

CLERK OF THE COURT

NOTC

ROBERT M. DRASKOVICH, ESQ.

Nevada Bar No. 6275

TURCO & DRASKOVICH, LLP

815 South Casino Center Blvd.

Las Vegas, Nevada 89101-6718

702.474.4222

Attorney for Appellant Donald Brown

Electronically Filed
Dec 13 2016 04:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

In the Matter of the Parental Rights of:

SAMANTHA LAWRENCE

HEIDI BROWN

NIKKI BROWN

WYATT BROWN

Minor(s).

CASE NO: D-15-510944-R

DEPT. NO: 22

NOTICE OF APPEAL

NOTICE is hereby given that DONALD BROWN, Appellant herein, hereby appeals to the Nevada Supreme Court from the District Court, Family Division's decision entered in this action, the 14th day of November, 2016.

DATED this 28th day of November, 2016.

/s/ Robert M. Draskovich

ROBERT M. DRASKOVICH, ESQ.

Nevada Bar No. 6275

815 S. Casino Center Boulevard

Las Vegas, Nevada 89101

Attorney for Appellant Donald Brown

1 **CERT**

2 ROBERT M. DRASKOVICH, ESQ.

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6 Las Vegas, Nevada 89101-6718

7 702.474.4222

8 Attorney for Appellant Donald Brown

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **FAMILY DIVISION - JUVENILE**

11 **CLARK COUNTY, NEVADA**

12 In the Matter of the Parental Rights of:)

13) CASE NO: D-15-510944-R

14) DEPT. NO: 22

15 SAMANTHA LAWRENCE)

16 HEIDI BROWN)

17 NIKKI BROWN)

18 WYATT BROWN)

19 **CERTIFICATE OF SERVICE**

20 Minor(s).)

21 I HEREBY CERTIFY that on the 28th day of November, 2016, I served a true and correct
22 copy of the foregoing **NOTICE OF APPEAL** upon the following pursuant to EDCR 8.05(A),
23 EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned In the
24 Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by
25 mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

26 Janne Hanrahan

27 Deputy District Attorney

28 Juvenile Division

janne.hanrahan@clarkcountyda.com

Amity Dorman

Deputy District Attorney

Juvenile Division

amity.dorman@clarkcountyda.com

Lauren Calvert, Esq.

lauren@morrisandersonlaw.com

Michael I. Gowdey, Esq.

mgowdey@aol.com

Amy Honodel, Esq.

ahonodel@lacs.org

/s/ Erika W. Magana

An Employee of Turco & Draskovich, LLP


CLERK OF THE COURT

ASTA
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Las Vegas, Nevada 89101-6718
702.474.4222
Attorney for Appellant Donald Brown

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

In the Matter of the Parental Rights of:

SAMANTHA LAWRENCE
HEIDI BROWN
NIKKI BROWN
WYATT BROWN

Minor(s).

CASE NO: D-15-510944-R
DEPT. NO: 22

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Donald Brown.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Judge Cynthia N. Giuliani, District Court, Family Division, Department K.

3. Identify each appellant and the name and address of counsel for each appellant:

Donald Brown, Appellant

Robert M. Draskovich, Esq.
Turco & Draskovich, LLP
815 S. Casino Center Boulevard
Las Vegas, Nevada 89101
702-474-4222

1 **4. Identify each respondent and the name and address of appellate counsel, if**
2 **known, for each respondent (if the name of a respondent's appellate counsel is unknown,**
3 **indicate as much and provide the name and address of that respondent's trial counsel):**

4
5 Respondent, Department of Family Services
6 Case Worker – Maryte Tallent

7 Janne Hanrahan, Esq.
8 Amity Dorman, Esq.
9 District Attorney – Juvenile Division
10 601 North Pecos Road
11 Las Vegas, Nevada 89110
12 (702) 455-5320
13 Janne.hanrahan@clarkcountynyda.com
14 Amity.dorman@clarkcountynyda.com
15 Counsel for Department of Family Services

16 Respondent, Samantha Lawrence

17 Amy Honodel, Esq.
18 Legal Aid Center
19 725 E. Charleston Boulevard
20 Las Vegas, Nevada 89104
21 (702) 386-1070
22 ahonodel@lacs.org
23 Counsel for Samantha Lawrence

24 Respondents, Heidi Brown, Nikki Brown, and Wyatt Brown

25 Lauren Calvert, Esq.
26 716 S. Jones Boulevard
27 Las Vegas, Nevada 89107
28 (702) 333-1111
 lauren@morrisandersonlaw.com
 Counsel for Heidi Brown, Nikki Brown, and Wyatt Brown

29 **5. Indicate whether any attorney identified above in response to question 3 or 4 is**
30 **not licensed to practice law in Nevada and, if so, whether the district court granted that**
31 **attorney permission to appear under SCR 42 (attach a copy of any district court order**
32 **granting such permission):**

1 All counsel referenced above are licensed to practice law in the State of Nevada.

2 **6. Indicate whether appellant was represented by appointed or retained counsel in**
3 **the district court:**

4 Appellant is represented by retained counsel on appeal.

5 **7. Indicate whether appellant was granted leave to proceed in forma pauperis and**
6 **the date of entry of the district court order granting such leave:**

7 Appellant was never granted leave to proceed in forma pauperis.

8 **8. Indicate the date the proceedings commenced in the district court:**

9 Petition to Terminate Parental Rights was filed on March 6, 2015.

10 **9. Provide a brief description of the action and result in the district court, including**
11 **the type of judgment or order being appealed and the relief granted by the district court:**

12 The action in the lower court is a termination of parental rights action. Trial for the
13 underlying Petition to Terminate Parental Rights in this matter was conducted over the course of
14 over ten days, concluding on September 23, 2016. The court entered a decision in this action on
15 November 14, 2016, finding that the requisite legal basis to terminate the parental rights of
16 Melissa Lawrence and Donald Brown were met. Such decision is on appeal.

17 **10. Indicate whether the case has previously been the subject of an appeal to or**
18 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
19 **docket number of the prior proceeding:**

20 This case has not been the subject of an appeal to or original writ proceeding in the
21 Supreme Court.

22 **11. Please state whether the appeal involves child custody or visitation:**

23 This appeal involves visitation.

CERT

ROBERT M. DRASKOVICH, ESQ.

Nevada Bar No. 6275

TURCO & DRASKOVICH, LLP

815 South Casino Center Blvd.

Las Vegas, Nevada 89101-6718

702.474.4222

Attorney for Appellant Donald Brown

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION - JUVENILE

CLARK COUNTY, NEVADA

In the Matter of the Parental Rights of:

SAMANTHA LAWRENCE

HEIDI BROWN

NIKKI BROWN

WYATT BROWN

Minor(s).

CASE NO: D-15-510944-R

DEPT. NO: 22

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of November, 2016, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** upon the following pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

Janne Hanrahan

Deputy District Attorney

Juvenile Division

janne.hanrahan@clarkcountyda.com

Amity Dorman

Deputy District Attorney

Juvenile Division

amity.dorman@clarkcountyda.com

Lauren Calvert, Esq.

laurendeecalvert@gmail.com

Michael I. Gowdey, Esq.

mgowdey@aol.com

Amy Honodel, Esq.

ahonodel@lacsns.org

/s/ Erika W. Magana

An Employee of Turco & Draskovich, LLP

CASE SUMMARY

CASE NO. D-15-510944-R




In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

§
§
§
§
§

Location: **Family Juvenile**
 Judicial Officer: **Giuliani, Cynthia N.**
 Filed on: **03/06/2015**
 Case Number History:
 Cross-Reference Case Number: **D510944**

CASE INFORMATION

Related Cases

 J-10-319202-P1 (Juvenile Related Cases)
 J-10-319202-PC (Juvenile Related Cases)
 J-14-319202-P2 (Juvenile Related Cases)

Case Type: **Termination of Parental Rights - State**

Case Status: **03/06/2015 Open**

Case Flags: **Appealed to Supreme Court Override - South**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number D-15-510944-R
 Court Family Juvenile
 Date Assigned 03/04/2016
 Judicial Officer Giuliani, Cynthia N.

PARTY INFORMATION


















Petitioner	State of Nevada	<i>Lead Attorneys</i>
		Wolfson, Steven B <i>Retained</i> 702-455-5320(W)
Respondent	Brown, Donald <i>DOB: 03/15/1963</i>	Draskovich, Robert M. <i>Retained</i> 7024744222(W)
	Doe, John	
	Lawrence, Melissa Dawn <i>DOB: 08/07/1980</i>	Gowdey, Michael I. <i>Retained</i> 7024710321(W)
Subject Minor	Brown, Heidi Renee <i>DOB: 01/04/2004</i>	CALVERT, LAUREN <i>Retained</i> 702-400-0000(W)
	Brown, Nikki Rae <i>DOB: 01/04/2004</i>	CALVERT, LAUREN <i>Retained</i> 702-400-0000(W)
	Brown, Wyatt Carl <i>DOB: 07/15/2009</i>	CALVERT, LAUREN <i>Retained</i> 702-400-0000(W)
	Lawrence, Samantha Jay <i>DOB: 07/06/1998</i>	Children's Attorney Project <i>Retained</i>

DATE
















EVENTS & ORDERS OF THE COURT

EVENTS

CASE SUMMARY
CASE NO. D-15-510944-R


03/06/2015	 Affidavit for Service by Publication Filed By: Petitioner State of Nevada <i>LAWRENCE-BROWN Children - Affidavit for Service by Publication</i>
03/06/2015	 Petition for Termination of Parental Rights - State Party: Petitioner State of Nevada <i>LAWRENCE-BROWN, Samantha Jay, Nikki Rae, Heidi Renee, Wyatt Carl - Petition for Termination of Parental Rights</i>
03/12/2015	 Order for Publication Notice Party: Petitioner State of Nevada <i>LAWRENCE-BROWN Children - Order for Publication Notice</i>
03/27/2015	 Notice of Hearing Filed By: Petitioner State of Nevada <i>LAWRENCE-BROWN Children - Notice of Hearing</i>
04/01/2015	 Certificate of Mailing Filed By: Petitioner State of Nevada <i>LAWRENCE-BROWN Children - Certificate of Mailing</i>
04/07/2015	 Notice of Appearance Filed By: Petitioner State of Nevada <i>Notice of Appearance</i>
04/15/2015	 Affidavit of Service Filed By: Petitioner State of Nevada <i>Brown Children: Affidavit of Service</i>
04/15/2015	 Affidavit of Service Filed By: Petitioner State of Nevada <i>Brown Children: Affidavit of Service</i>
04/23/2015	 Substitution of Attorney Filed By: Respondent Brown, Donald <i>Substitution of Attorney</i>
04/23/2015	 Affidavit of Publication <i>Affidavit of Publication</i>
07/02/2015	 Notice <i>Notice of Appearance</i>
09/14/2015	 Notice of Department Reassignment <i>Notice of Time Rescheduling</i>
10/13/2015	 Motion Filed By: Subject Minor Brown, Heidi Renee <i>Motion for Child Witness to Testify by Alternative Methods</i>
12/03/2015	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
12/03/2015	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
12/21/2015	Administrative Reassignment <i>Reassigned to Juvenile Dependency Hearing Master Holly Roys</i>
01/20/2016	 Witness List Filed by: Petitioner State of Nevada <i>Lawrence-Brown Amended Notice of Witnesses and Exhibits</i>
01/22/2016	 Order Filed By: Petitioner State of Nevada


CASE SUMMARY
CASE NO. D-15-510944-R


	<i>Lawrence-Brown Order for Medical Records</i>
01/26/2016	 Motion to Reconsider Filed by: Petitioner State of Nevada <i>Lawrence-Brown Motion to Reconsider</i>
02/02/2016	 Ex Parte Application for Order Party: Petitioner State of Nevada <i>RUSH PLS Lawrence-Brown Ex-Parte Application for Order Shortening time</i>
02/02/2016	 Notice of Department Reassignment Party: Petitioner State of Nevada <i>Notice of Rescheduling of Hearing</i>
02/09/2016	 Order Filed By: Petitioner State of Nevada <i>RUSH PLS Lawrence-Brown Order for Medical Records</i>
03/02/2016	 Order Filed By: Subject Minor Lawrence, Samantha Jay <i>Order Granting Motion for Child Witness to Testify by Alternative Methods</i>
03/08/2016	 Notice of Entry of Order Filed By: Subject Minor Brown, Heidi Renee <i>Notice of Entry of Order Granting Motion for Child Witness to Testify by Alternative Methods</i>
04/25/2016	 Notice Filed By: Petitioner State of Nevada <i>Notice to Vacate and Day 1 of Trial will start 5/26/16</i>
04/25/2016	 Notice <i>Notice of Rescheduling</i>
05/09/2016	 Notice Filed By: Respondent Brown, Donald <i>Notice of Witnesses</i>
05/09/2016	 Certificate of Service Filed By: Respondent Brown, Donald <i>Certificate of Service</i>
05/12/2016	 Notice Filed By: Petitioner State of Nevada <i>LAWRENCE-BROWN, Children - 2nd Amended Notice of Witnesses and Exhibits</i>
05/18/2016	 Notice Filed By: Petitioner State of Nevada <i>LAWRENCE-BROWN, Children - 3rd Amended Notice of Witnesses and Exhibits</i>
05/20/2016	 Motion Filed By: Petitioner State of Nevada <i>Motion to Continue Trial Date and Order Shortening Time</i>
05/20/2016	 Order Shortening Time Filed By: Petitioner State of Nevada <i>Order Shortening Time - Juvi</i>
05/21/2016	 Notice Filed By: Subject Minor Brown, Heidi Renee <i>Notice of Joinder to Motion to Continue Trial</i>
06/24/2016	 Ex Parte Filed By: Petitioner State of Nevada <i>Exparte Request for Transcripts</i>


CASE SUMMARY


CASE NO. D-15-510944-R


07/13/2016  Transcript of Proceedings
Hearing Date June 2, 2016


07/13/2016  Final Billing of Transcript

11/14/2016  Decision
Filed By: Petitioner State of Nevada
Decision


11/28/2016  Amended Notice
File by: Respondent Brown, Donald
Amended Notice of Appeal

11/28/2016  Case Appeal Statement
Filed By: Respondent Brown, Donald
Amended Case Appeal Statement

11/28/2016  Notice of Appeal
Filed By: Respondent Brown, Donald
Notice of Appeal

11/28/2016  Case Appeal Statement
Filed By: Respondent Brown, Donald
Case Appeal Statement

HEARINGS

05/27/2015  **Hearing for Termination of Parental Rights** (1:30 PM) (Hearing Master: Gibson, David, Jr.)
Resource: Court Clerk Starks, Tyla
Resource: Courtroom Courtroom 20
Events: 03/27/2015 Notice of Hearing
Notice of Hearing to Terminate Parental Rights


MINUTES

Denial;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki and Wyatt Brown) Department of Family Services (DFS) represented by Yvonne Wallace appearing for Maryte Tallent. Children's Attorney Project (CAP) represented by Amy Honodel. Paternal grandfather present with his attorney Greg Mills. CAP Honodel advised the Court that she only represents minor Samantha and they are looking for a pro bono CAP attorney for the other minors. Parties requested a trial date. Attorney Draskovich noted the trial date given may interfere with the criminal proceedings and if so he will submit a stipulation to continue. Attorney Mills advised the Court that he will be filing a motion for placement hearing. Court RECOMMENDED, matter SET for Trial. ; Denial

Parties Present: Attorney	Draskovich, Robert M.
Attorney	Honodel, Amy B.
Attorney	Messmore, Jeffrey W.
Attorney	Gowdey, Michael I.
Respondent	Lawrence, Melissa Dawn
Father	Brown, Donald

08/31/2015  **Trial** (10:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
08/31/2015, 10/26/2015
Resource: Court Clerk Donahue, Paul D.
Resource: Courtroom Courtroom 22
Continued at Request of Counsel;
Continued at Request of Counsel;

Matter Continued;

Matter Continued;

vacated 2/23/16

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)

CASE SUMMARY

CASE NO. D-15-510944-R

represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert, present. State noted the parties have discussed a continuance and requested a 90 day continuance. Attorney Draskovich noted he will be out of state from January 18 to the end of the month. Attorney Draskovich stated he received a letter from the Therapist at Healthy Minds and Therapist is recommending contact in a therapy setting. Attorney Gowdey noted concern with the No Contact Order in the Domestic case. State advised the Court the Domestic case is not on calendar today and children are receiving the wrong information. DFS stated they are receiving information from their attorney and Therapist with the understanding they will be returning home. Court noted the Healthy Minds Therapist needs to recommend contact in a letter and if children want contact. DFS further stated children want to see their parents and they want answers from their parents. Attorney Draskovich advised the Court he plans on filing a Motion in front of Judge Smith to discuss the conversation they had today in this courtroom about visitation. Court reviewed the Healthy Minds letter from the therapist in OPEN COURT. Court advised all parties the Therapist is recommending family therapy in a therapeutic setting. Following statements, Court stated its FINDINGS and ORDERED, Trial is RESCHEDULED. If the Healthy Minds Therapist believes the children should have therapeutic contact then it is APPROVED only as to the Heidi, Nikki, and Wyatt.;

Continued at Request of Counsel;

Continued at Request of Counsel;

Matter Continued;

Matter Continued;

vacated 2/23/16

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Attorney Gregory Mills, present on behalf of maternal grandparents. CAP Attorney Calvert stated she is having foot surgery and back surgery. Court noted needing something from the therapist that it's in the best interest to resume visitations as to the children. State noted the No Contact Order has not been lifted by the criminal court. CAP Attorney Honodel stated the request is not as to Samantha and the request is more for the three younger children. Attorney Draskovich stated Criminal Court found it's better decided by this Court that a therapist should make a decision as to visitations. Court advised all parties being unable to lift the No Contact Order. Following statements, COURT ORDERED, Parents may have some type of contact if the Therapist finds it's in the children's best interest for them. MATTER CONTINUED.;

Continued at Request of Counsel;

Continued at Request of Counsel;

Matter Continued;

Matter Continued;

vacated 2/23/16

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert, present. State noted the parties have discussed a continuance and requested a 90 day continuance. Attorney Draskovich noted he will be out of state from January 18 to the end of the month. Attorney Draskovich stated he received a letter from the Therapist at Healthy Minds and Therapist is recommending contact in a therapy setting. Attorney Gowdey noted concern with the No Contact Order in the Domestic case. State advised the Court the Domestic case is not on calendar today and children are receiving the wrong information. DFS stated they are receiving information from their attorney and Therapist with the understanding they will be returning home. Court noted the Healthy Minds Therapist needs to recommend contact in a letter and if children want contact. DFS further stated children want to see their parents and they want answers from their parents. Attorney Draskovich advised the Court he plans on filing a Motion in front of Judge Smith to discuss the conversation they had today in this courtroom about visitation. Court reviewed the Healthy Minds letter from the therapist in OPEN COURT. Court advised all parties the Therapist is recommending family therapy in a therapeutic setting. Following statements, Court stated its FINDINGS and ORDERED, Trial is RESCHEDULED. If the Healthy Minds Therapist believes the children should have therapeutic contact then it is APPROVED only as to the Heidi, Nikki, and Wyatt.;

Continued at Request of Counsel;

Continued at Request of Counsel;

Matter Continued;

CASE SUMMARY

CASE NO. D-15-510944-R

Matter Continued;

vacated 2/23/16

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Attorney Gregory Mills, present for maternal grandparents. CAP Attorney Calvert stated she is having foot surgery and back surgery. Attorney Gowdey noted concern with the No Contact Order. Court noted needing something from the therapist that it's in the best interest to resume visitation as to the children. State noted the No Contact Order has not been lifted by the criminal court. CAP Attorney Honodel stated the request is not as to Samantha and the request is more for the three younger children. Attorney Draskovich stated Criminal Court found it's better decided by this Court that a therapist should make a decision as to visitation. Court advised all parties being unable to lift the No Contact Order. CAP Attorney Calvert stated Heidi, Nikki, and Wyatt want any contact with parents. Following statements, COURT ORDERED, Parents may have some type of contact if the Therapist finds it's in the children's best interest for them. MATTER CONTINUED. ;

Continued at Request of Counsel

Parties Present: Attorney Draskovich, Robert M.
 Attorney Hanrahan, Janne M
 Attorney Honodel, Amy B.
 Attorney Gowdey, Michael I.
 Attorney CALVERT, LAUREN
 Respondent Lawrence, Melissa Dawn
 Father Brown, Donald
 Attorney Draskovich, Robert M.
 Attorney Hanrahan, Janne M
 Attorney Honodel, Amy B.
 Attorney Gowdey, Michael I.
 Attorney CALVERT, LAUREN
 Respondent Lawrence, Melissa Dawn
 Father Brown, Donald
 Attorney Draskovich, Robert M.
 Attorney Hanrahan, Janne M
 Attorney Gowdey, Michael I.
 Attorney CALVERT, LAUREN
 Respondent Lawrence, Melissa Dawn
 Father Brown, Donald
 Attorney Draskovich, Robert M.
 Attorney Hanrahan, Janne M
 Attorney Honodel, Amy B.
 Attorney Gowdey, Michael I.
 Attorney CALVERT, LAUREN
 Respondent Lawrence, Melissa Dawn
 Father Brown, Donald

11/06/2015 **CANCELED Motion** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)

Vacated

Motion for Child Witness to Testify by Alternative Methods

02/02/2016  **Minute Order** (9:35 AM) (Judicial Officer: Hoskin, Charles J.)

Resource: Court Clerk Foley, Carol


Resource: Courtroom Chambers

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This Court having reviewed its upcoming calendar FINDS that the Motion to Reconsider was set after the current trial setting. Accordingly, the COURT ORDERS that the Motion to Reconsider shall be moved to February 23, 2016 at 10:30 a.m. so the Court may hear this motion prior to the scheduled trial. This Minute Order shall suffice as the order of the Court pursuant to EDCR 7.50. The department shall contact the parties and advise them of this minute order. The department Judicial Executive Assistant shall prepare Notices of Rescheduled Hearing. ;

Minute Order - No Hearing Held

02/23/2016  **Motion to Reconsider** (10:30 AM) (Judicial Officer: Hoskin, Charles J.)

Resource: Court Clerk Foley, Carol

CASE SUMMARY

CASE NO. D-15-510944-R

Resource: Court Clerk Fuentes, Piera
 Resource: Courtroom Courtroom 02
 Events: 01/26/2016 Motion to Reconsider
DA's Motion to Reconsider

MINUTES



Motion to Reconsider

Filed by: Petitioner State of Nevada

Lawrence-Brown Motion to Reconsider

Decision Made;

Journal Entry Details:

JOINT MOTION TO RECONSIDER Court noted there is no procedure to consider an order the Court never entered. However, as this issue affects all termination of parental rights cases assigned to hearing masters, the Court permitted this hearing to clarify the procedure. Statements by counsel in support of trial being heard by District Court Judge. Ms. Calvert noted counsel agreed to allow testimony by alternative means at the last hearing before Hearing Master Roys, and she has an order that has not been signed yet. Given the fact that Judge Giuliani has spent a significant amount of time with this family and the history of this case, Court FINDS the spirit of One Family One Judge would be served by having Judge Giuliani hear the termination of parental rights trial moving forward. The assignment is not based upon the fact that there is the potential for an objection, or that the hearing master couldn't hear this case or that the policy is somehow flawed. It is under the goal of the blue ribbon panel and One Judge One Family and this appears to be a more consistent determination for the resolution of this case. COURT ORDERED, 3/7/16, 3/8/16 and 3/15/16 trial dates VACATED. Case REASSIGNED to Department K and status check SET 3/2/16 at 2:00 p.m. to reset trial. Pursuant to EDCR 7.50, an order for today's hearing is not required. ;

Decision Made

Parties Present: Attorney Draskovich, Robert M.

Attorney Hanrahan, Janne M

Attorney Honodel, Amy B.

Attorney Gowdey, Michael I.

Attorney CALVERT, LAUREN

03/02/2016



Status Check (2:00 PM) (Judicial Officer: Giuliani, Cynthia N.)

Resource: Court Clerk Donahue, Paul D.

Resource: Courtroom Courtroom 22

Trial setting

Decision Made;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) No appearance by Department of Family Services (DFS). Deputy District Attorney Amity Dorman, present. Court discussed Trial dates. Following statements, COURT ORDERED, Trial SET.;

Decision Made

Parties Present: Attorney Draskovich, Robert M.

Attorney Hanrahan, Janne M

Attorney Honodel, Amy B.

Attorney Gowdey, Michael I.

Father Brown, Donald

03/08/2016

CANCELED Trial (10:00 AM)

Vacated

Day 2

03/15/2016

CANCELED Trial (10:00 AM) (Judicial Officer: Roys, Holly)

Vacated

Day 3

05/23/2016

CANCELED Trial (10:00 AM) (Judicial Officer: Giuliani, Cynthia N.)

Vacated

05/24/2016



Motion (11:30 AM) (Judicial Officer: Giuliani, Cynthia N.)

Resource: Court Clerk Donahue, Paul D.

Resource: Courtroom Courtroom 22

Motion To Continue Trial And Order shortening Time

Decision Made;

CASE SUMMARY

CASE NO. D-15-510944-R


Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert. Court reviewed the Motion in OPEN COURT. Court noted concern with there being forty witnesses. Attorney Gowdey stated he has a Federal Hearing this Friday afternoon. State opposed to rescheduling the Trial and DFS is looking into placement with the aunt in Colorado. CAP Attorney Calvert stated Heidi, Nikki, and Wyatt have concerns with going to Colorado. CAP Attorney Honodel stated Samantha opposes to the Motion and Samantha wants the case to be done. State noted they would like Samantha to testify before she leaves in July. Attorney Gowdey noted there have been talks about Samantha going into the military. CAP Attorney Honodel further stated Samantha wants to testify this Friday. Attorney Gowdey requested to preserve Samantha's testimony. Following statements, COURT ORDERED, Trial Hearing on 5-26-16 at 11:00 am is VACATED. Trial STANDS.;

Decision Made

Parties Present: Attorney Draskovich, Robert M.
 Attorney Hanrahan, Janne M
 Attorney Honodel, Amy B.
 Attorney Gowdey, Michael I.
 Attorney CALVERT, LAUREN
 Attorney Dorman, Amity

05/26/2016 **CANCELED Trial** (11:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated
Day 1

05/27/2016  **Trial** (10:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
05/27/2016, 06/02/2016, 08/15/2016, 08/18/2016-08/19/2016, 08/22/2016, 08/25/2016-08/26/2016, 09/01/2016, 09/08/2016, 09/15/2016, 09/23/2016

Resource: Court Clerk Donahue, Paul D.

Resource: Courtroom Courtroom 22

Closing arguments

MINUTES

Continued Due to Non-Appearance of Counsel;
 No Ruling;
 Vacated - Judge Not Available;
 No Ruling;
 No Ruling;
 No Ruling;
 No Ruling;
 No Ruling;
 Attorney Draskovich is unavailable
 Matter Continued;
 per Attorney ill
 No Ruling;
 No Ruling;
 No Ruling;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Closing Arguments. Department of Family Services, Maryte Tallent, SWORN and TESTIFIED. Following statements, Court stated its FINDINGS and ORDERED, Petition to Terminate is GRANTED by clear and convincing evidence as to John Doe and all other's claiming paternity. Written Decision to be prepared as to Melissa Lawrence and Donald Brown.;

MINUTES

Continued Due to Non-Appearance of Counsel;
 No Ruling;
 Vacated - Judge Not Available;
 No Ruling;
 No Ruling;
 No Ruling;
 No Ruling;
 No Ruling;
 Attorney Draskovich is unavailable

CASE SUMMARY
CASE NO. D-15-510944-R

Matter Continued;
per Attorney ill
No Ruling;

No Ruling;
No Ruling;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Exhibits marked and admitted per worksheet. Witness sworn and testified per worksheet. All parties rested. Following statements, COURT ORDERED, MATTER CONTINUED.;

MINUTES

Continued Due to Non-Appearance of Counsel;

No Ruling;

Vacated - Judge Not Available;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

Attorney Draskovich is unavailable

Matter Continued;

per Attorney ill

No Ruling;

No Ruling;

No Ruling;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Opening statements. Exhibits marked and admitted per worksheet. Witness sworn and testified per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED.;

MINUTES

Continued Due to Non-Appearance of Counsel;

No Ruling;

Vacated - Judge Not Available;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

Attorney Draskovich is unavailable

Matter Continued;

per Attorney ill

No Ruling;

No Ruling;

No Ruling;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Court noted this is the time set for trial in this matter. Atty Gowdy represented, Mr. Draskovich was present outside of the courtroom before the matter was called. However, Atty Gowdy stated Mr. Draskovich had just returned from a family vacation overseas and is not feeling well and was advised to go to the Emergency Room. Mr. Gowdy further stated he does not know if Mr. Draskovich will be well enough to come to court tomorrow and asked that the matter be continued to next week. Court noted, due to the timeframe and the amount of time this trial may take, COURT ORDERED, If Mr. Draskovich is feeling better tomorrow and can go forward with the trial as set tomorrow, the court will go forward as scheduled. If, however, he will not be able to go forward Mr. Gowdy or Ms. Hanrahan or Ms. Dorman shall notify the court by 5:00 p.m. today. COURT ORDERED, Matter CONTINUED.;

MINUTES

Continued Due to Non-Appearance of Counsel;

No Ruling;

CASE SUMMARY
CASE NO. D-15-510944-R

Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:
(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Opening statements. Exhibits marked and admitted per worksheet. Witnesses sworn and testified per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED.;
Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:
(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Opening statements. Witnesses sworn and testified per worksheet. All parties agreed to submit the Redrock Reports. Attorney Gowdey requested parents to be able to give the children's gifts. Court advised Attorney Gowdey to place the matter on calendar in front of Hearing Master Roys. Following statements, COURT ORDERED, MATTER CONTINUED.;

MINUTES

Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:
(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Opening statements. Witnesses sworn and testified per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED.;
Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;

CASE SUMMARY
CASE NO. D-15-510944-R

No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:
(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Witnesses sworn and testified per worksheet. Exhibits marked and admitted per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED.;
Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:
(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. CAP Attorney Calvert stated children do not want to testify. Opening statements. Witnesses sworn and testified per worksheet. Exhibits marked and admitted per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED.;
Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Continued Due to Non-Appearance of Counsel;
No Ruling;
Vacated - Judge Not Available;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
No Ruling;
Attorney Draskovich is unavailable
Matter Continued;
per Attorney ill
No Ruling;
No Ruling;
No Ruling;
Journal Entry Details:

CASE SUMMARY**CASE NO. D-15-510944-R**

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Martye Tallent. Court attempted telephone contact as to Attorney Calvert who was unavailable. Court stated Attorney Calvert was aware of today's hearing which was to go forward at 9:30 am. Witness sworn and testified per worksheet. Exhibits marked and admitted per worksheet. Following statements, COURT ORDERED, MATTER CONTINUED. Clerk's Note: An attorney of Attorney Calvert advised the Court off the record that she will be transporting Attorney Calvert to the hospital due to a medical emergency. Attorney Draskovich advised the attorney they will be requesting a copy of the transcript and they will be providing it to counsel/pd;

Continued Due to Non-Appearance of Counsel;

No Ruling;

Vacated - Judge Not Available;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

No Ruling;

Attorney Draskovich is unavailable

Matter Continued;

per Attorney ill

No Ruling;

No Ruling;

No Ruling;

Journal Entry Details:

(Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Martye Tallent. Attorney Gowdey stated Attorney Draskovich is unable to be present due to a medical issue and the parents are outside of the courtroom. CAP Attorney Honodel stated Samantha will be on Thursday and she can be present for 9:00 a.m. Attorney Gowdey noted he can be present at 9:30 am. State requested the Trial on Thursday to go all day. Court advised all parties the Trial will be going forward on June 2, 2016. Court reviewed the Calendar for Trial days in OPEN COURT. Following statements, COURT ORDERED, Trial to go forward on June 2, 2016 at 9:30 am and all of the attorneys need to have coverage if they are unable to be present. Trial Hearings are tentatively SET.;

Continued Due to Non-Appearance of Counsel

Parties Present: Attorney	Hanrahan, Janne M
Attorney	Honodel, Amy B.
Attorney	Gowdey, Michael I.
Attorney	CALVERT, LAUREN
Respondent	Lawrence, Melissa Dawn
Father	Brown, Donald
Attorney	Dorman, Amity
Attorney	Draskovich, Robert M.
Attorney	Hanrahan, Janne M
Attorney	Honodel, Amy B.
Attorney	Gowdey, Michael I.
Respondent	Lawrence, Melissa Dawn
Father	Brown, Donald
Subject Minor	Lawrence, Samantha Jay
Attorney	Dorman, Amity
Attorney	Draskovich, Robert M.
Attorney	Hanrahan, Janne M
Attorney	Honodel, Amy B.
Attorney	Gowdey, Michael I.
Attorney	CALVERT, LAUREN
Respondent	Lawrence, Melissa Dawn
Father	Brown, Donald
Attorney	Dorman, Amity
Attorney	Draskovich, Robert M.
Attorney	Hanrahan, Janne M
Attorney	Honodel, Amy B.
Attorney	Gowdey, Michael I.
Attorney	CALVERT, LAUREN
Respondent	Lawrence, Melissa Dawn

CASE SUMMARY

CASE NO. D-15-510944-R

<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Petitioner</i>	<i>State of Nevada</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Attorney</i>	<i>Children's Attorney Project</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>
<i>Attorney</i>	<i>Draskovich, Robert M.</i>
<i>Attorney</i>	<i>Hanrahan, Janne M</i>
<i>Attorney</i>	<i>Honodel, Amy B.</i>
<i>Attorney</i>	<i>Gowdey, Michael I.</i>
<i>Attorney</i>	<i>CALVERT, LAUREN</i>
<i>Respondent</i>	<i>Lawrence, Melissa Dawn</i>
<i>Father</i>	<i>Brown, Donald</i>
<i>Attorney</i>	<i>Dorman, Amity</i>

06/02/2016

CANCELED Trial (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)

Vacated
Day 2

CASE SUMMARY
CASE NO. D-15-510944-R

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


CLERK OF THE COURT

In the Matter of the Parental Rights as to:

SAMANTHA LAWRENCE,
NIKKI RAE BROWN,
HEIDI RENEE BROWN,
WYATT CARL BROWN,
Minors.

CASE NO: **D-15-510944-R**
DEPT. NO. K
COURTROOM 22

DECISION

Trial for the underlying Petition to Terminate Parental Rights in this matter was conducted over the course of over ten days, concluding on September 23, 2016. Present at the Trial were the Petitioners, the Department of Family Services (“DFS”), by and through the case worker Maryte Tallent (“Maryte”) represented by Deputy Clark County District Attorney’s Janne Hanrahan and Amity Dorman. The Respondent mother, Melissa Lawrence (“Melissa”), was present and represented by her attorney, Michael Gowdey, Esquire. The Respondent father, Donald Brown (“Donald”), was present and represented by his attorney, Robert Draskovich, Esquire. The subject minors, Samantha Lawrence (“Samantha”), born on July 6, 1998, was represented by her Court Appointed Attorney, Amy Honodel. Heidi Brown (“Heidi”), born on January 4, 2004, Nikki Brown (“Nikki”), born on January 4, 2004, and Wyatt Brown (“Wyatt”), born on May 30, 2009, were represented by their Court Appointed Attorney, Lauren Calvert. At the conclusion of the Trial, the matter was taken under advisement to enable the Court to fully consider the evidence presented. Having considered the evidence that was received in this case; the

1 Court finds that the requisite legal basis to terminate the parental rights of Melissa
2 Lawrence and Donald Brown has been met.

3
4 The subject minors were initially brought into protective custody on January 8,
5 2014. This family has a significant history with CPS beginning in 2008. There have been
6 fourteen different mandated reports of abuse. At the time of removal in January of 2014,
7 Samantha Lawrence had many severe belt marks, linear in shape of differing ages on her
8 back and a black and blue eye. The parents have denied abuse in the home. On July 30,
9 2014, Melissa and Donald entered a plea of no contest to a Third Amended Petition.¹ The
10 state agreed that anything divulged during the course of any recommended treatment shall
11 not be used against the parents should any criminal charges exist or arise out of these
12 allegations. Testimony was taken from three of the children, including Samantha, Nikki
13

14
15 ¹ On July 30, 2014, the parents pled no contest to a Third Amended Petition. The Third
16 Amended Petition was filed on August 12, 2014 in Case No. J-14-319202-P2 and states in relevant
17 part as follows:

18 (c) In December 2013, the subject minor Samantha was found to have injuries that were
19 characterized as "definite abuse" by a physician specializing in child abuse; the injuries included
20 bruising and/or abrasions and/or loop marks and/or linear marks of differing ages to her back; the
21 injuries were such that they could not have occurred without a deliberate but unreasonable act or
22 failure to act by the person or persons responsible for the subject minor's welfare; see NRS
23 432B.450;

24 (d) In December 2013, Donald Brown physically abused the subject minor Samantha by hitting
25 and/or striking and/or beating her with a belt and/or other object and/or his hands, resulting in
26 the injuries described above;

27 (e) Over the course of the past six years, CPS has been called to the home on multiple occasions as
28 a result of reports of injuries to Samantha;

(f) Donald Brown mentally injured the subject minor Samantha by causing her to experience
extreme fear, anxiety and emotional distress related to the ongoing physical abuse;

(g) Melissa Lawrence failed to protect Samantha despite her knowledge of the ongoing physical
abuse by Donald Brown;

(h) Melissa Lawrence mentally injured the subject minor Samantha by failing to obtain counseling
and/or therapy for her to address the severe emotional distress caused by the ongoing physical
abuse by Donald Brown;

(i) The subject minors Heidi, Nikki and Wyatt are deemed to be unsafe in the home due to the
ongoing abuse of Samantha pursuant to NRS 432B.330 (1)(c);

(j) Donald Brown is presumed to be an unfit caregiver for the subject minors pursuant to NRS
432B.555; Donald Brown was convicted of felony manslaughter and Corporal Punishment of a
child in relation to the death of his infant child in the 1980's.

1 and Heidi. Testimony was also taken from Dr. Sandra Cetl, a pediatrician who evaluates
2 concerns of child physical abuse and sexual abuse, regarding the physical injuries to
3 Samantha.
4

5 Due to neither parent taking responsibility for the abuse that the oldest child
6 Samantha sustained during the pendency of the juvenile case, DFS has not been able to
7 reunify the children with either parent. The children have been under the care of the Court
8 for over 30 months. The children have languished in foster care since their removal. A
9 Termination of Parental Rights petition was filed against both parents on March 6, 2015.
10 The State must establish by clear and convincing evidence that parental fault exists and
11 that the children's best interest would be served by termination of parental rights.
12

13 The Court finds that Melissa and Donald have not abandoned the children as
14 defined in NRS 128.012 as they have made sufficient efforts to communicate and visit
15 with the minor children. A no contact order was entered in the criminal case and neither
16 parent was allowed to have contact with the children. The Criminal Court had concerns
17 regarding the parents speaking with the children since the children are witnesses in the
18 criminal case. This Court also entered a no contact order for the parents since there were
19 concerns that the parents were telling the children what to say to authorities. Both parents
20 have maintained consistent contact with the children and there has been no showing that
21 Melissa or Donald intended to forego their parental rights. The court cannot find that the
22 parents abandoned the children.
23

24 The Court finds that the parents are unfit parents as defined in NRS 128.018 and
25 NRS 128.105 (1)(b)(3). The children have been out of care of the parents for over 30
26 months. Pursuant to NRS 128.105 (1) (b) (4), the parents have failed within a reasonable
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1 period of time to remedy substantially the conditions which led to the children being
2 placed in foster care, even though appropriate and reasonable efforts have been made on
3 the part of state agencies and others to return and reunite the children with their parents.
4 On July 18, 2014, Dr. Cetl testified at the preliminary hearing in the criminal case. The
5 transcripts from that hearing were admitted as evidence in this TPR Trial. Dr. Cetl
6 testified that she saw multiple injuries on Samantha that were consistent with a
7 recognizable pattern of a loop injury. There were loop marks as well as straight marks
8 indicating some type of blunt force trauma with an implement. She continued to testify
9 that the implement that typically leaves loop marks is either a cord or some type of belt.
10 She testified that some of the marks were already quite advanced healing and some were
11 very fresh. The Court finds that the children were removed from the home as a result of
12 the parents' actions. The parents pled no contest to these actions at the Adjudicatory
13 Hearing in the underlying Juvenile case as noted above.

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16 Samantha testified at length during the trial about the continued abuse she endured
17 by Donald. She testified that the abuse consisted of being hit in the back and face with a
18 belt by Donald; having to stand on her head; having to sit against the wall without a chair
19 for 30-40 minutes as punishment; having to clean excessively and pick weeds; and getting
20 a knife thrown at her hand which caused a stab wound. Further, she testified that Donald
21 caused her to sustain broken teeth; restricted her food intake; and called her names.
22 Samantha also testified that Melissa hit her with a belt on several occasions. According to
23 Samantha's testimony, Donald began hitting her in the third grade. CPS was called on
24 several occasions. Samantha testified that she was told what to tell CPS by Donald. She
25 also testified that she lied to the Dentist when her tooth was broken. She told the Dentist
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1 that she was playing football and tripped, since she was told by Donald what to tell the
2 Dentist. Samantha testified that in November of 2008, she was hit across the face by
3 Donald with a belt. Melissa put make-up on Samantha's face to cover up the injuries.
4 When CPS asked Samantha about the marks on her face, Samantha told CPS that her
5 brother Wyatt caused her to fall on the dresser. Samantha testified that another incident
6 occurred that same month when Donald hit her across the face with a belt. She went to
7 school with make-up on her face to cover the injuries and when CPS questioned Samantha
8 she told CPS that her dog jumped on her. When asked why she wasn't truthful with CPS,
9 Samantha stated she was scared what would happen to her when she got home. Samantha
10 testified that on December 1, 2009, she got a cut on her wrist due to Donald throwing a
11 butter knife at her while she was drying dishes. The knife cut into her skin. She testified
12 that she didn't tell the truth at the preliminary hearing regarding this incident. Samantha
13 testified that in January 2011, she sustained an eye injury due to Donald making her stand
14 on her head for approximately 30-40 minutes. When she was made to stand on her head
15 for long periods of time, she testified that she would get puffy eyes and red blotches all
16 over her face. Samantha testified that she told CPS that she got hit with a teddy bear when
17 asked about her eye injury. Samantha further testified that in December of 2011, she was
18 removed from her Junior High School because she was talking to her counselors about the
19 punishment and what was going on at home. When asked why she would lie to CPS and
20 her teachers, Samantha testified she was afraid of what would happen if she told the truth
21 and her parents found out.
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A letter that Samantha wrote regarding an injury sustained from a BB gun was
admitted into evidence. The letter states that Donald shot her hand with a BB gun because

1 she asked him if she could eat a candy cane. In the letter, Samantha states that 3 or 4 days
2 after she was shot with the BB gun she went to the Hospital where a splint was put on her
3 hand because it was swollen. Surgery was needed to get the BB out. The letter states that
4 she told the hospital that she shot herself with the BB gun because Donald told her to say
5 that even though it wasn't the truth. When questioned by defense counsel as to why she
6 made different statements prior to this trial, Samantha testified that she was scared and
7 really upset at the preliminary hearing. According to Samantha, Donald told her what to
8 tell her teachers and CPS about how her injuries occurred and Melissa was present most of
9 the time when Donald told the children what to tell CPS. Samantha was asked about the
10 last beating that caused the children to be removed. Samantha testified that she created a
11 story that she fell off of the trampoline and that was how she got the marks on her back.
12 When asked why she didn't tell the truth, Samantha testified that she thought she would
13 get into a lot of trouble by her parents if she told the truth about her injuries. Samantha
14 testified that while on the telephone with Donald when he was in jail, he wanted her to tell
15 the story that she hit herself on the back with an extension cord because she didn't get a
16 cell phone for Christmas. Samantha testified that she and her siblings would have to repeat
17 the stories over and over again until they got it right without hesitation. She stated that at
18 one of the visitations after removal, Donald told her that if they stuck with the stories they
19 were told to say, the family would get back together. Samantha testified that she and her
20 siblings saw their parents fight and they would argue a lot. She continued that it was scary
21 when her mom was mad, because her mom would break things. The Court finds
22 Samantha's testimony to be credible.
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1 Samantha's therapist from Healthy Minds, Janet Nordeen, testified at trial. Ms.
2 Nordeen has been Samantha's therapist for over two years. She stated that she diagnosed
3 Samantha with PTSD due to an extensive time period of traumatic events. She continued
4 to testify that she never thought of Samantha as a danger to herself or others. Samantha
5 was resistant to sharing her family history and protective of her parents. When Samantha
6 felt safe with Ms. Nordeen and understood that she would not have to return home, she
7 began disclosing the abuse she had endured. Ms. Nordeen testified that Samantha
8 disclosed that she was shot in the hand with a BB gun; pushed into a wall by Donald; lost
9 her two front teeth due to Donald's abuse; and hit with a pipe and a belt by Donald.
10 Samantha disclosed that this occurred on a regular basis. Testimony revealed that Melissa
11 was at work and Donald was home with the children when the abuse occurred. In the
12 beginning, Samantha denied abuse by Donald. However, over time, she disclosed more
13 abuse. The Court has taken into consideration that Samantha first denied the abuse.
14 Samantha wrote a letter to Donald (State's Exhibit 11) detailing years of abuse, after she
15 found out that she would not have to return to her parents care. The therapist testified that
16 some children disclose abuse right away while other children never disclose abuse. She
17 stated that when she made her diagnosis, she took into consideration Samantha's high
18 anxiety, her distractibility, and her desire to talk about anything except the abuse.
19

20
21 The Court also took into consideration the testimony of Laura Brown, Nikki's
22 Healthy Minds therapist. Ms. Brown testified that she is qualified to make a diagnosis
23 through the DSM. She testified that she diagnosed Nikki with PTSD. She made this
24 diagnosis based upon Nikki having flashbacks, avoidance and mood issues. She stated that
25 Nikki was very guarded, hesitant, and avoided discussing feelings. As therapy progressed,
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1 Nikki became more open with Ms. Brown. Nikki described the physical abuse to
2 Samantha as "beatings by her dad." Ms. Brown testified that when Nikki discussed the
3 abuse, her demeanor was such that she did not make eye contact, lowered her head, and
4 she shut down. Ms. Brown testified that her primary reason for diagnosing Nikki with
5 PTSD was because of what happened in the home. The treatment plan for Nikki consisted
6 of processing her trauma; developing coping skills; and further developing a relationship
7 with her siblings. She testified that she changed Nikki's disorder from adjustment disorder
8 to PTSD eight months after she saw Nikki because Nikki met the full criteria for PTSD.
9 She testified that her diagnosis was not made due to Nikki's lack of contact with her
10 parents. She continued to testify that Nikki wants to live with her parents. Ms. Brown
11 testified that Nikki made it clear that there was abuse in the home.
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13
14 Lynetta Cooley, Heidi's Healthy Minds therapist, testified as to Heidi's treatment.
15 She testified that Heidi was originally diagnosed with adjustment disorder with mixed
16 depression and anxiety. She stated that this diagnosis is made when there is a change, such
17 as a removal. She continued to testify that Heidi met the criteria under the DSM 5 for
18 PTSD. Heidi's symptoms consisted of hypervigilance, irritability, avoidance when talking
19 about events, intrusive thoughts, and disruption to social and family life. Initially, Heidi
20 was very guarded in her therapy. Ms. Cooley testified that Heidi talked about Samantha's
21 abuse on her own. She talked about Samantha not having the same amounts of food as the
22 other children, and that Samantha would get up in the middle of the night to eat. She
23 discussed the incident when Samantha went to the garage and brought back a pipe that
24 Donald hit her with while the other children ran into the other room. Ms. Cooley testified
25 that in therapy, Heidi would draw pictures or play games. Heidi drew a picture of a pipe
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1 and a knife. She testified that when Heidi talked about the abuse in the home, Heidi would
2 speak fast to get it out. She would also take a big breath and blow it out. Heidi told Ms.
3 Cooley that her mother knew about the abuse. When asked at the trial if this contributed to
4 Heidi's PTSD, Ms. Cooley replied "yes." Ms. Cooley testified that Heidi felt lighter after
5 she discussed the abuse in therapy and it helped her anxiety to be able to discuss it. Ms.
6 Cooley stated that Heidi would like to go home to her parents but she wants it to be
7 different. Specifically, Heidi does not want any more hitting or fighting in the home.
8

9 The Court finds that both Melissa and Donald were placed in a difficult position of
10 testifying at the TPR trial while there is a criminal trial pending. Both parents pled the 5th
11 Amendment when questioned by the District Attorney's office regarding anything having
12 to do with the abuse to Samantha. Despite the parents pleading the 5th Amendment, the
13 Court finds that there was an abundance of evidence regarding the abuse to Samantha and
14 the trauma to Heidi and Nikki. This Court finds that physical abuse occurred in the
15 household and physical abuse counseling was necessary in order for reunification to
16 occur. The State has proved by clear and convincing evidence that Donald physically
17 abused Samantha and Melissa knew about the abuse. This abuse renders the parents
18 unable to provide the children with a safe home. There is no evidence in the record that
19 either parent has addressed the physical abuse problem.
20
21

22 NRS 128.106 (1)(f) provides that when determining neglect or unfitness of
23 a parent, the court shall consider the conviction of a parent for commission of a
24 felony, if the facts of the crime are of such a nature as to indicate the unfitness of
25 the parent to provide adequate care and control to the extent necessary for the
26 child's physical, mental or emotional health and development. NRS 128.106 (1)
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1 (g) further provides that when determining the neglect or unfitness of a parent, the
2 court shall consider whether the child, a sibling of the child or another child in the
3 care of the parent suffered a physical injury resulting in substantial bodily harm, a
4 near fatality or fatality for which the parent has no reasonable explanation and for
5 which there is evidence that such physical injury or death would not have occurred
6 absent abuse or neglect of the child by the parent. Here, the court finds that
7 Donald was convicted of felony manslaughter and corporal punishment of a child
8 in relation to the death of his infant child in the 1980's. The court has considered
9 this when determining unfitness in this case.
10
11

12 The Court finds that pursuant to NRS 128.105(1) (b) (5), a risk of serious physical,
13 mental or emotional injury is posed to the children if they were to be returned to the
14 parents care. The Court finds by clear and convincing evidence that Samantha was
15 physically and emotionally abused in her home. The Court has relied on the testimony of
16 the children, the children's therapists, and the testimony of Dr. Cetl. Testimony revealed
17 that Donald Brown was convicted of Corporal Punishment of a Child and Voluntary
18 Manslaughter of his biological daughter as an infant. The Court took into consideration
19 that since 2008, fourteen different mandated reporters called CPS stating that Samantha
20 had bruises, cuts and black eyes. The Court does not believe the parents theory that
21 Samantha has mental health issues and that she caused the abuse to herself. There has
22 been no showing by the defense whatsoever that Samantha caused any of her own injuries.
23 If over the last eight years, Samantha was causing her own injuries and there were over 13
24 different reports to CPS, the Court questions why Melissa would not have taken her
25 daughter to a pediatrician, neurologist, psychologist, psychotherapist or psychiatrist to
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1 determine why she would cause herself such harm. There was no evidence presented that
2 Samantha caused her own injuries. Ms. Maryte Tallent, the DFS caseworker assigned to
3 this case, testified that early in the case, Donald told her that Samantha caused injuries to
4 herself. To the contrary, Heidi and Nicki testified to the abuse they witnessed their father
5 inflicting upon Samantha. Heidi testified that she witnessed Samantha getting hit with a
6 belt by Donald on the back and the buttock. She stated that her father told Samantha to go
7 to the garage to get him something to hit her with. Also, Heidi testified that she witnessed
8 Samantha being hit on her hands with a spatula by Donald. The Court finds the children's
9 testimony credible. The theory that Samantha injuries were self-inflicted was not
10 supported by any evidence. The Court took notice of the crisscross bruises that were
11 determined to be old and new on Samantha's back. Additionally, foster mother to all the
12 children, Jackie Wolfe, testified that Samantha is not a violent person and is extremely
13 protective of her siblings. She also testified that she has had the children in her care for a
14 long time and that Samantha is not aggressive. When asked if Samantha had ever tried to
15 harm herself, she replied "no."

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18 There was testimony that Samantha was injured while in Ms. Wolfe's care.
19
20 Testimony revealed that Samantha was transported to Boulder City Hospital due to her
21 injuring her pelvic region. Attorneys for the parents tried to illicit testimony that Samantha
22 is clumsy. Ms. Wolfe testified that Samantha was on a bike riding with her sister and
23 others when she fell over on the bike. She was appropriately taken to the Hospital and
24 treated. There was no report by any doctor at the hospital of possible abuse. Samantha had
25 bruises from soccer and football, the two sports she played in high school. She played the
26 goalie position and got hit in the head. She had symptoms of concussions and she was
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1 seen by a doctor. Again, these injuries did not lead to any abuse allegations. The Court
2 finds that Samantha was treated appropriately by Ms. Wolfe. According to the testimony
3 of Ms. Wolfe, Samantha is a good kid who has taken some honor classes and has A's and
4 B's. She believes Samantha to be very naive and innocent. Ms. Wolfe testified that Nikki
5 doesn't like to talk about things and is quiet. Nikki received a presidential letter and had
6 all A's and a B+. Ms. Wolfe testified that Wyatt loves his mom and dad.
7

8 The Court also took into consideration Mari Parlade's testimony. Ms. Parlade is
9 employed with the Legal Division of DFS as the Custodian of Records. She testified that
10 each call to the CPS hotline has a separate report number that is kept in a database known
11 as UNITY. During a five year period, from March 2008 through December 2013, there
12 were 14 intake reports for this family. On December 10, 2014, there were two intake
13 reports for the same incident. She continued to testify that in March 2008, a mandated
14 reporter called regarding allegations of abuse to Samantha's face. Specifically, both of
15 Samantha's eyes had two inch wide bruises. In May of 2008, there was another mandated
16 report that Samantha had a bruise on her left cheek. In approximately September or
17 October 2008, there was an information only report that Samantha had a chipped tooth.
18 On November 7, 2008, there was a report from a mandated reporter that there were bruises
19 on Samantha's face; specifically her right eye was black. Ms. Parlade testified that on
20 November 24, 2008, an investigation was completed since Samantha went to school with
21 a black eye and make-up on her face. At this time, Samantha was 10 years old. There was
22 a cross report with the same concerns from another reporter. On December 1, 2009, there
23 was a mandated report disclosure. There was an allegation that Donald threw a butter
24 knife at Samantha and there was a cut on her wrist. This was found to be unsubstantiated.
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1 On February 22, 2010, another mandated reporter reported that Samantha had a black eye
2 and stitches on her left eyebrow. This was found to be unsubstantiated. On December 6,
3 2010, another mandated reporter reported that Samantha had a black and green colored
4 bruise around her entire eye. This was informational only. On January 27, 2011, Ms.
5 Parlade testified that a mandated reporter reported bruises on both of Samantha's eyes. On
6 January 28, 2011, another mandated report was unsubstantiated when Samantha came to
7 school depressed with a different demeanor. On March 1, 2011, a mandated reporter
8 called with concerns that Samantha had a puffy red left eye. This was informational only
9 and there was no investigation. On December 9, 2011, a report came into the CPS hotline
10 that Samantha had marks and bruises and that her parents withdrew her from school. This
11 was information only. On January 19, 2012, Samantha missed 27 days of school and there
12 was concern of educational neglect. On December 10, 2013, CPS received two calls. The
13 first reporter reported a bruise on Samantha's eyes. The second report was from a
14 mandated reporter that there was a mark near Samantha's left eye. This report resulted in
15 an investigation. Ms. Parlade testified that there were a total of 14 calls, all from mandated
16 reporters. The testimony of Samantha, Heidi and Nikki corroborate that Samantha was
17 not injuring herself and that Donald caused the injuries. The children were told to say that
18 the injuries happened in a way that was untrue in order to protect both Melissa and
19 Donald.
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23 The Court finds by clear and convincing evidence that Samantha has been
24 physically and mentally abused by her parents. Specifically, Samantha endured abuse
25 throughout her childhood as testified to by herself and her sisters, Heidi and Nikki. The
26 Court finds that Melissa Lawrence knew about the abuse and did nothing to protect
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1 Samantha from Donald's repeated physical and emotional abuse. During the trial, the
2 Court heard phone conversations between Melissa and Donald while they were in jail in
3 2014 after the removal of the children. In these phone conversations, Donald accused
4 Samantha of lying, stealing, and playing games. Melissa continually disparaged
5 Samantha by saying "her own father wants nothing to do with her"; "she feels sorry for
6 the poor sap who ends up with Samantha"; and "Samantha was lucky that she wasn't in
7 front of her fucking face when she wrote the letter." She also called Samantha a "killer
8 kid" and said Samantha "has a brain of a fucking peanut." Also, Melissa said that anyone
9 who is around Samantha is in "grave danger" since she said Samantha is a danger to
10 society. She also accused Samantha of causing her own injuries and suffering from a
11 mental disorder.
12

13
14 The Court finds that both Melissa and Donald completed a Red Rock
15 Psychological Risk Assessment. The court finds that even though both parents completed
16 services and an assessment, the assessment reports that both parents are at a high risk to
17 re-offend. Donald was recommended to engage in Anger Management and Domestic
18 Violence treatment. He was also recommended to engage in individual therapy specific to
19 his physical abuse. Melissa was recommended to engage in individual therapy to address
20 physical abuse.
21

22 Pursuant to NRS 128.105 (1)(b)(6), the court finds that the parents have made only
23 token efforts to prevent neglect of the children, to avoid being unfit parents, and to
24 eliminate the risk of serious physical, mental or emotional injury to the children. NRS
25 128.109 sets forth presumptions that apply to findings of parental fault and best interests
26 of the child when a child has resided outside of the home for an extended period of time.
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1 Specifically, NRS 128.109 provides that if a child has been placed outside her home for
2 14 of any 20 consecutive months, it is presumed that the parents have engaged in no more
3 than token efforts to care for the child and it must be presumed that it is in the best interest
4 of the minor child that the parental rights be terminated.
5

6 The Court finds that both parents have engaged in their case plan. The Court finds
7 that despite engagement in their services, neither parent has the insight or behavioral
8 change to protect these children from abuse. The Court heard testimony concerning a long
9 history of abuse upon Samantha that was witnessed by Heidi and Nikki, affecting the lives
10 of all of the children in the household. Both parents to this day have denied physical
11 abuse, believing that Samantha caused these injuries to herself. More than ample
12 opportunity has been given to both parents to correct the behavior that brought this family
13 into care. Ms. Tallent testified that both parents completed a family risk assessment. When
14 asked what the assessment revealed, she testified that both Melissa and Donald had an
15 increased risk for physical abuse. Both parents completed the Family Risk Assessment at
16 Red Rock Psychological Health in late 2014. Donald's report states that due to Mr.
17 Brown's HIGH risk for physical abuse/neglect recidivism and the clinical impressions, the
18 following recommendations be made: Donald should submit to a Domestic Violence
19 Evaluation and follow all recommendations made by the evaluator, attend anger
20 management/impulse control classes and follow all recommendations made by the
21 facilitator, should continue weekly individual therapy to address his position of denial and
22 history of criminal behaviors and he should continue not to have contact with his children
23 until he is meeting the requirements of his DFS case plan and his risk of abuse is
24 decreased. The Court reviewed Melissa's evaluation by Red Rock. Melissa is HIGH risk
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1 for physical abuse/neglect recidivism and the recommendations consisted of Melissa
2 continuing in weekly individual therapy to address her position of denial, creating a
3 therapeutic safety plan with the help of a trauma specialist to identify triggers, coping
4 skills, and relapse prevention. It was also recommended that Melissa continue to not have
5 contact with her children until she is meeting the requirements of her DFS case plan and
6 her risk of abuse is decreased.
7

8 Melissa and Donald attended therapy at Healthy Minds. The recommendations
9 from Red Rock were to address denial, identify triggers, and a relapse prevention
10 program. Per the Healthy Minds letters dated April 28, 2016 which was admitted into
11 evidence, David Sanchez, Psy.D, LMFT wrote that Mr. Brown and himself often process
12 thoughts related to the loss and grief he experiences from being separated from his
13 children as well as the anxiety he experiences over the thought of potentially having his
14 parental rights taken away. A similar letter for Melissa was admitted into evidence. The
15 Court finds that the therapy that Melissa and Donald received at Health Minds is not the
16 same as individual therapy to address the parent's denial of abuse. The Healthy Minds
17 therapy did not address physical abuse. Ms. Tallent testified that she spoke to Donald and
18 advised him that the Healthy Minds therapy was family therapy and not individual therapy
19 to address physical abuse. The Court reviewed both the ABC Therapy Completion Report
20 for Melissa and Donald for mental health. Both parents had successfully completed the
21 program. The comments for Donald state that he learned to identify challenges, and
22 replace biased, fearful self-talk with positive, realistic, and empowering self-talk.
23 Melissa's comments state that she learned to undergo gradually to a repeated imaginal
24 exposure to the feared negative consequences predicted by worries of her children's well-
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1 being and develop alternative reality-based predictions. Ms. Tallent testified that the
2 parents completed the ABC assessment on their own. The Court notes that this
3 assessment does not address triggers, abuse of a child, protective capacity, or coping
4 skills. The Court understands that the parents have completed parts of their case plan
5 objectives. However, they have not addressed the physical abuse that occurred in the
6 home. The Court further took into consideration that the family never had a chance to
7 engage in family therapy.
8

9 The Court does not find that the children are safe with their parents. There are still
10 grave safety concerns of physical abuse that have not been addressed. It comes down to
11 the credibility of the testimony of the parents and the witnesses. Ms. Tallent testified that
12 the objective was for the parents to resolve their legal matters; provide for the physical
13 and emotional needs of the children; and provide a home free from physical abuse. The
14 Court notes that the primary objective for this case was to provide the children with a
15 home free from physical abuse. Additionally, the parents had to follow all the
16 recommendations from Red Rock and understand the impact of physical abuse on the
17 children's well-being. The parents went through many classes and assessments, but at this
18 time the Court does not find that the children are any safer now than they were at the time
19 of removal. The main issues of physical abuse have not been addressed. The Court has
20 taken into consideration that the parents completed classes and therapy. However, as
21 evidenced in the reports and testimony, neither parent has addressed their denial of the
22 abuse and how to prevent it from happening again. The Court took into consideration Dr.
23 Cetl's testimony from the Preliminary Hearing that was admitted into evidence as well as
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1 the testimony of Samantha, Nikki and Heidi. The Court finds that Samantha was seriously
2 injured throughout her childhood and that it was not caused by her own actions.
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4 The Court finds that the presumptions in NRS 128.109 (1) (a) and (2) apply in this
5 case and the parents did not rebut the presumptions. The children were placed outside of
6 their home on January 8, 2014 and have remained outside of their home since that time.
7 The Nevada Supreme Court in the case of *In re Parental Rights as to A.P.M.*, 131 Nev.
8 Adv. Op. 66, 356 P.3d 499 (2015), held that nothing in NRS 128.105 prohibits the district
9 court from finding parental fault if a parent has completed his or her case plan. This
10 Court's job is to make sure children are safe. This Court believes that the children love
11 their parents. However, based upon the severity and repetitive nature of the abuse along
12 with neither parent having the insight or behavioral change to protect these children from
13 abuse, the court does not believe that the children can reunify with their parents in the near
14 future.
15

16 Pursuant to NRS 128.105(1), 128.107 and 128.108, the best interest of the children
17 is served by terminating the parental rights of Melissa Lawrence and Donald Brown. In
18 determining what is in the children's best interest, this Court must consider the children's
19 continuing need for "proper, physical, mental and emotional growth and development."
20 NRS 128.005 (2)(c). Pursuant to NRS 128.105 (2), the court has considered the
21 placement options for the children; the age of the children; and the developmental,
22 cognitive and psychological needs of the children. The children have been out of care for
23 over 30 months. The children have been in the care of a foster family who is an adoptive
24 resource. The testimony revealed that the children are very bonded to the foster family
25 and the children are thriving in the care of the foster family.
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1 Jackie Wolfe, foster parent to the children, testified as to how the children came
2 into care. She testified that at first there was a clear division between Samantha and her
3 siblings, Heidi, Nikki and Wyatt. There was a strained relationship but it is now better.
4 She stated at first Nikki was quiet and Heidi was vocal. When the children were first
5 placed with Ms. Wolfe and her husband at St. Jude's, Samantha and Heidi argued a lot.
6 Heidi was mad about being in foster care. When Samantha arrived to her home, she had
7 frequent panic attacks. During the evening, Samantha had hard time breathing and her
8 chest felt heavy. There were times at soccer when the coach would call Ms. Wolfe and
9 tell her that Samantha had lost it and she was crying. She testified that Samantha did not
10 want to talk about her past. She testified that there was one night in particular when
11 Samantha expressed she was angry. Ms. Wolfe testified that she encouraged Samantha to
12 journal since she was crying a lot. Ms. Wolfe told the court that Samantha does not talk a
13 lot, but that Heidi talks about Samantha's relationship with her parents. When Samantha
14 does talk, Heidi corrects Samantha about the abuse. It appears that Heidi remembers a lot.
15 She testified that Samantha has two false teeth. Samantha told her that Donald knocked
16 her teeth out. Heidi would correct Samantha and say it is not one tooth but two teeth. She
17 went on to testify that Heidi stated that her mom knew that Samantha was cut with a butter
18 knife and that Donald did it. While the children love their parents and want to go home,
19 the children have done remarkably well in their foster home. The children want to go
20 home to a home free of violence. Unfortunately, there is no showing that the issues that
21 brought the children into care 33 months ago are any different now. These children need a
22 stable loving home free from physical and emotional abuse, which is found in their current
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1 placement. The children are integrated into their placement. The adoptive resource has
2 provided these children with a safe loving environment free of violence.
3

4 The State has proved by clear and convincing evidence that parental fault exists in
5 this case and that it is in the best interest of the children that the parental rights of Melissa
6 Lawrence and Donald Brown be terminated. The District Attorney's office shall prepare
7 Findings of Fact and Conclusions of Law consistent with this decision and submit an
8 Order to the Court for signature within 10 days.

9 IT IS SO ORDERED.

10 Dated this 14th day of November, 2016

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13 CYNTHIA N. GIULIANI
14 DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on the day of filing, I emailed, mailed and/or delivered to the Clerk's Office a copy of the Decision Order, which was placed in the folder of:

Amity Dorman, DDA

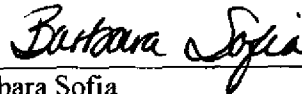
Janne Hanrahan, DDA

Michael Gowdey, ESQ

Robert Draskovich, ESQ

Lauren Calvert, ESQ

Amy Honodel, ESQ



Barbara Sofia
Judicial Executive Assistant, Dept. K

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

May 27, 2015

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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May 27, 2015	1:30 PM	Hearing for Termination of Parental Rights
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HEARD BY:	COURTROOM: Courtroom 20
Gibson, David, Jr.	

COURT CLERK: Tyla Starks

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki and Wyatt Brown) Department of Family Services (DFS) represented by Yvonne Wallace appearing for Maryte Tallent. Children's Attorney Project (CAP) represented by Amy Honodel. Paternal grandfather present with his attorney Greg Mills.

CAP Honodel advised the Court that she only represents minor Samantha and they are looking for a pro bono CAP attorney for the other minors.

Parties requested a trial date.

Attorney Draskovich noted the trial date given may interfere with the criminal proceedings and if so he will submit a stipulation to continue.

Attorney Mills advised the Court that he will be filing a motion for placement hearing.

PRINT DATE:	12/02/2016	Page 1 of 36	Minutes Date:	May 27, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court RECOMMENDED, matter SET for Trial.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	12/02/2016	Page 2 of 36	Minutes Date:	May 27, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 31, 2015

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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August 31, 2015	10:30 AM	Trial
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HEARD BY: Giuliani, Cynthia N.	COURTROOM:
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COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Attorney Gregory Mills, present for maternal grandparents.

CAP Attorney Calvert stated she is having foot surgery and back surgery.

Attorney Gowdey noted concern with the No Contact Order.

Court noted needing something from the therapist that it's in the best interest to resume visitation as to the children.

State noted the No Contact Order has not been lifted by the criminal court.

CAP Attorney Honodel stated the request is not as to Samantha and the request is more for the three younger children.

PRINT DATE:	12/02/2016	Page 3 of 36	Minutes Date:	May 27, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Attorney Draskovich stated Criminal Court found it's better decided by this Court that a therapist should make a decision as to visitation.

Court advised all parties being unable to lift the No Contact Order.

CAP Attorney Calvert stated Heidi, Nikki, and Wyatt want any contact with parents.

Following statements, COURT ORDERED, Parents may have some type of contact if the Therapist finds it's in the children's best interest for them. MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	12/02/2016	Page 4 of 36	Minutes Date:	May 27, 2015
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 31, 2015

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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August 31, 2015	10:30 AM	Trial
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HEARD BY: Giuliani, Cynthia N.	COURTROOM: Courtroom 22
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COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Attorney Gregory Mills, present on behalf of maternal grandparents.

CAP Attorney Calvert stated she is having foot surgery and back surgery.

Court noted needing something from the therapist that it's in the best interest to resume visitations as to the children.

State noted the No Contact Order has not been lifted by the criminal court.

CAP Attorney Honodel stated the request is not as to Samantha and the request is more for the three younger children.

Attorney Draskovich stated Criminal Court found it's better decided by this Court that a therapist should make a decision as to visitations.

PRINT DATE:	12/02/2016	Page 5 of 36	Minutes Date:	May 27, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court advised all parties being unable to lift the No Contact Order.

Following statements, COURT ORDERED, Parents may have some type of contact if the Therapist finds it's in the children's best interest for them. MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	12/02/2016	Page 6 of 36	Minutes Date:	May 27, 2015
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

October 26, 2015

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

October 26, 2015 10:30 AM Trial

HEARD BY: Giuliani, Cynthia N. **COURTROOM:**

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert, present.

State noted the parties have discussed a continuance and requested a 90 day continuance.

Attorney Draskovich noted he will be out of state from January 18 to the end of the month. Attorney Draskovich stated he received a letter from the Therapist at Healthy Minds and Therapist is recommending contact in a therapy setting.

Attorney Gowdey noted concern with the No Contact Order in the Domestic case.

State advised the Court the Domestic case is not on calendar today and children are receiving the wrong information.

PRINT DATE:	12/02/2016	Page 7 of 36	Minutes Date:	May 27, 2015
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

DFS stated they are receiving information from their attorney and Therapist with the understanding they will be returning home.

Court noted the Healthy Minds Therapist needs to recommend contact in a letter and if children want contact.

DFS further stated children want to see their parents and they want answers from their parents.

Attorney Draskovich advised the Court he plans on filing a Motion in front of Judge Smith to discuss the conversation they had today in this courtroom about visitation.

Court reviewed the Healthy Minds letter from the therapist in OPEN COURT. Court advised all parties the Therapist is recommending family therapy in a therapeutic setting.

Following statements, Court stated its FINDINGS and ORDERED, Trial is RESCHEDULED. If the Healthy Minds Therapist believes the children should have therapeutic contact then it is APPROVED only as to the Heidi, Nikki, and Wyatt.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	12/02/2016	Page 8 of 36	Minutes Date:	May 27, 2015
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

October 26, 2015

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

October 26, 2015

10:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert, present.

State noted the parties have discussed a continuance and requested a 90 day continuance.

Attorney Draskovich noted he will be out of state from January 18 to the end of the month. Attorney Draskovich stated he received a letter from the Therapist at Healthy Minds and Therapist is recommending contact in a therapy setting.

Attorney Gowdey noted concern with the No Contact Order in the Domestic case.

State advised the Court the Domestic case is not on calendar today and children are receiving the wrong information.

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DFS stated they are receiving information from their attorney and Therapist with the understanding they will be returning home.

Court noted the Healthy Minds Therapist needs to recommend contact in a letter and if children want contact.

DFS further stated children want to see their parents and they want answers from their parents.

Attorney Draskovich advised the Court he plans on filing a Motion in front of Judge Smith to discuss the conversation they had today in this courtroom about visitation.

Court reviewed the Healthy Minds letter from the therapist in OPEN COURT. Court advised all parties the Therapist is recommending family therapy in a therapeutic setting.

Following statements, Court stated its FINDINGS and ORDERED, Trial is RESCHEDULED. If the Healthy Minds Therapist believes the children should have therapeutic contact then it is APPROVED only as to the Heidi, Nikki, and Wyatt.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

February 02, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

February 02, 2016

9:35 AM

Minute Order

HEARD BY: Hoskin, Charles J.

COURTROOM: Chambers

COURT CLERK: Carol Foley

PARTIES:

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This Court having reviewed its upcoming calendar FINDS that the Motion to Reconsider was set after the current trial setting. Accordingly, the COURT ORDERS that the Motion to Reconsider shall be moved to February 23, 2016 at 10:30 a.m. so the Court may hear this motion prior to the scheduled trial.

This Minute Order shall suffice as the order of the Court pursuant to EDCR 7.50. The department shall contact the parties and advise them of this minute order. The department Judicial Executive Assistant shall prepare Notices of Rescheduled Hearing.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

February 23, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

February 23, 2016

10:30 AM

Motion to Reconsider

HEARD BY: Hoskin, Charles J.

COURTROOM: Courtroom 02

COURT CLERK: Carol Foley
Piera Fuentes

PARTIES:

JOURNAL ENTRIES

- JOINT MOTION TO RECONSIDER

Court noted there is no procedure to consider an order the Court never entered. However, as this issue affects all termination of parental rights cases assigned to hearing masters, the Court permitted this hearing to clarify the procedure.

Statements by counsel in support of trial being heard by District Court Judge. Ms. Calvert noted counsel agreed to allow testimony by alternative means at the last hearing before Hearing Master Roys, and she has an order that has not been signed yet.

Given the fact that Judge Giuliani has spent a significant amount of time with this family and the history of this case,
Court FINDS the spirit of One Family One Judge would be served by having Judge Giuliani hear the termination of parental rights trial moving forward. The assignment is not based upon the fact that

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there is the potential for an objection, or that the hearing master couldn't hear this case or that the policy is somehow flawed. It is under the goal of the blue ribbon panel and One Judge One Family and this appears to be a more consistent determination for the resolution of this case.

COURT ORDERED, 3/7/16, 3/8/16 and 3/15/16 trial dates VACATED. Case REASSIGNED to Department K and status check SET 3/2/16 at 2:00 p.m. to reset trial.

Pursuant to EDCR 7.50, an order for today's hearing is not required.

INTERIM CONDITIONS:

FUTURE HEARINGS: Feb 23, 2016 10:30AM Motion to Reconsider
DA's Motion to Reconsider
Courtroom 02 Hoskin, Charles J.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

March 02, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

March 02, 2016 2:00 PM Status Check

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) No appearance by Department of Family Services (DFS). Deputy District Attorney Amity Dorman, present.

Court discussed Trial dates.

Following statements, COURT ORDERED, Trial SET.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 02, 2016 2:00PM Status Check
Trial setting
Courtroom 22 Giuliani, Cynthia N.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

May 24, 2016

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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May 24, 2016

11:30 AM

Motion

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent. Children's Attorney Project (CAP) Attorney Amy Honodel and Attorney Lauren Calvert.

Court reviewed the Motion in OPEN COURT. Court noted concern with there being forty witnesses.

Attorney Gowdey stated he has a Federal Hearing this Friday afternoon.

State opposed to rescheduling the Trial and DFS is looking into placement with the aunt in Colorado.

CAP Attorney Calvert stated Heidi, Nikki, and Wyatt have concerns with going to Colorado.

CAP Attorney Honodel stated Samantha opposes to the Motion and Samantha wants the case to be done.

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State noted they would like Samantha to testify before she leaves in July.

Attorney Gowdey noted there have been talks about Samantha going into the military.

CAP Attorney Honodel further stated Samantha wants to testify this Friday.

Attorney Gowdey requested to preserve Samantha's testimony.

Following statements, COURT ORDERED, Trial Hearing on 5-26-16 at 11:00 am is VACATED. Trial STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

May 27, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

May 27, 2016

10:00 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Martye Tallent.

Attorney Gowdey stated Attorney Draskovich is unable to be present due to a medical issue and the
parents are outside of the courtroom.

CAP Attorney Honodel stated Samantha will be on Thursday and she can be present for 9:00 a.m.

Attorney Gowdey noted he can be present at 9:30 am.

State requested the Trial on Thursday to go all day.

Court advised all parties the Trial will be going forward on June 2, 2016. Court reviewed the
Calendar for Trial days in OPEN COURT.

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Following statements, COURT ORDERED, Trial to go forward on June 2, 2016 at 9:30 am and all of the attorneys need to have coverage if they are unable to be present. Trial Hearings are tentatively SET.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

June 02, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

June 02, 2016

9:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent.

Court attempted telephone contact as to Attorney Calvert who was unavailable. Court stated Attorney Calvert was aware of today's hearing which was to go forward at 9:30 am.

Witness sworn and testified per worksheet. Exhibits marked and admitted per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

Clerk's Note: An attorney of Attorney Calvert advised the Court off the record that she will be transporting Attorney Calvert to the hospital due to a medical emergency. Attorney Draskovich advised the attorney they will be requesting a copy of the transcript and they will be providing it to counsel/pd

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INTERIM CONDITIONS:

FUTURE HEARINGS: Jun 02, 2016 9:30AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 15, 2016 10:00AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 18, 2016 10:30AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 19, 2016 10:00AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 22, 2016 10:00AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 25, 2016 10:30AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Aug 26, 2016 10:00AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Sep 01, 2016 10:30AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

Sep 08, 2016 11:00AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 18, 2016

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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August 18, 2016

10:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

CAP Attorney Calvert stated children do not want to testify.

Opening statements. Witnesses sworn and testified per worksheet. Exhibits marked and admitted per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 19, 2016

D-15-510944-R	In the Matter of the Parental Rights of: Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown, Minor(s).
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August 19, 2016

10:00 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent.

Witnesses sworn and testified per worksheet. Exhibits marked and admitted per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 22, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

August 22, 2016

10:00 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Opening statements. Witnesses sworn and testified per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 25, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

August 25, 2016

10:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Opening statements. Witnesses sworn and testified per worksheet.

All parties agreed to submit the Redrock Reports.

Attorney Gowdey requested parents to be able to give the children's gifts.

Court advised Attorney Gowdey to place the matter on calendar in front of Hearing Master Roys.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

August 26, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

August 26, 2016

10:00 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Opening statements. Exhibits marked and admitted per worksheet. Witnesses sworn and testified per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Termination of Parental Rights COURT MINUTES

September 01, 2016

- State

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

September 01, 2016

10:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Julie Richmond

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS) represented by Maryte Tallent.

Court noted this is the time set for trial in this matter.

Atty Gowdy represented, Mr. Draskowich was present outside of the courtroom before the matter was called. However, Atty Gowdy stated Mr. Draskovich had just returned from a family vacation overseas and is not feeling well and was advised to go to the Emergency Room. Mr. Gowdy further stated he does not know if Mr. Draskovich will be well enough to come to court tomorrow and asked that the matter be continued to next week.

Court noted, due to the timeframe and the amount of time this trial may take, COURT ORDERED, If Mr. Draskovich is feeling better tomorrow and can go forward with the trial as set tomorrow, the court will go forward as scheduled. If, however, he will not be able to go forward Mr. Gowdy or Ms. Hanrahan or Ms. Dorman shall notify the court by 5:00 p.m. today. COURT ORDERED, Matter

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

September 08, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

September 08, 2016

11:00 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Opening statements. Exhibits marked and admitted per worksheet. Witness sworn and testified per worksheet.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

September 15, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

September 15, 2016

10:30 AM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Exhibits marked and admitted per worksheet. Witness sworn and testified per worksheet. All parties
rested.

Following statements, COURT ORDERED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 15, 2016 10:30AM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Termination of Parental Rights COURT MINUTES
- State**

September 23, 2016

D-15-510944-R In the Matter of the Parental Rights of:
Samantha Lawrence, Heidi Brown, Nikki Brown, Wyatt Brown,
Minor(s).

September 23, 2016

2:00 PM

Trial

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 22

COURT CLERK: Paul D. Donahue

PARTIES:

JOURNAL ENTRIES

- (Samantha Lawrence, Heidi, Nikki, and Wyatt Brown) Department of Family Services (DFS)
represented by Maryte Tallent.

Closing Arguments.

Department of Family Services, Maryte Tallent, SWORN and TESTIFIED.

Following statements, Court stated its FINDINGS and ORDERED, Petition to Terminate is
GRANTED by clear and convincing evidence as to John Doe and all other's claiming paternity.
Written Decision to be prepared as to Melissa Lawrence and Donald Brown.

INTERIM CONDITIONS:

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FUTURE HEARINGS: Sep 23, 2016 2:00PM Trial
Closing arguments
Courtroom 22 Giuliani, Cynthia N.

PRINT DATE:	12/02/2016	Page 36 of 36	Minutes Date:	May 27, 2015
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State

EXHIBITS

CASE NO. D-15-510944-R

	Date Offered	Objection	Date Admitted
✓ 1) Picture of Minor with Jacket	6-2-16		6-2-16
✓ 2) Picture of left eye	6-2-16		6-2-16
✓ 3) Picture of lower back - side view	6-2-16		6-2-16
✓ 4) Picture of lower back	6-2-16		6-2-16
✓ 5) Picture of lower back	6-2-16		6-2-16
✓ 6) Picture of wrist	6-2-16		6-2-16
✓ 7) Picture of wrist w/ bandaid	6-2-16		6-2-16
✓ 8) Picture of wrist w/ bandaid	6-2-16		6-2-16
✓ 9) Picture of arm w/ bandaid	6-2-16		6-2-16
✓ 10) Picture of wrist w/ bandaid/hand	6-2-16		6-2-16
✓ 11) Dear Dad letter	6-2-16		6-2-16
✓ 12) Minutes	8-18-16		8-18-16
✓ 13) Petition	8-18-16		8-18-16
✓ 14) Completion Report	8-19-16		8-19-16
✓ 15) ABC Therapy	8-19-16		8-19-16
✓ 16) Disposition Report	8-26-16		8-26-16
✓ 17) Case Plan - Mom	8-26-16		8-26-16
✓ 18) Case Plan - Father	8-26-16		8-26-16
✓ 19) Report For Permanency - E-Filed 1-12-15	8-26-16		8-26-16
✓ 20) Report For Permanency - E-Filed 7-17-15	8-26-16		8-26-16
✓ 21) ABC Therapy - Mental Health Eval	8-26-16		8-26-16
✓ 22) Report For Permanency - E-Filed 1-17-16	8-26-16		8-26-16
✓ 23) Report For Permanency - E-Filed 7-14-16	8-26-16		8-26-16

	Date Offered	Objection	Date Admitted
✓ A) Dear Dad letter	6-2-16		6-2-16
✓ B) Emergency Physician Record - Heidi	6-19-16	✓	6-19-16
✓ C) Emergency Physician Record - Fall	6-19-16	✓	6-19-16
✓ D) Sunrise Patient Admission Record	6-19-16		6-19-16
✓ E) Letter - Dear Dad	6-19-16		6-19-16
✓ F) Letter - Dear Daddy	↓		↓
✓ G) Letter - Dear Mom, Dad	↓		↓
✓ H) Letter Dear Mom & Dad	6-19-16		6-19-16
✓ I) Letter - Dear Daddy Mommy, Sons	↓		↓
✓ J) Letter Dear Daddy,	↓		↓
✓ K) Letter - 2-17-16	↓		↓
✗ L) Letter - Not turned into Evidence	↓		↓
✓ M) Letter - Dear Daddy,	↓		↓
✓ N) Letter - Dear Dad by Heidi	6-19-16		6-19-16
✓ O) Notice of Motion Filed 12-16-14	9-8-16		9-8-16
✓ P) Order Dissolving No Contact Order	9-8-16		9-8-16



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

ROBERT M. DRASKOVICH, ESQ.
815 S. CASINO CENTER BLVD.
LAS VEGAS, NV 89101-6718

DATE: December 2, 2016
CASE: D-15-510944-R

RE CASE: In the Matter of the Parental Rights of: SAMANTHA JAY LAWRENCE; HEIDI RENEE BROWN; NIKKI RAE BROWN; WYATT CARL BROWN, Minor(s) (APPLT: DONALD BROWN)

NOTICE OF APPEAL FILED: November 28, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION; DISTRICT COURT MINUTES; EXHIBITS
LIST; NOTICE OF DEFICIENCY

In the Matter of the Parental Rights of:

SAMANTHA JAY LAWRENCE; HEIDI
RENEE BROWN; NIKKI RAE BROWN;
WYATT CARL BROWN,

Minor(s),

Case No: D-15-510944-R

Dept No: FAMILY JUVENILE

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 2 day of December 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk