

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,

No. 70210

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JACQUELINE GUERRERO,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent.

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 SEVEN

JEREMY T. BOSLER
Washoe County Public Defender

CHRISTOPHER J. HICKS
Washoe County District Attorney

JOHN REESE PETTY
Chief Deputy

TYLER M. ELCANO
Deputy District Attorney

350 South Center Street, 5th Floor
P.O. Box 11130
Reno, Nevada 89520

One South Sierra Street, 7th Floor
P.O. Box 30083
Reno, Nevada 89520

Attorneys for Appellant

Attorneys for Respondent

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1 CODE: 4185
2 DAWN B. GUSTIN, CCR #253
3 Hoogs Reporting Group
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 (775) 327-4460
7 COURT REPORTER

8 IN THE FAMILY DIVISION
9 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR THE COUNTY OF WASHOE
11 THE HONORABLE WILLIAM A. MADDOX, SENIOR DISTRICT JUDGE

12 --ooOoo--

13 TERM: R. TAYLOR, K. GUERRERO- Case No. FV14-03897
14 TAYLOR, N. HUNT-TAYLOR,
15 E. HUNT-TAYLOR. Dept. No. 2

16 -----
17 TRANSCRIPT OF PROCEEDINGS

18 TRIAL

19 DAY 6

20 TUESDAY, SEPTEMBER 15, 2015

21
22
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24 Reported by: DAWN BRATCHER GUSTIN, CCR 253, RPR, CRR
California CSR 7124

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APPEARANCES:

FOR THE PETITIONER
WASHOE COUNTY DEPARTMENT
OF SOCIAL SERVICES:

TYLER ELCANO, ESQ.
Deputy District Attorney
1 S. Sierra St., 4th Floor
Reno, Nevada 89501

FOR THE RESPONDENT
JACQUELINE GUERRERO:

LEE ELKINS, ESQ.
Deputy Public Defender
350 S. Center St., 5th Floor
Reno, Nevada 89501

ALSO PRESENT:

JACQUELINE GUERRERO
MALIA SERONIO
ROCIO LOPEZ

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I N D E X

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JACQUELINE GUERRERO

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EXHIBITS FOR THE RESPONDENT

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12 Redacted copy of personal planner	1341	--
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RENO, NEVADA; TUESDAY, SEPTEMBER 15, 2015, 8:40 A.M.

THE COURT: Okay. This is Case No.
FV14-03897 in the matter of the parental rights as to the
Taylor children as set out in the amended petition.

Ms. Elcano is present with representatives
from the Washoe County Department of Social Services.
Mr. Elkins is present with his client.

Are the parties prepared to proceed?

MR. ELKINS: Yes, Judge.

THE COURT: Go ahead. Ms. Guerrero is still
sworn.

MR. ELKINS: Thank you, Judge.

JACQUELINE GUERRERO,
having been previously duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

(Resumed)

BY MR. ELKINS:

Q You're already sworn. Just have a seat.

1 Is that white binder over there?

2 A No. Just a black one.

3 Q Just a black one?

4 Good morning.

5 A Good morning.

6 Q I see you are blowing your nose. Do you have

7 a cold?

8 A Yeah.

9 Q Okay.

10 THE COURT: Great.

11 BY MR. ELKINS:

12 Q All right. So you remember the last time we

13 were here and we were talking about the day of Ethan's

14 removal?

15 A Yeah.

16 Q Okay. So when Ethan was removed, where did

17 you go?

18 A I stayed at Maribel's until --

19 Q I mean that day, where did you go?

20 A Oh. The hospital.

21 Q What hospital did you go to?

22 A Renown Regional.

23 MR. ELKINS: Judge, if I may?

24 /////

1 BY MR. ELKINS:

2 Q Why did you go to Renown Regional?

3 A I had a panic attack.

4 Q Can you just describe for the judge what that

5 means?

6 A I wasn't able to breathe. I couldn't control

7 my emotions. I was just freaking out bad.

8 Q Okay. How did you get to Renown?

9 A REMSA.

10 Q Okay. And when you left there, were you

11 given anything by them?

12 A I believe, yes.

13 Q What were you given?

14 A I don't remember.

15 Q Okay.

16 MR. ELKINS: I'll move on, Judge.

17 BY MR. ELKINS:

18 Q So did -- where did you go after you left the

19 hospital? How long were you at the hospital, by the way?

20 A A few hours.

21 Q Okay. And where did you go when you left the

22 hospital?

23 A To Maribel's house.

24 Q Who lived at Maribel's house?

1 A Troy, Maribel, I think her name was Bianca,
2 myself, Albert and Ethan when he was there.

3 Q Ethan. And how is it that you chose to live
4 in Maribel's house specifically?

5 A Can you repeat the question?

6 Q Sure. How did -- why is it that you came to
7 live at Maribel's house specifically? Is there something
8 about Maribel's house that...

9 A I don't remember.

10 Q Did anyone live in the vicinity of Maribel?

11 A Oh, yes. My mother.

12 Q Okay. And where did she live in relation to
13 Maribel?

14 A She lived a few apartments down.

15 Q Okay. And where does your mom live now?

16 A In Las Vegas, Nevada.

17 Q And when did she move to Las Vegas?

18 A Mid-April of this year.

19 Q Ms. Guerrero, did there come a time -- well,
20 let me rephrase that.

21 What did you do, if anything, to find a place
22 to live besides Maribel's?

23 A I looked online to see for rooms for rent and
24 apartments for rent.

1 Q Okay. Try to keep your voice up.

2 A I looked online for rooms to rent and

3 apartments for rent.

4 Q Okay. And how did you plan on renting an

5 apartment?

6 A With Albert's income.

7 Q Did you have any other means of renting an

8 apartment?

9 A Yes.

10 Q What's that?

11 A When I was working. When I was working.

12 Q Okay. Did you have any other assistance in

13 renting apartments?

14 A I don't remember.

15 Q Did there come a time when you found an

16 apartment?

17 A In what year?

18 Q In 2014 at about the time we're talking

19 about.

20 A Yes. 2014, yes.

21 Q And where was that apartment?

22 A 1355 Nannette Circle, Reno, Nevada, 89502.

23 Q Okay. And how did you intend to pay for that

24 apartment?

1 A The Section 8 voucher.

2 Q How long had you had a Section 8 voucher?

3 A It expired -- is that what you're asking?

4 Q No. How long had you had it as of September

5 2014?

6 A I think May 2014.

7 Q Okay. And how long -- well, can you just

8 explain to the judge how you got the voucher?

9 A I was on the waiting list since 2012 and I

10 finally came for the briefing class to get the voucher

11 in, I believe, May 2014 and I finally got the voucher on

12 May 2014.

13 Q And how did you find this apartment at 1355

14 Nannette Circle?

15 A I went to section8.com.

16 Q Prior to finding that apartment,

17 Ms. Guerrero, how many apartments had you looked at?

18 A Several.

19 Q How long had you been looking for an

20 apartment?

21 A Since May 2014.

22 Q So can you tell the judge what happened when

23 you found the apartment at 1355 Nannette Circle?

24 A Yes. There was -- I don't know if it's

1 considered a misunderstanding where I needed the lease to
2 get the deposit from the victim's services and I
3 needed -- uh, Jesus -- I needed the lease to give to the
4 victim's services to get my deposit and a deposit to get
5 the lease.

6 Q Okay. Can you just explain that in a little
7 more detail to the judge? When you say "victim's
8 services," what did that have to do with the lease?

9 A They were going to help me with the deposit
10 and perhaps the first month's rent.

11 Q Okay. And when you say "they," who do you
12 mean?

13 A The victim's services.

14 Q And why was that?

15 A Because I had a case open, I believe, because
16 of Robert's and my dispute, domestic violence.

17 Q Okay. And where was Robert at that time?

18 A In jail.

19 Q Okay. And what did you have to do in order
20 to get the deposit?

21 A I had to take -- I had to take the victim's
22 services the lease.

23 Q Okay. Did you do that?

24 A Yeah, a little late.

1 Q All right. Well, let me ask you this. Did
2 you get a lease?

3 A No.

4 Q Can you explain to the judge what happened?

5 A What had happened, the landlord didn't want
6 to give me the lease because there was no deposit so she
7 said it was therefore not valid.

8 Q So what did you do?

9 A So I went to victim's services and I told
10 them and they said that they couldn't help me until I had
11 that lease. So then I called around to see who can help
12 me and I finally got the lease faxed to Rocio.

13 Q Okay. I'm going to show you what has been
14 marked in evidence at this point as 1. Actually if you
15 have that --

16 THE COURT: Any objection to the admission of
17 that lease?

18 MS. ELCANO: Your Honor, I do object. Well,
19 I thought this was already admitted over my objection
20 to --

21 THE COURT: You're right. It shows that it
22 has been admitted.

23 MS. ELCANO: Yeah, I objected on
24 authenticity, your Honor. I don't think the author is

1 present.

2 MR. ELKINS: May I approach the witness?

3 THE COURT: Go ahead.

4 BY MR. ELKINS:

5 Q Let me show you what's been --

6 MS. ELCANO: I'm sorry, if I may just
7 clarify. I think it was admitted only as the lease that
8 was faxed to Rocio and none of its content was admitted
9 into evidence for the truth of the matter asserted.

10 THE COURT: I think that's fine.

11 MS. ELCANO: Okay.

12 BY MR. ELKINS:

13 Q Generally looking at Respondent's 1, what is
14 that?

15 A That is the lease I signed.

16 Q Okay. Whose name appears at the top?

17 A My name.

18 Q And do your signature -- does your signature
19 or initials appear anywhere on the document?

20 A Yes.

21 Q Where is that?

22 A Initials on the front, second page, and my
23 signature on the third page.

24 MR. ELKINS: Judge, I move this into evidence

1 as Respondent's 1 in evidence.

2 I move this as Respondent's 1 in evidence,
3 Judge, as the document.

4 MS. ELCANO: Again, your Honor, I object.
5 There's no authentication of this document. The person
6 who authored the document and created the document is not
7 present. I have no information as to whether or not this
8 is truly the lease that was provided by or authored by
9 whatever rental company this is, Bicentennial Apartments,
10 I guess. I don't think it's been appropriately
11 authenticated.

12 MR. ELKINS: Judge, I think my client just
13 authenticated it.

14 MS. ELCANO: She didn't author it, your
15 Honor.

16 THE COURT: Well, she's identified it as a
17 lease that she was apparently working with victim's
18 services from domestic violence, so it's coming in for
19 that purpose.

20 MR. ELKINS: Thank you, Judge.

21 THE COURT: It was already admitted. It was
22 admitted for -- I mean, it seems to me the relevance of
23 this is that she had a lease and provided it to somebody.
24 What the content of it is is irrelevant. But that's

1 fine. Go ahead.

2 BY MR. ELKINS:

3 Q So where did you sign this?

4 A I signed it at 1355 Nannette Circle.

5 Q Okay. And what happened when you signed it?

6 A She wouldn't give me a copy.

7 Q Who is "she"?

8 A Excuse me. The landlord wouldn't give me the
9 copy.

10 Q Okay. And did the landlord give you a reason
11 for not giving you the copy?

12 A Yes.

13 Q Which was?

14 A That she said it was -- the landlord said it
15 was not valid because I didn't give her a deposit.

16 Q Okay. So you had already testified about the
17 document being faxed to Rocio; is that what you said?

18 A Yes.

19 Q Okay. Can you explain that to the judge?

20 A I had called Rocio to see if she could help
21 me get the lease and I believe I called the landlord and
22 had asked if she can fax it to Rocio, which she did.

23 Q Okay. And so did there come a time when you
24 obtained a copy of the document?

1 A Yes.

2 Q And where did you get it?

3 A At the CPS office.

4 Q Okay. Do you know the date?

5 A If I'm right it's 9/9/14.

6 Q Okay. And what did you do then?

7 A I went to the police station where advocate's
8 office is located at and tried to locate, I believe her
9 name was Erika, and she was not there and I asked to
10 speak to a supervisor immediately and nobody was there to
11 help me.

12 Q Okay. And what was the purpose of going
13 there?

14 A To turn in the lease so I could get the
15 process started for the deposit of the apartment.

16 Q Okay. How much was the deposit, by the way?

17 A \$200.

18 Q Did you ever ask Social Services or anyone
19 else for assistance with that?

20 A I don't think so.

21 MS. ELCANO: Objection, your Honor. Leading.
22 I know that you've already allowed leading, but --

23 MR. ELKINS: Okay, Judge.

24 MS. ELCANO: -- I just want to renew my

1 leading objection.

2 THE COURT: That's fine.

3 Go ahead.

4 MR. ELKINS: Thank you.

5 BY MR. ELKINS:

6 Q Okay. So on the night of September you went
7 to the police department. What did you do after that?

8 A Well, I kept bugging somebody to see if I
9 could talk to Erika and she wasn't there so I left and
10 came back the next day.

11 Q What happened the next day?

12 A They wasn't able to help me.

13 Q Well, what do you mean specifically?

14 A There was -- the -- Erika was -- I guess it
15 was her day off as well and, you know, they said that the
16 process had to take up to two weeks to get a deposit in
17 hand.

18 Q Okay. And that was what day?

19 A It was 9/9 -- 9/10/14.

20 Q Okay. Did something happen the next day?

21 MS. ELCANO: Objection. Leading.

22 MR. ELKINS: Judge, I don't think that's a
23 leading question.

24 THE COURT: It isn't. Objection overruled.

1 Go ahead.

2 BY MR. ELKINS:

3 Q Did something happen the next day?

4 A Yes. The landlord contacted me that if I
5 didn't hurry up and brought the deposit she was going to
6 rent it out to somebody else.

7 Q Okay. Did anything else happen the next day?

8 A The day after that everything got removed.

9 Q Okay. So did you ever get that apartment?

10 A No.

11 MS. ELCANO: Your Honor, this whole line of
12 questioning is leading: "Did" asks for a yes-or-no
13 answer, it's not what happened. So I just want to renew
14 my leading objection.

15 THE COURT: You have already renewed it.
16 Objection overruled. We need to get through this.

17 MS. ELCANO: I understand, your Honor. I
18 just have to build a record.

19 THE COURT: That's fine.

20 MS. ELCANO: Thank you.

21 THE COURT: Last time I checked in 38 years
22 I've never seen a case decided on whether a leading
23 question was asked or not.

24 So go ahead.

1 BY MR. ELKINS:

2 Q During this period of time, Ms. Guerrero,
3 September 2014, what was your means of support?

4 A Can you, like, rephrase the question?

5 Q Sure. What income, if any, did you have in
6 September of 2014?

7 A Just Alberto's income.

8 Q So I'd like to take you back to your efforts
9 to find work.

10 A Okay.

11 Q And I'd like to call your attention to No. 5
12 in the folder in front of you. Turn to No. 5.

13 A Yes.

14 Q Aside -- turn the first page over, starting
15 with the document that says "Page 1" at the bottom
16 (indicating). Do you see that?

17 A Yes.

18 Q Do you recognize those?

19 A Yes.

20 Q What are they?

21 A That's my bus pass.

22 Q And can you explain to the judge what those
23 are for?

24 A Yes. The bus pass tracker is to track down

1 where I used to go using the bus pass. In order for me
2 to get a bus pass to Children's Cabinet, I have to do
3 something proactive that has to do with my case packet.

4 Q Okay. And who filled these out?

5 A I did.

6 Q And when did you fill them out?

7 A As I went.

8 Q Okay. If I were to ask you today,
9 Ms. Guerrero, whether you could give me specific dates
10 and places where you went looking for work in 2013, would
11 you be able to remember that specifically?

12 A No.

13 Q Okay. Did you -- what kind of information
14 did you put on this document -- these documents?

15 A Appointments, visits, job searching, grocery
16 shopping.

17 Q Okay. And what was your memory of those
18 events at the time you made these documents?

19 A What was that again?

20 Q How was your memory of those events at the
21 time you made these documents?

22 A Fresh.

23 Q Okay.

24 THE WITNESS: Bless you.

1 MS. ELCANO: Thank you.

2 BY MR. ELKINS:

3 Q And when you made these inquiries, were they
4 accurate?

5 A Yes.

6 Q If you were to look at these documents today,
7 would that -- would you be able to specifically remember
8 each job search?

9 A No.

10 Q I'm sorry?

11 A No.

12 Q Okay.

13 MR. ELKINS: Judge, I believe that we have
14 established a foundation for past recollection recorded
15 and I would like the witness to be able to read from the
16 documents those specific entries that are relevant to the
17 job search.

18 THE COURT: Any objection?

19 MS. ELCANO: Court's indulgence, your Honor.

20 MR. ELKINS: That would be 51.125, Judge, of
21 the NRS.

22 MS. ELCANO: Your Honor, I have no objection
23 if she reads from these.

24 MR. ELKINS: Thank you, Judge.

1 Judge, if you don't mind, I'd like to propose
2 to call my client's attention to specific dates in order
3 to just move this along.

4 THE COURT: That's fine. Just move it along.
5 BY MR. ELKINS:

6 Q Ms. Guerrero, turning to the next-to-last
7 page in that exhibit.

8 A Did you say the last page?

9 Q Next-to-last page. Calling your attention to
10 the date of May 22nd, 2013. Do you see the document
11 I'm --

12 A May 22nd, you said?

13 Q Yes. Did anything happen on that date
14 regarding your job search?

15 A Yes.

16 Q What was that?

17 A The job at Eldorado.

18 Q Call your attention to May 24th, 2013.
19 Anything happen on that date regarding a job search?

20 A Yes. The Holiday Inn and the Nugget -- and
21 the Nugget.

22 Q How about the 28, 29th and 30th of May,
23 anything happen on those days?

24 A Yes, JobConnect.

1 Q Did -- could you explain to the judge what
2 JobConnect is?

3 A JobConnect is a place where you go, it's like
4 an office where they help you with résumés, job
5 searching, job referrals, how to properly dress, properly
6 talk to your interviews -- or talk in interviews, excuse
7 me, and prepare you for a job interview.

8 Q Call your attention to May 28th of that year.
9 Do you recall specifically what you did to job search on
10 that day?

11 A May 28th, you said?

12 Q 28th, yes.

13 A Yes, I put in two applications online.

14 Q Okay. If you turn three pages forward, the
15 document that says "Page 1" at the top. Do you see that?

16 A Yes.

17 Q Okay. Calling your attention to June 25th of
18 that year, did you do anything that day regarding job
19 searching?

20 A Yes.,

21 Q What did you do?

22 A I went to JobConnect and I applied with
23 McDonald's.

24 Q Okay. And calling your attention to the next

1 page on or about July 8th, did you do something to look
2 for work?

3 A Yes, a job fair at West.

4 Q And what is that?

5 A From my understanding it's a telephone
6 company. I believe it's for telemarketing.

7 Q Okay. Calling your attention to the next
8 page -- I'm sorry. Let me -- let's go back to what's
9 marked page 2, so that would be one, two, three pages
10 forward. Do you see where it says "Page 2" at the
11 bottom?

12 A Yes.

13 Q Call your attention to August 5th of that
14 year. Did you do anything in relation to finding work?

15 A Yes.

16 Q What'd you do?

17 A ORC International had an interview.

18 Q And what is that?

19 A I believe, again, it's a telephone company
20 that does telemarketing --

21 Q Okay.

22 A -- if I'm correct.

23 Q Did you do anything to make money on August
24 12th, 15th and 16th?

1 A August 12th of what?
2 Q 12th, 15th and 16th.
3 A August 12th, yes.
4 Q What did you do?
5 A I babysat for my mom.
6 Q The 15th and 16th?
7 A Yes. I babysat as well again.
8 Q Call your attention to the next page which is
9 March -- withdraw.
10 Let's go forward again. All right. Do you
11 see the very first document?
12 A Yes.
13 Q Okay. What is that document?
14 A The weekly attendance sheet from welfare
15 office.
16 Q Can you explain to the judge what that is?
17 A It's a document that you have to fill out in
18 order to get TANF benefits which is cash assistance. You
19 have to go to appointments, job searching, visits with
20 kids would count as an activity to do -- to receive TANF.
21 Q And do you recognize this document?
22 A Yes.
23 Q How do you recognize it?
24 A My writing and my signatures.

1 Q Okay. And who created this document? Who
2 made it?
3 A Welfare office.
4 Q Okay. Whose writing is on the document?
5 A Mine.
6 Q And again, remember the questions I asked you
7 about the bus tracker?
8 A Yes.
9 Q When did you make these entries?
10 A As I went.
11 Q And at the time you made them --
12 THE COURT: Let's just go ahead and move
13 forward.
14 MR. ELKINS: Thank you, Judge.
15 THE COURT: She made it out. If she wants to
16 refer to it, go ahead.
17 MR. ELKINS: Thank you, Judge.
18 BY MR. ELKINS:
19 Q Calling your attention to September 6th, did
20 you do anything on that date with regard to looking for
21 work?
22 A Went to bit with Mom, filled out
23 applications.
24 Q Okay. What about September the 12th?

1 A I had to fill out an application at Lady of
2 Guadalupe housecleaning.

3 Q Okay. 17th?

4 A I had a job interview at Lady of Guadalupe
5 housecleaning.

6 Q I'm sorry. Where?

7 A I had a job interview at Lady of Guadalupe
8 housecleaning.

9 Q And the 28th of September?

10 A I had a second job interview with Lady of
11 Guadalupe housecleaning.

12 Q Okay. Did you get that job?

13 A No.

14 Q Can you describe your physical condition
15 toward the -- from September 2013?

16 A Physical condition?

17 Q Yes.

18 A I was pregnant.

19 Q Okay. Turning to 2014, Ms. Guerrero,
20 something happen on January 1st?

21 A Yes.

22 Q What happened?

23 A I gave birth.

24 Q Okay. And after you gave birth, when, if

1 ever, did you return to work?

2 A A month after my son -- after my son turned
3 one month. Excuse me.

4 Q I'm sorry?

5 A When my son turned one month.

6 Q One month?

7 A Yes.

8 Q Okay. And where did you work?

9 A I started working at LaborMax Staffing at the
10 SK Foods property.

11 Q And what is that? SK Foods property, what is
12 that?

13 A Oh. SK Food Groups USA is a warehouse where
14 you make sandwiches or, depending on the menu, such
15 things as you buy from Wendy's, McDonald's, airports,
16 pretty much anything made in the freezer 20 below.

17 Q What was your schedule like at SK Foods?

18 A It would vary.

19 Q How did it vary?

20 A Well, you will go to the property and hope to
21 get work.

22 Q Okay. How long did you work there?

23 A Up until July of 2014.

24 Q And did something happen in July of 2014?

1 A Yes.

2 Q What was that?

3 A The domestic violence.

4 Q Okay. Can you tell the judge during that
5 period January through -- was it -- what time in July of
6 2014 are we talking about?

7 A I believe the end of July 2014.

8 Q Okay. From, from February through the end of
9 July of 2014, can you tell the judge how your -- what was
10 the most work you got at SK Foods in terms of hours a
11 week?

12 A The luckiest I was able to work was 20 to 24
13 hours a week.

14 Q How often did that happen?

15 A Not often.

16 Q Okay. What was the least number of hours you
17 got?

18 A Four.

19 Q In a week?

20 A Yes.

21 Q And who decided that, how many hours you got?

22 A Whoever put me to work at SK.

23 Q During this period of time, what, if
24 anything, did you do to find other work?

1 A I kept job searching.

2 Q After the end of July 2014, where did you go?

3 A I moved in with Alberto at a room for rent.

4 Q Okay. And how long did you stay there?

5 A About a week and a half.

6 Q And then where did -- where was that, by the

7 way?

8 A That was at the Lyons Crest trailer park.

9 Q Okay. And where did you go after that?

10 A To Maribel's house.

11 Q Okay. Did there come a time in 2014 when you

12 did find a job?

13 A Yes.

14 Q And when was that?

15 A In October of 2014.

16 Q Do you recall when in October?

17 A Yes, October 8, 2014.

18 Q And where did you find work?

19 A At Motel 6 on Plumb Lane.

20 Q And what did you do there?

21 A I started off as a front desk, then

22 housekeeping and laundry attendant.

23 Q Okay. And how long did you work there?

24 A One month.

1 Q I'm sorry?

2 A One month.

3 Q Until what day?

4 A November 7, 2014.

5 Q And what -- under what circumstances did you

6 stop working at Motel 6?

7 A I had a -- I want to say it was a panic

8 attack where I freaked out because I was \$20 short off my

9 cash register.

10 Q How did that happen?

11 A I believe I probably gave somebody the wrong

12 change.

13 Q And when you say you had a panic attack, can

14 you describe to the judge what happened exactly?

15 A At that point when I was closing my register,

16 I was counting my, my register and I realized I was \$20

17 short and I started sweating and freaking out.

18 Q What do you mean by "freaking out,"

19 Ms. Guerrero?

20 A I was scared that I was going to get fired or

21 arrested for having \$20 short on my register.

22 Q Okay. Did you -- can you describe to the

23 judge any other reaction you had physically?

24 A Yeah. I couldn't breathe very well and I

1 left after closing my register.

2 Q Did you return to Motel 6?

3 A No.

4 Q And why is that?

5 A I was scared to get arrested.

6 Q Well, had you done anything illegal?

7 A I had hoped not.

8 Q In the year 2015, Ms. Guerrero, did you look
9 for work? This year?

10 A Yes.

11 Q And, again, do you recall the specific dates,
12 places, where you looked for work this year?

13 A Not specific dates, no.

14 Q Did you make any record of your job searches?

15 A Yes.

16 Q And what did you record your job searches in?

17 A On my planner.

18 Q Your...

19 A My planner or agenda.

20 Q And can you just describe for the judge how
21 that worked, the planner?

22 A Well, I wrote down everywhere I went to go
23 apply for jobs, job fairs, any interviews I may have had.

24 Q And when did you write them down?

1 A As I looked.

2 Q And how was your memory of what you wrote
3 down at the time?

4 A Fresh.

5 Q Were your entries accurate at the time?

6 A Yes.

7 Q If I were to show you the planner, would you
8 specifically remember those appointments?

9 A No.

10 MR. ELKINS: Again, Judge, I'd like the
11 witness to be able to refer to the planner as a past
12 recollection recorded.

13 THE COURT: What exhibit is this?

14 MS. ELCANO: It's not, your Honor. I have
15 received absolutely no discovery regarding this. I would
16 request that I receive an entire copy of the planner. I
17 don't think it can be brought in piecemeal. It was not
18 provided to me and there was no ample opportunity to do
19 so and it never was.

20 MR. ELKINS: Judge, I have a copy of the
21 document for the district attorney. It's actually not
22 the document that I assume now, Judge, that it's the
23 evidence. The evidence is the witness's testimony. She
24 is just referring to the document as a past recollection.

1 MS. ELCANO: However, your Honor, I have
2 received absolutely no discovery relating to this.
3 Discovery was due some time ago and --

4 THE COURT: She's entitled to a copy of the
5 document.

6 MR. ELKINS: Yes, Judge, I'm happy to provide
7 her --

8 MS. ELCANO: The entire planner.

9 MR. ELKINS: No, Judge. I'm required to
10 provide the district attorney with a redacted copy of
11 those entries -- or reflecting those entries that my
12 client's referring to. This is her personal diary,
13 Judge.

14 MS. ELCANO: Your Honor, I --

15 THE COURT: What difference -- if you are
16 going to refer to it, what difference does it make if
17 it's personal or not?

18 MR. ELKINS: Well, the point is that I'm only
19 referring to certain entries. I have a redacted copy
20 that --

21 THE COURT: I think she's entitled to the
22 planner at the time if the idea here is to establish that
23 she was trying to look for work and you are going to get
24 the planner in.

1 MR. ELKINS: Well, I agree with that, Judge.
2 I'm not asking actually putting the document in evidence.

3 THE COURT: No, but it's going to be marked
4 for purposes of identification.

5 MR. ELKINS: Right. And so what I propose to
6 do is to provide district attorney with a copy of the
7 document that redacts anything that my client's not
8 referring to in her testimony.

9 MS. ELCANO: Again, your Honor, I would
10 object. I'm entitled to the entire document.

11 MR. ELKINS: Judge, there's --

12 THE COURT: This should have been brought up
13 before this hearing --

14 MR. ELKINS: Well, Judge, actually --

15 THE COURT: -- if you're trying to get this
16 in because --

17 MR. ELKINS: Yeah.

18 THE COURT: -- first of all, it would be
19 necessary for me to review what you're redacting and then
20 in light of the fact that she's objecting to only being
21 provided the redacted copy, so...

22 MR. ELKINS: I'll try a different approach,
23 Judge. I'll see if the document refreshes my client's
24 recollection.

1 THE COURT: Well, even then, if she's going
2 to refer to a document, everybody should have the
3 document.

4 MR. ELKINS: Judge, I have no problem
5 providing the district attorney with those portions of
6 the document that my client's using to refresh her
7 recollection.

8 THE COURT: And she's objecting then on the
9 basis that she should get all of it and it should have
10 been reviewed before we had this hearing.

11 MR. ELKINS: Well, frankly, Judge, I
12 obviously didn't know the extent to which my client would
13 recall or not recall. This is a personal diary that my
14 client produced for me subsequent to the discovery. And
15 again the document itself is not being offered. I mean,
16 I -- it seems to me, Judge, it would be --

17 THE COURT: Well, let me put it this way.
18 I'll exclude the document and the testimony, but this is
19 going to be an issue on appeal that you're going to have
20 to deal with, so my -- what I would suggest is you just
21 let him go forward with it because it's not that
22 important, but if you want me, I will exclude the
23 document and the testimony.

24 MS. ELCANO: Your Honor, I do object. I am

1 entitled to the full document.

2 THE COURT: Do you want to take a minute and
3 you two talk and you can look at what he's got there?

4 MS. ELCANO: I haven't got --

5 THE COURT: This could be an issue. You
6 know, again, these things go up on appeal and when they
7 go up on appeal, the Supreme Court's very, very critical,
8 just like in a criminal case, so let's take a ten-minute
9 recess, you guys talk, see if you can get it resolved.
10 If you can't, you continue to object, I'll exclude it,
11 but we might end up back here at some point in time. So
12 we'll recess for ten minutes.

13 MR. ELKINS: Thank you, Judge.

14 (A recess was taken at 9:20 a.m.)

15 THE COURT: Be seated.

16 MR. ELKINS: So, Judge, this is what I have
17 proposed to Ms. Elcano and she's taking in into
18 consideration.

19 First I'd like to just state for the record
20 that I don't believe that the entire content of my
21 client's personal planner should be revealed. But
22 leaving that aside, in light of the objection I'm
23 prepared to provide to counsel unredacted copies of the
24 pages that my client would be referring to as past

1 recollection recorded those events where she was seeking
2 work. As I understand Ms. Elcano, she's offered to look
3 it over after recess and determine whether or not she has
4 an objection.

5 Looking through the document, Judge, I think
6 that I have to stand by the position that only those
7 portions of the document that relate to her testimony
8 which are -- in effect, constitute the testimony should
9 be disclosed given the nature of -- the sensitive nature
10 of the document. So I think I'm not going to accept that
11 offer because I think it's going to disclose prejudicial,
12 potentially prejudicial irrelevant evidence to the
13 district attorney which she could use for a purpose for
14 which it is not intended which is not otherwise
15 admissible. So just so the record is clear.

16 What I would like, though, Judge, just for
17 the record is to be able to mark the redacted copy I
18 offered to provide to the district attorney which
19 reflects those statements of my client who would be
20 offering as a past recollection recorded. And then I'm
21 also prepared to offer the entire -- to mark as an
22 exhibit the entire original for appellate purposes.

23 MS. ELCANO: I'm sorry. I'm really confused
24 because I thought I was receiving a copy, an unredacted

1 copy and I was going to review that and we were moving
2 forward. That's what was offered to me and I said that
3 was fine and I reserve my objection after reviewing it,
4 but now I'm understanding that wasn't what I --

5 MR. ELKINS: That's correct. Upon reflection
6 I don't think that's --

7 THE COURT: So you're not going to provide
8 her a copy?

9 MR. ELKINS: I'm prepared to provide the
10 district attorney with a copy of the diary that reflects
11 the statements that my client will be using as past
12 recollection recorded.

13 THE COURT: But not an unredacted copy?

14 MR. ELKINS: No, Judge, because I think
15 there's a great deal of information there which is not
16 relevant which is potentially prejudicial which is not
17 otherwise discoverable and the district attorney
18 shouldn't have. She's not entitled to it.

19 MS. ELCANO: And your Honor, again, I would
20 object to the -- these documents being brought in.
21 Number 1, they weren't provided in a timely fashion.
22 I've had no opportunity to make any motion in limine.

23 THE COURT: Well, you go ahead and mark the
24 exhibits for purposes of today.

1 MR. ELKINS: Thank you, Judge.

2 THE COURT: I'm excluding the documents and
3 testimony about them if she can't remember independently,
4 first of all, on the basis that this should have been
5 provided before trial so that I could review them and
6 determine whether or not they should be -- it should be
7 redacted or not, and that wasn't done. So I'm excluding
8 them on that basis, plus on the basis that I don't see
9 any reason why you should not give her an unredacted
10 copy, so...

11 MR. ELKINS: Okay. Thank you, Judge.

12 THE COURT: Have we got it marked?

13 THE CLERK: No.

14 THE COURT: Let's get it marked for purposes
15 of identification.

16 MR. ELKINS: Okay.

17 MS. ELCANO: And I believe I -- I would be
18 entitled to copies if they are being marked, so I'm kind
19 of confused how --

20 MR. ELKINS: Judge, I just want --

21 THE COURT: At some point she's going to get
22 a copy. There's just no doubt about it.

23 MR. ELKINS: Judge, then I'll -- if you don't
24 mind, I'll reserve until the record is closed and I will

1 mark them as exhibits for purposes of appeal.

2 THE COURT: Well, let's mark them regardless
3 now.

4 MR. ELKINS: Okay.

5 THE COURT: That way they're in the record
6 and if anybody has to review them --

7 MS. ELCANO: But wouldn't I get a copy if
8 they are getting marked?

9 THE COURT: You're probably right, but as --

10 MR. ELKINS: Judge, I --

11 THE COURT: As a practical matter I don't
12 think it makes any difference in light of the fact that
13 I'm excluding them as evidence in this case, so -- but I
14 want them marked now --

15 MR. ELKINS: Okay. Well, I assume --

16 THE COURT: -- for purposes of identification
17 only. I won't be looking at them.

18 MR. ELKINS: I would object that the district
19 attorney would be looking at them, Judge, because you're
20 not looking at them and it's a personal diary. She does
21 not -- there's no reason why she should have access to
22 those documents.

23 THE COURT: Well, I suppose at some point in
24 time that this becomes an issue on appeal then you would

1 be entitled to copies of them, let's put it that way.

2 MR. ELKINS: That's correct.

3 MS. ELCANO: Your Honor, if they're being
4 marked, I get a copy of them. So if they're being
5 marked --

6 MR. ELKINS: I'm going to ask that they be
7 marked under seal, Judge.

8 THE COURT: Let's just mark them for now. We
9 can argue this later on. Let's go through this witness.
10 You all make a note --

11 MS. ELCANO: May I receive them?

12 THE COURT: You all make a note that we'll
13 argue whether you get copies of them or not.

14 MS. ELCANO: Your Honor, my concern is that
15 they are getting marked for identification purposes, they
16 would be something I could review and look at in terms of
17 cross-examination and they may impact this witness's
18 testimony, so I think that I'm --

19 THE COURT: If I'm not letting it in for
20 his -- I'm excluding it, then I don't think you'd be able
21 to use it for evidence either, so....

22 Let's just move on. Mark them now. Let's
23 move on. We can consider this issue later if we need to.
24 You all --

1 MR. ELKINS: Then, Judge --
2 THE COURT: -- can think about it and --
3 MR. ELKINS: -- I'd like to mark them as --
4 THE COURT: -- decide if you want to bring it
5 up again.
6 MR. ELKINS: -- 7A and -B, I believe,
7 respondent's -- well, no, that's not right. I think
8 we're at 11.
9 THE CLERK: We're at 12 and 13.
10 MR. ELKINS: Well, can I mark them 12A and
11 -B, Judge?
12 THE COURT: That's fine. Well, what do you
13 want to do?
14 THE CLERK: I'm going to do 12 and 13.
15 THE COURT: All right. She wants to do 12.
16 MR. ELKINS: 12, then, is the redacted copy
17 that I offered to the district attorney.
18 (Respondent's Exhibit 12 was marked for
19 identification.)
20 THE COURT: That would have been used to
21 examine the witness.
22 MR. ELKINS: Correct.
23 THE COURT: 13 is an unredacted copy.
24 MR. ELKINS: Of her entire --
THE COURT: Diary.

1 MR. ELKINS: -- personal diary.

2 (Respondent's Exhibit 13 was marked for
identification.)

3 THE COURT: Let's move on, then.

4 MR. ELKINS: Thank you.

5 BY MR. ELKINS:

6 Q So Ms. Guerrero, do you recall some of the
7 things you did to find work during this year?

8 A No. No.

9 Q You don't recall anything you did to find
10 work this year?

11 A "Recall," what does that mean? Sorry.

12 Q Do you remember anything that you did to find
13 work this year?

14 A Not specifically. Or not on the top of my
15 head.

16 Q Okay. Did you do anything to find work this
17 year?

18 A Yes.

19 Q Can you describe generally some of the things
20 that you've done?

21 A "General" meaning top of my head?

22 Q To the best of your recollection.

23 A Okay. And what does "recollection" mean?

24 Q To the best of your memory, Ms. Guerrero,

1 what have you done this year to find work?

2 A I went back to LaborMax Staffing. I applied
3 at LaQuinta Inn. I went to the Grand Sierra Resort for
4 an interview, two interviews. And I've gone to
5 JobConnect several times and went on Craigslist.com and
6 did side jobs.

7 Q What kind of side jobs?

8 A I don't know if they are considered labor
9 work or not.

10 Q Any work.

11 A Yes, I did. I did -- I helped Albert with a
12 couple of jobs.

13 Q What kind of jobs?

14 A Tattoo jobs.

15 Q And how did you help Albert?

16 A I will set up the machine to how he wanted it
17 set up, have the ink properly put in the proper cups.
18 Had the proper needles, and then after the tattoo work
19 was done I will clean up after him and the client.

20 Q Did you get paid for that?

21 A Yes, I did.

22 Q Do you know the amount?

23 A It varied for each tattoo.

24 Q Give me a range.

1 A Well, a small tattoo will go up to 180.
2 Q Um-hum.
3 A \$180, excuse me. And I will pretty much get
4 all the money.
5 Q And how many times would you say you did
6 that?
7 A Quite often.
8 Q How many times?
9 A I want to say about two to three times a
10 week.
11 Q For how long?
12 A What do you mean for how long? How long was
13 the tattoo done?
14 Q No, for how many weeks did that happen?
15 A Oh. Up until, like, probably a month or two
16 before he got arrested.
17 Q So for how long did you assist Albert with
18 tattooing?
19 A Since he got his tattoo machine in December
20 or November.
21 Q Of?
22 A 2014.
23 Q Until?
24 A He was released February of 2015 and continue

1 again until May of 2015.

2 Q So, I'm sorry, November 14 until when?

3 A Until February -- he was in jail between
4 December to February, so when he was released in
5 February, we continue on again and then he went back to
6 jail in May of 2015 and he didn't get out until July 2015
7 and we continued on after that.

8 Q So just so I'm clear, you assisted him from
9 November 2014 until?

10 A November 2014 until he was arrested which was
11 in December.

12 Q Okay. And then again from February?

13 A February 2015 of this year.

14 Q Um-hum.

15 A Up until before he was arrested in May 2015.

16 Q Okay.

17 A And then we continued on.

18 Q All right. Did there come a time in 2015,
19 Ms. Guerrero, when you did find a job?

20 A Yes.

21 Q And that's this year, correct?

22 A Yes.

23 Q And when did you find the job?

24 A When did I start or when did I find it?

1 Q Did you find it.

2 A I found it in end of June and didn't get
3 started till July.

4 Q Okay. And where was that job?

5 A LaQuinta Inn.

6 Q And do you remember the day you started, the
7 date?

8 A Does that include the orientation?

9 Q Yes.

10 A Yes. Then June 30th --

11 Q Um-hum.

12 A -- of this year up until July 3rd of this
13 year.

14 Q And what happened on July 3rd?

15 A I was exposed with the chemicals.

16 Q What kind of chemicals?

17 A I don't remember the name of the chemical,
18 but it was a cleaning chemical.

19 Q And when you say "exposed," what do you mean?

20 A I did not know the proper usage of the
21 chemicals due to they did not have the updated forms and
22 the data sheets, data safety sheets at the housekeeping
23 department and I did not know that I had to wear gloves,
24 apron and goggles in order for me to use that and I

1 didn't know it was hazardous -- hazard -- hazard -- a
2 hazard.

3 Q Okay. And did something happen as a result
4 of that?

5 A Yes.

6 Q What happened?

7 A I couldn't breathe so I had to go to the ER.

8 Q Okay. After that happened, what, if
9 anything, did you do to maintain your employment?

10 A I asked to have me transferred to a different
11 department.

12 Q And what happened then?

13 A At first they told me they were going to try
14 and they called me on July 4th and told me that there was
15 no way they could switch me off, that I had to return.

16 Q Okay. After July of this year, July 4th, did
17 you do anything else to find work?

18 A Yes.

19 Q What did you do?

20 A I believe I continued with LaborMax Staffing.

21 Q Okay. And where, if anywhere, were you
22 assigned?

23 A SK Foods.

24 Q And let me just -- all right.

1 I'd like to turn your attention to your
2 search for housing. You testified that you had lived
3 with Maribel in August of 2014; is that right?

4 A Yes.

5 Q And until when?

6 A Until mid-October 2014.

7 Q And then where did you go from there?

8 A Albert found a room for rent in Grand Canyon
9 Road -- avenue? Boulevard?

10 Q Okay. And how long did you stay there?

11 A Until mid-April of 2015.

12 Q Okay. And then where did you go?

13 A To a motel room.

14 Q How long did you stay there?

15 A Up until May 2015.

16 Q And where did you go then?

17 A To CAAW.

18 Q And what is CAAW?

19 A I don't know what CAAW stands for, but CAAW
20 is for domestic abused women and children as a shelter.

21 Q Okay. And how long did you stay there?

22 A The first time I stayed there for a week.

23 Q And why did you leave?

24 A I got rehired again with LaborMax and I

1 thought I didn't need their assistance.

2 Q Okay. Now, let me just ask you this. While
3 you were living in Grand Canyon, what means of support
4 did you have, if any?

5 A Means of support? What do you mean?

6 Q Income.

7 A Albert. Oh, no. I was still working at
8 Motel 6 and Albert was my income as well.

9 Q Okay. And after you worked at Motel 6, what
10 income did you have, if any?

11 A Albert.

12 Q Okay. And after you left Grand Canyon, what
13 income did you have, if any?

14 A Albert.

15 Q Okay. Did there come a time -- well, when
16 you were at CAAW, what income did you have, if any?

17 A None.

18 Q Okay. So after you left CAAW -- and when was
19 that again; do you know?

20 A The first time?

21 Q Yeah.

22 A May of 2015.

23 Q Okay. Where did you go?

24 A Back to a motel room.

1 Q And how did you pay for that?

2 A Robert paid for that.

3 Q Okay. And then where did you go from there?

4 A Back to CAAW.

5 Q And when was that?

6 A June -- June 8, 2015.

7 Q Okay. And what income, if any, did you have

8 at that time?

9 A None at that specific time until July.

10 Q And where -- okay. And then July was?

11 A July was when I got hired at LaQuinta Inn,

12 2015.

13 Q All right. How long did you stay at CAAW?

14 A Up until July 17th, 2015.

15 Q And what happened -- why did you leave CAAW?

16 A Well, my time was just almost up and I didn't

17 have a job so I didn't meet the requirements to continue

18 living there.

19 Q What were the requirements?

20 A To stay -- have a job and -- or show some

21 type of income, at least showing \$78 a month in order to

22 be considered for the TH housing, which is transitional

23 housing, in order for me to continue living there and be

24 qualified.

1 Q Okay. You went through there pretty quickly,
2 so maybe you can just slow down and explain that to the
3 judge.

4 A Okay. Sorry. I did not qualify for the
5 requirements to continue living at the CAAW because I did
6 not have at least \$78 a month to pay for the transitional
7 housing, which is called TH, through the CAAW program.

8 Q So what about your employment at SK Foods?

9 A That varied. I worked for four hours and
10 then I had -- found out I had carpal tunnel.

11 Q I'm sorry, you found out?

12 A That I had carpal tunnel. I think that's
13 what it's called.

14 Q Where did you go after you left CAAW?

15 A I believe the -- well, a motel room.

16 Q How was that paid for?

17 A My savings and Albert's money.

18 Q I'm sorry?

19 A My savings and Albert's money.

20 Q Okay. Where are you residing now,
21 Ms. Guerrero?

22 A What was that?

23 Q Where do you live now?

24 A At the shelter.

1 Q How long have you lived at the shelter?

2 A For about almost a month now.

3 Q Okay. You had testified that you had a
4 Section 8 voucher?

5 A Yes.

6 Q And do you have a Section 8 voucher now?

7 A No.

8 Q Can you explain to the Court what happened
9 with this Section 8 voucher?

10 A It was extended up until January of this year
11 and expired. I was moved back to the waiting list and
12 now I believe I'm 268 on the list.

13 Q And can you explain to the judge why you did
14 not use the voucher?

15 A I couldn't find an apartment that will take
16 me with my bad rental history or bad credit.

17 Q Did anyone assist you with regard to credit
18 issues?

19 A No.

20 Q Ms. Guerrero, I'd like to call your attention
21 to your mental health services.

22 A Okay.

23 Q Do you recall in January of this year, did
24 you meet with someone?

1 A For mental?

2 Q Um-hum.

3 A Yes, Aberasturi.

4 Q Okay. Dr. Aberasturi?

5 A Yes.

6 Q Okay. And as a result of that meeting, what
7 was your understanding of your needs?

8 A Medication, DBT, diactical behavior therapy.

9 Q Can you explain -- well, can you explain to
10 the judge what you understand by dialectical behavioral
11 therapy?

12 A What I understand of dialect- -- dialetical
13 behavior therapy is to learn how to control my emotions,
14 learn how to -- before having a panic attack to stop,
15 think and think about my consequences. If I ever get
16 angry how can I control that, what consequences can I
17 have, the communication skills that I need to be able to
18 understand and communicate with the other person.

19 Q And where did you learn that?

20 A Through Amanda -- whatever her last name is.

21 Q Okay. And when did you see Amanda?

22 A I believe the last time I seen her was in
23 June 2015.

24 Q When did you first see her?

1 A I believe May of 2015.

2 Q Okay. And can you just explain to the judge

3 what happened -- well, where did Amanda work?

4 A What was that?

5 Q Where did she work?

6 A She?

7 Q Amanda.

8 A The Healing Minds.

9 Q Okay. Can you explain to the judge what

10 happened with Healing Minds?

11 A As in?

12 Q Well -- all right. Let me ask you this. You

13 said you met with Amanda in May?

14 A Yes.

15 Q What happened after that?

16 A After that point I was told to move to a

17 different agency or place because she didn't want to work

18 with me.

19 Q Prior to going to see Amanda, who else did

20 you see?

21 A Dori Orlich right before I started seeing

22 Amanda.

23 Q And why did you stop seeing Dori Orlich?

24 A Because Malia asked me to stop going to Dori

1 to start seeing Amanda.

2 Q You said that Dr. Aberasturi recommended DBT
3 and what else?

4 A And therapy, counseling.

5 Q Counseling and?

6 A Medication.

7 Q Okay. What, if anything, did you do to try
8 to get medication?

9 A I attempted to go with Malia to NNAMHS.

10 Q When was that? Do you remember?

11 A March 2015 probably.

12 Q Okay. Yeah. What else did you do?

13 A And also gone to the Family Alliance.

14 Q Okay.

15 A And went to Nevada Hopes that same day.

16 Q And do you know what day that was?

17 A I know it was the same day.

18 Q Okay. So just explain to the judge what
19 happened that day.

20 A That day, um --

21 Q First of all, do you know what month?

22 A I want to say May 2015.

23 Q Okay.

24 A Probably.

1 Q In any event, so what happened?

2 A I went to my appointment at Family Alliance
3 at 2:00 o'clock.

4 Q And who did you see there?

5 A I seen the nurse, the -- one that was sitting
6 here (indicating).

7 Q Okay.

8 A And we sat down for a few minutes, talked,
9 and then she excused me and I went to my other
10 appointment at Nevada Hopes to see a psychiatrist and
11 they told me that they were just going to put me on the
12 waiting list and that was at 4:00 o'clock that afternoon.

13 Q Okay. Did anyone -- how did you get to
14 Nevada Hopes?

15 A On the bus.

16 Q Right. Okay. But how did you decide to go
17 there? Was -- did anyone recommend that or how did that
18 happen?

19 A Nobody recommended. I went on my own.

20 Q Okay. And can you tell the judge since you
21 went there what, if anything -- what, if any, status did
22 you have with Nevada Hopes?

23 A I have a following appointment on September
24 22nd, 2015.

1 Q For what purpose?

2 A The psychiatrist.

3 Q Okay. And but -- and since -- okay. Have

4 you had any other appointments of that kind since May?

5 A The DBT?

6 Q To see a psychiatrist at Hopes.

7 A Oh. No.

8 Q Ms. Guerrero, have your -- well, withdrawn.

9 Did Dr. Aberasturi suggest anything else to

10 you that you might qualify for?

11 A SSI.

12 Q Okay. And what, if anything, after

13 Dr. Aberasturi suggested that, did you do to obtain SSI?

14 A I attempt to go to the office to check the

15 status of my application and --

16 Q When was that, do you recall?

17 A When did I put in an application?

18 Q (Moves head up and down.)

19 A I put it in August of 2014.

20 Q Okay. What happened?

21 A I had my first appointment in, I believe,

22 January or February 2015.

23 Q Okay. And what happened at that appointment?

24 A They gave me -- the SSI office gave me a

1 packet to fill out.

2 Q What did you do with it?

3 A I asked the -- your agency to help me fill
4 out the paperwork because I didn't understand.

5 Q What do you mean? Whose agency?

6 A The public defender's office or whatever it's
7 called.

8 Q And so what happened when you asked for that
9 assistance?

10 A I was helped with the packet and I turned it
11 in April 2015 -- '14 -- or, yeah, '15.

12 Q Did anyone else ever assist you with that?

13 A No.

14 Q At the time you filled out the packet, did
15 you give a phone number or address?

16 A Yes.

17 Q What phone number did you give?

18 A My phone number.

19 Q And can you just describe for the judge your
20 phone -- the availability of your phone?

21 A My phone was disconnected at the time of
22 turning in the packet.

23 Q What about on other occasions, can you just
24 describe for the judge how your phone service works

1 and --

2 A I pay the phone monthly. It's good for a
3 month after it's paid so my plan is \$45 a month,
4 unlimited talk, text, and web, and when it's paid it's
5 good for 30 to 31 days a month.

6 Q Since January, can you tell the judge when
7 you have and have not had phone service?

8 A Of this year?

9 Q Yes.

10 A You're asking how many months I've had the
11 service or no service?

12 Q However it works.

13 A Well, I had no service in January, no service
14 in April and no service in June. And I know there's
15 another month, I just can't think.

16 Q And why did you not have service?

17 A I didn't pay for it and have money.

18 Q What address did you give in your packet?

19 A The Grand Canyon Boulevard address.

20 Q And when did you leave that address?

21 A April 2015.

22 Q Okay. Did you ever have any conversation
23 with anybody at Social Services about the social security
24 situation, that SSI?

1 A Yes, I did.

2 Q Who did you speak to?

3 A Malia.

4 Q And what did you tell her?

5 MS. ELCANO: Sorry. I thought -- go ahead.

6 THE WITNESS: What was the question again?

7 BY MR. ELKINS:

8 Q What did you tell Malia about SSI?

9 A That I had a hard time communicating with the

10 people at the SSI office.

11 Q And what, if anything, did Malia say to you?

12 MS. ELCANO: Objection. Hearsay.

13 MR. ELKINS: It's actually a legal act,

14 Judge.

15 THE COURT: A what?

16 MR. ELKINS: A legal act, not hearsay. It's

17 a legal, verbal act. She's communicating those services

18 to my client.

19 THE COURT: That's your -- I never heard of

20 a --

21 MS. ELCANO: I've never heard of that.

22 THE COURT: -- response to an objection as a

23 legal act. It's think it's hearsay. Objection

24 sustained.

1 MR. ELKINS: Please note the exception.

2 BY MR. ELKINS:

3 Q Did you receive any assistance from Washoe
4 County Department of Social Service with regard to SSI?

5 A No.

6 Q Finally, Ms. Guerrero, I'd like to talk to
7 you about your children.

8 A Okay.

9 Q And tell the judge -- tell the judge, who are
10 your children? What are their names?

11 A My children? There's Roberto Charles Taylor.
12 He is 8. Kayleigh Marie Guerrero-Taylor. She's 5.
13 Nathan Edward Hunt-Taylor, he is 4. Ethan Alexander
14 Hunt-Taylor. He is 4.

15 Q How long did Roberto live with you?

16 A Up until five years.

17 Q Okay. And how about Kayleigh?

18 A She was three years old when they removed
19 her.

20 Q And Nathan?

21 A Two years old. No, excuse me. One-year-old.

22 Q One year? All right. Do you know how many
23 months?

24 A I believe a year and ten months.

1 Q Ten?

2 A Yeah.

3 Q Okay. And what about Ethan, how old was he?

4 A He was nine months old.

5 Q Okay. Can you describe Roberto to the judge?

6 A Yes. He is a Gemini. He is half Hispanic,
7 half white. He is very delightful, very lovable, joyful,
8 active, smart. Let's see, he loves hugs and kisses.
9 He's mommy's boy. And he loves shopping and we like to
10 do a lot of activities when we go grocery shopping. And
11 loves karate, soccer and baseball. He's --

12 Q Speaking of those sports, Ms. Guerrero, did
13 you ever have the opportunity to watch Roberto do any of
14 those things?

15 A Yes.

16 Q And how's that?

17 A I went to their practice -- his practices to
18 see him practice and the games.

19 Q Practice is for what?

20 A Sorry. Practice is for karate and practice
21 is for the baseball.

22 Q And when was that that you did that?

23 A For the karate in December of 2014 and the
24 baseball games was -- and practices were in summer --

1 June to July 2014.

2 Q Okay. And where was Roberto living at that
3 time?

4 A Foster care.

5 Q And how many times did you go to baseball
6 games?

7 A I missed the last one, but I went to all of
8 them.

9 Q Do you remember how many that was about?

10 A About four games, five games.

11 Q And how about karate?

12 A He just had practices, so they were like
13 twice a week, Tuesdays and Thursday nights.

14 Q Okay.

15 A That's what --

16 Q Okay. When Roberto lived with you, can you
17 describe to the judge how -- what his behavior was like?

18 A Yes, I can.

19 Q Okay.

20 A His behavior was very helpful. He had -- he
21 said his role was little daddy because he tried to help
22 cook, tried to help make sure sister wasn't putting stuff
23 in her mouth, little brother wasn't crawling around
24 because he wasn't supposed to. He enjoyed going to

1 school. We always did our homework, we did extra
2 homework when we had no assigned homework. He enjoyed
3 going grocery shopping a lot to make sure that I'm
4 getting the healthy foods and the right foods, that I'm
5 not getting no junk food and candy. And I'm trying to
6 prepare him for when he gets older it's not okay to go
7 shopping for junk food.

8 Q What about Kayleigh, can you describe
9 Kayleigh for the judge?

10 A Yes. She was born day before Valentine's
11 Day. Very independent. She's little mommy. Her
12 nickname is Lollipop. She's a fighter and she stands her
13 ground if she believes, you know, something's wrong, she
14 will tell you it's not okay and she will fight and argue
15 with you until she believes her point. She enjoys
16 karate, she also plays baseball as far as I know. And
17 she loves her baby brother and she's always behind her
18 brothers to make sure they're always constantly washing
19 their hands, they're not dirty. And she's a tomboy and
20 girly-girl, so she's half and half. She's a pinch of me.

21 Q Can you describe what her behavior was like
22 when she lived with you?

23 A Yeah. She had a behavior problem where she
24 will not talk to you. She would use physical expressions

1 to get -- communicate with you such as hitting you,
2 screaming, kicking, biting. And we was able to refer her
3 to The Continuum program to help her and to help us
4 communicate since she had a communication issue. And she
5 will not talk to no strangers. She didn't like talking
6 to doctors, nobody. And we got her to a point where she
7 was able to start talking and wasn't afraid to go potty
8 training and her behaviors changed a lot since she's been
9 in foster care since we have the communication with
10 foster mom as well. There was times where she would go
11 back to that behavior problem, which I'm very glad she's
12 improved on.

13 Q So what was The Continuum program,
14 Ms. Guerrero?

15 A The Continuum program is, from my
16 understanding is a program to help children with
17 disabilities or any speech problems that they may have
18 had or communication skills. Also in order to be able to
19 communicate with your kids more often if you had problems
20 communicating with children.

21 Q Who provided that service?

22 A The Volunteers of America Family Shelter.

23 Q Okay. And when was that?

24 A That was in May 2012.

1 Q Okay. And how long did that continue for?

2 A That continued on until she turned about two
3 to three years old, I believe, and around that time she
4 was transferred to foster care and they transferred her
5 over to the Advanced Pediatrics which they work with
6 children three and up.

7 Q Okay. And did -- can you just tell me about
8 Advanced Pediatrics? Did you have any involvement with
9 that?

10 A Yes, I had involvement at the beginning until
11 there was problems. And I was able to meet with the
12 psychiatrist or pediatric lady. I forgot her name. I
13 think it was Alyssa, I believe.

14 Q Where did you meet with her?

15 A I met with her at the Children's Protective
16 Services building and -- because her job was to meet with
17 the child or the children and the foster home and I
18 believe alone with them at their office and met with us
19 to see the behaviors and communication skills the child
20 may have had to work with them to make sure they are
21 still continuing and behavior's improving.

22 Q Okay. Since your children have been in
23 foster care, have you attended any appointments with
24 them?

1 A Yes.

2 Q What appointments have you attended?

3 A Doctors appointment, dentist appointment, at
4 the beginning I was attending the Advanced Pediatrics
5 appointments when I was being given dates. Surgeries and
6 also the hospitalization of my son Ethan.

7 Q The --

8 A Hospitalization. He was hospitalized.

9 Q When was Ethan in the hospital?

10 A I believe in end of 2014, which was in
11 December, and again -- I believe he was hospitalized
12 again in January 2015. I might be wrong, but it's around
13 that time.

14 Q What, if anything, did you do during those
15 hospitalizations?

16 A I stayed there until he got out.

17 Q Stayed where?

18 A At the hospital.

19 Q Ms. Guerrero, what plan do you have if you
20 are able to retain your parental rights?

21 A What's "retain"?

22 Q If you are able to continue to be the legal
23 parent of your children, what is your plan?

24 A What is my plan?

1 Q Yes. What would you like to see happen?

2 A More help with being able to get my SSI to
3 have a stable income to be able to provide a home, safe
4 environment, proper cleaning materials, and being able to
5 provide the proper materials for my children to continue
6 being a mom and being able to wash their clothes, cook
7 for them, provide them with the correct meals, if
8 possible toys, shoes, and if there's still -- my son's
9 still in diapers, provide diapers for him as well.

10 Q And what kinds of services would you need in
11 order to do that?

12 A I believe more help in being able to
13 communicate with the SSI office to get that going.

14 Q Anything else?

15 A I know transportation's another help that I
16 can use right now. It's really important if I'm able to
17 work at least part-time, you know, that would help with
18 the transportation if I don't have SSI. If I have SSI
19 I'm pretty sure I can provide it myself with the income
20 so I would be able to budget it. And see where the money
21 goes and stuff like that.

22 Q Anything else?

23 A Just be a mom again.

24 Q Okay. And this appointment on the 22nd of

1 September, what is it for?

2 A The psychiatry at Nevada Hopes.

3 Q What's the purpose of that?

4 A For my anxiety pills.

5 Q And why do you need them?

6 A To continue to control my anxiety which I
7 have not had any panic attacks since May of 2015 which
8 I'm proud of.

9 MR. ELKINS: Judge, I don't have any further
10 questions. Thank you very much.

11 THE COURT: Redirect -- or cross?

12 MS. ELCANO: Your Honor, I'm going to just
13 request that we take a quick break at this point.

14 THE COURT: Okay. We'll take the morning
15 recess now. We'll come back at 10:25. You can all be
16 released.

17 MS. ELCANO: Thank you.

18 (A recess was taken at 10:07 a.m.)

19 THE COURT: Be at ease.

20 This is Case No. CV14-00507 -- ahh, I got the
21 wrong case. That's the case I'm hearing at 1:00.

22 Okay. This is FV14-03897 in the matter of
23 the parental rights as to the Taylor children as alleged
24 in the amended petition. Parties are present with their

1 counsel.

2 You are still sworn, Ms. Guerrero.

3 Ms. Elcano.

4 MS. ELCANO: Thank you, your Honor.

5

6

CROSS-EXAMINATION

7

BY MS. ELCANO:

8

Q Good morning, Ms. Guerrero.

9

A Good morning.

10

Q I know that this is difficult, so if there's

11

any time that you need a break or -- you know, just let

12

me know, I'm happy to stop.

13

A Okay.

14

Q Ms. Guerrero, what documents have you

15

reviewed to prepare for your testimony today?

16

A What do you mean?

17

Q Like, have you looked at any papers?

18

A Just the folder.

19

Q Just what?

20

A Just this folder (indicating).

21

Q Okay. And did you look at your planner at

22

all to look at dates?

23

A Well, the planner's stolen.

24

Q I'm sorry, the planner that's over there?

1 A That's just copies.

2 Q Okay. Did you look at those copies to look
3 at what steps you had taken to search for employment and
4 whatnot?

5 A No.

6 Q You didn't look at it at all?

7 A No.

8 Q Okay. And did you discuss your testimony
9 with your attorney?

10 MR. ELKINS: Objection.

11 THE COURT: Well, she can answer yes or no.
12 If she asks any questions about what was discussed, then
13 that's another issue.

14 So did you or didn't you; yes or no?

15 THE WITNESS: I don't know what to answer.

16 THE COURT: Go ahead.

17 BY MS. ELCANO:

18 Q Did anyone instruct you what to say here
19 today?

20 A No.

21 Q Okay. And you haven't looked at any of those
22 documents you provided to Mr. Elkins as regards to your
23 planner as to any dates or any employment attempts?

24 A Only when I provided it to him.

1 Q Okay. So you did take a look at it?

2 A Months ago.

3 Q Months ago. Okay. So you provided that to
4 Mr. Elkins months ago?

5 A I don't know, wait. Yeah, I think so. I
6 don't remember.

7 Q And you testified that you presently live at
8 the Prayer House; is that correct?

9 A Yes.

10 THE COURT: At the Prayer House?

11 BY MS. ELCANO:

12 Q Is that what it's called?

13 A Yes.

14 THE COURT: P-r-a-y-e-r?

15 THE WITNESS: P-r-a-y-e-r. Yes. Sorry.

16 BY MS. ELCANO:

17 Q And you've resided there for approximately a
18 month; is that correct?

19 A Approximately.

20 Q And can you tell me how that works? Like do
21 you check in on a daily basis?

22 A Yes.

23 Q And what time do you have to check in by?

24 A Before 2:00 o'clock in the afternoon.

1 Q And are you guaranteed a place?

2 A If you check in before 2:00, yes.

3 Q You are guaranteed a place. And what part of

4 the Prayer House do you live in? Is it just women, women

5 and men, women and families?

6 A It's for women only. And children.

7 Q And children?

8 A And children.

9 Q All right. And I wanted to turn to your

10 residence in June of 2013, and I believe that you

11 testified you lived at the Linden Street Apartments; is

12 that correct?

13 A June 2013?

14 Q Uh-huh.

15 A Yes.

16 Q And I believe you testified your rent -- or I

17 don't know -- was about 450 to start and then went up to

18 500; is that correct?

19 A No.

20 Q What was it to start?

21 A 350.

22 Q Okay. And then it went up to 400?

23 A 450.

24 Q So it increased a hundred dollars after the

1 first month?

2 A Yes, because a move-in special.

3 Q Okay. And you were receiving TANF at that
4 time, correct?

5 A June 2013?

6 Q Yes.

7 A Yes.

8 Q And approximately how much were you getting?

9 A If I can remember correctly, 518.

10 Q 518?

11 A 518.

12 Q Okay. And you had a storage unit at that
13 time; is that correct?

14 A Yes.

15 Q And what was the cost of that storage unit on
16 a monthly basis?

17 A The what?

18 Q What was the cost? How much did you pay for
19 the storage unit on a monthly basis?

20 A I don't remember the exact amount.

21 Q Okay. Do you know an approximate amount?

22 A Less than a hundred.

23 Q Okay. So it was less than a hundred dollars.

24 And who chose that Linden apartment?

1 A I don't specifically remember.

2 Q You were living with Robert Taylor at the
3 time; is that correct?

4 A Yes.

5 Q And you guys likely chose that apartment
6 together, correct?

7 A I don't specifically remember if we both
8 chose it.

9 Q Okay. And it's accurate to say that you
10 planned on supplementing your income with plasma
11 donations; is that correct?

12 A What's "supplement"?

13 Q Provide a little additional income with
14 plasma donations.

15 A So you're saying providing additional --

16 Q Um-hum, extra money.

17 A Yes.

18 Q You had planned to get extra money for your
19 plasma donations, correct?

20 A Yes.

21 Q And -- so if you could please turn to Exhibit
22 3 in the white binder right there on top. And so you
23 testified that your rent went from 350 to 450, correct,
24 from June to February -- I mean June to July? Excuse me.

1 A No.

2 Q Okay. So just a moment ago you said your
3 rent was at 350 and it went from 350 to 450? And in
4 June with a move-in special it was 350 and then went
5 to --

6 A May.

7 Q -- went up to four- -- in May it went from
8 350 to 450?

9 A Right.

10 Q Or in June it went up to 450?

11 A Yes.

12 Q Okay. And you also testified that the
13 storage was less than a hundred dollars, correct?

14 A Um-hum.

15 Q All right. So the 345 for rent was correct
16 in May, or approximately correct, right?

17 A That says June.

18 Q I know, I'm asking if 345 was correct for
19 May?

20 A Oh. Yes.

21 Q Okay. So it was around 350; is that correct?

22 A Yes.

23 Q Okay. And then \$120, so actually your
24 storage, if you look on the right, was less than that; is

1 that correct?

2 A What was that again?

3 Q On the right-hand column just under "Total
4 Income" there's handwriting that says "Storage."

5 A Um-hum.

6 Q And so you're saying it was less than 120,
7 correct?

8 A It was -- I'm assuming.

9 Q Okay. And not last week but the week before
10 you testified you became behind on rent in August of 2013
11 for the Linden apartment; is that correct?

12 A 2013 what did you say?

13 Q That you were behind on rent in August?

14 A August. Um.

15 Q You can go ahead and close the binder in
16 front of you. You don't need it for this.

17 A I -- I don't remember.

18 Q Okay. So when did you become behind on rent?

19 A 2013 you said, right?

20 Q Uh-huh.

21 A I don't remember exact dates or month.

22 Q Okay. And --

23 MS. ELCANO: Is there a way to have the court
24 reporter bring up the testimony of that particular day?

1 THE COURT: She probably doesn't have the --
2 I think she's -- the other reporter is trying to
3 transcribe it, so...
4 BY MS. ELCANO:
5 Q So you have no memory of when you became
6 behind on your apartment rent?
7 A (Witness moves head side to side.)
8 MS. ELCANO: And, your Honor, my notes
9 indicate that it happened in August of 2013. I don't
10 know --
11 MR. ELKINS: Objection.
12 THE COURT: Do you remember?
13 THE WITNESS: (Witness moves head side to
14 side.)
15 THE COURT: You testified the other day. So
16 you moved in in June?
17 THE WITNESS: May.
18 THE COURT: May, okay. So how long after
19 that did you get behind in your rent?
20 THE WITNESS: I believe it was when the TANF
21 was reduced. September 2013?
22 THE COURT: August, September, sometime in
23 that time frame?
24 THE WITNESS: By September. That's when it

1 happened.

2 BY MS. ELCANO:

3 Q Okay. And then you testified that you were
4 first late on your power in August of 2013, correct?

5 A Yes.

6 Q And then your power was turned off when?

7 A Late August.

8 Q Okay. Are you aware of the policy of NV
9 Energy not to turn off power within the first 30 days?

10 A No.

11 Q And you also testified that you were
12 receiving food stamps, correct?

13 A That I was or Robert was?

14 Q I was going to clarify. Who was receiving
15 food stamps?

16 A Robert.

17 Q Okay. And approximately how much were the
18 food stamps?

19 A Before deduction or after deduction?

20 Q If you could give me both numbers that would
21 be really helpful.

22 A With the kids and the application 668, and
23 with the deductions I want to say about maybe a hundred,
24 200.

1 Q Less or you were only receiving a hundred or
2 \$200 only?

3 A Because I was just receiving -- Robert was
4 just receiving the benefits, so I don't know exact
5 amount.

6 Q Okay. And --

7 THE COURT: I want to clarify. So you were
8 receiving a hundred and \$200 worth of food stamps or a
9 hundred or 200 less than the 600?

10 THE WITNESS: We was not receiving 668. It
11 was deducted to I believe either 200 or a hundred
12 dollars.

13 BY MS. ELCANO:

14 Q When did that deduction occur?

15 A September 2013, if I'm right.

16 Q Okay. And how did those food stamps get
17 distributed?

18 A What's "distributed"?

19 Q How did you receive them?

20 A Well, Robert received them in the EBT card.

21 Q Okay. And who used that EBT card?

22 A He did. Robert did.

23 Q Okay. You never used the EBT card?

24 A Just to withdraw the money for rent.

1 Q Okay. So you used the EBT for food stamps to
2 pay your rent?

3 A No, withdraw the cash for --

4 Q Okay. So were the food stamps on an EBT
5 card?

6 A Yes.

7 Q And was TANF also on an EBT card?

8 A Yes.

9 Q Were they on separate EBT cards?

10 A No.

11 Q They were on the same one?

12 A Yes.

13 Q So you could use money allocated for food
14 stamps to pay your rent?

15 A Do what?

16 Q You could use money that was given to you for
17 food stamps to pay your rent?

18 A Are you saying pay the rent with food stamps?

19 Q Yes.

20 A No.

21 Q So you received your food stamps and your
22 TANF on one EBT card?

23 A I think I'm understanding your question.
24 You're asking me if the food stamp benefits and the cash

1 benefits were put into the same card?

2 Q Correct.

3 A Yes.

4 Q Okay. And you said you could use the EBT

5 card to pull out money, correct?

6 A Just the cash.

7 Q Just the cash?

8 A Just the cash

9 Q All right. So you couldn't use your food

10 stamps to pay rent?

11 A No.

12 Q You couldn't draw any cash out?

13 A No.

14 Q And Robert used the EBT card to buy all of

15 the food stamps? I mean to buy all of the food with the

16 food stamps?

17 A To go grocery shopping with the food stamps.

18 Q You never did?

19 A No.

20 Q Okay. So you weren't the one receiving the

21 food stamps and you never used that money to purchase

22 food, correct?

23 A The stamps too, yes.

24 Q Okay. So it's possible maybe a different

1 amount could be received and you wouldn't know because
2 you never received that EBT card and you were not using
3 that EBT card, correct?

4 A I don't think I understood the question.

5 Q So it's possible that the amount of food
6 stamps could have been different and you wouldn't know
7 because they weren't in your name and you weren't using
8 that EBT card, correct?

9 A I don't know.

10 Q Is that correct; yes or no?

11 A I didn't understand your question.

12 Q So the EBT card with the food stamps was not
13 in your name?

14 A I was head household.

15 Q So you told me that you weren't the one
16 receiving the food stamps, correct?

17 A No, I was not.

18 Q So it was not in your name, correct?

19 A The food stamps, no.

20 Q And you never used the EBT card for the food
21 stamps, correct?

22 A Did I use the food stamps?

23 Q Yes.

24 A No.

1 Q So the amount of the food stamps could have
2 varied and you wouldn't have known because it wasn't in
3 your name and you didn't use the food stamps, correct?

4 A I guess correct.

5 Q Thank you.

6 And you testified that Roberto or Robert --
7 pardon me -- Hunt-Taylor controlled the finances; is that
8 accurate?

9 A Accurate, yeah.

10 Q Is that correct? Is that true?

11 A That he controlled the finances?

12 Q Uh-huh.

13 A I believe so.

14 Q Okay. And the home, the Linden apartment in
15 2013 you maintained for approximately how many months?

16 A How long did I keep that apartment?

17 Q Um-hum.

18 A Eight months.

19 Q Okay. And what was that time period? May, I
20 believe you testified, is when you first got there, so
21 May to when?

22 A May 2013 to -- what did I say --

23 Q To January of 2014; does that sound right?

24 A Does that count as lock-out?

1 Q When were you locked out?

2 A January 3rd, 2014.

3 Q Okay. And during that time period you were
4 behind on your rent from August through January 2014; is
5 that correct?

6 A September.

7 Q September to January of 2014, correct?

8 A Yes.

9 Q Okay. So you were behind on five months of
10 rent the eight months that you lived there?

11 MR. ELKINS: Objection. Misstates the
12 evidence, testimony.

13 THE COURT: September, October, November,
14 December, January.

15 MR. ELKINS: Actually she said January 3rd.

16 THE COURT: Objection overruled.

17 So go ahead.

18 BY MS. ELCANO:

19 Q So you were behind on rent approximately five
20 months while you lived there?

21 A Four months.

22 Q Okay. So from September to January, is that
23 correct, you were behind on rent?

24 A December.

1 Q You said you were kicked out in January?
2 A I was in the hospital in January.
3 Q When were you locked out of the apartment?
4 A They put the change of locks in January 3rd, I
5 guess. I don't know, I was in the hospital.
6 Q And Ms. Guerrero, are you currently employed?
7 A Meaning?
8 Q Do you have a job?
9 A Am I signed up with, like, a temp agency?
10 Q Are you currently receiving a paycheck?
11 A No.
12 Q You're not working for anybody right now?
13 A Not at this second.
14 Q Okay.. And -- and since Roberto's removal --
15 well, Roberto, Kayleigh and Nathan's removal in April of
16 2014, you haven't maintained or kept a job in excess of
17 four weeks; is that correct?
18 A You mean 2013, right?
19 Q '13, I'm sorry. What did I say? I
20 apologize.
21 A 2014.
22 Q 2013.
23 A Can you repeat it again? Sorry.
24 Q So since April of 2013, you have not

1 maintained a job or kept a job longer than four weeks; is
2 that correct?

3 A Just in 2013 job -- or year?

4 Q No, from -- I'm sorry. I wasn't clear. So
5 if you look at from April of 2013 till today.

6 A Okay.

7 Q The longest amount of time you kept a job is
8 four weeks or approximately a month; is that correct?

9 A No.

10 Q Okay. How long have you kept a job for?

11 A If I'm correct, six months.

12 Q Six months? Okay. Where were you employed
13 for six months?

14 A LaborMax Staffing.

15 Q And you worked there consistently?

16 A "Consistent," what does it mean again?

17 Q Did you work there every day?

18 A I went there every day.

19 Q But how many days did you have work there?
20 How many weeks did you actually get a paycheck there?

21 A I at least had about two to three paychecks.
22 Hold on. Actually I don't remember. But I know I had
23 more than one paycheck.

24 Q And were you paid weekly, monthly?

1 A Weekly.

2 Q Okay. And Ms. Guerrero, do you currently own
3 a car?

4 A No.

5 Q And what means of transportation do you use
6 right now? How do you get around?

7 A Well, if I have a bus pass, a bus, if not, I
8 start walking.

9 Q Okay. And who pays for your bus passes
10 currently?

11 A Right now Malia provided me a bus pass.

12 Q Okay. And when did Malia most recently
13 provide you a bus pass?

14 A Last week.

15 Q Okay. And if Social Services were no longer
16 involved in your life, who would be paying for the bus
17 passes?

18 A I'd probably be stuck walking.

19 Q Okay. And you would be stuck walking if you
20 had your children back to get them to school, to get them
21 to doctors, to get them to appointments, to get them to
22 therapy; is that correct?

23 A I've done it before.

24 Q Okay. And you testified you no longer get

1 food stamps; is that correct?

2 A I never received food stamps.

3 Q You didn't previously ever receive food
4 stamps in California?

5 A Years ago.

6 Q And in Nevada you never got food stamps?

7 A Five years ago.

8 Q But you currently cannot get them; is that
9 correct?

10 A Cannot receive them?

11 Q Yes.

12 A No.

13 Q You can receive them?

14 A No, I can't.

15 Q You cannot. And so you're solely -- you have
16 to rely on any other source of income that you might have
17 to provide food for yourself and your children if you
18 have them in your care, correct?

19 A Repeat that again.

20 Q So you would have to rely on any other source
21 of income you might have to provide food for yourself,
22 correct?

23 A Define "income." Like you mean resources?

24 Q I mean if you had a job, if you receive SSI

1 or some sort of money.

2 A I don't believe I understand what you're
3 trying to say.

4 Q Okay. So you don't receive food stamps and
5 you cannot receive food stamps, correct?

6 A I cannot, no.

7 Q Okay. And so in order to feed yourself you
8 have to rely on any other money you might have, correct?

9 A Not money.

10 Q Okay. What do you rely on?

11 A WIC, food banks, there's the shelters where
12 they have the feedings. They have --

13 Q I'm asking about you. So you don't qualify
14 for WIC currently, correct?

15 A WIC? Yes, I do.

16 Q Okay. So you can get food for yourself from
17 WIC?

18 A Yes.

19 Q Where else can you get food for yourself?

20 A Food bank, the shelter.

21 Q And you testified that Robert Hunt-Taylor
22 controlled the finances and that he was the reason you
23 were behind on rent in August of 2013 and the -- pardon
24 me -- September of 2013 and the electricity; is that

1 correct?

2 A Can you repeat that slowly, please?

3 Q So you testified that Robert Hunt-Taylor
4 controlled the finances, correct?

5 A Yes.

6 Q And the reason you were behind on rent in
7 September of 2013 and your power in August of 2013 is
8 because of Robert Hunt-Taylor mismanaging the money,
9 correct?

10 A Yes.

11 Q Okay. And you also testified that Robert
12 Hunt-Taylor chose to purchase the dilapidated trailer,
13 correct?

14 A The who?

15 Q The trailer?

16 A The trailer, yes.

17 Q Okay. And that you had no say in any of
18 that, correct?

19 A Correct.

20 Q And yet you stayed with Robert Hunt-Taylor,
21 correct?

22 A I decided what?

23 Q You stayed with him? You continued to have a
24 relationship with him?

1 A Relationship, no.

2 Q Okay. But you stayed with him and were
3 living with him, correct?

4 A Living with him, yes.

5 Q And you indicated that even though Robert
6 Hunt-Taylor controlled the finances, you would draw money
7 off of the EBT card to pay rent, correct?

8 A Yes.

9 Q So he didn't control all the finances,
10 correct?

11 A Well, I pulled it out because it was under my
12 name. He wasn't supposed to pull it out.

13 Q But you pulled out the money?

14 A And gave it to him.

15 Q Okay. And how long were you with Robert?
16 How long did you live with him?

17 A How long I lived with him?

18 Q Um-hum.

19 A Life period of time or period of time in the
20 trailer?

21 Q Just in life.

22 A Twelve years.

23 Q And you did so in spite of the financial
24 issues, correct?

1 A I did what?

2 Q You continued to live with him even though
3 there were financial issues?

4 A That was his first year financially, doing
5 financial. I usually do all the financials.

6 Q Oh, you usually do?

7 A I usually do in the past, yes. I gave him
8 one chance to do this.

9 Q Okay.

10 A Okay.

11 Q And you continued to stay with
12 Mr. Hunt-Taylor even though he was mismanaging the money?

13 A Well, I did break up with him.

14 Q Okay. And even though you couldn't provide a
15 home for your children, you couldn't provide food, you
16 continued to stay with Mr. Hunt-Taylor, correct?

17 A What do you mean I couldn't provide for my
18 kids?

19 Q During that time period in 2013, September,
20 through 2014 when you bought the trailer, you couldn't
21 provide food, you couldn't maintain a stable home?

22 A I never said that.

23 Q Okay. You had a stable home?

24 A I had somewhere safe for the kids and I to go

1 to.

2 Q So the trailer was safe for the children?

3 A Are you talking about the trailer?

4 Q Well, I'm asking.

5 A Well, he's the one that got it.

6 Q So was the trailer safe for the children?

7 A I was able to keep eating there, so yes.

8 Q Okay. And did you believe that the Linden

9 apartment was safe for the children?

10 A Yes.

11 Q Okay.

12 A When the electricity was on.

13 Q Okay. So when the electricity was off you
14 didn't have a safe place for the children, correct?

15 A Um-hum. The Linden apartment, no.

16 Q And yet you continued to stay with
17 Mr. Hunt-Taylor even though that was an issue, correct?

18 A Do what?

19 Q You continued to stay with Mr. Hunt-Taylor
20 even though the safety of the home at the Linden
21 apartment was an issue, correct?

22 A Yeah.

23 Q Were there also issues with the plumbing in
24 the trailer?

1 A Yes.

2 Q When were you no longer living with
3 Mr. Hunt-Taylor?

4 A When he got sent to jail.

5 Q Do you know approximately when that was?

6 A July 20- -- either 26 or 27 of 2014.

7 Q 2014. Okay. And who has managed your
8 finances since then?

9 A Albert.

10 Q Albert who?

11 A Albert Vazquez.

12 Q Okay. So you don't manage your own finances
13 now?

14 A No. I have nothing to finance.

15 Q Okay. And are you currently in a
16 relationship with Albert de Vazquez?

17 A No.

18 Q Are you in a relationship with
19 Mr. Hunt-Taylor?

20 A No, no. No, no. Do you mean relationship as
21 like boyfriend-girlfriend?

22 Q Yeah.

23 A Oh, no. Sorry. Sorry.

24 Q Yeah, I apologize.

1 Do you use Facebook a lot?

2 A I guess. I don't know.

3 Q When were you in a relationship with
4 Mr. Vazquez or Alberto?

5 A The time frame?

6 Q Yes. What dates?

7 A We started dating last year of mid-August and
8 we broke up in May of -- 22nd, 2015. This year.

9 MS. ELCANO: If I could have this marked as
10 the next exhibit.

11 MR. ELKINS: Object to this being shown to
12 the Court.

13 MS. ELCANO: Your Honor, it's being used for
14 impeachment purposes. It's off of her Facebook page.

15 MR. ELKINS: And I have no idea where this
16 came from, what it's authenticity is, no foundation for
17 it.

18 MS. ELCANO: I can get there, your Honor.

19 THE COURT: Well, if it's being offered, then
20 she can ask questions about it. If it doesn't qualify,
21 then it won't be admitted. Mark it for purposes of
22 identification next in order.

23 THE CLERK: This will be petitioner's JJ.

24 (Petitioner's Exhibit JJ was marked for
identification.)

1 MS. ELCANO: Thank you.
2 And may I approach the witness, your Honor?
3 THE COURT: Go ahead.
4 MS. ELCANO: Thank you.
5 BY MS. ELCANO:
6 Q Do you recognize this picture, Ms. Guerrero?
7 A Yes, I do.
8 Q Who is it a picture of?
9 A Me and Albert.
10 Q And do you recognize it from your Facebook
11 page?
12 A Yes.
13 MR. ELKINS: Objection.
14 BY MS. ELCANO:
15 Q And is it your --
16 THE COURT: What's the -- wait. What's the
17 objection?
18 MS. ELCANO: Sorry.
19 MR. ELKINS: Well, my objection, Judge, is
20 to -- well, never mind. I'll withdraw the objection.
21 THE COURT: Go ahead.
22 BY MS. ELCANO:
23 Q And is it your current Facebook profile page?
24 A What do you mean?

1 Q Is it your current Facebook profile picture?
2 Pardon me, I said page.

3 A Yeah.

4 Q Okay. And what is -- who is Martha Trevino?

5 A His mother.

6 Q Who's mother?

7 A Albert's mother.

8 Q Okay. And what's the date that you posted
9 this picture?

10 A Says June 24th.

11 Q Okay. And what was the comment?

12 THE COURT: Of what year, 2015?

13 MS. ELCANO: Sorry.

14 THE WITNESS: Yes, 2015. Apologize.

15 MR. ELKINS: I'm sorry, Judge, I didn't hear.
16 What was the date?

17 THE WITNESS: June 24, 2015.

18 MR. ELKINS: Thank you.

19 BY MS. ELCANO:

20 Q And what was the comment made by Ms. Trevino
21 on this picture?

22 MR. ELKINS: Objection, Judge. It's not a
23 statement by my client. It's not authenticated.

24 THE COURT: Objection sustained.

1 BY MS. ELCANO:

2 Q Okay. Is this an accurate copy of this
3 picture on your Facebook profile?

4 A What is "accurate"?

5 Q Is it a true and correct copy?

6 A Meaning?

7 Q Is this what your Facebook profile picture is
8 currently?

9 A The one on the little left-hand corner? Yes.

10 Q Okay.

11 MS. ELCANO: And your Honor, I would
12 request --

13 MR. ELKINS: I'm sorry.

14 MS. ELCANO: -- this is admitted.

15 MR. ELKINS: I'm sorry, Judge, I don't know
16 what she's referring to, "the little left-hand corner."

17 THE WITNESS: The little, little tiny square
18 with the little flower and myself.

19 MR. ELKINS: So could you just point out to
20 the Court what you are referring to?

21 THE COURT: Well, it hasn't been admitted
22 yet, so I wouldn't --

23 THE WITNESS: That's this little tiny picture
24 I have.

1 THE COURT: Who took that picture?
2 THE WITNESS: I took that picture.
3 MR. ELKINS: Which -- I'm sorry, Judge. I'm
4 confused about what picture we're talking about.
5 THE COURT: On the top part of the page?
6 THE WITNESS: Okay. The little tiny square,
7 I did.
8 THE COURT: The picture I can see -- I can't
9 look at it because it's not admitted yet. See the big
10 picture there -- no, I can't look at it. There's a big
11 picture.
12 MR. ELKINS: Judge, I'll withdraw my
13 objection.
14 THE COURT: Okay. So I'll let that in.
15 MR. ELKINS: So --
16 THE COURT: What, JJ is admitted then?
17 (Petitioner's Exhibit JJ was admitted.)
18 MR. ELKINS: So I just need to understand the
19 witness's answer though, Judge. What is your -- what's
20 your --
21 THE WITNESS: When is the picture taken?
22 MR. ELKINS: No, no, no. That's not my
23 question. What is your profile picture?
24 THE WITNESS: My profile picture is the

1 little tiny square where I'm there facing with my flower.
2 MR. ELKINS: Okay.
3 BY MS. ELCANO:
4 Q And this is a picture of you and Mr. Vazquez
5 that you posted on June 24th, correct?
6 A I posted June 24 and it was taken May 22nd.
7 Q That's not what I asked, so please --
8 A Okay.
9 Q -- restrict your answers to my question.
10 A Okay.
11 Q And you completed an evaluation with
12 Ms. Carter, correct?
13 A Brianna?
14 Q Yes.
15 A Yes.
16 Q And you testified you did that in June of
17 2013, correct?
18 A Approximately.
19 Q Okay. And Amanda -- or pardon me.
20 Ms. Carter recommended that you engage in individual
21 counseling with her, correct?
22 A Yeah.
23 Q Okay. And you did engage in a couple
24 sessions with Ms. Carter, correct?

1 A No.

2 Q You never went and saw Ms. Carter?

3 A You said couples.

4 Q Okay. So how many sessions did you go to
5 Ms. Carter?

6 A Individuals or couples?

7 Q How many times did you personally go see
8 Ms. Carter?

9 A By myself about two or three.

10 Q And how many times was Robert Hunt-Taylor
11 present with you?

12 A All of them.

13 Q So how many times were you there to see
14 Ms. Carter regardless of who else was present with you?

15 A Those two or three times.

16 MR. ELKINS: I'm sorry, could you just speak
17 up.

18 THE WITNESS: Two to three times.

19 MR. ELKINS: Thank you.

20 BY MS. ELCANO:

21 Q And you discontinued services and did not
22 follow through with service with Ms. Brianna Carter,
23 correct?

24 A Yes.

1 Q And then you also started counseling with
2 Deken Gossett, correct?

3 A Yes.

4 Q And approximately how many times did you see
5 Mr. Gossett?

6 A Four or five times probably.

7 Q And again you discontinued services and
8 didn't follow through with individual counseling with
9 Mr. Deken Gossett, correct?

10 A Yes.

11 Q And you attempted a neuropsychological
12 evaluation with Dr. Rogina in December of 2014, correct?

13 A Yes.

14 Q And you did not attend all of the sessions
15 that he requested to complete that evaluation, correct?

16 A If I believe I understood your question, did
17 I attend to all of the appointments requested?

18 Q Yes.

19 A No.

20 Q And then you completed a neuropsychological
21 evaluation with Dr. Aberasturi, correct?

22 A Yes.

23 Q And you also met with Dr. Aberasturi to
24 discuss her recommendations, correct?

1 A Repeat that again.

2 Q You met with Dr. Aberasturi to discuss her
3 recommendations, correct?

4 A Is that the results?

5 Q Yes.

6 A Well, she said I didn't have to do it.

7 Q But you did meet with her, correct?

8 A Yes.

9 Q Okay. And Dr. Aberasturi indicated to you
10 that she recommended individual counseling, correct?

11 A Yes.

12 Q And dialectical behavioral therapy, correct?

13 A Yes.

14 Q And then she also recommended that you should
15 be seen for medication, correct?

16 A That I should be seen or I should be taking
17 medication?

18 Q That you should be seen for medication
19 therapy.

20 A Medication therapy?

21 Q Um-hum.

22 A Is that considered -- hold on. Okay.
23 Medication therapy meaning that I'm supposed to get
24 medication?

1 Q That you should be seen for an evaluation for
2 medication.

3 A Evaluation. Is that to get medication?

4 Q Yes, to see if it's needed.

5 A Yeah.

6 Q And it's true that you received a psychiatric
7 evaluation at Alliance, correct?

8 MR. ELKINS: Objection. That wasn't the
9 stipulation, Judge.

10 THE WITNESS: No.

11 MR. ELKINS: It wasn't a psychiatric
12 evaluation. It was a nurse practitioner.

13 THE COURT: Ask her what she -- just --
14 BY MS. ELCANO:

15 Q It's correct you went to Alliance for an
16 evaluation for psychotropic medication, correct?

17 A No.

18 Q Okay. You didn't go to Alliance?

19 A I went to Alliance.

20 Q And you met with Nurse Boan?

21 A Yes.

22 Q And you discussed your anxiety?

23 A Yes.

24 Q And medication, correct, to treat that

1 anxiety?

2 A Yes.

3 Q And it's true that no medication was
4 prescribed, correct?

5 A Correct.

6 Q Were you pregnant at the time?

7 A No.

8 Q You were not. So, I'm sorry, how many months
9 pregnant are you currently? When's your baby due?

10 A Soon.

11 Q Soon. Can you tell me when is soon?

12 A Am I allowed to answer that question?

13 THE COURT: Yes.

14 THE WITNESS: December.

15 BY MS. ELCANO:

16 Q December.

17 So on April 9th you didn't know if you were
18 pregnant or not, correct?

19 A April 9th of what year?

20 Q 2015.

21 A No, I did not.

22 Q And isn't it true that Washoe County
23 Department of Social Services, specifically Malia,
24 provided a list of other providers who could do

1 evaluation for psychotropic medication, correct?

2 A That she provided me a list?

3 Q Um-hum.

4 A To provide me a list of psychiatrists.

5 Q That you could go to for psychotropic
6 medication evaluations, correct?

7 A Okay. The psycho-who?

8 Q Some medications prescribed by a
9 psychiatrist, correct?

10 A Medication, right?

11 Q Yes.

12 A She gave me a list, yes.

13 Q Okay. And it's also true that Malia took
14 you, drove you to NNAMHS to try to get you an evaluation
15 to address your possible need for medication, correct?

16 A Yes.

17 Q And are you currently on medication?

18 A Yes.

19 Q You are. What medication are you on?

20 A I don't have the bottle with me.

21 Q Okay. So you currently are taking
22 psychotropic medication to address your anxiety?

23 MR. ELKINS: Objection to the psychotropic.

24 THE COURT: Just say some medication. I

1 don't know --

2 Do you know what psychotropic medication is?

3 THE WITNESS: No.

4 THE COURT: Okay. Are you taking any
5 medication for your anxiety?

6 THE WITNESS: Yes.

7 BY MS. ELCANO:

8 Q Who was it prescribed by?

9 A My OB-GYN.

10 Q And when was it prescribed?

11 A In May or June of this year.

12 Q And you -- pardon me -- and you have gone to
13 no one else aside from your OB-GYN to try to receive
14 medication to address your anxiety; is that correct?

15 A Have I tried to go to somebody for the
16 medication?

17 Q Aside from Nurse Boan, correct?

18 A Yes.

19 Q Who else?

20 A Hopes.

21 Q When?

22 A Nevada Hopes, excuse me.

23 Q When did you go to Hopes?

24 A In May of 2015.

1 Q Is that who prescribed your medication?
2 A Is that who...
3 Q Prescribed your medication?
4 A Hopes.
5 Q Hopes?
6 A No.
7 Q Okay. And what was Hopes' recommendation for
8 medication?
9 A Put me on the waiting list.
10 Q Okay. So you haven't actually had any other
11 evaluation aside from the one done by Nurse Boan and your
12 OB-GYN to receive medication; is that correct?
13 A And Aberasturi.
14 Q And Aberasturi. But she wouldn't prescribe
15 medication?
16 A Right.
17 Q Okay. In -- and it's true that Malia and
18 Rocio have asked you if you were pregnant, correct?
19 A Just Malia.
20 Q Okay. So it's true Malia asked you if were
21 pregnant and you told her no, correct?
22 A Right.
23 Q And you told her no when you knew you were
24 pregnant, correct?

1 A No.

2 Q No? So Malia never asked you in May, June,
3 July, August, September if you were pregnant?

4 A Not those months.

5 Q She never asked you?

6 A No, she did ask me.

7 Q And did you tell her you were pregnant?

8 A No.

9 Q So you told her you were not pregnant?

10 A I told her I was not pregnant.

11 Q When you knew you were pregnant?

12 A I didn't find out until like May or June.

13 Q So when she asked you in June, July and
14 August, you told her you were not pregnant, correct?

15 A Correct.

16 Q And you knew you were pregnant, correct?

17 A Yes.

18 Q So you lied to her?

19 A No, I didn't say anything.

20 Q You knew you were pregnant, but when she
21 asked you you told her you were not pregnant, correct?

22 A Wait. Did I answer the question or did I not
23 answer the question?

24 THE COURT: Let's move on. I mean, point's

1 made, so...

2 BY MS. ELCANO:

3 Q You also started individual counseling with
4 Dori Orlich, correct?

5 A Um-hum.

6 Q And you discontinued and stopped following
7 through with services with her despite her
8 recommendations, correct?

9 A Despite recommendation. What do you mean?

10 Q Ms. Orlich requested that you continued to
11 engage in individual counseling, correct?

12 A Yes.

13 Q And even though she said that, you failed to
14 follow through and continue with counseling, correct?

15 A I don't understand the --

16 Q You stopped seeing Ms. Orlich, correct?

17 A Yes.

18 Q So you didn't follow through with attending
19 your sessions with Dori Orlich, correct?

20 A No, because I was asked not to.

21 MS. ELCANO: So if I could just have the
22 witness instructed to answer my questions only.

23 THE COURT: Sometimes it's not real easy.
24 Just listen to the question and just answer the question

1 you're asked.

2 THE WITNESS: Okay.

3 THE COURT: Sometimes what witnesses try to
4 do is anticipate the effect of their answer.

5 THE WITNESS: What's "anticipate"? Sorry.

6 THE COURT: Okay. Got me, too. Sometimes
7 you try to -- what's a good word to substitute for
8 anticipate? Sometimes you're thinking about what the
9 effects of your answers are going to be and you're not
10 listening to the question. So just listen to the
11 question, just answer the question you're asked, okay?

12 THE WITNESS: Okay.

13 BY MS. ELCANO:

14 Q So you stopped engaging in services with Dori
15 Orlich, correct?

16 A Yes.

17 Q And Dori Orlich recommended that you continue
18 to engage in services, correct?

19 A Yes.

20 Q So you didn't follow through with continuing
21 services with Dori Orlich, correct?

22 A Repeat that.

23 Q You didn't follow through with services with
24 Dori Orlich, correct?

1 A I did not -- I did not continue the service,
2 right? Is that the question?

3 Q Yes.

4 A Yes. No.

5 Q And then you also started services with
6 Amanda Buttacavoli, correct?

7 A Yes.

8 Q And then Amanda Buttacavoli recommended that
9 you continue individual counseling with her, correct?
10 And DBT services?

11 A That's a hard question.

12 Q Did you stop attending your individual
13 counseling and DBT services with Amanda Buttacavoli?

14 A Yes.

15 Q And she recommended that you continue,
16 correct?

17 A No. I think I understood the question --
18 didn't understand the question. The last -- second one.

19 Q Okay. You stopped attending individual
20 counseling and DBT services with Amanda Buttacavoli?

21 A Yes.

22 Q And Amanda Buttacavoli had recommended
23 additional services, correct?

24 A With her or with somebody else?

1 Q Did she recommend additional services?
2 A I don't understand the question.
3 Q Had Amanda Buttacavoli recommended additional
4 services when you stopped seeing her?
5 A If I understand right that she referred me to
6 somebody else, yes.
7 Q Who did she refer you to?
8 A Some other company.
9 Q And did you go to that company?
10 A No, because I continued seeing her.
11 Q Okay. So, again, you stopped seeing her when
12 she was recommending additional services, correct?
13 A I'm getting confused here. I don't know.
14 Q Did you no-call no-show with Amanda
15 Buttacavoli?
16 A Once.
17 Q And did you see her after that time?
18 A Yes.
19 Q Okay. And you didn't have another
20 appointment scheduled when you stopped seeing her?
21 A No.
22 Q Okay. And why did you stop seeing her?
23 A That's a good question. I didn't reschedule.
24 Q Okay. And you're currently not engaged in

1 counseling, correct? Are you seeing anyone right now for
2 individual counseling to address your mental and
3 emotional illnesses?

4 A Group meetings.

5 Q Are you seeing anyone for individual
6 counseling?

7 A Individual, no.

8 Q And you testified you met Mr. Vazquez at a
9 bus stop, correct?

10 A Yes.

11 Q And that same day you took Mr. Vazquez to
12 your home, correct?

13 A Yes.

14 Q And you asked him to room with you, correct?

15 A To who?

16 Q To room with you?

17 A What's that mean?

18 Q Like rent a room, stay with you, pay rent?

19 A I didn't ask him that.

20 Q Okay. So he didn't live with you after that
21 point?

22 A He did.

23 Q Okay. So you allowed Mr. Vazquez to live
24 with you after just meeting him at a bus stop that day,

1 correct?

2 A I allowed him?

3 Q Yeah.

4 A I allowed him one night.

5 Q Okay. So you allowed him to stay in your
6 home after meeting him that day, correct? And Ethan was
7 with you at this time, correct?

8 A Yes.

9 Q So you allowed a person you had met that day
10 to stay the night in your home with a vulnerable infant,
11 correct?

12 A Yes.

13 MR. ELKINS: Objection. Argumentative.

14 THE COURT: Objection overruled. Move on.

15 BY MS. ELCANO:

16 Q You testified that there was an altercation
17 between Mr. Vazquez and Mr. Hunt-Taylor, correct?

18 A What's "altercations"?

19 Q That they got in a fight?

20 A Argument.

21 Q Okay. And in fact Mr. Hunt-Taylor hit
22 Mr. Vazquez, correct?

23 A No.

24 Q Mr. Hunt-Taylor didn't go to jail for hitting

1 Mr. Vazquez?

2 A No.

3 Q Okay. So what happened that day?

4 MR. ELKINS: Judge, can we get a date? I
5 don't know...

6 MS. ELCANO: I'll have her clarify.

7 BY MS. ELCANO:

8 Q Then when did the altercation happen
9 between -- I'm sorry, Mr. Vazquez hit Mr. Hunt-Taylor; is
10 that correct?

11 A That is correct.

12 Q Thank you. I'm sorry, I mixed my names.

13 A It's okay.

14 Q And Mr. Vazquez went to jail for hitting
15 Mr. Hunt-Taylor, correct?

16 A Yes.

17 Q And when did that altercation occur?

18 A "Altercation"?

19 Q When did they get in that fight? I'm sorry.

20 A December 21st, 2014 -- 22nd. Excuse me.

21 Q And was Ethan with you?

22 A No.

23 Q And you also indicated to Ms. Lopez that
24 Mr. Vazquez was incarcerated in juvenile prison until he

1 was 21, correct?

2 MR. ELKINS: Objection. Relevance.

3 THE COURT: Objection sustained. Let's move
4 on.

5 MS. ELCANO: Your Honor, I'm trying to
6 establish the information that Ms. Guerrero had regarding
7 this particular individual that she allowed around her
8 child and that she continues to try to allow around her
9 children.

10 THE COURT: Are we talking about Vazquez now?

11 MS. ELCANO: Yes, Alberto Vazquez.

12 MR. ELKINS: Beyond the scope, Judge. And I
13 think it's opening the door to a lot of collateral.

14 THE COURT: I don't know if anything is
15 beyond the scope. Go ahead and ask the question.
16 Objection overruled.

17 BY MS. ELCANO:

18 Q You told Ms. Lopez that Mr. Vazquez was
19 incarcerated in juvenile prison or jail until he was 21,
20 correct?

21 A Around that time.

22 Q Okay. So you were aware of that, correct?

23 A Yes.

24 Q And you were also aware that Mr. Vazquez had

1 additional criminal history, correct?

2 A No.

3 Q No? Were you ever informed by Social
4 Services that he did?

5 A After he provided information.

6 Q Okay. And you tried to have Mr. Vazquez
7 visit with the children; is that correct?

8 A What was that?

9 Q Have you ever tried to have Mr. Vazquez visit
10 with the children?

11 A Yes.

12 Q Okay. And when approximately did you do
13 that?

14 A When he provided the information.

15 Q So what year are we talking?

16 A 2014.

17 Q Okay. And you are aware that Social Services
18 did not approve of Mr. Vazquez being around Roberto,
19 Kayleigh, Nathan and Ethan, correct?

20 A Yes.

21 Q And you were also aware that visits were
22 changed from offsite to onsite because you continued to
23 allow Mr. Vazquez around the children, correct?

24 A Yes.

1 Q Okay. And I believe last weekend you had a
2 visit with your children, correct?

3 A Yes.

4 Q And Mr. Vazquez came with you to that visit;
5 is that correct?

6 A No.

7 Q He didn't walk with you?

8 A No, he didn't.

9 Q And no one saw you with Mr. Vazquez?

10 MR. ELKINS: Objection, Judge.

11 THE WITNESS: I don't know.

12 MR. ELKINS: Calls for speculation.

13 THE COURT: That's neither here nor there.

14 BY MS. ELCANO:

15 Q You didn't discuss with Ms. Mutute why she
16 didn't pick you up during your visit while she was
17 driving by you?

18 A Why she couldn't pick me up?

19 Q She saw you walking with Mr. Vazquez?

20 MR. ELKINS: Objection. That's a statement,
21 Judge, not a question.

22 THE COURT: Now, this is getting real
23 tangential now, so let's move on or we'll never get done
24 here.

1 MS. ELCANO: Okay.

2 BY MS. ELCANO:

3 Q You also reported to Ms. Lopez that
4 Mr. Vazquez was verbally aggressive, correct?

5 A No. To Malia.

6 Q I'm sorry?

7 A To Malia.

8 Q Okay. And I'm sorry, you may have asked --
9 answered this, but when did your relationship end with
10 Mr. Vazquez?

11 A May 22nd, 2015.

12 Q And who do you believe is the father of your
13 current child that you're pregnant with?

14 A I don't know.

15 Q Could it possibly be Mr. Vazquez?

16 A Possibly.

17 Q Could it possibly be Mr. Hunt-Taylor?

18 A Possibly.

19 Q And were you aware that Ethan was diagnosed
20 with -- I'm not going to say this word correctly --
21 febrile seizures?

22 A Yes.

23 Q And when did that occur?

24 A The day he was hospitalized.

1 Q When approximately was that?

2 A I believe I said December, but if I'm right

3 it's actually October 2014.

4 Q October of 2014?

5 A I can correct that.

6 Q And do you know who diagnosed him, what

7 doctor?

8 A The doctor? No. The hospital? Yes.

9 Q What hospital was it?

10 A Renown Regional.

11 Q Okay. And what are febrile seizures to

12 your --

13 A From my understanding febrile -- feb- -- the

14 word.

15 Q We'll just call them seizures.

16 A Fever seizure disorder from my understanding

17 is when my son gets a fever, we have to keep an eye on

18 him, he can get a seizure. He can stop breathing and

19 therefore he needs to be hospitalized to get the proper

20 medication to -- and observations to watch him.

21 Q What medication, if any, is Ethan on right

22 now to address this?

23 A At this point I -- all I understand is he's

24 been on observation by Sandra.

1 THE COURT: How do you spell what you're
2 saying? Febrile?

3 MR. ELKINS: Febrile, Judge. F-e-b-r-i-l-e.
4 Febrile. Having to do with fevers.

5 BY MS. ELCANO:

6 Q And has Ethan ever had a febrile seizure
7 while you were caring for him?

8 A No.

9 Q Never?

10 A No.

11 Q There was never an instance where you called
12 Social Services asking what to do because he was having a
13 seizure?

14 A You said "in my care." Do you mean as in my
15 custody?

16 Q Were you ever watching him?

17 A Oh. In my -- when I was watching him during
18 the visit? Yes.

19 Q Okay. And the first thing you did was call
20 the social worker, correct?

21 A Yes.

22 Q Because you didn't know what to do to take
23 care of --

24 A He wasn't breathing, right.

1 Q And so you called the social worker first and
2 were instructed to call 911?

3 A Right.

4 Q You didn't call 911 first on your own?

5 A No.

6 Q Okay. And what steps are you to take when
7 Ethan suffers from febrile seizure?

8 A At that point? Or now on?

9 Q At that point did you know what to do?

10 A No, I did not. I've never experienced that.

11 Q And when approximately did you meet Maribel
12 Stalker?

13 A 2014. Don't recall the month.

14 Q Okay. And then you testified that you moved
15 in there in the fall of 2014, correct?

16 A Can you define a month in fall, please?

17 Q When did you move in there?

18 A September.

19 Q Okay. And how long had you known Maribel
20 when you moved in?

21 A We're talking about 2014?

22 Q Correct.

23 A August.

24 Q Okay.

1 A Is that considered fall?
2 Q No, that's fine. Just disregard fall.
3 A I don't --
4 Q And did you ever have any concerns regarding
5 Maribel Stalker while living with her?
6 A Honest opinion?
7 Q You are under oath.
8 A I don't think my opinion's appropriate.
9 MS. ELCANO: I request that the witness is
10 instructed to answer.
11 THE COURT: Go ahead and answer the question.
12 THE WITNESS: In my words or some other
13 words?
14 BY MS. ELCANO:
15 Q What concerns did you have regarding Maribel
16 Stalker?
17 A I hope this doesn't sound inappropriate, but
18 I think she has a couple screws missing out of her head.
19 Q Were you aware of any drug use?
20 A No.
21 Q Did you have any concern with her parenting?
22 A Well, she -- husband was the one caring for
23 her daughter.
24 Q Did you have any concern with Maribel's

1 parenting?

2 A Never seen her parent.

3 Q Okay. Did you have any concern with her
4 husband's parenting?

5 A No.

6 Q Okay. And did you have any concerns that her
7 husband was using drugs?

8 A I've never seen him do that.

9 Q Okay. And you also testified that you
10 wouldn't leave Ethan with Maribel for more than ten
11 minutes because you were concerned for safety; is that
12 correct?

13 A Yes.

14 Q And yet you still lived with Maribel with
15 Ethan, correct?

16 A Yes.

17 MS. ELCANO: And I'm sorry, I'm jumping
18 around a little bit, so...

19 BY MS. ELCANO:

20 Q I wanted to turn to the Section 8 voucher.
21 So you did find a house on Nannette Circle -- or Nannette
22 Circle apartment; is that correct?

23 A Yes.

24 Q That was approved by the Section 8 housing,

1 correct?

2 A Yes.

3 Q So it was possible to find a home despite
4 your credit issues, despite your issues with NV Energy
5 and whatnot?

6 A Very hard.

7 Q But it was possible, correct?

8 A Possible.

9 Q Okay.

10 A Yes.

11 Q And you said you went to the police
12 department one time in an attempt to try to give them a
13 copy, to give the special victim's advocate a copy of the
14 lease, correct?

15 A Two times.

16 Q Two times. And any other times?

17 A Phone calls.

18 Q Okay. But you were never able to get it to
19 them, correct?

20 A What was that word?

21 Q You were never able to get them a copy of the
22 lease, correct?

23 A Correct.

24 Q And you were never able to move into the

1 Nannette Circle apartment, correct?

2 A Okay. Repeat the first question again, I'm
3 sorry. I didn't think I heard right.

4 Q You never were able to move into the Nannette
5 apartment, correct?

6 A Correct.

7 Q Okay. Thank you.

8 And you testified that you were reliant on
9 Alberto for income in 2014, correct?

10 A "Reliant," what's that mean?

11 Q You depend on him for it.

12 A Yes.

13 Q Are you currently depending on Alberto for
14 income?

15 A No.

16 Q No?

17 And you did not get fired from Motel 6,
18 correct?

19 A No.

20 Q You quit Motel 6, correct?

21 A I never gave the word. I just didn't show
22 up.

23 Q Who was with you when you requested a bus
24 pass from Malia last week?

1 A Myself.

2 Q No one came with you?

3 A No.

4 Q Robert Hunt-Taylor wasn't there with you?

5 A He's in jail.

6 Q Did you request a bus pass yesterday --

7 A Yes.

8 Q -- from Malia? And who was with you?

9 A Robert Hunt-Taylor

10 Q Okay. So he's out of jail now, correct?

11 A Yes.

12 Q You testified that you were looking into SSI

13 income; is that correct?

14 MR. ELKINS: I'm sorry, I just didn't hear

15 the question.

16 MS. ELCANO: That she was looking into SSI

17 income.

18 MR. ELKINS: SS -- thank you.

19 THE WITNESS: Yes.

20 BY MS. ELCANO:

21 Q And do you know if you were looking into

22 disability income?

23 A Meaning do I qualify for disability?

24 Q Yes. Is that what you were trying to get,

1 disability social security income?

2 A They said I qualified for -- I qualify for
3 SSI.

4 Q And did they tell you how much money you
5 qualified for SSI?

6 A No.

7 Q Okay. And you don't have SSI now?

8 A Correct.

9 Q And you have no idea how much you would get
10 if you qualified for SSI, correct?

11 A Correct.

12 Q And you don't qualify for the disability of
13 SSI, correct?

14 A I don't --

15 MR. ELKINS: Objection, Judge. Calls for
16 expert opinion, frankly.

17 MS. ELCANO: I think she was informed, which
18 is what I was trying to clarify.

19 MR. ELKINS: Different question.

20 THE COURT: Do you know if you qualify for
21 social security -- SSI disability benefits?

22 THE WITNESS: Not for disability, but I
23 qualify for SSI. I don't know what's the difference.

24 /////

1 BY MS. ELCANO:

2 Q And when do you anticipate receiving SSI?

3 A I don't know.

4 Q And have you ever asked social security
5 income office if they have a self-help center or any sort
6 of assistance they can provide to you in filling out your
7 application?

8 A No.

9 Q And when asked about what you needed or your
10 plan, you testified that you needed help with your SSI
11 application, with cleaning supplies, with transportation.
12 When Social Services can no longer help you, how do you
13 plan on providing for your children?

14 A On my own.

15 Q And how do you plan on doing that?

16 A Same way I've been doing it for years.

17 Q Can you specifically tell me how you can do
18 that?

19 A Get back to work.

20 Q Okay. What changes do you believe that you
21 need to make personally enable to parent your children
22 and care for your children?

23 A Can you repeat that?

24 Q What changes do you believe you need to make

1 personally in order to parent and effectively care for
2 your children?

3 A Depends what area I need to improve on.

4 Q What are those areas?

5 A I don't know. You guys removed them. I
6 don't know.

7 Q So you have no idea what you need to do as a
8 person to be able to parent and effectively provide
9 income for your children?

10 A What do you mean?

11 Q What changes do you personally need to make
12 to be able to effectively care for your children, parent
13 your children and provide for your children?

14 A Do it my way.

15 Q And it's accurate to say you currently have
16 no income, no job?

17 A At this moment, yes.

18 Q No residence?

19 A Residence as my own?

20 Q No home. You are living in a shelter,
21 correct?

22 A Yes.

23 Q And you are not currently engaged in
24 individual counseling to address your mental and

1 emotional needs, correct?

2 A Correct.

3 Q And where are your children presently placed?

4 A With Sandra Mutute.

5 Q And are the children well cared for?

6 A As far as I know, yes.

7 Q Do they have a stable residence or home?

8 A As far as I know, yes.

9 Q Are they fed?

10 A As far as I know.

11 Q Are they clothed?

12 A Yes, because I clothe them.

13 Q Are their medical needs met?

14 A As far as I understand.

15 Q And Ms. Mutute has been doing that for

16 Roberto, Kayleigh and Nathan for the last two years,

17 correct?

18 A Partial.

19 Q And Ethan -- the children have been removed

20 for your care for the last two years, correct?

21 A Correct.

22 Q And they've been placed with Ms. Mutute,

23 correct?

24 A Correct.

1 Q And Ethan has been there for approximately a
2 year now, correct?

3 A Correct.

4 Q And Ms. Mutute has been providing for their
5 care while they've been released with her, correct?

6 A Specify.

7 Q She's been providing for their needs and care
8 while they've been placed there with her?

9 A As far as foodwise, homewise, yes.

10 Q And you currently are unable to do that,
11 correct?

12 A Are you saying I can't do it?

13 Q You currently cannot provide a residence for
14 your children or home for your children, food for your
15 children, income?

16 A I can.

17 Q You can provide income for your children
18 right now?

19 A Yes, I can.

20 Q How?

21 A TANF.

22 Q But you're not receiving TANF right now,
23 correct?

24 A It's pending.

1 Q It's pending, but you're not receiving it
2 right now?

3 A As of --

4 Q So today you cannot, correct?

5 A Today I cannot have that cash, but I can have
6 the materials sent home.

7 MS. ELCANO: I have no further questions.

8

9 REDIRECT EXAMINATION

10 BY MR. ELKINS:

11 Q Ms. Guerrero, in addition to the women's
12 shelters, is there another shelter there?

13 A Is there what?

14 Q Another shelter in addition to the women's
15 shelter?

16 A Yes.

17 Q What is it?

18 A The family shelter.

19 Q And who lives at the family shelter?

20 A Can you be more specific about that? Sorry.

21 Q Well, in general who lives at the family
22 shelter?

23 A Moms, dads and children.

24 Q Back in 2013 at Linden Street, what was the

1 first thing that you weren't able to pay?

2 A The electricity. The electricity.

3 Q And did you seek assistance with that?

4 A Yes.

5 Q Where?

6 A Children's Cabinet.

7 Q And did they assist you?

8 A No. No.

9 Q If you did not have food stamps, how would

10 you get food for your children?

11 A Food banks, WIC, and other food bank

12 resources.

13 Q Okay. In 2013, you -- when you were at

14 Linden Street, how much did you get in TANF?

15 A I believe I said 518.

16 Q That was cash assistance?

17 A Cash assistance.

18 Q How much was the rent?

19 A 450 a month.

20 Q How much did that leave in cash?

21 A Can I do the math?

22 THE COURT: \$68.

23 THE WITNESS: What was that?

24 THE COURT: \$68.

1 THE WITNESS: \$68. Thank you.

2 BY MR. ELKINS:

3 Q And then what happened in December, do you
4 recall, to your TANF?

5 A September you mean?

6 Q Some- --

7 A Sorry.

8 Q Something happened at some point, right?

9 What happened?

10 A Yes, it was deducted.

11 Q By how much?

12 A 300-something dollars.

13 Q So you were left with what?

14 A 250.

15 Q And you did not get food stamps, correct?

16 A Correct.

17 Q So how much was Albert's food stamps at that
18 time? I'm sorry, Robert's food stamps at that time?

19 A About 200 to a hundred dollars.

20 Q So how much was your total income in the
21 household from TANF and food stamps?

22 A With the food stamps?

23 Q With the food stamps at that time at the end
24 of 2013.

1 A Approximately about 400.

2 Q Okay. Do you recall when you saw Bri Carter
3 two or three times and did you attempt to see her later
4 after that?

5 A I believe so, yes.

6 Q Okay. And then ultimately what happened?

7 A I was transferred over to Deken.

8 Q Okay. And you saw Deken how many times?

9 A About four to five times probably.

10 Q And how did you feel about Deken?

11 A Uncomfortable.

12 Q Did you tell that to Social Services, that
13 you felt uncomfortable?

14 A I don't remember.

15 Q Okay. As far as the list that Malia gave you
16 of psychiatrists, was there a problem with that list?

17 A Yes.

18 Q What was it?

19 A I wasn't able to find a provider.

20 Q Because?

21 A My insurance.

22 Q Then you went to NNAMHS?

23 A Yes.

24 Q What happened?

1 A They denied me.

2 Q Because?

3 A My insurance.

4 Q Did Social Services ever offer to assist you
5 to change your insurance?

6 A No.

7 Q And when you went to Dori, you said you
8 stopped going. Why was that?

9 A Malia asked me to stop going.

10 Q Why?

11 A To meet with Amanda -- whatever her last name
12 is.

13 Q Okay. And did you meet with Amanda?

14 A Yes.

15 Q And then what did Amanda recommend
16 ultimately?

17 A To stop going to her office.

18 Q Can you tell the judge what happened with
19 Healing Minds, why you -- did something happen there?

20 A Yes. There was three incidents.

21 Q Can you tell the judge what they were?

22 A Yes. The first incident she didn't have me
23 on her calendar, but she had gave me a business card with
24 the date and time of the appointment. I showed up. She

1 refused to see me.

2 The second incident I had called and
3 confirmed the day before to make sure I had the
4 appointment. She confirmed it. I had the business card
5 as well to prove the appointment. I go to the
6 appointment there on time and she allowed another family
7 in front of me first because they had high quality over
8 me, which I don't know what she meant about that.

9 The third incident -- and I didn't get seen
10 that day. Excuse me. And the third incident happened
11 where she had sent me a letter that she will no longer
12 want to work with me. And I was there on time at the
13 appointment again that she gave me at the business card
14 and she did not see me.

15 Q Okay. When Albert attended the visit, where
16 did that -- where did those visits occur?

17 A Who?

18 Q Albert?

19 A Alberto?

20 Q Yes. Where did the visits occur?

21 A In front of the CPS building.

22 Q Okay. When Ethan had the febrile seizure,
23 where were you?

24 A At the hospital.

1 Q When he had the seizure you were at the
2 hospital?

3 A The first one, no, I was at home.

4 Q You were asked if you called a social worker
5 when Ethan had a febrile seizure; do you recall that?

6 A Repeat that again.

7 Q Sure.

8 A Sorry.

9 Q That's okay. Ms. Elcano asked you if you --
10 during a visit if Ethan had a febrile seizure.

11 A Yes.

12 Q Where was the visit?

13 A At the Child Protective Services visit.

14 Q So where was the social worker that you
15 called?

16 A In her office.

17 Q And where was Ethan? Where were you?

18 A Ethan was on the floor, I was in the visiting
19 room and then I had had him in my arms.

20 Q Okay. How did you end up living with Maribel
21 Stalker?

22 A Through her brother, Eduardo or Jose,
23 whatever his first name is.

24 Q And who found that arrangement?

1 A Ed. Eddy, her brother.

2 Q Is he -- what is he to you, Eddy?

3 A My friend.

4 Q Okay. And I think you already testified, but

5 who else lived in the vicinity?

6 A The who?

7 Q Who else lived in the neighborhood?

8 A My mother as well.

9 Q Do you know what ultimately happened to the

10 Nannette Circle apartment?

11 A Yes.

12 Q What happened to it?

13 A It was rented out.

14 Q To whom?

15 A I don't know.

16 Q Okay. And when did that happen?

17 A Around the time I was trying to move in.

18 Q When was?

19 A September of 2014.

20 Q Okay. So do you have any idea when actually

21 it was rented?

22 A I think at or around the time that Ethan was

23 removed. At or around the time Ethan was removed.

24 Q Okay. When you -- when you lost your job at

1 Motel -- when you didn't -- you had the panic attack at
2 Motel 6?

3 A Yes.

4 Q Okay. Did you ever do anything about trying
5 to get that job back?

6 A Yes.

7 Q Would you tell the judge what you did?

8 A I attempt to beg back for my job to my
9 supervisor and asked -- told him the situation that
10 happened and I had panic attacks and anxiety problems,
11 that I wished to have gotten my job back and the next
12 time something like that happens, I will bring him the
13 situation so I will not lose my job.

14 Q Do you know when that -- when you -- was --
15 how -- where did that take place?

16 A At the Motel 6.

17 Q Do you know how long afterwards?

18 A A few days after the -- I did not show up.

19 Q Okay. At present, Ms. Guerrero, do you have
20 any means of paying for individual counseling?

21 A Presence?

22 Q Today do you have any way to pay for
23 individual counseling?

24 A If my insurance can cover. If my insurance

1 can cover.

2 Q What kind of insurance -- same insurance we
3 were talking about before?

4 A Yes, Amerigroup.

5 Q What would you need, do you think, in order
6 to work?

7 A What do you mean?

8 Q What would you need in order to be able to
9 get a job and hold onto a job?

10 A Transportation for one --

11 Q Um-hum.

12 A -- to get to and from the job site.

13 Q Right.

14 A And my résumé. Updated résumé, excuse me.

15 Q Anything else?

16 A Yes, proper clothes that I can finally fit
17 again --

18 Q Anything else?

19 A -- for interviews. My phone to be updated
20 and make sure it doesn't get disconnected for the
21 communication of employers.

22 Q Anything else?

23 A Not that I can think of.

24 Q Where do you understand, Ms. Guerrero, that

1 you qualify for SSI?

2 A Where?

3 Q Why.

4 A Why?

5 Q Yes.

6 A Due to the anxiety and from what Ms. --
7 Dr. Aberasturi had told me.

8 Q Okay.

9 MR. ELKINS: I don't have any other
10 questions, Judge. Thank you.

11 THE COURT: Ms. Elcano?

12 MS. ELCANO: I just have a few, your Honor.

13

14 RECROSS-EXAMINATION

15 BY MS. ELCANO:

16 Q Have you checked if there are openings at the
17 family shelter right now?

18 A Yes.

19 Q And are there?

20 A For myself? Not until next month.

21 Q Not till next month?

22 A Next month.

23 Q And would that be for you and other children
24 if you had your children placed with you or just --

1 A If I had my children with me I'd qualify as
2 soon as possible. If I'm just by myself I only qualify
3 for emergent (inaudible).
4 Q And what food banks are you aware of in the
5 community?
6 A Do you want the whole list?
7 Q Just a couple if you know the one's that are
8 around.
9 A Several.
10 Q Okay. How many is several?
11 A Ten to 11 food banks.
12 Q And how often can you access each of those
13 food banks?
14 A Depending on which ones I go to.
15 Q Okay. So are there limits on how many times
16 you can a week?
17 A I can go weekly, biweekly, and monthly.
18 Q Depending on the different food pantries; is
19 that correct?
20 A Correct.
21 Q And who is your current insurance provider?
22 A Amerigroup.
23 Q And the list provided to you by Malia for
24 where you can get psychological evaluations -- or, pardon

1 me, psychiatric -- to see a psychiatrist? It was in the
2 Amerigroup list, correct?

3 A Yes.

4 Q And on your last appointment with Dori
5 Orlich, you didn't show up, correct?

6 A Correct.

7 Q And in fact you called her and told her you
8 were on your way, correct?

9 A No.

10 Q Okay. So you didn't call her and tell her
11 anything on your way over to try and see her for your
12 last appointment?

13 A I didn't schedule -- the last appointment
14 that I scheduled with her, no.

15 Q Okay. But you didn't show up for it?

16 A No.

17 Q And you testified that Malia told you not to
18 go there anymore?

19 A Correct.

20 Q Okay. And why did Malia supposedly say that
21 to you?

22 A She told me just I needed to go to DBT more
23 than individual.

24 Q Okay. So it's fair to say she didn't stop

1 telling you to seeing Dori, but she -- Dori Orlich, but
2 that the DBT therapy with Amanda Buttacavoli was going --
3 had an opening so you could start that, correct?

4 A Can you rephrase that question?

5 Q So it wasn't that Malia told you to stop
6 going to Dori, it was that there was an opening with
7 Amanda Buttacavoli, correct, for the DBT therapy?

8 A I don't believe I understand your question.

9 Q It wasn't accurate that Malia told you to
10 stop going to Dori, what occurred was there was an
11 opening with Amanda Buttacavoli to see her for DBT
12 therapy so she switched you to Amanda Buttacavoli,
13 correct?

14 A It's --

15 Q Did you switch services from Dori Orlich to
16 Amanda Buttacavoli?

17 A No.

18 Q No?

19 A I don't understand the question.

20 Q You didn't switch from Dori Orlich to Amanda
21 Buttacavoli?

22 A No, I didn't.

23 Q Okay. So what happened then?

24 A Malia told me to stop going to the individual

1 counseling to go to DBT.

2 Q Okay. So you switched services from Dori
3 Orlich and started going to Amanda Buttacavoli for the
4 DBT, correct?

5 THE COURT: Yeah, she's already answered
6 that.

7 THE WITNESS: I don't know.

8 THE COURT: I don't think she understands
9 that. I don't think you'll get her to understand that.

10 BY MS. ELCANO:

11 Q And you testified that Amanda Buttacavoli
12 told you not to return --

13 A Yes.

14 Q -- for her service? Why did she say that?

15 A I don't know.

16 Q It had nothing to do with the fact that you
17 weren't showing up for appointments consistently?

18 A No.

19 Q It had nothing to do with the fact that you
20 weren't engaging in services with her or following
21 through with services?

22 A I don't know.

23 Q You never had discussions with her about DBT
24 therapy and the level of engagement and what you needed

1 to do to effectively complete DBT therapy?

2 A That was a long question. I didn't catch it.

3 Q You never had conversations with Amanda
4 Buttacavoli about your lack of attending appointments?

5 A No.

6 Q Or the fact that you weren't engaging in
7 services with Amanda?

8 A No.

9 Q And the fact that your failure to engage in
10 services impacted your ability to complete DBT therapy?

11 A I didn't hear that last question. You said
12 it too fast.

13 Q The fact that you weren't engaging in
14 services with Amanda or consistently attending
15 appointments made it difficult for you to complete DBT
16 therapy?

17 A Is that a yes-or-no question?

18 Q Yes.

19 A I don't know how to answer it.

20 Q Okay. But it's your testimony that Amanda
21 just called you up and said, "Stop coming here"?

22 A She sent me a letter.

23 Q Okay. And it had nothing to do with your
24 lack of attending appointments or your lack of engagement

1 in any services?

2 A It didn't state in the letter.

3 Q Okay. And you engaged in no further therapy
4 after Amanda for individual or DBT, correct?

5 A I didn't seek any further DBTs?

6 Q Yes.

7 A No.

8 Q Okay. And what is the current permanency
9 plan for Ethan?

10 A Well, I don't know, it says reunification and
11 concurrence, so I don't know which is which.

12 Q Okay. You're aware that you can still
13 receive services from Social Services, correct?

14 A As far as I understand from this point, yes.

15 Q And you can also get those services from
16 Children's Cabinet, correct?

17 A No.

18 Q You don't think you can talk to anyone at
19 Children's Cabinet anymore?

20 A I believe they said they ran out of funds --
21 whatever you call that, f-u-n-d-s, to help me with.

22 Q So it's your testimony today that you cannot
23 talk to Children's Cabinet anymore or receive any help
24 from Children's Cabinet?

1 A I don't know what that is.

2 Q You don't know what what is?

3 A The word you just said.

4 Q What word?

5 A I don't know what you just said. I didn't

6 hear you.

7 Q It is your understanding you cannot contact

8 Children's Cabinet today and ask for anything from

9 Children's Cabinet today? That you don't have a worker

10 there?

11 A I have a worker, but he hasn't been able to

12 help me.

13 Q Okay. Have you received résumé services in

14 the past with Children's Cabinet?

15 A In the past, yes.

16 Q And have you asked them recently for this?

17 A Yes, I have.

18 Q And they've told you no?

19 A They haven't helped me.

20 Q Have they told you no?

21 A Pretty much, yeah.

22 Q Have you ever asked Malia for help with a

23 résumé?

24 A Yes. She told me to go to Dustin.

1 Q Okay. And you've gotten clothing,
2 professional clothing in the past, correct?

3 A Yes.

4 Q Where?

5 A Well, from Children's Cabinet.

6 Q Okay. And have you asked for those recently?

7 A Yes.

8 Q When?

9 A Friday.

10 Q Okay. And who'd you ask?

11 A Dustin.

12 Q And what did he tell you?

13 A He didn't answer.

14 MS. ELCANO: I have no further questions,
15 your Honor.

16 MR. ELKINS: Just a couple.

17 MS. ELCANO: Your Honor, I've been --

18 THE COURT: She just said there's a couple.

19 MS. ELCANO: I've been precluded from doing
20 redirect the whole time, so I would request that
21 Mr. Elkins is --

22 THE COURT: Let's take our lunch break. Are
23 there going to be more witnesses?

24 MS. ELCANO: I'd like to confer with my

1 client while we're on recess.

2 THE COURT: Okay. We'll come back at 2:00
3 o'clock, then.

4 (Midday recess was taken at 11:54 a.m.)

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RENO, NEVADA; TUESDAY, SEPTEMBER 15, 2015, 2:01 P.M.

--oOo--

THE COURT: This is Case No. -- I keep wanting to announce the wrong case -- FV14-03897 in the matter of the parental rights as to the Taylor children as alleged in the amended petition. Parties are present with their counsel. I guess Mr. -- well, no, you are still in your -- are you done with any other evidence, then, Ms. Elcano?

MR. ELKINS: We are still on my case, I believe, your Honor.

THE COURT: Oh, okay. You're right. You're right. I'm sorry.

MR. ELKINS: That's all right.

I don't have any further redirect. I would, however, as my last submission ask the Court to take into consideration as a matter of judicial notice under NRS 47.130(2)(b), which is the judicial notice section dealing with facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, a recently published book.

My suggestion, Judge, is that I have ordered

1 this book and I will provide a copy to the Court and to
2 the district attorney. This book is entitled "\$2.00 a
3 Day: Living on Almost Nothing in America." It's written
4 by Kathryn Edin and H. Luke Shaefer, published by
5 Houghton Mifflin Harcourt. It's a study of single
6 mothers neither working nor on welfare during the
7 mid-2000s. Shaefer's the University of Michigan expert
8 on Census Bureau Survey of Income and Program
9 Participation and Edin is a professor at Harvard
10 University.

11 The book analyzes census data that these
12 experts found citing families whose cash support -- who
13 have no cash support since the passage of TANF in 1996.
14 The study addresses the effect of unpredictable work
15 schedules, abrupt shifts and hours available for workers
16 which can reduce scheduled hours to zero. It also
17 studies the effects of the inability to maintain
18 telephone service among other attributes of cashless
19 poverty. And the purpose of my offer is to -- it goes to
20 the question of parental fault to show that circumstances
21 facing Ms. Guerrero are largely beyond her control.

22 Now, obviously Ms. Elcano has not had an
23 opportunity to the book as it literally was just
24 published. I'm happy to provide her a copy and the Court

1 a copy and then I ask that you consider taking judicial
2 notice of the review of the census tables and data in
3 that book as a matter of fact in making your decision.
4 Obviously I'm not asking you to rule on that at this
5 moment, but I would ask you to take that into
6 consideration.

7 THE COURT: You could certainly cite it in
8 your brief to me and I would imagine you'd argue whether
9 it's authority or not.

10 MR. ELKINS: Right. That's fine. I mean, if
11 the book hadn't literally just been published, I would
12 have a copy for you.

13 THE COURT: I'm sure there's thousands of
14 studies.

15 MR. ELKINS: This one seems pertinent.

16 MS. ELCANO: Your Honor, I would object to
17 the judicial notice and I would also...

18 THE COURT: Well, he can cite to it in his
19 brief as authority to something. I don't know what. I
20 mean, you can cite to treatises of experts.

21 MS. ELCANO: My concern, your Honor, is none
22 of this evidence was put on. I haven't received any of
23 this evidence and I think that our briefs should be
24 entirely limited to any evidence that has been presented

1 to the Court. I haven't received any of these documents,
2 had an opportunity to cross-examine. I don't think that
3 it falls under judicial notice.

4 THE COURT: If he's moving to admit it as an
5 exhibit, it's denied. If he cites it as authority in his
6 brief, it's like any other book that you might cite to.
7 One of the things you don't want to do, I learned at a
8 very early age, is cite to the criminal law coloring book
9 in your brief because I got a real nice opinion from the
10 Supreme Court when I did that, so -- but you can cite the
11 books as, as whatever. People do it all the time. I
12 guess I then would decide how much weight I would give it
13 or not in terms of your legal argument. This isn't --
14 your posttrial briefs aren't just going to be on facts.
15 I certainly would hope that you develop them well, but
16 they are going to have to be in relation to the law as
17 well, so...

18 MS. ELCANO: Which I agree with. However, I
19 think they are limited to the law and the facts that have
20 been presented. We can't bring in facts which haven't
21 been presented here in court.

22 THE COURT: You don't see the Supreme Court
23 cite to a book in their briefs that they -- or the
24 opinions that they --

1 MS. ELCANO: Well, your Honor, if the Court
2 was going to take judicial notice of it or if that --

3 THE COURT: I'm not taking judicial notice of
4 it.

5 MS. ELCANO: Okay. Then I won't argue.
6 Thank you.

7 THE COURT: Are you concluded?

8 MR. ELKINS: We rest, Judge.

9 THE COURT: Okay. Any rebuttal?

10 MS. ELCANO: We have no rebuttal witnesses,
11 your Honor.

12 THE COURT: Okay. Then my understanding is
13 is that the transcript of these proceedings should be
14 done by Friday after next. In an abundance of caution
15 I'll assume they will probably be done and distributed
16 hopefully by e-mail by Monday. What's the --

17 THE CLERK: It will be --

18 THE COURT: Not next Monday, the Monday after
19 that.

20 THE CLERK: Is the 28th.

21 THE COURT: Okay. So I'll assume the
22 transcript is done by then. How long do you need to file
23 your initial brief?

24 MR. ELKINS: Could we have two weeks?

1 THE COURT: Two weeks. And then you can
2 respond to each other, I'll give you another week to
3 respond. So the 28th, what's two weeks after the 28th?

4 MR. ELKINS: That would be the -- let's see,
5 the 12th, I believe.

6 THE CLERK: The 12th.

7 THE COURT: Of October?

8 THE CLERK: Uh-huh.

9 THE COURT: Okay. The briefs will be due
10 October 12th and any response will be due October 19th and
11 then it will considered submitted at that time.

12 I'll get something out just as quick as I
13 can. And right now I haven't had a bunch of stuff set,
14 so..... I think I have a trial on the 21st, a family law
15 case, but other than that I'll try to get it out, then,
16 no less than a couple weeks. And it's likely I will.
17 And I'll be working on it between then and now also.

18 Anything more?

19 THE CLERK: Yes, the copy.

20 MS. ELCANO: Nothing else, your Honor.
21 Nothing from us, your Honor.

22 THE CLERK: The copy of the transcript for
23 the D.A. and P.D., how is that to be distributed?

24 THE COURT: It can be e-mailed to them, I

1 imagine.

2 THE CLERK: By the --

3 THE COURT: On Monday after next.

4 THE CLERK: And who is e-mailing it?

5 THE COURT REPORTER: The court reporter.

6 THE COURT: Isn't it easier to do it that way
7 and --

8 MR. ELKINS: Well, Judge, you know there's an
9 issue in my office. And it's a question of if the
10 transcript is made available to the Court, I know that my
11 supervisor has asked that the clerk of court make it
12 available to us. So I don't know where -- how that's
13 going to play out. Hopefully it will be resolved
14 quickly.

15 THE CLERK: So -- and they had asked, court
16 administration has asked if the judge has ordered
17 anything regarding each respective office to pay or is it
18 the court's expense to pay for the transcript for the
19 D.A. and the P.D.

20 THE COURT: This is a state case, so I would
21 imagine it would be the court.

22 THE CLERK: Okay.

23 THE COURT: Yeah, this is a state which means
24 Nevada is -- if it were Carson City and I were the judge

1 there, I would say that the court would pay for it, I'll
2 put it that way.

3 MR. ELKINS: We appreciate that, Judge,
4 because as you know my client's indigent.

5 THE COURT: Anything more?

6 Okay. Then we're in recess now.

7 (Proceedings concluded at 2:10 p.m.)
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1 STATE OF NEVADA)

2) ss.

3 COUNTY OF WASHOE)

4 I, DAWN BRATCHER GUSTIN, Certified Court
5 Reporter in and for the State of Nevada, do hereby
6 certify:

7 That the foregoing proceedings were taken by
8 me at the time and place herein set forth; that the
9 proceedings were recorded stenographically by me and
10 thereafter transcribed via computer under my supervision;
11 that the foregoing is a full, true and correct
12 transcription of the proceedings to the best of my
13 knowledge, skill and ability.

14 I further certify that I am not a relative
15 nor an employee of any attorney or any of the parties,
16 nor am I financially or otherwise interested in this
17 action.

18 I declare under penalty of perjury under the
19 laws of the State of Nevada that the foregoing statements
20 are true and correct.

21 Dated this 24th day of September, 2015.

22
23 Dawn Bratcher Gustin

24 Dawn Bratcher Gustin, CCR #253

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