent about it.

Q And after Ms. Guerrero didn't show up for that April 28, 2015, appointment, to your knowledge did Ms. Guerrero engage in services with anyone else after that point?

A I believe that she had an appointment scheduled with Amanda Buttacavoli, I believe, was

somebody that -- and that was somebody that was licensed to do specifically the DBT protocol.

Q The dialectical behavioral therapy?

A Uh-huh.

Q And to your knowledge did Ms. Guerrero follow through with that treatment?

A I don't know if she did or not.

MS. ELCANO: I have no further questions at this time.

CROSS-EXAMINATION

BY MR. ELKINS:

Q Good morning.

A Good morning.

Q So when was the last appointment that Ms. Guerrero actually made?

A 4/21.

Q If I were good at math, I wouldn't be standing here, but if my math is correct, from 2/4 to 4/21 would have been about ten weeks.

Does that sound about right?

A About right.

THE COURT: If I were good at math, I wouldn't be sitting here either.

THE WITNESS: Myself either. Ten or eleven weeks.

BY MR. ELKINS:

Q Okay. So in ten weeks she made seven appointments?

A Uh-huh.

Q Okay. Am I correct that at one point while she was seeing you, you moved offices?

A I did. I think that I had canceled one of the appointments.

Q And so things were a little chaotic during the move and you weren't seeing patients that day or something?

A Just, yeah, for a couple of days there, there was some transition.

Q Okay. And she did call to reschedule on another occasion?

A Pardon me?

Q She did call to reschedule on other occasions?

A Yeah. There were two others that she had canceled, and one we were able to reschedule for later that same week, and one we weren't able to accommodate during that week.

Q So you had, in a period of ten or at least eleven weeks, seven appointments, a couple rescheduled, a period of time when your office wasn't available; is that correct?

A Yes.

Q And then your understanding was that Ms. Guerrero had been referred to you sort of as a gap therapy between going to someone with DBT and -- is that --

A Right. In wanting to get services started right away and in the absence of that.

Q The objective to find her a DBT therapist apparently?

A Which had been the recommendation from the evaluation.

Q Thank you.

Which evaluation did you see; do you know?

A I didn't actually see the evaluation that was completed.

Q When we talk about the DSM, is it sort of like that line in "Pirates," they're kind of guidelines; is that correct?

A Guidelines? It's pretty specific. It's more than just a guideline.

Q So a pirate's code or guidelines?

A What's that?

Q Is it the pirate's code or is it guidelines?

A It's the code.

Q Is it the code?

A Yeah. It's pretty specific.

Q So in making diagnoses, are you required to refer to that for other than insurance purposes?

A Well, you're not required, but it's the code. You know, I mean, certainly the diagnosis that you come up with is going to sort of what drives a treatment plan and intervention as, you know, certain diagnoses respond better to different interventions, so...

Q Is it fair to say it's not like a medical diagnosis where you know this is pancreatitis. Isn't it a general area of anxiety and it could be one kind of disorder or another depending on a number of factors?

A There's pretty specific --

MS. ELCANO: Objection, Your Honor. I think that this clearly calls for an expert opinion regarding DSM and application of the DSM. She's not been qualified.

THE COURT: Many of these people, whether they're qualified as experts or not, they're using terms

like "diagnosis" and "my opinion" and whatever.

MS. ELCANO: Well, Your Honor, my concern is the way that the question --

THE WITNESS: She was the one who first referred to the DSM, so...

MS. ELCANO: I know, but I don't think that we've even come close to establishing her knowledge of the DSM, the application of the DSM in general practice. She-

MR. ELKINS: Judge, I'll withdraw the question.

THE COURT: Just to make an -- I doubt there's anybody that does anything in mental health anymore that doesn't refer to the DSM. Maybe back when I started it was kind of early, but --

MR. ELKINS: Right. I'm just trying to establish, Judge -- well, I'll just ask a question.

BY MR. ELKINS:

Q Different people can see the same patient and find that different sections of the DSM apply to the constellation of symptoms; correct?

A That's true.

Q So in Ms. Guerrero's case, based upon your seven sessions, you found that she seemed to meet the

criteria for general anxiety disorder?

A Uh-huh.

Q Which is sometimes treated with medication?

A Uh-huh, yes.

Q Okay. But in addition to that, you said that one of your primary diagnoses was psychosocial stressors?

A Yes.

Q So you knew at the time that -- did you know that she had no income?

A Yes.

Q Not even TANF; correct?

A Correct.

Q And so presumably that impacted her housing?

A Yes.

Q And you said another stressor was having her children in foster care?

A Yes.

Q And you said she expressed frustration. If I understand you correctly, her frustration was she couldn't understand how to get them out of foster care by meeting their basic needs?

A My impression was that she didn't feel they needed to be in foster care in the first place.

Q Did that mean she indicated to you that she

could find a way to meet their basic needs?

A She was struggling to find a way to meet their basic needs.

Q And she was pregnant?

A Yes.

MR. ELKINS: Thank you. I don't have any other questions.

THE COURT: Redirect.

MS. ELCANO: Thank you, Your Honor.

I would like the Court to take judicial notice that there are 13 weeks between April -- pardon me -- February 4, 2015 and April 28th.

MR. ELKINS: 21st.

MS. ELCANO: She said April 28th was her last appointment that was scheduled.

MR. ELKINS: Sorry, Judge. I believe that I asked about appointments that she made, and her last appointment that she actually made was the 21st, so --

MS. ELCANO: I was asking for judicial notice for that time period, so it's 13 weeks.

THE COURT: That's fine.

MS. ELCANO: Thank you.

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REDIRECT EXAMINATION

BY MS. ELCANO:

Q I think you indicated that there were seven appointments between -- pardon me -- February and April.

How many of those appointments did Ms. Guerrero attend?

A No. She attended seven.

Q She did. I just wanted to clarify that to make sure I had that right.

And was Ms. Guerrero on time for those appointments?

A She was on time. I think she may have been a little bit late for one, but, yeah, she was on time.

MS. ELCANO: I think that answers my questions.

Thank you, Your Honor.

RECROSS-EXAMINATION

BY MR. ELKINS:

Q So having made seven appointments in that period of time, expressing her frustration about not being able to accomplish certain things, would you say in your opinion that Ms. Guerrero lacked motivation?

MS. ELCANO: Objection. Outside of the scope

of redirect.

MR. ELKINS: I don't think so, Judge.

MS. ELCANO: I asked about the number of appointments that were attended.

THE COURT: Well, you know, we can call this witness again and --

MS. ELCANO: Well, she hadn't been subpoenaed by opposing counsel.

THE COURT: Doesn't make a difference who subpoenaed her.

Go ahead and answer the question. Do you feel she was motivated?

THE WITNESS: I feel she was motivated in her verbalization, very motivated. She would talk about being very, very motivated. There was some sort of disconnect in why there wasn't follow-through. We were working on that, but she verbalized motivation.

BY MR. ELKINS:

Q Could a lack of resources have had something to do with the gap between what she was motivated to do and what she could accomplish?

A Yes.

MS. ELCANO: Objection. Vague. "Resources"?

THE COURT: It's been answered. Move on.

MR. ELKINS: I don't have any other questions. Thank you very much.

THE COURT: Is this witness permanently excused?

MS. ELCANO: She is for me, Your Honor. Thank you.

MR. ELKINS: Thank you.

THE COURT: You're excused.

THE WITNESS: Thank you.

MS. ELCANO: Your Honor, may I have just a moment to check on the interpreter issue?

THE COURT: Go ahead.

MS. ELCANO: My next witness will be Cassondra Pasley.

MR. ELKINS: Judge, I have an issue that I need to address with regard to some witnesses.

THE COURT: Go ahead.

MR. ELKINS: So I have witnesses here who had been subpoenaed for today, as I indicated to you, so we tried to leave them messages postponing them until this afternoon, but for some reason the messages weren't received so they're here under subpoena. One of my witnesses works, and so because of the subpoena, he was given the day off. Hopefully I'll be able to get him on

late this afternoon, but I just wanted to alert the Court. That's what I'd like to do. I'm going to have him come back.

THE COURT: How long is he going to be?

MR. ELKINS: As a witness? I don't expect him to take more than 30 minutes on direct.

THE COURT: Well, do you care if you take somebody out of order?

MR. ELKINS: I don't need to take him right now. He can come back.

I also have a witness coming at 1 o'clock from Nevada State Welfare. We've already discussed that witness, and I do believe we do need to take her out of order if necessary. So not --

THE COURT: If you guys can't work it out, I'll decide.

MR. ELKINS: No, no. I appreciate it. I'm just explaining what's going on.

THE COURT: I mean, if you guys work it out to where you want to take somebody out of order, it doesn't bother me.

MS. ELCANO: I think if I can get the interpreter and continue, I'm going to be very close to finishing. Unfortunately, cross took a long time

yesterday morning as well as the break that was taken for the hope at settling. So we have had some hiccups. I'm doing my very best --

MR. ELKINS: I'm not criticizing Ms. Elcano. I'm just explaining I have witnesses here, so I'm going to ask them to stand by and hopefully get them on late this afternoon, but if I could have a few minutes, Judge, I'd appreciate that.

THE COURT: Right now?

MR. ELKINS: Yes.

THE COURT: Okay. Go ahead. We'll be in recess for a minute.

(A recess was taken.)

CASSONDRA PASLEY,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MS. ELCANO:

Q Good morning, Ms. Pasley.

Can you state and spell your name for the Court?

A Cassondra Pasley, C-a-s-s-o-n-d-r-a

P-a-s-l-e-y.

Q And who is your present employer?

A The Children's Cabinet.

Q And how long have you been employed at the Children's Cabinet?

A Four years.

Q In what capacity are you presently employed?

A I am a supervisor.

Q And can you please describe your job duties as a supervisor?

A I supervise staff who assist families in addressing conditions for return and provide safety services on in-home safety plans.

Q In what capacity have you previously been involved or employed at the Children's Cabinet?

A I was a case manager.

Q And what were your responsibilities as a case manager?

A I assisted families in addressing conditions for return, and I provided safety services on in-home safety plans.

Q And approximately how long were you employed as a case manager?

A Approximately two years.

Q Two years. Thank you.

Can you please explain to the Court what Children's Cabinet is? We've heard a lot about it, and I think an employee telling us about it would be really beneficial.

A We are a nonprofit agency in the community. We provide many different services, and in this context we are paired with Social Services to provide services to families currently involved with Social Services.

Q And what kind of services do you provide in the context of Social Services, your involvement with them?

A We provide case management services, we provide financial services, we provide referrals to other community resources when appropriate.

Q And what specific areas do those address?

A It's identified on a case-by-case basis, but it's meant to address the family's conditions for return and to identify child safety if it's an in-home safety plan, to ensure child safety in the home.

Q And are those services provided above and beyond what Social Services does with the family?

A We team with Social Services to make sure the family's needs are being met.

Q I see. So more in conjunction?

A Correct.

Q And can you please describe how you work with Social Services to provide those services to a family, kind of how the process is?

A At the time that an assessment is completed and a child or children is deemed unsafe and a case is assigned to a worker trained in SAFE-FC, a referral is also made to the Children's Cabinet, and at that time you are assigned a case, and if it is deemed that the children need to be on an out-of-home safety plan, we begin working with the family on conditions for return.

MR. ELKINS: Judge, these are interns from my office.

THE COURT: I saw them before.

BY MS. ELCANO:

Q Do you staff the case with Social Services?

A Yes.

Q And based on that staffing, how do you go forward in determining what services and who provides those services?

A Again, it's a case-by-case basis, but we are communicating pretty frequently, typically week by week, based on what progress the family is making, what

services we feel they need to continue making progress.

Q How often do you meet with Social Services throughout the life of a case?

A We communicate weekly by e-mail, by phone, in person.

Q And do you participate in -- what meetings, if any, do you participate in with Social Services and the family?

A I'm sorry. Can you clarify? With the family involved or only with Social Services?

Q With the family involved. Sorry.

A The family is included in a case plan review staffing, and that occurs about at least every 90 days.

Q And you are a part of that as well as Social Services?

A Typically, correct, yes.

Q Thank you.

And so families who are not involved in Social Services, can they also access services with the Children's Cabinet?

A Yes.

Q But not through your particular unit; is that correct?

A Correct.

Q Your unit is dedicated solely to the SAFE-FC cases?

A Correct.

Q What special training have you undergone for your current position?

A We receive very similar training to what the social workers undergo. We understand all the processes from assessment all the way through permanency. We are trained heavily in identifying impending danger threats and what that criteria is. We understand diminished and protective caregiver -- protective capacities. We are focused primarily on child safety and assisting with conditions for return.

Q Can you please provide your educational background to the Court?

A I have a master's degree in human development and family studies.

Q Are you familiar with Jacqueline Guerrero and Robert Hunt-Taylor?

A Yes.

Q And in what capacity have you been involved with Ms. Guerrero?

A I was assigned the case as the case manager in April of 2013, and I began supervising the

case in November of 2014.

Q And how long were you the case manager? I know you said you started in April of 2013, but how long were you assigned as the case manager?

A Until August of 2013.

Q And then you indicated you were the supervisor starting in November of 2014?

A Correct.

Q And are you still the supervisor today?

A Correct.

Q Who is the current case manager of --

A I'm sorry.

Q -- of this case?

A Dustin Hall.

THE COURT: Hall, H-a-l-l.

THE WITNESS: I'm sorry?

THE COURT: Hall, H-a-l-l.

THE WITNESS: Correct.

BY MS. ELCANO:

Q And has he been the only case manager while you have been the supervisor?

A While I have been the supervisor, yes.

Q Thank you.

And when you were no longer the case manager

in August of 2013, why did that change?

A I briefly was in a different program, and so when I moved to a different program, the case maintained with the case manager in the SIPS program.

Q And were you still working at Children's Cabinet?

A Yes.

Q Just went to a different position?

A Yes.

Q Got it. And do you know who the case transferred to at that juncture?

A Yes. It transferred to Rocky Mateo.

Q And do you know approximately -- has it been to any other workers aside from Rocky Mateo and Dustin Hall?

A It was briefly assigned to Emily Hansen.

Q And do you know approximately when that occurred?

A In October of 2014.

Q And then do you know when it was assigned to Dustin Hall?

A In November of 2014.

Q So why did your agency and you in particular become involved in this case with Social Services?

A An assessment was completed on the family that determined that the children were unsafe in their parents' care.

Q And to your knowledge was this case assigned to the SAFE-FC group?

A Yes.

Q Are you involved with Social Services on any other cases that are not SAFE-FC?

A No.

Q What issues or concerns did you identify, at the time the case was assigned to you, regarding the children and reunification barriers?

A The assessment determined that a lack of resources was an issue as well as the lack of parenting skills, knowledge, and motivation.

Q And were there any other safety concerns that developed throughout the life of this case aside from those?

MR. ELKINS: Objection, Judge, insofar as the question seems to call for an answer during a time when this witness was neither the case manager nor the supervisor.

BY MS. ELCANO:

Q While you've been assigned to the case and

today, are there any additional safety concerns or risk factors or barriers associated with reunification?

A Yes.

Q And what are those?

A Domestic violence has become a concern since the time I've been identified as a supervisor on this case.

MS. ELCANO: I'm sorry. Could you just read back her answer? Not on this last question but the one before.

(The record was read by the reporter as follows: "The assessment determined that a lack of resources was an issue as well as the lack of parenting skills, knowledge, and motivation.")

BY MS. ELCANO:

Q So you said "a lack of resources."

Can you please go into a little more what you mean by "a lack of resources"?

A At the time I was assigned the case, the family had been evicted from the family shelter and they only had TANF as a source of income. They had obtained an apartment for a brief period of time but had difficulty maintaining that apartment due to the limited income. It was difficult to pay the bills associated

with maintaining that apartment, to maintain that apartment.

Q So based on the income issue associated with resources, what services, while you were either the assigned worker -- or case manager, I apologize -- or the supervisor have been offered to this family to address that income issue?

A As the case manager, I assisted the family in finding employment opportunities in the community and applying for those; I assisted Ms. Guerrero in creating a job résumé; I provided both parents with bus passes; I have assisted them by providing a letter to the Reno Housing Authority to try and help them get into public housing; I provided them with a way to track appointments for their TANF worker so they could prove their effort to TANF to try and maintain their TANF; I provided Ms. Guerrero with a day planner so she could keep track of her appointments, to help her maintain her schedule; I provided the family with donated furniture that was donated to our agency to help them furnish their apartment that they did have; I helped the family with budgeting.

Q So I wanted to talk about the employment opportunities.

Can you explain to the Court how you assisted in identifying employment opportunities?

A So most of the times I met with the family, I would find different employment opportunities in the community, I would print out who was hiring, and it would be several opportunities each time, and let the family know, here's who's hiring, here's how you apply, and I would provide that to the family.

Q And approximately how many times, when you were the case manager, do you think you provided Ms. Guerrero with employment opportunities?

A I don't know if I could approximate. I'm sorry.

Q Do you think it was more than five?

A Yes.

Q Do you think it was more than ten?

A Can you clarify, because I don't know if each individual job referral counts or if it's each time I met with the family to talk about --

Q Any time that you gave Ms. Guerrero a specific job referral and identified where she could go to seek employment.

A I would say somewhere between five and ten would probably be appropriate.

Q And that's just from the time period of April of 2013 to August of 2013?

A Correct.

Q And since you have been the case manager -- and this is based on your personal knowledge -- have similar services been offered for employment opportunities?

A Yes.

Q And you talked about assisting Ms. Guerrero with a résumé. How did you assist Ms. Guerrero with a résumé?

A She came into my office and we drafted one on my computer.

Q Throughout the life of this case, while you've been involved in it, did you ever help Ms. Guerrero fill out job applications?

A Yes.

Q You did. And can you describe what assistance you provided to Ms. Guerrero for filling out those job applications?

A She would come into my office, and we would complete those applications in my office.

Q And were any services provided related to interviews or appropriate clothing for interviews, things

like that?

A Yes. But that was provided by a different case manager.

Q Not while you were on it?

A While I was supervising I allowed for a Walmart card to be provided so she could have appropriate interview clothing.

THE COURT: What is a Hallmark card?

THE WITNESS: A Walmart card.

MS. ELCANO: To go to Walmart, a gift card.

THE COURT: I thought you said "Hallmark."

MR. ELKINS: Some employers like it if you bring a card.

MS. ELCANO: Greeting cards.

THE COURT: I was trying to figure that out. Okay. Go ahead.

BY MS. ELCANO:

Q And why were bus passes provided to this family?

A To allow them the opportunity to continue making their visitation, for them -- to allow them opportunities to get out into the community to find employment, to continue making counseling sessions, to continue accessing other community resources and other

things as deemed on their case plan and other services that they needed.

Q Approximately how many bus passes were provided to this family from April 2013 to August of 2013?

A They are 31-day bus passes, so approximately one a month, so four for each parent, so eight.

Q You talked about a day planner and I think assisting with tracking appointments associated with TANF.

Why were those important things to provide this family with?

A At times the family had difficulties making it to appointments on time or keeping appointments straight, so I assisted them in providing them a day planner for the opportunity to write the appointments down to help them keep those appointments straight.

But the appointment tracker was for the TANF worker because the TANF worker wanted proof that they were making active efforts to reunify, and so that was a way for them to prove to their TANF worker that they were doing things to work towards reunification.

Q You also talked about budgeting. How did you address budgeting when you were the assigned case

manager?

A We have a worksheet that we use, and we would sit down and look at the income versus how much was spent on bills. And so we would identify what the bills were every month and what they would have left over for what they needed to pay.

Q Why was this an important service to offer to this family?

A Because it was important we make the effort for them to try to maintain their apartment, to find sustainable housing, because that was a key barrier to reunification.

Q I'd like to next turn to housing with regards to resources.

You talked about being in a family shelter and then the apartment. What services specifically were offered regarding housing?

A I wrote a letter to the Reno Housing Authority to attempt to help them get into public housing, again, budgeting to help them try to maintain the apartment they were in, and then finding employment to help increase their resources to help maintain housing as well.

Q If you could take the white binder in front

of you.

A Black binder?

Q May I approach, Your Honor?

If you could please turn to -- I believe it's marked as Exhibit 4, No. 4.

Do you recognize that letter?

A Yes.

Q And is this a letter that you wrote to Reno Housing Authority that you referenced?

A Yes.

Q And I think one of the statements in here is that you said "This family is excellent at following through with tasks assigned to them by me, and they are also proactive in contacting me when they need clarification or assistance."

Is that accurate?

A Yes.

Q What is the date of this letter?

A August 6, 2013.

Q Was that an accurate statement when you wrote this letter?

A Yes.

Q Okay. So since you have been --

MR. ELKINS: Judge, is counsel moving this

into evidence?

THE COURT: Yeah. I think --

MR. ELKINS: She's read from the document.

THE COURT: -- you've been referring to it. So Exhibit 4 is admitted.

MR. ELKINS: Thank you.

THE COURT: I guess Respondent's 4.

MR. ELKINS: Thank you.

(Respondent's Exhibit 4 was admitted.)

BY MS. ELCANO:

Q We'll come back to that, but next I'd like to turn to -- you said that motivation, I think, was also a concern in regards to parenting skills, knowledge, and motivation; is that correct?

A Correct.

Q And why was motivation or what specifically in regards to motivation was a barrier to reunification in this case?

A I think it is twofold. I think finding employment, maintaining employment, I think that is part of the motivation, but at the time of the assessment there was also an issue with Roberto attending school consistently, and so I think that was also identified as part of the motivation as well.

Q And what services were offered, aside from what you've already listed, to address that motivation aspect?

A At the time I was a case manager, I referred Ms. Guerrero for a psychosocial evaluation and also for individual counseling. As a supervisor, I facilitated vouchers for a neuropsychological evaluation as well as a psychological evaluation and individual counseling. And for Mr. Hunt-Taylor --

Q I'm sorry. We're just here for Ms. Guerrero so we don't need to go into that.

A I'm sorry.

Q You had no way of knowing. I apologize. I should have made the question more specific.

A And then I also assisted them in excessing other community resources as well, such as Salvation Army for assistance with bill payment, Casa De Vida for clothing for the children, St. Vincent's for food for their home and clothing for themselves and their children. Women and Children's Center of the Sierra, they have a diaper bank there that Ms. Guerrero could access as well as -- it's called low-income energy assistance for them so they could use that as a resource to maintain the apartment that they had at the time.

Q Going back to when you were the case manager, who did you refer Ms. Guerrero to for a psychosocial evaluation; do you recall?

A Ms. Brianna Carter.

Q Who did you refer Ms. Guerrero to for individual counseling when you were the case manager?

A Ms. Brianna Carter.

Q Was there anybody else?

A No.

Q And in regards to vouchers when you were the -- you are still the supervisor -- you said you made a referral for a neuropsych and a psychological evaluation. Who were those to?

A The neuropsychological evaluation was to Dr. Aberasturi, and the psychological evaluation was with Dr. Rogina. I apologize if I mispronounced that.

Q Oh, no. I think you were just fine.

Then you also said referrals were made to individual counseling.

Who were those made to?

A Dori Orlich.

THE COURT: I'm going to ask a question.

So you're the one who's paying for Dr. Rogina and Dr. Aberasturi? You say you provided a voucher.

THE WITNESS: At the time, yes.

THE COURT: So Rogina you paid? Aberasturi you paid? Orlich you paid?

THE WITNESS: Yes.

MS. ELCANO: Because of the SAFE-FC case, they pool funds.

MR. ELKINS: Judge, I don't want counsel to testify. Sorry.

THE COURT: Well, I just --

MR. ELKINS: I appreciate -- I don't mind you asking questions.

MS. ELCANO: It's already in evidence. It's been testified to as to the funding.

THE COURT: Yeah. She testified she provided vouchers, so I'm still having a little trouble with that.

THE WITNESS: They request that we provide these vouchers, and then we then facilitate getting the voucher to the provider and then paying for the service.

BY MS. ELCANO:

Q And the funds for the services come from who?

A I'm sorry?

Q How are these paid for?

A The Children's Cabinet paid for those services.

Q In conjunction with what program?

A With Social Services' SAFE-FC program.

Q Thank you.

THE COURT: And you're a nonprofit, which I assume means you get your funds from the community, then?

THE WITNESS: From the community. Also through grants and working with Social Services and other programs, yes.

THE COURT: These programs aren't available in Carson City, so I think sometimes when you come to an area that you're not familiar with what's going on, it's presumed that I might know something, and I don't --

I found that out especially in family court so there's so much more in Vegas and Reno in terms of resources for family court as compared to, like, Carson City and the rural areas that I end up sitting in.

So I'm really trying to sort -- depending on where I sit and in terms of what I can order half the time and assistance I can give people if I decide there's going to be some. I mean, in Clark County they almost give free legal because 70 percent of their caseload down there is pro per, so they have self-help centers and Lawyer in the Library, and we didn't have any of that in Carson City.

So some of these things you might assume -- judges in Reno like Judge Walker would know, so that's why I'm asking these questions.

Go ahead.

MS. ELCANO: I appreciate you clarifying anything that's unclear, and I apologize if I'm not eliciting all the necessary information for that.

THE COURT: No, no. Sometimes we suppose something that isn't.

BY MS. ELCANO:

Q You also identified parenting skills being an issue here.

Why was that an issue?

A At the time of the assessment, there was an issue with Roberto getting to school on time and getting to school every day, and then there was reports from the shelter that the condition of their room was not being maintained per the assessment.

Q And what services did you offer to Ms. Guerrero to address those parenting skills?

A We referred her to parenting classes.

Q To your knowledge did Ms. Guerrero attend those parenting classes?

A Yes.

Q And do you recall when, approximately, that occurred?

A I don't know.

Q Okay. That's fine.

Was that when you were a case manager?

A Yes.

Q Thank you.

And you also indicated parental knowledge was an issue. Is that related to parenting skills or why was that identified?

A That would be related to the parenting skills, yes.

Q Thank you.

What additional services were offered to this family, while you were a case manager, that you haven't already discussed?

A Nothing I can think of off the top of my head.

Q I think you went into the employment piece while you were a supervisor, but we didn't quite get that far on the resources issue.

What errors -- pardon me -- what services have been offered to address the resources issue of housing and income and employment while you have been the

case manager?

A Assistance with finding employment, the letter to the Reno Housing Authority to help try to get public housing.

Q Was a subsequent letter offered? The letter that was admitted into evidence was dated August 6, 2013. Was a subsequent letter sent to Reno Housing Authority? That's all I was trying to ask.

A No, not that I'm aware of.

Q So specifically while you have been a supervisor, what services have been offered to address housing, income, employment?

A Continued work on trying to find employment and sustainability.

Q Okay. Anything additional than you've testified to today?

A No.

Q So I'd like to talk a little bit about Ms. Guerrero's engagement.

While you were the caseworker, how would you characterize Ms. Guerrero's engagement in services?

A I think she was pretty engaged in services while I worked with her as a case manager.

Q Was she able to follow through?

A Yes.

Q As a supervisor, how would you characterize Ms. Guerrero's engagement?

A I don't think she has been as consistent in services as she was when I was the case manager.

Q Is she following through currently?

A No.

Q And the statement that you made on August 6, 2013, that "This family is excellent at following through on tasks assigned to them by me," is that still accurate today?

A No.

Q Thank you.

You talked a little bit about the shelter. Was it your understanding or what was your understanding, based on your conversations with Ms. Guerrero, in regards to her ability to return to the shelter?

A That after --

MR. ELKINS: I'm sorry. I'm sorry to interject, but I'm not sure which shelter we're talking about, Judge.

MS. ELCANO: I can clarify.

BY MS. ELCANO:

Q Which shelter did Ms. Guerrero first identify

to you?

A At the time I was the case manager, it was the family shelter on Record Street.

Q And what was your understanding, based on your conversations with Ms. Guerrero, regarding her ability to return?

A That after being evicted from the family shelter, you are unable to return for a period of time.

Q And did she indicate to you, Ms. Guerrero indicate to you why she was evicted from the family shelter?

A Yes. It had to do with there was an allegation that Mr. Hunt-Taylor had stolen some property from there, and there was also allegations about the condition of the way they were keeping their room there.

Q And this is while you were the case manager; correct?

A Correct.

Q While you were the case manager on this case, how often did you speak with Ms. Guerrero?

A Weekly.

Q And in what capacity? Phone? Person?

A By phone, in person, occasionally by e-mail.

Q And what was discussed during those

conversations?

A Our focus was the ongoing involvement of Washoe County Social Services and ways we could address her conditions for return.

Q Did you have any concerns during those interactions and discussions with Ms. Guerrero?

A No.

Q And as a case manager, how often do you -- pardon me -- as a supervisor, how often do you speak with Ms. Guerrero?

A Sporadically.

Q And in what way or in what capacity do you speak with her?

A By phone and in-person meetings.

Q Okay. Have you had any concerns with those interactions with Ms. Guerrero?

A No.

Q Based on your conversations with Ms. -- well, I think you indicated that domestic violence became an issue later in this case.

Based on your conversations with Ms. Guerrero, how did you know that that was an issue?

A Ms. Guerrero had indicated that she was going to be entering CAAW, which is a shelter for women who

have suffered domestic violence, and she had indicated that she had been a victim of domestic violence and that's why she wanted to enter the shelter.

Q Do you know approximately when Ms. Guerrero provided that information to you?

A I can't recall.

Q Was it in 2014; do you recall?

A I believe that's accurate, yes.

Q And what concerns did you have given that information?

A That that would be an unsafe environment for children if there was domestic violence in the home.

Q And to your knowledge and based on your conversations with Ms. Guerrero, was she engaged in a relationship romantically with anyone else while you were the supervisor on this case?

A Yes.

Q And who was that individual?

A Alberto. I don't know the last name.

Q And did you have any concerns with that relationship?

A She had indicated similar domestic violence concerns in that relationship as well.

Q Okay. And, again, why was that concerning to

you?

A The same. If there's domestic violence occurring, that would be an unsafe home for children.

Q While you have been the supervisor, what services have been offered to Ms. Guerrero to address domestic violence?

A The ongoing therapy and the psychosocial -- I'm sorry -- the psychological evaluation and neuropsychological evaluation and the individual therapy.

Q While you were the case manager of this case, was Ms. Guerrero ever employed?

A When I was the case manager, no.

Q While you have been the supervisor of this case, has Ms. Guerrero been employed?

A Yes.

Q And do you recall where?

A She was employed at the Motel 6 --

Q Do you know -- sorry.

A -- in November of 2014.

Q Do you know for approximately how long, based on your conversations with Ms. Guerrero, she was employed there?

A I believe it was two or three weeks.

Q And is there any other place of employment

that you were aware of while you were the supervisor?

A She was also employed at La Quinta inn.

Q Do you know for how long?

A It was in July of 2015, and I believe that was also about two or three weeks.

Q And typically do you ask for verification of income?

A We would if we were going to be assisting with housing.

Q Okay. And had you asked for verification of income from Motel 6 or La Quinta?

A It would have been something her case manager would have asked for.

Q Okay. Fair enough.

To your knowledge is Ms. Guerrero employed today?

A No.

Q And I think you've gone into this a little bit, but while you were a case manager, you indicated Ms. Guerrero had an apartment.

Do you recall where that was located?

A I believe on Linden Street.

Q And to your knowledge, based on your conversations with Ms. Guerrero, was she still residing

there when you were no longer the case manager?

A Briefly, yes.

Q And as the supervisor, have you had discussions with Ms. Guerrero regarding her housing?

A No.

Q Do you know where Ms. Guerrero's residing today?

MR. ELKINS: Objection. Hearsay.

MS. ELCANO: I'm asking if she knows.

THE COURT: If the answer is no -- do you know?

THE WITNESS: I believe she's residing at the shelter.

MR. ELKINS: I'll withdraw the objection.

THE COURT: Okay. You know, we referred to a couple of different shelters so I'm compelled to ask. How many shelters are there? You said there's family shelter?

MS. ELCANO: I'll let you answer.

THE WITNESS: There's two different domestic violence shelters in town.

THE COURT: That's CAAW you're talking about?

THE WITNESS: CAAW, and the other one is called Safe Memories, there's the women's shelter,

there's the family shelter, as far as I know. There's a men's shelter, but I don't think that applies in this particular situation.

MS. ELCANO: The Court's indulgence, Your Honor.

THE COURT: You made that objection, but -- somebody made an objection about which shelter we were talking about, so that indicates there's more than one shelter.

MR. ELKINS: Right.

BY MS. ELCANO:

Q You testified that resources were an issue for this family, motivation was an issue for this family, parenting skills and knowledge and domestic violence.

Are these still issues for Ms. Guerrero today?

A Yes.

Q And what behavioral changes, if any, has Ms. Guerrero demonstrated to you while you have been either the case manager or the supervisor of this case, demonstrating -- let me start over.

While you've been the case manager and supervisor of this case, what behavioral changes, if any, has Ms. Guerrero demonstrated that address those concerns

and safety barriers to reunification?

A I don't believe there have been any.

MS. ELCANO: I have no further questions. Thank you.

THE COURT: Mr. Elkins.

MR. ELKINS: Thank you, Judge.

CROSS-EXAMINATION

BY MR. ELKINS:

Q Good morning.

A Good morning.

Q Ms. Pasley, just to be clear, you were the case manager in this case when it first came in?

A Correct.

Q And Children's Cabinet received it in May, is that right, of 2013?

A The end of April of 2013.

Q Okay. Late April, early May, something like that?

A Yes.

Q And you were the case manager through, like, approximately the middle of August?

A Of 2013, correct.

Q So about four months in the beginning of the

case?

A Correct.

Q Where did the family live during the time when you were the case manager?

A An apartment.

Q On Linden Street; is that correct?

A Uh-huh.

Q So they never lived in a shelter while you were the case manager, did they?

A No.

Q So the information that you were providing about shelters is something that you got from someone else, correct, the history about shelters?

A From the assessment I received, correct.

Q So not from Ms. Guerrero?

A In talking with Ms. Guerrero about the history of how I got them as their case manager.

Q All right. Let me ask you this: In terms of the issue about theft from a shelter by Mr. Hunt-Taylor, do you recall that?

A Yes.

Q Did you have a conversation with Ms. Guerrero about that?

A With Ms. Guerrero and Mr. Hunt-Taylor, yes.

Q In your conversation with Ms. Guerrero, did she identify that as the Family Promise shelter?

A I don't recall.

Q Isn't it a fact that she told you that she and the children remained there and Mr. Hunt-Taylor had to leave? Do you recall that?

A I don't know.

Q And are you aware that that shelter closed for lack of funding?

A No, I'm not.

Q Okay. Is it fair to say that you don't recall the details of that conversation with Ms. Guerrero at this point?

MS. ELCANO: Objection. This is badgering the witness. She's already provided the information that she recalls and if she hasn't recalled.

THE COURT: The objection is overruled.

Go ahead and answer the question.

MR. ELKINS: If my tone is badgering, it isn't meant to be. I don't believe I'm raising my voice.

MS. ELCANO: I don't think it's necessarily a tone that merits badgering, but questioning can merit badgering, and she's answered what she knew and didn't know, and to ask a question to that extent is not

appropriate. It's badgering the witness.

THE COURT: Objection is overruled.

Go ahead and ask the question.

BY MR. ELKINS:

Q Do you recall my question?

A No, I don't. Can you repeat it, please?

Q Sure. Is it fair to say that as you sit here today, which is about two years -- more than two years later, that you don't recall the specifics of your conversation with Ms. Guerrero about her history in the shelter system?

A Of that one particular incident, yes.

Q Okay. Thank you. Children's Cabinet provided a lot of services to the family, bus passes. I think you left out the food bank; right? So they accessed the food bank fairly often; right?

A Yes, sir.

Q When you issue bus passes to the family, do you require anything -- withdraw. Let me be specific.

When you gave Ms. Guerrero a bus pass, did you require anything from her?

A At the beginning when I was her case manager, we used -- the same tracking sheet I was using for her TANF worker I was also having her submit back to me as

well.

Q Okay. Let me refer your attention to what has been, in that white binder there, offered as Respondent's 5 and ask you whether you recognize that document.

THE COURT: Wasn't that admitted already?

MR. ELKINS: No, Judge.

BY MR. ELKINS:

Q Do you recognize these documents?

A Not that first page.

Q Well, let me direct your attention to the portion -- let's see -- I hope yours are ordered the same way mine are, but -- one, two, three, four, five -- the sixth page of the same document, sixth page.

THE COURT: Is there any reason we haven't admitted it?

MS. ELCANO: I object to its admission, Your Honor.

THE COURT: Okay. Just asking.

BY MR. ELKINS:

Q Do you have the sixth page? At the top it says "6/4/13-7/13/13" and "page 1."

Do you see that at the top?

A Yes.

Q Would you look at the bottom right-hand corner.

Do you recognize that?

A Yes.

Q And what is that?

A Those are my initials.

Q Those are your initials, okay.

And does that assist you to identify the document?

A Yes.

Q Can you tell me what these documents are, then?

A Like I said, this is what I have her turn in to show how she was using her bus pass at the time I was her case manager.

MS. ELCANO: Can I clarify if we're only talking about page 6?

MR. ELKINS: No. I'm talking about the forms themselves.

THE WITNESS: I identified that very first page as not my page.

MR. ELKINS: I'm sorry. The first page --

THE WITNESS: It says "Weekly Attendance Sheet" at the top.

BY MR. ELKINS:

Q Yes. What about it?

A That was not a page -- that's not my page.

Q Let's go to the second page.

A I was just identifying that was not my page.

Q Disregard the first page.

What about the second page that says "Bus Pass Tracker," do you recognize that document?

A Yes.

Q And what is that?

A Like I said, that is what we had Ms. Guerrero turn in to show how she was using her bus pass.

Q Okay. And the next page?

A The same.

Q And the page after?

A The same.

Q The pages that say "Bus Pass Tracker" on the top or "Bus Tracking Form," are those documents that were provided initially to Ms. Guerrero for her completion, by the Children's Cabinet?

MS. ELCANO: Objection, Your Honor. Were they blank documents or --

MR. ELKINS: Judge, I can get there.

THE COURT: Let him ask the question.

MR. ELKINS: Thank you.

BY MR. ELKINS:

Q Did you provide blank documents to Ms. Guerrero to track her use of the bus pass?

A Yes.

Q Okay. And did you require her to do something with those documents in order to get bus passes?

A To return them back to me as her case manager, yes.

Q And return them back how?

A Completed.

Q Okay. And these documents that -- the ones with "Bus Pass Tracker" or "Bus Tracking Pass" at the top, "Bus Tracking Form," are those documents that Ms. Guerrero submitted to you in order to get her bus passes?

A Yes.

Q And where were these documents kept?

A In my case file.

Q And are these kept in the regular course of the business of Children's Cabinet?

A Yes.

Q Are they kept for the purpose of documenting

how the bus pass money is spent?

A At the time, yes.

MR. ELKINS: Judge, I move these into evidence as Respondent's 5 in evidence for purposes not of the truth of the contents, but to show that they were submitted by my client for the purpose of obtaining the bus passes.

MS. ELCANO: I object, Your Honor. These documents are not authored by Ms. Pasley. They obviously contain lots of information. They were not created by her. They do not meet the business record rule because they were not created by her. They may have --

THE COURT: I'm going to assume at some point your client's going to testify and say these were used by her. They'll be admitted on the basis -- let me just finish what I'm -- I'm not going to read the content at this point. They will be admitted for the purposes of showing that she received them and then submitted them back to the agency. I won't look at the content unless and until I get more testimony, so they're limited for very --

MS. ELCANO: I just want to make the record. They are as to Robert and Jackie. There's no information that just Jackie authored them. They contain hearsay.

Additionally -- if I could just finish making my record -- additionally, they do not meet the business record document requirement because they were not authored by this particular individual. They talk about Ms. Guerrero and Mr. Hunt-Taylor. They are not all initialed specifically by Ms. Pasley. There are some pages that are initialed and others that are not.

MR. ELKINS: Sorry, Judge. Ms. Elcano is free to voir dire the witness was my objection, if she wants to ask questions about the foundation. Other than that, I don't have anything to add.

THE COURT: They're only being admitted to show that the forms were given to her and the forms were returned to her. If you want me to consider the content, then I need more testimony.

MS. ELCANO: I just want to be very clear that the first page identified as "Weekly Attendance Sheet" is not being admitted.

THE COURT: Is it going to become something you use later on?

MR. ELKINS: Probably not, Judge.

THE COURT: No. Let's just -- we'll mark that as 6 or 5 --

MR. ELKINS: A or --

THE COURT: 5A, and then the rest of it is 5B.

MR. ELKINS: Thank you, Judge.

THE CLERK: You can just admit specific pages.

THE COURT: So the rest of the pages were admitted for the purpose of showing that the form is provided to her and she submitted it back.

THE CLERK: So I don't have the original exhibit book, so -- so is page 1 the only page --

THE COURT: 5A is not admitted for any purpose. 5B, which is the rest of the pages, is admitted solely for the purpose of showing that it was provided to her and resubmitted back, not for the content, unless I get more testimony on it.

Is that clear as mud?

MR. ELKINS: May I?

THE COURT: Yes.

MR. ELKINS: Thank you.

(Respondent's Exhibit 5B was admitted.)

BY MR. ELKINS:

Q Would you say, Ms. Pasley --

Am I pronouncing your name correctly?

A PAZ-LEE.

Q PAZ-LEE. I'm sorry.

Would you say, Ms. Pasley, that completing and submitting these forms showed motivation by the mother?

A Yes.

Q You testified that initially, when the assessment was done, among the identified issues was parenting skills, knowledge, and something -- I'm sorry.

Do you recall what? Parenting skills, knowledge, and what?

A Motivation.

Q Does that come from a form, an assessment form?

A Yes.

Q So these aren't your identified concerns? These were on the form; is that right?

A Yes.

Q Roberto, do you know how old he was when the case came in?

A Five.

Q Was he required to go to school?

A He was in kindergarten.

Q But was he required to go to school; do you know?

MS. ELCANO: If we're asking for a legal conclusion, I will be objecting as to legally whether he's required to go to school.

BY MR. ELKINS:

Q In your understanding --

A In my understanding, if the child is enrolled in school, they're required to attend school.

Q Being five and not going to kindergarten, was that a safety concern? Did that make him unsafe?

A I don't know. I did not do the assessment.

Q Your job, as I understand it, is to implement safety planning; correct?

A Uh-huh, yes.

Q So presumably you have to know what safety is, what's safe and what isn't; fair to say?

A Yes.

Q Is a child unsafe by virtue of not going to kindergarten at the age of 5?

A No.

Q Okay. Thank you.

THE COURT: There are no right or wrong answers. Just answer the question. Sometimes witnesses think that there are right or wrong answers. Just answer -- you gave a good answer. There are no right or

wrong answers.

BY MR. ELKINS:

Q Referring to 4 in evidence in your binder there, can you explain the circumstances under which you wrote that letter?

A Ms. Guerrero was reporting that she was close to the top of the Reno Housing Authority list for housing at the time and that they needed two letters of reference to obtain the housing, and they were having difficulties obtaining the two letters, so I wrote one of the letters for her.

Q Okay. Are you familiar with the Section 8 program? Is that one of the things your agency employs?

A That is one of the options through the Reno Housing Authority.

Q Can you explain to the judge what Section 8 is?

A Section 8 is public housing. There's different options. There's actual housing itself that is provided for public housing, but then there's also voucher programs where you could qualify for funding through public housing to live in a different residence if necessary, that they would assist with rent.

Q Can you --

I'm sorry, Judge.

THE COURT: Reno Housing is different than Section 8, I assume?

MR. ELKINS: That's a question.

THE WITNESS: No. It's --

THE COURT: The same thing?

THE WITNESS: Yes.

THE COURT: So if I refer to Section 8 housing, that's Reno Housing?

THE WITNESS: Correct.

THE COURT: Okay. I had that question. So go ahead.

BY MR. ELKINS:

Q So when a person applies for Section 8, they get a voucher; correct?

A Not necessarily.

Q No, no. If they're lucky, they get a voucher?

A (No audible response.)

Q When you say "not necessarily" --

A Some families that are selected for Reno Housing are given an actual place to live, they have actual housing units, and other families are given a voucher.

Q Let's say you're given a housing unit. You're required to pay a deposit; is that correct?

A Yes.

Q And you're required to pay a certain amount of money monthly for utilities?

A Yes.

Q And then the rent is subsidized; is that correct?

A Correct.

Q And you pay what, 30 percent of your income?

A I'm not sure as to the exact percentage.

Q Some percentage?

A Correct.

Q What if you have no income?

A I don't know their procedures --

Q Okay.

A -- exactly.

Q With regard to the voucher, do you know who issues those vouchers?

A The Reno Housing Authority.

Q And when you get the voucher, you have to go out and find an apartment; correct?

A Correct.

Q Which means you have to find a landlord who's

willing to rent to you?

A Correct.

Q And do you know what happens if you're not able to use the voucher within a certain period of time?

A No.

Q How long have you worked for the Children's Cabinet?

A Four years.

Q And how many families would you say you've assisted to use these Section 8 vouchers?

A Probably up to ten.

Q In your experience, does having bad credit or a prior eviction make it difficult to get an apartment?

A Yes.

Q And so is it fair to say that you can have a Section 8 voucher and not be able to get an apartment because of things like bad credit or prior eviction?

A Yes.

Q What was your understanding, besides Roberto not going to kindergarten, about the impending danger when the case came in?

A That the family lacked resources to provide for themselves and the children.

Q And specifically housing?

A Housing and income to maintain housing, yes.

Q And one of the services, I believe you testified, that you provided was assisting in preparing a budget; correct?

A Correct.

Q I'd like to direct your attention to the white binder, to what's been offered as 3.

Do you recognize that document?

A Yes.

Q And whose initials appear on the bottom right-hand corner?

A Those are mine.

Q When did you -- withdrawn.

Did you complete this document?

A Yes.

Q And when did you complete it?

A In January of 2013.

Q And can you just explain to the Court the circumstances under which you completed this document?

A I met with Ms. Guerrero, and we looked at the income she had coming in versus the expenses she had at the time, and we completed this form.

Q And then was this what you referred to as one of the steps you took as a service at the request of the

Washoe County Department of Social Services, to assist the mother in completing the budget?

A Yes.

Q And when this was done, did you keep the document?

A Yes.

Q And where did you keep it?

A In my case file.

Q Is this document kept in the regular course of your business?

A Yes.

Q In the files of the Children's Cabinet?

A Yes.

MR. ELKINS: Judge, I would introduce this as No. 3 in evidence.

MS. ELCANO: May I just voir dire, Your Honor?

THE COURT: Go ahead.

MS. ELCANO: Thank you.

VOIR DIRE EXAMINATION

BY MS. ELCANO:

Q All of the information that was inputted in this document was provided by who?

A Ms. Guerrero.

Q So you did not verify anything indicated here?

A No.

Q And did you personally write in everything here?

A Some of this does not appear to be my handwriting.

MS. ELCANO: Your Honor, I'm prepared to stipulate to its limited admission as to a document that was submitted as a budget form to Ms. Pasley.

THE COURT: Well, you know, the questions you're asking go to the weight I would give it, not whether it's admissible, so Exhibit 3 is admitted.

MS. ELCANO: Your Honor, it's based on hearsay and information that she didn't handwrite, so I don't think she can authenticate it.

THE COURT: You can certainly cross-examine about that.

MS. ELCANO: Just for the record, she indicated it's not her handwriting, so it's information she didn't enter. I don't think it's been properly authenticated because we can't identify who's written in that information. Also, she's writing down information

provided by Ms. Guerrero, not her own information that hasn't been validated.

Given that, I don't think it's been properly authenticated, I don't think it meets the hearsay exceptions, and I'm willing to submit to it being admitted only as to a document that she received, but not one that she created.

THE COURT: What you're saying goes to the weight I might give what's there, but not whether --

MS. ELCANO: It goes to authenticity as well.

THE COURT: This was a form that she said they sat down and filled out together, so the fact that she didn't verify amounts goes to its weight.

MS. ELCANO: But she didn't write everything in either, so I don't think she can authenticate it, Your Honor.

THE COURT: But you both filled this form out; is that correct?

THE WITNESS: Correct.

THE COURT: So it's admitted for whatever purposes you guys want to argue. 3 is admitted.

MR. ELKINS: Thank you.

(Respondent's Exhibit 3 was admitted.)

THE COURT: How much longer are you going to

be with this witness? We're getting close to our break here.

MR. ELKINS: What time would you like to break?

THE COURT: I would have broke at 10:15.

MR. ELKINS: I cannot finish by 10:15 at this point, Judge.

THE COURT: How about 10:30?

MR. ELKINS: How about --

THE COURT: If we take our breaks at fairly regular times, then we don't --

MR. ELKINS: Judge, it's entirely up to you.

THE COURT: 8:30 to 12:00 --

MR. ELKINS: I've got five to ten more minutes.

THE COURT: We'll take a 15-minute break, and we'll come back at 20 to 11:00.

(A recess was taken.)

THE COURT: This is Case No. FV14-03897 in the matter of the parental rights as to the Taylor children as set out in the petition. The parties are present with their counsel.

Mr. Elkins, continue your cross-examination.

MR. ELKINS: Thank you.

CROSS-EXAMINATION

(Cont'd)

BY MR. ELKINS:

Q Ms. Pasley, during the break I know you were speaking to Ms. Lopez. You weren't speaking to her about the case, were you?

A No.

Q Okay. Thank you.

I didn't think so. I just wanted to make sure.

We were talking about -- I think when we left off we were talking about you assisting Ms. Guerrero to prepare a budget while they were living in the Linden Street apartment.

Is it fair to say that, given their income at the time, you found that that was not a sustainable situation?

A That's correct.

Q In fact, is it fair to say that it was your opinion that TANF was not sufficient to support this family in that apartment?

A Correct.

Q Okay. When the family first came to you or Ms. Guerrero first came to you and told you they had the

apartment, she told you there was an impediment to signing the lease, did she not?

A I'm sorry?

Q Let me be more specific.

When they first came to you, they said they owed money to Nevada Energy or some -- on the power bill; correct?

MS. ELCANO: Your Honor, I would just like to request that the information provided is what Ms. Guerrero said, not they.

MR. ELKINS: She. I'm sorry. I apologize.

BY MR. ELKINS:

Q Ms. Guerrero told you that they owed money on their previous energy bill; correct?

A Correct.

Q And that that would be an impediment to their renting an apartment, this apartment; correct?

A Correct.

Q And she also told you that the rent was what, about -- do you know?

A I can't recall.

Q $350, something like that, or do you not recall?

A I can't recall.

Q Okay. In any event, Ms. Guerrero asked the Children's Cabinet to assist with the payment of the outstanding energy bill; correct?

A Correct.

Q And Children's Cabinet did not provide that payment; correct?

A Correct.

Q But Ms. Guerrero managed -- she told you she managed to get the money from a friend?

A Correct.

Q So they were able to move into the apartment?

A Correct.

Q During that time when you were the case manager, you would visit the apartment, the Linden Street apartment; isn't that right?

A Correct.

Q And let me just back up for a minute.

Do you make Unity notes?

A Yes.

Q And not to belabor the record, but can you just briefly describe, what is a Unity note?

A Unity is the computer system to which we enter our case notes into.

Q And when do you make those entries in

relation to what you're writing about? Do you do it the same day, the next day?

A We have five business days.

Q Okay. So within five business days of an event, you record the event?

A Correct.

Q And do you make an effort to be accurate about what you're writing?

A Yes.

Q Okay. One of your functions was, if I understand you correctly, to determine whether or not an in-home safety plan could be implemented?

A Correct.

Q And one of your functions while doing that was to visit the home; is that correct?

A Correct.

Q Let me ask you this: Do you have any records with you that you made?

A I did not bring any records with me, no.

Q Do you recall visiting the home during -- well, isn't it fair to say that, during your visits to the home, you found it was sufficiently safe for the children?

A I recall making notes that there were some

concerns during my visits.

Q But isn't it a fact that in July you recommended an in-home safety plan?

A I don't recall specifically what you're referring to.

Q Okay. The Court's indulgence.

Do you recall that you were speaking to Washoe County Department of Social Services about whether the children could safely be in the home? Do you recall that?

A That's always an ongoing conversation, correct.

Q Do you recall a time when you said that you had been to the home and it was appropriate for in-home visits?

A Correct.

Q Is it fair to say that you would not have said that if you were concerned that the conditions in the home were unsafe for the children?

A But I also noted different concerns. I went to the home six times between May and August of 2013 where I noted there was debris in the carpet, there was cigarettes accessible to the children.

Q On one occasion; correct?

A The cigarettes was one occasion, correct.

Q Okay. So when you visited the home, did you enter Unity notes about your visits?

A Yes.

Q Sorry, Judge.

Do you recall specifically the conditions of the home each of the times that you visited as you sit here today?

A In reviewing for the trial, I remember reviewing those case notes and that I noted the conditions of the home.

Q Okay. So based upon your review of the case notes, you have a recollection?

A Correct.

Q So if I were to ask you, for example, on May 22nd when you visited the home, what were the conditions, do you recall? May 22nd of 2013.

A I do not recall that specific case note, no.

Q If I showed you the case note, would that refresh your recollection?

A Yes.

MR. ELKINS: Judge, I would like this deemed marked for identification. I'm not sure how far along we are with respondent's.

THE CLERK: It will be marked as Respondent's Exhibit 9.

MR. ELKINS: 9.

MS. ELCANO: May I have a copy?

MR. ELKINS: Well, you can -- I only have this one. I'm happy to make a copy of it, Your Honor.

MS. ELCANO: My only concern is there is a case note lower that is not Miss Pasley's case note.

MR. ELKINS: I haven't identified that.

MS. ELCANO: I would just request that she's restricted in reading only what was provided, and that if this is admitted into evidence, it's not --

THE COURT: The only purpose it has is to refresh her recollection and wouldn't be admitted --

MR. ELKINS: I have no intention of offering it into evidence.

THE COURT: It's only being marked now for purposes of identification?

MR. ELKINS: Correct.

May I approach the witness?

THE CLERK: If you could not write on the originals.

MR. ELKINS: Sorry.

(Respondent's Exhibit 9 was marked.)

BY MR. ELKINS:

Q I'm going to show you what's been marked Respondent's 9 and ask you if you would look at that note, the one at the top.

Is that a note that you made?

A Yes.

Q And looking at the note and particularly drawing your attention to the last sentence, does that refresh your recollection about the condition of the home on May 22, 2013, during your visit?

A Yes.

Q And what was the condition?

A I noted that from the living room area that I saw, I did not note safe concerns at that time.

Q I'm sorry. How did you characterize it?

A I said that the home appeared clean, free of safety hazards, from what I could see.

Q Okay. Thank you.

Do you recall visiting the home on June the 12th of 2013?

A Yes.

Q Do you recall noting that the apartment was clean and there were no safety concerns other than two hand-rolled cigarettes on a table -- on an ashtray on the

table? Do you recall that?

A I recall noting that the cigarettes were a concern because they could be of danger to the children, yes.

Q Do you recall noting that otherwise the apartment was clean and there were no safety concerns?

A Yes.

Q Do you recall transporting Ms. Guerrero back to her home on June 19th after accessing clothes at Casa De Vida?

A Yes.

Q And do you recall noting at that time that you gauged the safety of the home during the visit -- although there was some clutter from the toys, the home posed no safety threat? Do you recall that?

A I also noted one of the children had a dirty --

Q Do you recall that?

A Yes.

Q You noted one of the children had a dirty diaper and that Ms. Guerrero changed it?

A Yes.

Q There came a time, did there not, when the children were permitted to visit in their parents' home

on Linden Street?

A Yes.

Q Going back to the power bill, you referred Ms. Guerrero to the Salvation Army; correct?

A Correct.

Q In an effort to pay the bill?

A Correct.

Q And you, in fact, made a phone call from your office, didn't you?

A Correct.

Q And ultimately Salvation Army was not able to assist; is that correct?

A Correct.

Q You also made other efforts, and, if I understand it correctly, in one instance it would take two months to get assistance; is that right?

A I believe you're referring to the low-income energy assistance application.

Q Right.

A That's processed through the Department of Welfare, and there's no guarantee on how long it can take, correct.

Q Isn't it true the visits in the home stopped because the parents were not able to pay their power

bill? Do you recall that?

A I -- I -- I don't.

Q But you were responsible for the in-home safety plan; right?

A There was not --

MS. ELCANO: Objection.

MR. ELKINS: Withdrawn.

BY MR. ELKINS:

Q You were responsible for seeing whether or not an in-home safety plan could be implemented; correct?

A Correct.

Q So the lack of power would have been something that would have been of concern to you, I assume?

A Correct.

Q Okay. Is that something that would have been called to your attention?

A Yes.

Q Do you recall the parents not being able to pay the power bill?

A Yes.

Q Do you recall in July having a conversation with Ms. Guerrero about how the power bill could be paid?

Let me be more specific. Do you recall

discussing with Ms. Guerrero donating plasma to pay the power bill?

A I remember discussing that with Ms. Guerrero and Mr. Hunt-Taylor, yes.

Q And, in fact, do you recall that the family had items or were being told that the family had items in storage, they had to pay storage?

A Yes.

Q And did Ms. Guerrero tell you it was furniture, bunk beds, children's toys and clothes, things of that kind?

A I don't recall specifically what was in the storage.

Q Okay. Well, you knew that they had had a previous eviction; correct?

A Correct.

Q And did Ms. Guerrero tell you things were in storage as a result?

A Yes.

Q Okay. Do you recall, on or about May 16th, encouraging them to donate plasma to pay the storage bill?

A Yes.

MR. ELKINS: I don't have any further

questions, Judge.

THE COURT: Any redirect?

MS. ELCANO: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. ELCANO:

Q Ms. Pasley, based on your training and experience and your experience with this family, what are the current safety issues in existence today which are preventing the placement of the children?

MR. ELKINS: Judge, I'm going to object. It's beyond the scope. It's cumulative. This is already in the record; she testified to it on direct. I didn't go into it on cross.

MS. ELCANO: Yes, he did.

THE COURT: The objection is overruled.

Go ahead.

THE WITNESS: At this time there's not a residence to which the children can be reunified to. There's not a way to sustain a residence if a residence was obtained. There's still ongoing concerns about domestic violence in relationships Ms. Guerrero has had. The ability to maintain income has been an ongoing concern throughout the life of the case as well, so

that's also an ongoing concern at this time.

BY MS. ELCANO:

Q And I want to turn next to Reno Housing.

Is Section 8 a program within Reno Housing, to your knowledge?

A Yes.

Q And you testified that you had worked with about eight families with Section 8 housing.

What type of families are you referring in terms of income status?

MR. ELKINS: Objection, Judge. What type of family? Relevance.

BY MS. ELCANO:

Q In regard to income status, what type of families are you referring?

MR. ELKINS: I withdraw the objection.

THE WITNESS: They're low-income families who typically have had previous evictions. Some reside on public assistance, some have minimum wage jobs. The families vary.

BY MS. ELCANO:

Q And you testified that it may be difficult to get low-income housing when you have credit issues or income issues, but is it impossible?

MR. ELKINS: Objection. Relevance. Basis of knowledge.

BY MS. ELCANO:

Q Based on your experience, has it been impossible?

MR. ELKINS: Excuse me. Eight families, Judge, is hardly a sufficient sample for her to be an expert.

THE COURT: Well, she can -- her testimony I give weight to based on what she said her experience was.

So answer the question based on your experience.

THE WITNESS: No, it's not impossible.

BY MS. ELCANO:

Q Thank you.

You testified a little bit about the Linden Street apartment and the budgeting.

Who chose the Linden Street apartment?

A Ms. Guerrero and Mr. Hunt-Taylor did.

Q Did you assist Ms. Guerrero in any way in identifying that as an appropriate apartment for them?

A No, I did not.

Q And based upon your budgeting and your concerns with sustainability of that apartment, what

services did you offer to Ms. Guerrero to address that issue?

A I referred them to Salvation Army for assistance with bill payment; I referred them to low-income energy assistance to help them try to sustain their power bill; I referred them to plasma donation to try and make extra income that way as well. Again, continued employment search and applications and that type of nature of resource support.

Q And when, approximately, did you refer Ms. Guerrero to Reno Housing, the Section 8 program, if you recall?

A Well, that letter was written in August of 2013, but she was on the wait list for approximately 14 months at the time I wrote that letter.

Q Okay. You testified that you did not provide any financial assistance to help with the outstanding energy bill.

Did you offer any assistance -- pardon me. Did you identify any services to Ms. Guerrero that could be used to help with the outstanding energy bill?

A We referred them to Salvation Army. I attempted to call the Salvation Army on their behalf, again, trying to problem-solve in terms of the low-income

energy assistance and plasma donation.

Q And did you provide any assistance with applications associated with the Reno Housing -- pardon me -- with the NV Energy assistance?

A There was two occasions. I believe the first was denied, and I did assist on the second application.

Q What assistance specifically did you provide?

A I assisted them in making sure they had the proper documentation upon resubmitting to better their chances of having it approved the second time.

Q You testified that you viewed the home, I believe, twice in June and once in May, and that was the Linden Street apartment; is that accurate?

A I recall seeing the apartment a total of six times over the total time I've had the case, but, yes, that's what I previously testified to.

Q And in May when you viewed the condition of the home, did you inspect the whole home?

A No. I only saw the living area and assisted with moving in the donated furniture.

Q And approximately how many times did you view the home in May?

A I believe only the once.

Q Okay. And what change, if any, was there in

the condition of the home from May and when you saw it subsequent to then?

A I know there were concerns about debris being in the carpet and that being a potential safety hazard for young children being able to access, and I also noted the hand-rolled cigarettes being in accessible reach of the children as well.

Q And when an in-home safety plan is considered in regards to a SAFE-FC case where both you and Social Services are involved, who makes the ultimate decision as to whether or not an in-home safety plan is implemented?

A Social Services uses the feedback from Children's Cabinet and other providers, but ultimately it's Social Services' decision whether or not an in-home safety plan is appropriate.

Q And during the time you were the case manager, was an in-home safety plan recommended?

A No.

Q Why not?

A Ms. Guerrero and Mr. Hunt-Taylor did not meet their conditions for a turn, so an in-home safety plan was not deemed appropriate at that time.

Q And what safety concerns prevented that?

A The concerns about the home not being

sustainable, not being able to maintain the bills associated with the home.

Q During the time you were the case manager as well as the supervisor, are there any services that you had not offered to this family that you would today or you would feel would be beneficial?

A I don't believe so.

MS. ELCANO: I have no further questions.

THE COURT: Mr. Elkins.

MR. ELKINS: Thank you.

RECROSS-EXAMINATION

BY MR. ELKINS:

Q When the power was shut off on the Linden Street apartment, Ms. Guerrero asked the Children's Cabinet to assist to pay the bill; correct?

A I don't know if I was the case manager at that time.

Q I'm asking when you were the case manager, do you recall that?

A I don't recall.

Q Okay. Fair enough.

With regard to Albert, is that the person -- Ms. Elcano asked you today about domestic

violence. Ms. Guerrero told you that at one point she considered Alberto controlling; isn't that right?

A Yes.

Q And that he was jealous; right?

A Right.

MS. ELCANO: Objection. This is outside the scope of redirect.

THE COURT: Objection is overruled.

MR. ELKINS: Thank you.

BY MR. ELKINS:

Q She never told you that he hit her, did she?

A To me, no.

Q Never told you that he did anything physically violent toward her, did she?

A No.

MR. ELKINS: No further questions.

THE COURT: When you are involved in a case, do you open a case up? Do you understand what I'm saying?

THE WITNESS: No.

THE COURT: So you set a file up, I assume, if someone comes in and you're providing them with some assistance?

THE WITNESS: Yes.

THE COURT: And then do you have, like, a closing mechanism when you no longer -- see what I'm saying? In other words, have you closed your file on Ms. Guerrero?

THE WITNESS: No. Her case is currently open with our agency.

MR. ELKINS: May I follow up?

THE COURT: Go ahead.

BY MR. ELKINS:

Q With regard to the three older children, there came a time when the Children's Cabinet closed their file, correct, no longer provided services?

A Yes. Can I clarify?

Q Please.

A A case is open to our agency as long as reunification is still the permanency plan for a child. So as to the three older children, our case is currently closed. However, because the plan is currently concurrent on the youngest child, our case is still currently open with Ms. Guerrero.

THE COURT: But she can get services -- I mean, you provide services separate and apart from when Social Services is involved; right?

THE WITNESS: Other programs at the

Children's Cabinet, yes.

THE COURT: Okay. You're saying anybody can come to Children's Cabinet and ask for assistance?

THE WITNESS: Correct.

MR. ELKINS: May I, Judge, just to clarify?

BY MR. ELKINS:

Q So you closed your case as to the older three children in or about April of 2014; correct?

A I don't recall. I was not a supervisor or case manager at that time.

Q Okay. So whenever it was that the goal changed?

A Correct.

Q And then you didn't have a case with Ms. Guerrero, did you, until the youngest child, Ethan, came into care; correct?

A Correct.

Q That was in September of 2014; correct?

A I was not a supervisor or case manager at that time.

Q So you wouldn't have had a case unless and until the youngest child came into care; right?

A Right.

Q So there would have been a period of time

between the goal of termination and when the youngest child came into care when no services were being provided by Children's Cabinet; correct?

A Correct.

Q May I? I'm almost done.

In addition to that, if someone walks in off the street and says, "I need help," and they have children in foster care, what would Children's Cabinet do?

A Each case is individualized. I don't think I have a blanket answer for that.

Q Isn't it a fact that the Children's Cabinet has a group that works with Washoe County Department of Social Services for children who are in foster care?

A For workers who are trained in SAFE-FC, correct.

Q That's your group?

A Correct.

Q And does the Children's Cabinet provide any service to anybody who comes in and asks for it?

A That's all based on the individual case based on funding available. I don't have a blanket answer for that.

Q Okay.

MR. ELKINS: Thank you, Judge.

FURTHER REDIRECT EXAMINATION

BY MS. ELCANO:

Q The safety concerns you identified that are outstanding today, are those in relation to Ethan?

A Yes.

Q And are they the same safety concerns when you were the case manager that were in relation to Roberto, Kayleigh, and Nathan?

A The housing and sustainability, yes.

Q And because the case is open as to Ethan, can Ms. Guerrero obtain services from your agency currently to address any of those outstanding issues today?

A Yes.

Q And how long has -- I'm sorry.

You were the case manager when on this case?

A From April --

Q I'm sorry. The supervisor.

A Since November of 2014.

Q So Ms. Guerrero has been able to access services regarding Ethan since November of 2014?

A There was a case manager briefly before that, so I believe what Mr. Elkins was saying about -- from the

time of his removal, it has been open to our agency.

Q Any services to address those outstanding safety concerns?

A That's correct.

MS. ELCANO: Thank you. I have no further questions.

THE COURT: Is this witness excused?

MR. ELKINS: Yes.

MS. ELCANO: Yes.

THE COURT: I see we have the interpreter here now.

MS. ELCANO: Yes. I'd like to call Sandra Matute, Your Honor. I am slightly concerned that we may go over, but I don't know that I'm going to have the interpreter past noon today, so I'd ask for indulgence.

THE COURT: She's already been sworn. I'll just remind both of you she has been sworn already and that still applies, so you're still under oath in this proceeding. Be seated.

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SANDRA MATUTE,

having been previously duly sworn,

was examined and testified as follows:

(The following testimony was interpreted by an English-Spanish interpreter.)

DIRECT EXAMINATION

(Cont'd)

BY MS. ELCANO:

Q Good morning, Ms. Matute.

A Good morning.

Q I believe we left off discussing the identified special needs of the children, and you indicated that Roberto is in counseling.

How often does he go to counseling?

A Once a week, on Monday.

Q And does Roberto attend any special appointments for his speech therapy?

A No.

Q Where are those services provided?

MR. ELKINS: Excuse me. Didn't she say, "No"?

THE COURT: Yeah, I think she said, "No."

MS. ELCANO: I'm sorry. She had established

that speech services were provided. I was asking for special appointments outside --

THE COURT: I'm confused now, too.

MS. ELCANO: Let me back up.

THE COURT: Why don't you start again.

BY MS. ELCANO:

Q Where does Roberto receive his speech services?

A At school.

Q So there are no special appointments that you have for Roberto for speech therapy?

A No.

Q And where does Kayleigh receive her speech therapy?

A She gets those services at Advanced Pediatrics therapy.

Q And how often does she receive those services?

A Once a week, on Wednesdays.

Q And where does Nathan receive services for his speech?

A Also at Advanced Pediatrics.

Q And when does Nathan receive those?

A On Wednesdays.

Q Do Kayleigh and Nathan see the same therapist?

A Same time, same place, but different therapist.

Q I see. And where does Ethan receive his speech and motor therapy?

A He gets home visits.

Q And how often?

A Two times per month.

Q And what time does that occur?

A It varies.

Q And what time is Roberto's therapy session?

A His therapist gets him out of class. It's half an hour.

Q I'm sorry. I meant his counseling.

A Could you repeat the question?

Q What time and what day does Roberto go to his counseling?

A It's on Monday at 1:00, and it lasts 45 minutes.

Q Court's indulgence.

And where does Roberto go to therapy?

A Child's World.

Q So how does that work if Roberto is in

school?

A Well, I go and pick him up from school, and he gets special permission to take him to therapy.

Q And Kayleigh and Nathan's therapy, what time is it at?

A It's at 11:00.

Q And where?

A Advanced Pediatric therapy.

Q So how does that work with Kayleigh and Nathan being in school?

A Well, Nathan has no school on Wednesdays because he's in pre-K. Kayleigh does go to school, but I go get a special permission slip to be able to take her to therapy, and then I drop her back off at school.

Q And how does that impact your baby-sitting or daycare.

A Well, I have a person who helps me when I need to go do things, and also I take care of kids when I can according to my schedule.

Q When Kayleigh -- pardon me -- Roberto, Kayleigh, and Nathan were placed with you originally, do you know what the permanency plan was for the children?

A Yes.

Q And what was it?

A Reunification.

Q And did that change while the children were placed with you?

A Yes.

Q And when, approximately?

A September or October of last year, 2014, approximately.

Q And what did the permanency plan change to?

A Adoption.

Q When Ethan was placed with you, what was the permanency plan?

A Reunification.

Q And has that changed?

A Yes.

Q And do you recall when, approximately, that changed?

A No, I don't remember.

Q Do you know what the plan changed to?

A Transition. Oh, I'm sorry. It was a concurrent plan.

Q Thank you.

To your knowledge, what is the visitation schedule presently for all children -- all four children with Ms. Guerrero?

A What is the visitation plan?

Q Yes.

A It's Wednesdays and Fridays.

Q And who transports the children to Social Services for those visits?

A I do.

Q And what time are those visits, do they start at and end at?

A On Wednesdays it's 3:30 to 4:00, and Fridays it's 3:00 -- no -- it's Wednesdays 3:30 to 5:00 and Fridays 4:00 to 5:00.

Q What concerns, if any, have you had regarding Ms. Guerrero's visitation with her children?

MR. ELKINS: Objection. It's not relevant, her concerns about visits, Judge, to the plan or her role in it. She's not a caseworker; she's a foster parent.

MS. ELCANO: I think it very much is. Ms. Matute has observed behaviors, reactions that the children have had to visits, and I think it goes to Ms. Guerrero's parenting abilities, things she's done and hasn't done as well as the best interests of the children with regards to their reactions.

THE COURT: Maybe be a little more specific in the question in the sense of whether she's observed

things of concern that Ms. Guerrero has done during the visitation. That's probably a more appropriate question.

BY MS. ELCANO:

Q What concerns have you had regarding the children's behaviors after visits with Ms. Guerrero?

MR. ELKINS: Judge, I object to the leading nature of the question.

MS. ELCANO: I said, "What concerns, if any."

THE COURT: First of all, because we've got an interpreter here and at times a language problem, I'm not concerned about the nature of the question, but I'm trying to figure out --

MS. ELCANO: I can rephrase it.

THE COURT: The question probably should be, have you seen things during visits that caused you concern, and then yes or no, and then the question would be, could you specifically relate what you've seen?

BY MS. ELCANO:

Q Have you seen anything during the visits that is concerning to you?

A If I've seen it during the visits?

Q Yes.

A No, because I'm not there during the visits.

Q Have you observed any behaviors of the

children which have been concerning to you after visits?

MR. ELKINS: Judge, objection.

THE WITNESS: Yes.

MR. ELKINS: She's about to call for what would require, I suggest, an expert opinion relating behavior to visits.

THE COURT: Well, she can relate what she's observed about the children's behavior after the visits. That's not expert testimony. That's just her observation.

MR. ELKINS: As long as that's where we're going.

BY MS. ELCANO:

Q Do you need me to repeat the question?

A Yes, please.

Q Have you observed any behaviors by the children after visits which are concerning to you?

MR. ELKINS: And I'm sorry to interject again, Judge. Could I get a time frame?

BY MS. ELCANO:

Q Since you have been the foster mother for these children.

THE COURT: Because she's been the foster parent for, what, 28 months for three of them?

MR. ELKINS: Correct.

THE COURT: And so --

MS. ELCANO: I'm first trying to establish if there's behavior. If there is, Your Honor, I can establish a timeline when it was observed and what the concerns were.

THE COURT: Go ahead. Do that.

MR. ELKINS: Thank you.

THE COURT: Ms. Matute, if you've seen behavior of the children after visits that concerns you, I guess then you should answer, "Yes, I've seen that," and then be very specific in terms of times and dates, as much as you can, of the behavior that you've seen that concerns you and what that behavior was.

Did I explain that well or do you need more explanation?

THE WITNESS: No. You explained it well.

BY MS. ELCANO:

Q Can you answer the question?

A Yes.

Q And when have you observed these behaviors, if you recall, approximately?

A Well, I don't remember exactly when because it's happened at different times when the kids have come

back from their visits.

Q Can you please tell the Court what behaviors you've observed that have been concerning?

A Well, the kids say that -- they're sad, they come back home sad and angry due to comments that their mom has made.

Q And what are those comments?

MR. ELKINS: Objection, Judge. We're going to start introducing children's statements --

THE COURT: This is hearsay.

MS. ELCANO: Your Honor, I'm not offering it for the truth of the matter asserted, as to whether or not it was stated. I'm offering it based upon the impact on the children, their behaviors, and what their best interests are.

MR. ELKINS: Obviously, Judge, it has no relevance unless you assume that it occurred and it's accurate. Otherwise it's irrelevant.

THE COURT: Not necessarily. I can -- I think she's right, that would be an exception, not for the truth of the matter asserted, but for the impact it had on the children. So I'll let it in for that purpose.

MR. ELKINS: But, Judge, the impact that it had assumes that it occurred. You can't have an impact

if it didn't happen.

THE COURT: You can cross-examine her on all of this.

MR. ELKINS: The problem is, I can't cross-examine the children, and supposedly these are children's statements.

THE COURT: You've got your client. You're going to call her, I assume, so -- this isn't a criminal case, so she can address whether or not she said things like that. I won't consider it for the truth of the matter asserted. I will consider it for the impact on the children.

So go ahead.

BY MS. ELCANO:

Q What were the statements that the children indicated to you?

MR. ELKINS: That's -- I'm sorry, Judge. Again, there are four children --

THE COURT: You need to be specific.

MS. ELCANO: I can identify the children.

THE COURT: As specific as we can be. You've already established and to a degree she said she can't remember the times, but this is 28 months here, so was it when she first got the children, was it --

MS. ELCANO: I'm trying to get there, Your Honor, but I can't even ask a question to get a basis to even figure out if it's happened in order to get to those questions. So I'm trying to. I just haven't had the opportunity.

THE COURT: Okay. Go ahead.

MS. ELCANO: Thank you.

BY MS. ELCANO:

Q Which child has indicated to you that they have been upset about statements that their mother has made?

A Kayleigh -- no -- Kayleigh and Nathan -- no -- Kayleigh and Roberto.

Q What has Roberto said to you regarding statements Ms. Guerrero has made?

MR. ELKINS: Judge, I don't speak Spanish, but this is clearly a narrative at this point.

THE COURT: It's what?

MR. ELKINS: A narrative, Judge.

THE COURT: Well, okay. I thought you were saying "air" something.

MR. ELKINS: No. Narrative.

THE INTERPRETER: May the interpreter interpret what was said?

THE COURT: Yes. And maybe keep your answers a little shorter so that they are not --

THE WITNESS: There's many things, but the things that most impacted me were that he said that his mom has told him that I don't love them, that nobody loves them, and has told them to be bad when they're with me and to not listen to what I say. And on one occasion the little boy said to me, "Mommy, I'm going to be good with you because you're good, but Mama Jackie has told me to tell you that you are not good to me." And that affects the kid because they love both of us, they love her and they love me, and so that has an impact on them.

BY MS. ELCANO:

Q Do you recall the most recent time that Roberto has made these types of statements?

A The most recent time?

Q Yes.

A Yes.

Q Can you tell the Court when, please?

A It's impossible to remember the dates.

Q The month and year, approximately?

A Approximately a month.

Q A month ago?

A Yes, a month ago.

Q And in regards to Kayleigh, what statements has she made to you regarding Ms. Guerrero?

A Similar things. She told Kayleigh that I don't love her, that nobody loves her. Her mom had told her that she's ugly and that she doesn't love her because she loves me.

Q And do you recall approximately the most recent time that Kayleigh said this?

A Approximately around almost a month ago, approximately.

Q Can you please describe Roberto for the Court?

A He's loving, he's adorable, he's social and sensitive, he loves sports and school, and this year he got a prize for being the best student. He loves food, he loves pizza. He's always asking for pizza. He's a very flexible kid.

Q Can you please describe Kayleigh to the Court?

A She's very independent. She's a little -- well, she's not very flexible. She's quite demanding. She's a perfectionist, so most of all she's demanding on herself. She's adorable, and she loves school and the sports that her brothers do. She likes to

participate in those sports.

She likes to help me at home with the baby. She likes to help in everything around the house, and she's really good at school, and she's just happy in everything she does.

Q Could you describe Nathan for the Court?

A He's very energetic. He's adorable. He's always saying, "I love you, I love you." He's just very loving. He's quite energetic, and he's always asking me to take him hiking up in the mountains. And I don't know that he likes school that much even though he says he does, but he doesn't like his teacher. He's a kid who knows what he wants.

Q And can you please describe Ethan to the Court?

A Well, it's the same. All the kids are adorable and loving. He loves -- he's an explorer, he loves to explore, he loves to play, and he's always wanting my attention, and he absolutely loves eating bananas.

Q What extracurricular activities do the children engage in?

A Roberto plays soccer, baseball and karate; Kayleigh plays baseball and karate; and Nathan is too

little to participate in sports, but this season he will be starting soccer.

Q And do Jaer and Anthony also play any of those sports?

A Yes. The same ones.

Q Can you describe what a normal weekday is like with all of these six children in your home?

A Okay. Well, they get up at 6:00, they get up, they get dressed, they get ready to go to school. Then at 8 o'clock they have breakfast, then at 9 o'clock they're at school, and anywhere from 3:30, 3:45, a little before 4:00, back home, and they're really hungry so we have an early dinner.

Then it will vary what we do after dinner depending on whether they have a visit with their mom or they're going to be doing sports, so our after-dinner activities vary.

Q What steps do you take to make sure that you can do all of this with six children?

A You mean taking care of everything at home?

Q Yes. And driving and --

A Well, I'm very disciplined -- that is my strong point -- and the kids have a routine, so there's a schedule for everything, a schedule for taking baths, a

schedule for reading, for doing their homework. There's times for everything.

Q Do you have time to spend individual time with each child?

A Well, it's little, but I try and make it happen. I try and find that time and that space to be able to give individual attention to each one.

Q Do you believe that you are currently meeting all the basic and emotional needs of Roberto, Kayleigh, Nathan, and Ethan?

A Yes.

Q And what do you base that answer on?

A Well, I give them all individual attention. Like, for example, when Roberto -- on Monday we have some alone time when I will take him to his therapy. We'll talk. More than anything, I'll listen to him about his adventures at school and all the things that have happened to him, and that's our time for just him and me.

Q Do you believe that the children -- Roberto, Kayleigh, Nathan, and Ethan -- have become attached to you?

A Yes.

Q What do you base that answer on? What behaviors have you observed?

A Well, when they're at home, they just -- they act -- they're my kids, they hug me, they kiss me, they say, "I love you, Mom." If we go to the store, nobody realizes that any of those kids are not mine.

Q Do you believe that Roberto, Kayleigh, Nathan, and Ethan have become attached to Jaer and Anthony?

A Yes. They call them "my brothers."

Q What interactions -- I'm sorry. What do you base that on aside from --

A Because they all treat each other the same. Like my kids Anthony and Jaer and Roberto, Kayleigh, Nathan, they protect each other. They're like six brothers and sisters.

Q Do they ever fight?

A Yes.

Q And how do you deal with that?

A Well, our house is not always very calm, but God guides me and he knows what to do, and there's consequences and rules.

Q Do you have any family members in the area?

A A brother.

Q And where does your brother live?

A In Sun Valley.

Q And approximately how often does your brother visit your home and your family?

A Every two or three weeks at the weekend when he's not working.

Q And how would you describe Nathan, Ethan, Kayleigh, and Roberto's relationship with your brother?

A They call him "Theo."

Q Have Roberto, Kayleigh, Nathan, and Ethan shown physical affection towards you?

A Yes.

Q And can you please describe that to the Court?

A Well, like hugs, just the same as my kids, like the hugs that your kids give you, and "I love you so much, Mom. You're the best. You're the best mom." Just the things that kids normally do to express affection for their mother.

Q Do you believe Roberto, Kayleigh, Nathan, and Ethan need a permanent, stable home?

A Yes.

MR. ELKINS: Objection. Relevance, Judge. The foster mother's belief is not something the Court needs to rely on.

THE COURT: It's answered. Move on.

BY MS. ELCANO:

Q What is the basis for that belief?

MR. ELKINS: Objection. Relevance.

THE COURT: Yeah. I think probably you're asking her some questions that aren't --

MS. ELCANO: But, Your Honor, I think if the Court is obligated to consider the adoptive placement compared to what the mother can provide and what the foster parent can provide, I think it's important if she thinks stability is important and why she thinks it's important and whether or not she can provide that consistently for these children.

THE COURT: You know, some of the questions that have been asked here, like, for instance, would anybody answer, "No. I think kids ought to have a scattered life"? At one point you asked the Cabinet person, when she made the note, "Do you always try to be accurate?" One of these days I'm waiting for a witness to say, "No. I just made it all up just to see if anybody's reading my notes."

I'm pretty sure she's going to say the kids need a permanent place, so let's just move on. Ask questions that accomplish what you're trying to accomplish, I assume.

MS. ELCANO: Your Honor, I do think it's important to know why she thinks stability is important because this has been --

THE COURT: Ask her why she said that.

MS. ELCANO: I did, and he objected.

MR. ELKINS: And I renew my objection.

THE COURT: Ask her why she thinks it's important to these kids.

BY MS. ELCANO:

Q Why do you think a stable, permanent home is important for these children?

A Because kids need to be able to feel stable, to feel safe, and to be able to know what to expect.

Q Do you love Roberto, Kayleigh, Nathan, and Ethan?

A Yes, I do love them.

Q And why?

MR. ELKINS: Objection, Judge. The witness has answered the question. She's volunteering a statement.

MS. ELCANO: I asked why.

THE COURT: Go ahead and answer the question.

THE WITNESS: Nature is so simple. They love me as a mother, and I love them as my kids.

BY MS. ELCANO:

Q How does Roberto address you?

THE INTERPRETER: The interpreter would like to note that she believes that the witness did not understand the question completely.

BY MS. ELCANO:

Q What does Roberto call you?

A He calls me "Mom."

Q And what does Kayleigh call you?

A "Mom."

Q And what does Nathan call you?

A "Mom."

Q And what does Ethan call you?

A "Mom" also.

Q Have you -- sorry.

Have you seen Ms. Guerrero recently interact with the children?

A An interaction?

Q Never mind. I'll just strike that.

What does Roberto call Ms. Guerrero?

A When he's going to visit, "Mom," and then -- but when he's at home he calls her "Jacqueline."

Q And what does Kayleigh call Ms. Guerrero?

A "Jacqueline."

Q And what does Nathan call Ms. Guerrero?

A "Jackie" or "Jacqueline," either of the two.

Q And Ethan?

A He still doesn't talk.

THE COURT: I was wondering.

BY MS. ELCANO:

Q When Roberto, Kayleigh, Nathan, and Ethan are scared or upset, who do they turn to for comfort?

A They come to me.

Q And how does Roberto express his desire to be comforted?

A He hugs me, he comes up and hugs me, and I hug him.

Q And how does Kayleigh express her desire to be comforted?

A Well, first she will tell me everything that's happened, and I will listen, and then we'll just end up hugging each other and kissing.

Q And how does Nathan express his desire to be comforted?

A He also hugs me. He'll hug me, I'll hug him back, and he'll say that he's going to give me a bone-crushing hug, you know, a really tight hug.

Q And how does Ethan express his need to be

comforted?

A He goes, "Mama, Mama," and puts his arms out so I will hug him.

Q Can you please describe Roberto's likes or dislikes to the Court?

A Well, his number one thing is food. He also likes reading and sports. He doesn't like being bored, he said he doesn't like that, and that's really the only thing he doesn't like.

Q Can you describe Kayleigh's likes and dislikes?

A She likes talking a lot and to have people listen to her, she likes drawing, and she doesn't like to be contradicted. That's Kayleigh.

Q And can you describe Nathan's likes and dislikes?

A Well, what he likes, he likes attention, he likes people to pay him attention, and he loves to play. You know, his age, he loves to play. What he does not like is picking up his toys after he's played with them.

Q Do you want to adopt Roberto, Kayleigh, Nathan, and Ethan?

A Yes.

Q And why?

A Because they love me like a mom, and I love them as if they were my kids.

Q Since Roberto, Kayleigh, Nathan, and Ethan have been placed in your home, have you ever reconsidered or not wanted to adopt the children?

A No.

Q Do you believe you can provide a stable home for these four children?

A Yes.

Q And have you provided one for the last 27 months?

A Yes.

Q Do you believe that you can provide food, clothing, and basic needs for these children if you were to adopt them?

A Yes, I'm sure.

Q And have you provided these things for them for the last 27 months?

A Yes.

Q What do you believe that it's important for the Court to know about Roberto, Kayleigh, Nathan, and Ethan that you haven't shared today?

A Well, the kids feel as if they're in their home, they think of it as their home, and if they were to

change from a place that is already established and stable and change to somewhere unstable, then that would really affect them.

Q Do you believe that Ethan is bonded with his siblings?

A Oh, yes.

Q And what do you base that answer upon?

A He's really close to Kayleigh. He loves all of his brothers but especially Kayleigh because she pays him a lot of attention, so if I'm not around, he wants to be with her.

Q And if the parental rights of Ms. Guerrero are terminated, will you file for the adoption of Roberto, Kayleigh, Nathan, and Ethan?

A Yes.

MS. ELCANO: I have no further questions.

MR. ELKINS: I'd like the record to reflect that it's noon, and I believe that, Judge, this witness was under examination yesterday and today for -- must have been an hour.

THE COURT: That's fine. How long do you think you're going to be? You said half an hour, I think?

MR. ELKINS: I'll try to do it in a half an