18th, 2015?

A Yes.

Q And that's later than February 10th, 2015, correct?

A Correct.

Q Okay. So in any event, you did get the mental health evaluation. Was there a diagnosis or some recommendations -- or first, a diagnosis that issued from the evaluation?

MR. GOWDEY: Do you have a copy of the evaluation in front of you?

MS. HANRAHAN: Yes.

THE WITNESS: Unh-unh (negative). Wait.

MS. HANRAHAN: Yeah, she does.

THE WITNESS: Yeah, I do.

MR. GOWDEY: You can answer.

THE WITNESS: Yes.

Q And what is that diagnosis?

A DSM-V class -- classification for separation anxiety disorder.

Q And were there some recommendations as well?

A Ten sessions of individual mental health counseling.

Q All right. And then did the evaluation list some

move disorders as well?

A Yes.

Q What are those listed?

A Feeling worthless, hopeless and excessive guilt, difficulty concentrating and making decisions, diminished interest in enjoyment of activities, serial losses in life such as developmentally and excessive fear and anx -- anxiety concerning separation from those to whom the individual is attached such as her children.

Q Okay. Would you agree ma'am that in this three and a half page document that last sentence you read and one other are the only places that mention the word -- that even the word children appears in this --

MR. GOWDEY: Objection.

Q -- evaluation?

MR. GOWDEY: The document speaks for itself.

MS. HANRAHAN: The document hasn't been admitted. I'm asking her about it.

THE WITNESS: I assert the Fifth.

MS. HANRAHAN: And Your Honor, I'm just going to note that she's been talking about this document all along. I'm asking a question about a document prepared by a counseling service. I'm not sure -- and -- and what words are in it. I -- I -- I'm not sure how that implicates her

criminal case to ask her how many times the word children appears in this document.

MR. GOWDEY: I'm --

MS. HANRAHAN: I think it's an improper assertion of the Fifth at this point.

MR. GOWDEY: I'm -- I'm going to instruct my client if she knows the answer to answer. If she doesn't know the answer, to --

THE COURT: Okay.

MR. GOWDEY: -- answer --

THE COURT: Well, let me ask you this. Do you want her to repeat the question for you one more time and then based on what your attorney just stated?

THE WITNESS: Yeah.

THE COURT: Okay.

BY MS. HANRAHAN:

Q All right. Would you agree that that sentence that you just read, separation from those to whom that an individual is attached such as her children is one of only two times in this three and a half page evaluation that the word children is even mentioned?

A I assert the Fifth.

MR. GOWDEY: I'm -- I'm not instructing my client to assert the Fifth on this.

THE COURT: Okay.

MR. GOWDEY: May I confer with my client --

THE COURT: Sure.

MR. GOWDEY: -- very briefly?

MS. HANRAHAN: I mean, she can take a couple minutes to look and see.

THE COURT: Sure. Go ahead. So what you're asking her just so we're all clear is that based on what somebody else wrote in this report, the number of times children is mentioned.

MS. HANRAHAN: Yes.

THE COURT: Just so she can understand the question.

(COUNSEL AND CLIENT CONFER BRIEFLY)

MR. GOWDEY: Okay.

THE WITNESS: I don't know.

BY MS. HANRAHAN:

Q Do you have any reason to believe that the word children is mentioned more than twice in this three and a half page document?

MR. GOWDEY: Objection, relevance. How -- how is the -- the report written by a therapist relevant that -- what she knows about the report written by a therapist

relevant to?

MS. HANRAHAN: Well, first off, what she knows about it is extremely relevant because she went and got this evaluation and presumably to assist her in doing what she needed to do for reunification. So what she knows about it is entirely relevant. What -- whether it's a document that addresses what was required to be addressed is another relevant issue and if it -- if it doesn't even address children, it's hardly going to address physical abuse.

MR. GOWDEY: My suggestion is if the DA has questions about a document written by a third party provider that they subpoena that third party provider and ask him why did you write what's in your report.

MR. DRASKOVICH: Or why did you only mention children three times. I have no problem with you marking it and having it admitted.

MS. HANRAHAN: I said twice.

THE COURT: Right.

MR. DRASKOVICH: Okay. Twice.

THE COURT: Yeah.

MS. HANRAHAN: Nice job though.

MR. DRASKOVICH: It's --

THE COURT: I agree with Mr. Draskovich. As --

as the amount of times, we don't know -- we don't know if she's talked about children a thousand times in the evaluation itself. This is just the synopsis of what someone put to paper.

MS. HANRAHAN: Okay.

THE COURT: So I mean, at that point, I -- I don't know that that's relevant. I mean, she could have talked for hours about children and it was just mentioned three times the word child in a report. So I think we need to move on.

MS. HANRAHAN: Okay. So -- and just for the record though, it's relevant because what's what DFS gets as far as information is very importantly. And so if she knows this document was insufficient, she did have a duty to get one that was or get some counseling that was, so that's --

MR. GOWDEY: The -- the --

MS. HANRAHAN: -- the relevance.

MR. DRASKOVICH: I would object to that --

MR. GOWDEY: She's testifying --

MR. DRASKOVICH: -- characterization as what's sufficient and what's not.

THE COURT: Sustained, because I think we're getting off a little track here.

MS. HANRAHAN: I said if, if. That was the question.

BY MS. HANRAHAN:

Q So -- well, would you agree that in the three and a half pages of this document there's no mention of mention of physical abuse of children.

MR. GOWDEY: Again, same objection.

MS. HANRAHAN: It's a pretty straightforward question. Do you agree that that's what's in here?

THE COURT: Yeah, I think it -- the question is completely fair, because you're not being specific about a number of times a word is written. You're asking about whether a subject matter was in that report. And then, you know, obviously you can question your client as to anything else you want the Court to -- to take notice of. But that question's appropriate.

THE WITNESS: I don't know.

MR. GOWDEY: If you know -- know.

THE WITNESS: I don't know.

BY MS. HANRAHAN:

Q Well, do you want to take a couple minutes and look through the document? Do you see any mention of physical abuse or why this case opened in the first place

in that document, ma'am?

A No, I do not.

Q And would you agree that the majority of the items mentioned in this -- or looked at by this therapist are based on your report to the therapist?

MR. GOWDEY: I'm -- I'm sorry?

Q Would you agree that most of the issues addressed or lined out in this evaluation are based on your report to the therapist?

MR. GOWDEY: But I'm going to --

Q Your conversation with the therapist, meaning no other collateral information had been provided. That -- would you agree that this evaluation is based on your self report?

A No.

Q Well, we can go through it. Would -- on Page 2 where it talks about suicide risk, would you agree that it says the patient reports not having any present suicidal risks?

A Yes.

Q Under homicide risk at the present time, there are no homicidal thoughts, she has no homicidal plans, is -- would you agree that therapist got that information when talking to you?

A Yes.

Q Okay. Psychotic disorders, patient reports the following, none reported. Would you agree with that?

A Yes.

Q And then anxiety disorders, it does say patient reports the following and it has your diagnosis of separation anxiety.

A Correct.

Q And then attention deficit hyperactivity disorder, none reported, agree?

A Correct.

Q Aggressive behavior, none reported, agree?

A Correct.

Q Antisocial behavior, none reported. Would you agree with that?

A Yes.

Q And -- and oppositional and gambling disorders, none reported, would you agree with that?

A Yes.

Q Okay. So would you agree going through the whole rest of this, it basically says none reported for -- for most of the answers indicating that a therapist based this evaluation on what you reported to him?

MR. GOWDEY: Objection, calls for speculation.

Again, if she wants to question a therapist about the content of this evaluation or if she wants to question about the therapist report, specifically what the therapist based things on, she should call the therapist and to not ask the person on the witness stand.

THE COURT: Okay.

MS. HANRAHAN: Your Honor, the -- the evaluation states none reported. Those are -- I mean, that's -- I'm -- as I asked, so --

MR. GOWDEY: Again, it calls --

MS. HANRAHAN: -- I mean --

MR. GOWDEY: -- for speculation --

MS. HANRAHAN: -- I mean, if you don't want to --

MR. GOWDEY: -- as to what else she may have -- he may have used -- use to -- to form his evaluation.

THE COURT: Sustained. I -- I agree. She doesn't know if somebody else called and let them know something different.

MR. GOWDEY: Or of he received other documents --

THE COURT: Correct.

MR. GOWDEY: -- or any other reason.

THE COURT: So --

MS. HANRAHAN: Well, all of the things I just read patient reports, the patient reports, the following.

THE COURT: Okay.

MS. HANRAHAN: But all right. I will move on.

THE COURT: And that's --

BY MS. HANRAHAN:

Q Did you --

THE COURT: -- self explanatory. If she's reported what she reported, but that question was did it -- is -- is it just her and I don't know that she knows that if it was just her or their collaterals.

Q And isn't it true that you stated in this evaluation that you had never been arrested?

A It was prior to this is what he asked me.

Q So patient reports no prior arrest. Okay. And you're saying what you meant was non prior to the one in this case.

A Correct.

Q Well, in any event, what -- what kinds of things did you talk about in your therapy at Red Rock?

MR. GOWDEY: I'm going to assert the -- the patient -- the doctor/patient privilege at this point.

MS. HANRAHAN: Well, Your Honor, one of the things that she has to provide to the Court is -- first off, she had to follow the recommendations of the --

MR. GOWDEY: Okay.

MS. HANRAHAN: -- Red Rock report which was to obtain therapy to address her position of denial of any physical abuse. So whether she addressed that in her therapy is extremely relevant and something that she's required to --

MR. GOWDEY: Okay.

MS. HANRAHAN: -- present.

MR. GOWDEY: I'll -- I'll withdraw the objection as to -- and -- and state that the -- the question is vague.

THE COURT: Okay. All right.

MR. GOWDEY: Which providers are we speaking about? She had multiple providers.

THE COURT: Okay.

MS. HANRAHAN: Well, we're still talking about ABC.

BY MS. HANRAHAN:

Q So I specifically asked what you talked about at ABC what issues were addressed at -- in your counseling at ABC.

A Abuse in the home, what was going on in this case, how I was going to improve myself, things like that.

Q Okay. And so did you complete the recommended 10 sessions of therapy?

A Yes, ma'am.

Q And did you get a completion report from ABC Therapy or do you know if one was provided by ABC? Did you sign a release for one to be provided to the Department of Family Services?

MS. CALVERT: Objection, compound.

MS. HANRAHAN: Well, I'm trying to fix it before it's objected to, so I'll do that.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Are you -- did you sign a release for the completion report to be provided to the Department of Family Services?

A Yes, I did.

Q Did you see a copy of that completion report?

A Yes, I did.

Q Do you recall what it said with regard to comments at the end and the status? I -- I don't think you have that there. I don't know if it's attached to that --

A Uh-huh (affirmative).

Q -- the completion report. This one.

A No.

Q I don't think it's attached. Let me show your attorney.

MR. GOWDEY: I've got it. Thank you.

Q Have you refreshed your recollection as to what that says?

A Yes.

Q So the status indicates that you successfully completed the program and made all the payments, correct?

A Correct.

Q And can you tell me what that comment section says?

A It says that Ms. Lawrence learned undergo gradually to a repeated imaginal exposure to the feared negative consequences predicted by worries of her children's well-being and develop alternative reality based predictions. This client has learned the skills taught and has demonstrated emotional growth.

Q Do you have any idea what that means? I mean, I appreciate you were trying to fix his grammar, but do you even know what that means?

MR. GOWDEY: No objection.

A Well, I'm not a doctor, you know. No.

Q It's pretty hard to comprehend, isn't it? Well --

MR. GOWDEY: Is that an --

Q -- let's --

MS. HANRAHAN: No, I mean, it wasn't a comm -- comment on your client.

MR. GOWDEY: Is that a question?

MS. HANRAHAN: It's -- I'm just agreeing with her. It's -- makes no sense.

Q So let me ask this. You said that you talked about abuse in the home. What abuse precisely did you talk about?

MR. GOWDEY: I'm going to assert the Fifth and instruct my client to assert the Fifth.

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q And you said you talked about making changes in yourself? And what changes would those be?

A To be more open minded, be around more, not be so work orientated, be more family oriented.

Q So those were the changes that you needed to make according to your ABC Therapy or that's what you worked on with ABC Therapy.

A Most of it, yet.

Q All right. Thank you. Do you recall -- so on this completion report, is there anything that mentions the

physical abuse or anything related to this case other than your anxiety? I'm not even sure if it talks about that. It's very confusing. But is there anything on there that -- that talks about physical abuse on that completion report?

A No.

Q Is there anything on it about developing protective capacity for children on the completion report?

A No.

Q Anything about identifying triggers for physical abuse?

A No.

Q Do you recall your therapist's name at ABC?

A Yes.

Q Was it William --

A Gallegos (ph).

Q -- Gallego --

A Gallegos.

Q Gallegos?

A Uh-huh (affirmative).

Q Do you know if he's a licensed trauma therapist?

MR. GOWDEY: I think the -- the documents spells out a certification on the bottom. The document speaks for itself.

MS. HANRAHAN: Well, we haven't admitted the document.

BY MS. HANRAHAN:

Q Does the document indicate that he's a domestic violence counselor?

A Yes.

Q It doesn't say anything about trauma therapy, correct?

A No.

MS. HANRAHAN: Your Honor, at this time I'm going to ask to admit the ABC Therapy documents, the evaluation and the completion report. They have not --

MR. GOWDEY: No objection.

MS. HANRAHAN: -- previously been attached to reports filed by the Department unlike --

MR. DRASKOVICH: I -- I have --

MS. HANRAHAN: -- the Red Rock.

MR. DRASKOVICH: -- no objection.

MR. GOWDEY: No objection.

THE COURT: Okay. No objections, it will be admitted.

(STATE'S EXHIBITS 14 and 15 ADMITTED)

THE COURT: I'm not sure number we're on, 14 and 15?

THE CLERK: Yeah, 14 and 15.

THE COURT: Okay.

MS. HANRAHAN: I'll try to --

BY MS. HANRAHAN:

Q So the final thing in the measurement for success in objective number one in your case plan states Ms. Lawrence has acknowledged that her child was physically abused and has identified where she did not provide adequate protection. Would you agree with that?

A Yes.

Q Going back to your case plan. And also do you recall ma'am that on the day that you entered your no contest plea to the petition, do you recall the State extending to you a stipulation that anything you said to a treatment provider in this case would not be used against you in the criminal matter? Do you recall that stipulation being made?

A No, I don't.

Q Would you have any reason if the minutes reflect that that stipulation was made to disagree that it was?

A No.

Q So looking at that measurement for success under objective number one, Ms. Lawrence has acknowledged that her child was physically abused and identified where she

did not provide adequate protection. As you sit here today, ma'am, do you acknowledge that Sam was physically abused in your home?

MR. GOWDEY: I'm -- I'm sorry. Going to instruct my client to assert the Fifth Amendment privilege. While there was an agreement in the -- in -- in the original case that anything she said wouldn't be used against her in the criminal case, there is no such agreement here as such --

MS. HANRAHAN: Excuse me? Wait, I missed that. Sorry. You're -- say that again, there's no agreement?

MR. GOWDEY: While there was an agreement as to the original petition, there is no such agreement here that anything she said wouldn't be used --

MS. HANRAHAN: No.

MR. GOWDEY: -- against her in the --

MS. HANRAHAN: I didn't ask --

MR. GOWDEY: -- criminal case.

MS. HANRAHAN: -- about here. I'm asking about -- I said on the date you entered your no contest plea --

MR. GOWDEY: I'm instructing --

MS. HANRAHAN: -- isn't there a stipulation entered --

MR. GOWDEY: That -- that was the -- that was the prior question and she's answered that. There's the last

question --

MS. HANRAHAN: Then why are you --

MR. GOWDEY: -- that she asked.

MS. HANRAHAN: -- objecting to it?

MR. DRASKOVICH: Well, Your Honor, the question was is she now acknowledging in open court that her daughter was in fact abused and --

MS. HANRAHAN: Right.

MR. DRASKOVICH: -- Mr. Gowdey is telling her to not answer that question, because --

MS. HANRAHAN: That's fine.

MR. DRASKOVICH: -- she's under oath here and whatever she testifies --

THE COURT: Correct.

MR. DRASKOVICH: -- to here can --

THE COURT: Correct.

MR. DRASKOVICH: -- be used.

THE COURT: That's why you've been saying --

MS. HANRAHAN: That's fine.

THE COURT: -- to assert privilege.

MR. GOWDEY: That's what I just said, yes.

THE COURT: Okay.

MR. DRASKOVICH: And that's why we stipulated to the admission --

MS. HANRAHAN: It has not --

MR. DRASKOVICH: -- of this document.

MS. HANRAHAN: -- nothing to do with the stipulation of statements to therapists.

THE COURT: Okay. So -- so I -- I get the question and so -- so you're going to answer what -- are you -- you're going to confer with your attorney and then you're going to tell me -- tell the Court whatever it is.

THE WITNESS: I assert the Fifth.

THE COURT: Okay.

MS. HANRAHAN: And I'll ask for the negative inference.

MR. GOWDEY: And -- and the same -- same objection.

THE COURT: Yeah. Okay. Thank you.

BY MS. HANRAHAN:

Q And as you sit here today, are you able to identify any areas where you failed to provide adequate protection for Samantha?

A I assert the Fifth.

Q And I'll ask for the negative inference.

THE COURT: Okay.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Do you believe yourself to be a protective parent?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Ma'am, was there a domestic violence between you and Mr. Brown?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: No objection -- or I'm sorry, same objection.

THE COURT: I -- I knew -- I -- I knew you were going to say that.

BY MS. HANRAHAN:

Q Were you ever arrested after a fight with Mr. Brown?

A I assert the Fifth.

Q And I'll ask for the negative inference.

THE COURT: Okay.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Were you kids present during any times when you

had fights with Mr. Brown, physical fights?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Do you acknowledge that the police did respond to your house for domestic disturbance calls?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Did you ever fight with Mr. Brown over his treatment or -- of or his relationship with Samantha?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Now you -- do you recall Sam's testimony about the time that she said you took her out of the home after you found -- after you found out that Mr. Brown had done something to her? Do you recall that testimony?

A No, I don't.

Q Okay. Do you recall ever taking her out of home after she's the same summon jury?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Well, ma'am, did you ever physically abuse Samantha yourself?

A I assert the Fifth.

Q Did you ever strike Samantha with your hand?

A I assert the Fifth.

Q Your fist, a belt, any other object?

A I assert the Fifth.

Q And I'll ask for the negative inference on both of the last questions.

MR. GOWDEY: Objection as to both.

BY MS. HANRAHAN:

Q And at one point back in 2014, isn't it true that you did say that you caused the abuse?

A I assert the Fifth.

Q Isn't it true that you attempted to plead guilty to your own charges as well as Mr. Brown's in the criminal matter?

A I assert the Fifth.

Q And I'll ask for the negative inference on both of the last two.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Did you have a conversation with Mr. Brown on March 12th, 2014 wherein you told him you tried to plead guilty to his charges and your own but the DA wouldn't take your plea?

A I assert the Fifth.

Q All right. Well, let's listen to that conversation.

(AUDIO PLAYS IN COURTROOM)

Q So ma'am, would you agree that that conversation indicates that you were willing to state that you did the abuse to Samantha?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Does that conversation indicate that you were willing to lie in court in order to cover up for or protect

Mr. Brown?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Do you recall telling Mr. Brown in a recorded conversation on May 31st, 2014 that you would be there for him no matter what?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Do you still feel that way about him today, ma'am?

A I assert the Fifth.

Q That you would do anything even if it costs your children to protect him and be there for him?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

MS. HANRAHAN: I have no further questions for this witness.

THE COURT: Okay. All right. So let me -- let me just -- it's 12:15. I'm not sure how many questions you have. I don't even know how many witnesses on your side. There are -- but I want to make sense of this day. So if we need to take a break, this is probably a good time. So do you want to take a break now? Is this --

MR. GOWDEY: Yes.

THE COURT: -- a good cutting --

MR. GOWDEY: Yes, please.

MR. DRASKOVICH: Be a great -- a great stopping point.

THE COURT: And then after -- let me just ask. After we're doing with Ms. Lawrence as a witness just so we can plan the day, I don't know if she's going to take the rest of the day. I don't know if it's going to be an hour. Do you have another witness following?

MS. HANRAHAN: I -- I do have the kids coming this afternoon, so yeah. I don't know if you guys have any idea how long it might take. I don't --

MR. DRASKOVICH: I have no clue.

MS. HANRAHAN: I --

MR. DRASKOVICH: So --

THE COURT: Okay. All right.

MS. CALVERT: Oh, just -- Your Honor, one request

that I would like to make. It's just -- it's minors. As -- this afternoon. There are some other personal matters that I need to attend to and if I was wondering if my appearance could be waived. I -- you know, Samantha has joined the position of the district attorney and the Department. I don't have any questions for Ms. Brown (sic) and I would just ask if the Court would allow me to leave.

THE COURT: Well, I'm fine with it.

MR. GOWDEY: Watch your step.

MS. CALVERT: Thank you.

THE COURT: I mean, it -- yeah, absolutely. It's -- I mean, it's up to you and on behalf of your client. And if she's fine with it and I'm fine with it. All right. So do we need an hour? I mean, I just -- at this point, it's 12:15. An hour? Okay.

MR. GOWDEY: Can we go 1:30, an hour and fifteen minutes?

MS. HANRAHAN: I would ask not to go that long just because we're going to have the kids here waiting and --

THE COURT: Right.

MS. HANRAHAN: -- they have been through --

THE COURT: My concern is this.

MS. HANRAHAN: -- hell.

THE COURT: If we go -- the longer we go for lunch, the longer we stay on a Friday night, so --

MS. HANRAHAN: Exactly.

THE COURT: -- and I know yesterday you were busy. I don't know if you have plans tonight, Mr. Gowdey.

MR. GOWDEY: No, it's only Thursdays that I have --

THE COURT: Only Thursdays.

MR. GOWDEY: -- a conflict.

THE COURT: So let's come back in an hour so we can -- because it is -- and -- and again, we want to try to wrap up whatever we can today and let's start promptly at 1:15. And you know what that means with a bunch of people. That will be --

MS. HANRAHAN: Could even make it 1:00 o'clock?

MR. GOWDEY: No, I say 1:15 is perfectly reasonable.

MS. HANRAHAN: Well, he was a half hour late this morning. I mean --

MR. GOWDEY: I was unfortunately --

MS. HANRAHAN: -- would have been --

MR. GOWDEY: -- detained --

MS. HANRAHAN: -- further --

MR. GOWDEY: -- in another apartment.

MS. HANRAHAN: Well, I -- and I understand that, but --

MR. GOWDEY: Well, what are you commenting on it for?

MS. HANRAHAN: -- we got to make accommoda -- accommodations for --

THE COURT: Let's do --

MS. HANRAHAN: -- attorneys.

THE COURT: Let's do 1:15 promptly, promptly, promptly, promptly. So we'll begin at 1:15.

(COURT RECESSED AT 12:17 AND RESUMED AT 1:21)

THE COURT: All right. We left off I believe with Ms. Lawrence and Ms. Hanrahan was finished with her questioning. So you're still under oath, Ms. Lawrence. We don't have to reswear you in the same day. So I will let Mr. -- I guess whoever wants to go next as far as this witness.

MR. GOWDEY: That would be me, Your Honor.

THE COURT: Okay.

CROSS EXAMINATION

BY MR. GOWDEY:

Q Good afternoon, Melissa.

A Good afternoon.

Q I want to -- Ms. Hanrahan went over in some depth

your case plan and the counseling that you did pursuant to that case plan, you recall that?

A Yes.

Q What was the first counseling company that you were sent to?

A Red Rock Psychological.

Q And did you -- how many sessions did you attend at Red Rock?

A Like there was eight for the non-offending parenting class and then I did the assessment there as well.

Q Did you complete your counseling at Red Rock?

A Yes, I did.

Q Where is the ne -- were you -- were you referred to another agency after Red Rock?

A Yes, I was.

Q Where were -- were you referring after Red Rock Counseling?

A ABC Therapy.

Q Did you attend counseling at ABC Therapy?

A Yes.

Q Okay. How much counseling did you attend there?

A Ten sessions.

Q Did you complete the 10 sessions?

A Yes, I did.

Q Were you asked to do anymore counseling at ABC Therapy?

A No, I was not.

Q Did you get a certificate of completion at ABC Therapy?

A Yes, I did.

Q Were you sent to any other counseling agencies?

A Healthy Minds.

Q How many sessions -- did you attend sessions at Healthy Minds?

A Yes.

Q How many sessions did you attend?

A I'm still attending now.

Q Do you attend on a regular basis?

A Yes.

Q How long have you been attending sessions at Healthy Minds?

A August of 2014.

Q Who is your therapist there? Do you have one individual therapist?

A Yes.

Q Who is that?

A Currently I have Joy.

Q Previous to Joy, who was your therapist?
A David Sanchez.
Q And was there anybody previous to Mr. Sanchez?
A Yes.
Q Who was that?
A Melissa Polier (ph).
Q Anybody previous to Ms. Polier?
A Dana Day.
Q Was Dana Day the first therapist that you saw there?
A Yes.
Q Has there been any therapy that you have been instructed to attend pursuant to the case plan that you haven't attended?
A No.
Q Have you endeavored to attend and complete all counseling as laid out in the case plan?
A Yes, I have.
MR. GOWDEY: I don't have any further questions.
THE COURT: Okay. Thank you. Mr. Draskovich.
MR. DRASKOVICH: I'll follow.

CROSS EXAMINATION

BY MR. DRASKOVICH:

Q Ma'am, were you instructed to attend parenting

school?

A Yes, I was.

Q And was that? Roughly a year.

A Sometime in 2014.

Q Did you attend all parenting school classes that you were instructed to attend?

A Yes, I did.

Q Had there been any request by D -- DFS or by a counselor that you have failed to comply with?

A No.

Q You've done -- you've done what you were told.

A Yes.

Q There came a point in time -- if I can turn your attention back, there came a point in time in 2014 that you learned that Samantha had gone to the hospital.

A Yes.

Q You were contacted by an insurance company.

A I --

MS. HANRAHAN: Your Honor, I'm going to object -- object as to leading. Again, we have NRS 50.115 that says a witness identified with an adverse party may interrogate by leading questions only to the extent permissible if the attorney had called that person on direct examination.

MR. DRASKOVICH: Let -- let me change my

question.

MS. HANRAHAN: Mr. Draskovich has clearly identified with the adverse party.

MR. GOWDEY: Foundational question.

THE COURT: Okay.

BY MR. DRASKOVICH:

Q How did you learn that Samantha had gone to the hospital?

A Jackie -- Jacqueline Wolf (ph) contacted my older son.

Q Okay. And did you ultimately go to the hospital that she had gone to?

A Yes, I did.

Q And was the purpose of you going to the hospital to obtain medical records concerning her hospital visit or visits?

A Yes.

Q Did you learn -- did you learn that she had gone to the hospital on September 16th of 2014?

A Yes.

Q And what hospital was that?

A That was at Boulder City.

Q Okay. Did you learn that she had gone to the hospital again for another matter on September 27th of

2014?

A Yes.

Q And would that have been Boulder City Hospital as well?

A Yes.

Q And did you learn then that she actually attended a different hospital that same day in a different location?

A Correct. Yes.

Q And what was that second location or second hospital she had gone to?

A Sunrise Hospital.

Q Did you collect all of the medical records in reference to these three hospital visits?

A Yes, I did.

Q Where did you collect these medical records from?

A From the hospitals.

Q And what did you do with them after you collected the medical records?

A I turned them into you guys.

Q Okay. Now at this point in time in 2014, how old was Samantha?

A She was 16.

Q She had not yet emancipated?

A No.

Q As her natural mother, you were able to obtain her medical records.

A Yes.

Q Based upon her age.

A Yes.

Q I'd like to hand you what's been marked as Respondent's Proposed Exhibit B.

MS. HANRAHAN: No. No. I wasn't provided with those documents, but Mr. Draskovich did provide me with an opportunity to look at them. The -- just as we started trial today.

THE COURT: Okay.

Q Flip through that. Do you recognize that group of documents?

A Yes.

Q What are they?

A They're the medical records of Samantha's concussion.

Q And are they in the same condition? Isn't it -- put it this way, have they been altered in any way from the time you've gotten them in the -- from the hospital?

A No.

MR. DRASKOVICH: I move at this time --

MS. HANRAHAN: Your Honor, I'm going -- first of

all, I'm going to object as to that testimony, because she said Samantha's concussion and I believe, since I don't have the documents, but I believe that it says concussion like symptoms. It doesn't specifically say concussion.

MR. DRASKOVICH: I --

MS. HANRAHAN: So --

MR. DRASKOVICH: I -- I can't see -- or yeah, the documents --

MS. HANRAHAN: Because we --

MR. DRASKOVICH: -- speak for themself.

MS. HANRAHAN: It was the subject of some discussion when Samantha testified. I just want to be clear that the medical records say -- to my knowledge, they concussion like symptoms.

THE COURT: Okay.

MS. HANRAHAN: I'm not --

THE COURT: I don't know what to say --

MS. HANRAHAN: It's not a hill --

THE COURT: -- because I don't have it.

MS. HANRAHAN: -- I'm going to die on, but let's just be clear if we're going to talk about it.

MR. DRASKOVICH: And at this point in time, we would move for the admission of Respondent's Exhibit B.

MS. HANRAHAN: And I'll object to admission of

those documents as irrelevant, Your Honor. I fail to see what relevance they have to this case that opened back in 2013 when Samantha was found to have injuries.

MR. DRASKOVICH: These relevance of these documents are as follows. We have heard many times from various witnesses that these injuries that Samantha was receiving were abnormal. She couldn't have suffered these injuries by herself and they had to have been abusive in nature when you lay out the six year period she went to the hospital a little over two times a year.

I am now presenting to the Court proof that she went to the hospital an additional two times within 11 days of each other being out of the parents' care and that there is a pattern of conduct and it's not necess -- on her part and it's not necessarily the result of abuse.

MS. HANRAHAN: And Your Honor, that completely misstates the evidence. There was -- there's no evidence that Samantha went to the hospital a couple of times a year. That's kind of the point. She was never taken anywhere for treatment prior to going into foster care. She received the significant injuries that the Court have already been admitted and in -- in photograph form the -- deep cut to her wrist and those horrible abrasions and lootmarks (ph) to her back.

THE COURT: So I agree with you --

MS. HANRAHAN: She was never taken --

THE COURT: -- and I agree with you.

MS. HANRAHAN: -- to the hospital.

THE COURT: I agree that -- I agree with every -- what everyone's saying. I -- I get it. But as far as what -- what Mr. Draskovich was asking is this is that the child went to the medi -- to see a medical professional. That's an argument issue as far as in closing, but he's just asking to admit that she had a concussion -- or concussion like symptoms. I think we need to address that whether -- what it says, because I don't want it to say something that it's not.

So I would -- I would want to know -- you know, I'm going to allow it to be admitted. I will see what it says. And that's all it's being admitted for. It's not being admitted for any type of argument as to -- that's a closing what -- what you're saying.

MR. DRASKOVICH: Yes, and I'm -- I don't intend to -- I intend it to have --

THE COURT: But I don't think it's irrelevant, because -- and -- and -- but I -- and I do get what you're saying and I know that's a closing argument for you as well what you just stated on the record. So both of you are --

are putting on the record a little bit too soon what you're trying to get me to understand which I fully understand. So with that being said, I will allow that to be admitted as a medical document for a concussion or concussion like symptoms that happened while she was out of her parents' care.

(RESPONDENT'S EXHIBIT B ADMITTED)

MR. DRASKOVICH: Thank you. If I can approach the witness.

THE COURT: Sure.

BY MR. DRASKOVICH:

Q I'm handing you what's been marked as Respondent Proposed Exhibit C. Do you recognize that group of documents?

A Yes.

Q What are they?

A These are the medical records from Samantha's bicycle accident.

Q And what's the date?

A September 27th, 2014.

Q Are those all the documents that you had recovered from the hospital concerning the September 27th, 2014 visit?

A Yes.

Q Have they been altered in any way from the time you obtained them from the hospital?

A No.

MR. DRASKOVICH: I move for the admission of Respondent's Proposed Exhibit C.

MS. HANRAHAN: Same objection as to relevancy, Your Honor.

THE COURT: It will be admitted.

(RESPONDENT'S EXHIBIT C ADMITTED)

BY MR. DRASKOVICH:

Q I'm handing you what's been marked as Respondent's Proposed Exhibit D. Do you recognize that group of documents?

A Yes.

MS. HANRAHAN: Do I know what those are?

MR. DRASKOVICH: I'm sorry, I was about to ask her. But they're Sunrise Hospital --

MS. HANRAHAN: Okay. Okay.

Q What is it that I've given you?

A Documents from Sunrise Hospital.

Q Did you obtain these documents from Sunrise Hospital?

A Yes, I did.

Q Are they in the same condition as they were -- or

let me ask you this. Have they been altered in any way?

A No.

Q And you delivered those documents subsequent to getting them to me.

A Correct.

MR. DRASKOVICH: At this time, I would move for Respondent's Proposed Exhibit D.

MS. HANRAHAN: Same objection.

THE COURT: I'll allow that to be admitted.

(RESPONDENT'S EXHIBIT D ADMITTED)

BY MR. DRASKOVICH:

Q Now Samantha and your other children have been removed from your home in January 2014, correct?

A Yes.

Q And these hospital visits occurred in September of 2014.

A Yes.

Q Fair to say that it was traumatic to have all of your children removed from your home?

A Yes.

Q You felt fairly traumatic -- how did you feel when you were having those phone conversations, and I won't get into the substance of them, in May and March and April of 2014?

MS. HANRAHAN: I'm sorry, what? What phone conversations?

MR. DRASKOVICH: The jail -- the jail conversations.

Q Did you feel under duress?

A Yes.

Q Do you want your children?

A Yes, I do.

MR. DRASKOVICH: I'll pass the witness.

THE COURT: Okay. Thank you.

MS. CALVERT: I have none.

THE COURT: No questions?

MS. CALVERT: No.

THE COURT: Okay. Ms. Honodel waived her -- any question on behalf of Samantha. So Ms. Hanrahan?

REDIRECT EXAMINATION

BY MS. HANRAHAN:

Q First, you stated that you wanted your children back. Is that all of your children or just the three younger ones?

A All of them.

Q Now Mr. Gowdey I think it was asked you if you had completed all the counseling that was required of you, right? And you answered that you had?

A Yes.

Q Have you completed any counseling, any, that specifically addressed physical abuse in your home?

A Yes.

Q And have you provided any documents indicating that you have addressed physical abuse in your home to the Department of Family Services?

A Everything I've completed has been given to DFS by the providers.

Q All right. So we agreed when we talked about Red Rock, didn't we, that you were require -- one of the requirements or recommendations was that you address your issues regarding denial, correct, denial of physical abuse, correct? I mean, that was one of the recommendations.

A Yes.

Q And you reduce your risk of physical abuse. That was a recommendation.

A Yes.

Q And we agreed also in -- in your testimony, you agreed that you were found to be at high risk for physical abuse recidivism, correct?

A Correct.

Q And you told me when I asked you -- well, we agreed that Red Rock had said that you needed to create a

safety plan with the help of the trauma therapist, correct?

A Yes.

Q And we agreed that the Red Rock report said that that was to identify triggers, coping skills and relapse prevention, correct?

A Yes.

Q And when I asked you if you had identified triggers, you said no. Do you recall that testimony?

A Yes, I do.

Q And when I asked you if you had identified coping skills, you said no. Do you recall that testimony?

A Yes, I do.

Q And you weren't sure if you had spoken with the trauma therapist, correct, if Mr. --

A Gallegos.

Q -- Gallegos was a trauma therapist. You weren't sure.

A Correct.

Q Does that change your answer as to whether you complied with all of the requirements that DFS had in your case plan?

A No.

Q Okay. Ever take Sam to the hospital for any of the injuries depicted in the photos that had been admitted

here, the photos of her wrist and the photos of her back and the photo of her black eye?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: And I will object, same objection.

BY MS. HANRAHAN:

Q Is there anything in those documents that you just reviewed for Mr. Gowdey and Mr. Draskovich, the medical records for Samantha, that says anything about medical staff having suspicion of physical abuse?

A I -- I don't know.

Q Did you ever look at them after you went and got them?

A Well, yes, I did.

Q Did you see anything that the doctors stated these injuries were result of physical abuse?

MR. GOWDEY: I'm going to object. The -- the documents have been admitted into evidence and they speak for themselves.

MS. HANRAHAN: Your Honor, she went and got the documents. I don't know for what purpose she wants them admitted. If she hasn't read them, I -- it's --

MR. GOWDEY: There's no requirement that --

MS. HANRAHAN: -- speaks to the --

MR. GOWDEY: -- she read them.

MS. HANRAHAN: I mean, I'm asking if she knows if they say anything about physical abuse.

THE COURT: She --

MR. GOWDEY: The -- the documents speak for themselves, Your Honor. She's asked do those documents say anything about this or that. They speak for themselves.

THE COURT: She's just asking if she knows, so the question is a yes or a no. If she knows, so the question is a yes or a no. If she knows, yes, if she doesn't --

MR. GOWDEY: Then it's asked or answered -- asked and answered and she said I don't know.

MS. HANRAHAN: And I asked if she read them.

THE COURT: Yeah, I mean, that's -- that's a fair question. That's a yes or no question.

THE WITNESS: Yes.

BY MS. HANRAHAN:

Q But you don't know what it says caused the injuries?

A Some of it's hard to understand, because it's a doctor's handwriting.

Q Well, when Mr. Draskovich asked you what document you were looking at on the last one, you said that's the

one about Sam's bike accident, correct?

A Correct.

Q So even you yourself characterize it as an accident, correct?

MR. GOWDEY: Objection. I -- I --

A I assert the Fifth.

MS. HANRAHAN: Your Honor, she's answered every question about this, the medical records for Samantha, after --

MR. GOWDEY: And -- and at this point --

MS. HANRAHAN: -- she's not even in her care -- excuse me, if I may finish speaking.

THE COURT: Let her finish and then I'll hear from you.

MS. HANRAHAN: It's not appropriate for a Fifth Amendment invocation, because it doesn't have anything to do with her criminal case except that she's offering it to show that I guess Samantha's clumsy and that's why she got the marks on her back. I -- I don't even know why they're admitting it, but they did, so that's fine, but she's answered every question and now as to whether she just characterized herself as an accident, I mean, she -- she just testified to that.

I -- I think it's a legitimate question. I asked

her what she testified to. Did you say it was an accident, yes, no. That's all what we need to hear.

MR. DRASKOVICH: If I may respond.

THE COURT: Sure.

MR. DRASKOVICH: She might have not got into the substance of the medical records other than there -- what she had obtained. They were complete. We did not get into whether it was an accident or not, because there's no way you can elicit testimony from her because she didn't witness it. So I mean, the purpose of my asking her those unobjectionable question was just to lay the appropriate foundation to get the medicals records admitted.

MS. HANRAHAN: And my question --

MR. DRASKOVICH: I --

MS. HANRAHAN: -- to her was when Mr. Draskovich asked you what these documents were, the response was these are about Sam's bike accident. I'm asking if that's what she said. And that's what we heard, so I'm -- she said these are about Sam's bike accident.

THE COURT: Okay.

MR. DRASKOVICH: Okay. I --

MS. HANRAHAN: Is that what you said?

MR. DRASKOVICH: She said that we stipulate to that.

MS. HANRAHAN: Okay.

THE COURT: All right.

BY MS. HANRAHAN:

Q And isn't that in fact what those documents state is the cause of that second injury, a bike accident? A bike injury I believe is what the medical documents say.

MR. GOWDEY: Objection, the --

Q Did you agree to that?

MR. GOWDEY: The documents speaks for itself. It's been admitted into evidence.

MR. GOWDEY: She doesn't need to agree or disagree what the document says.

MS. HANRAHAN: I didn't ask --

MR. GOWDEY: The document speaks for --

MS. HANRAHAN: -- her to agree or disagree. I asked if he would agree that's what it says in the diagnosis section of that document, a bike injury.

MR. GOWDEY: And again, the document speaks for itself. The Court can look at the document and determine what the document says.

THE COURT: Okay. We admitted that in already? We did, right?

MR. GOWDEY: Yes.

MS. HANRAHAN: And I'll ask the Court then to

take judicial notice that it refers to that injury as a bike injury.

THE COURT: Okay. Then we'll look at that and see how it's worded.

MR. GOWDEY: We're not -- Your Honor, just for the record, we're not alleging that that injury was caused by abuse.

THE COURT: Okay.

BY MS. HANRAHAN:

Q And what was the purpose of your going to gather those documents, ma'am?

A I was concerned about what was going on with my child.

Q But you never took her to the hospital for the other injuries, right?

A I assert the Fifth.

Q I'll ask for the negative inference.

MS. HANRAHAN: I have nothing further.

MR. GOWDEY: I object for the record.

THE COURT: Okay.

MR. DRASKOVICH: I have no --

THE COURT: Okay.

MR. DRASKOVICH: -- recross.

MR. GOWDEY: Neither do I, Your Honor.

MS. HANRAHAN: -- they are -- they are looking into possible placement with the paternal aunt in Colorado. The ICPC is informally I guess approved. She has some things she needs to do just with her house and -- and backyard mostly I think to make it licence ready. She was a previous foster parent.

And DFS is, you know, fine with her as a placement. As you know, our new guardianship statute would require us to exhaust all efforts at adoption before going forward with guardianship, but they're looking at, you know, a possible placement.

The kids' problem is they're not really on board with that at this point because they've been moved around, they don't know her. She's coming for Sam's graduation next week. And so, you know, DFS, no matter what happens is gonna foster that relationship and see if they want to go for a visit at some point after they have a chance to spend time with her. And obviously if she could end up being the placement, it would preclude -- maybe, maybe preclude having to go to trial and maybe preclude them having to testify one more time, which would be great, but we don't know any of that yet so --

THE COURT: Well, okay.

MS. HANRAHAN: -- that's where we are.

THE COURT: A couple things. First, I got the witness list from both sides. You guys have over 40 witnesses. I mean, you can't -- I -- just from doing this, and I know you all know, that's not even seven days. That's a long time, because we know how it works. You think it's going to be an hour and that one witness is four hours.

So even with the time, the time frame that we have or even giving you more time, a couple things. My concern is this, is what the children want because they're -- at this point, they've been out of care for a long time, since January of 2014 is when the case started. We're heading into, you know, half a year later would be two and a half years in July. That's -- where -- where was the aunt? Where -- where was she in the beginning of all this?

MS. HANRAHAN: She -- she was approached I think a long time ago or she -- she had some contact but she was unable to take the kids at the time because she was -- like I said, I think she was a foster parent for a disabled relative.

MR. GOWDEY: It's actually her gr -- her granddaughter, I believe.

THE COURT: Okay.

MS. HANRAHAN: And so --

MS. CALVERT: Yeah.

MR. GOWDEY: Her daughter -- I'm sorry, daughter.

MS. HANRAHAN: -- she no longer is -- she does have a daughter who's disabled who lives with her now, but she doesn't have the other obligation that prevented her from taking the kids early on.

THE COURT: Okay. So -- okay. So let -- I'll just stick with one issue at a time. What do the kids think about this? Because I thought that the last time that I remember they were in St. Jude's foster home with an adoptive resource. And are they -- I mean, what's changed? Because now they -- if we -- if we assume that -- if this may go through guardianship, how does that affect them?

MS. CALVERT: And I think it's a big unknown to the children. They're -- as we discussed during I -- I believe it was our last hearing, they're not interested in going to Colorado without knowing the aunt somewhat. They didn't have a very good experience in Texas with --

THE COURT: Right.

MS. CALVERT: -- Grandpa. And they're a little gun shy and I -- very understandable. She is going be out here for the graduation. They're looking forward to spending some time with her and figuring out --

THE COURT: Do they know her? Do they have a relationship with her?

MS. CALVERT: They did somewhat prior to

everything --

THE COURT: Okay.

MS. CALVERT: -- happening. There were --

THE COURT: Okay.

MS. CALVERT: -- holidays, things like that, that occurred. Didn't know her super well, but they have been doing phone calls I believe every Friday. She has come out here once. They like her. They just have some of the normal concerns that -- that come with not -- not knowing someone and feeling that they don't have potentially a say in where they end up, which is understandable. But they are interested in getting to know her and seeing if that's a possibility. They are very bonded to their --

THE COURT: Okay.

MS. CALVERT: -- foster parents.

THE COURT: Okay. Ms. Honodel, as far as Samantha, she's opposed to this?

MS. HONODEL: She is, Your Honor, and here's why. This petition was filed back in March of last year. We've had five settings. And when I went through the minutes from both the D case and the J case, we've talked about this on no less than seven occasions. And Samantha's the lead witness in this case because she's the main victim. And so we've been talking about this trial and it has hung over her head her entire

senior year. She is getting ready to graduate. She turns 18 on July 6th. She's out of here. She wants -- I mean, she has been so affected by this case that her plans are currently to do AB 350 and join the US army. She wants to go in as soon as she hits 18.

So she just wants to get it done. She's been saying that sin -- to me since it was set originally in August of last year before her senior year started. And there have been litany of reasons why we haven't gone forward. We've wanted more than two days, we have worked around Counsel's calendar, there had been surgeries, we wanted to do guardianship with the grandfather.

THE COURT: Right.

MS. HONODEL: I went through and read through all the minutes.

THE COURT: Right, right. I --

MS. HONODEL: And -- and --

THE COURT: Right.

MS. HONODEL: -- so I have a concern that we're again talking about days and consecutive days. And I know how this Court's calendar works and we it --

THE COURT: You never --

MS. HONODEL: -- it's just impossible.

THE COURT: That was my next -- my next issue is the

days. I want to talk about the kids and the guardianship issue. The days with -- I believe it's -- at least I know you two because last time the -- both Counsels have -- I'm -- if I'm not mistaken, federal habeas -- there's all kinds of criminal stuff that was going on.

You'll never be able to get two weeks straight in -- in this court. It's just not possible unless we went out really far where there's noting set because there's always going be stacks of three in the near future on the days that -- and that's why I -- I don't know why this -- well, I -- I think I -- I have a reason I -- I know that you guys wanted this Court to hear it with the understanding that you didn't want a senior judge who has all the time in the world to have seven days that can go back to back.

So unless someone's going take my calendar for me, I can tell you when -- just for the record, when we have consecutive days that are not -- I mean, all the way through August I have trials that are set on part of the weeks and there's two and three. So even if I just set one to another day, there are still two behind it.

So I have, as far as availability where it's somewhat in a small amount of time, you're talking -- and you really have 40 witnesses? You're all going call your -- I mean --

MS. HANRAHAN: Your Honor, I'm trying to pair my witness list down and some of it will depend on, you know -- we haven't pre-trialed all the kids yet. We're going look at -- you know, there -- there's probably a couple of witnesses already that I've identified I probably don't have to have.

THE COURT: I mean, if the --

MS. HANRAHAN: I'd like to have them on, you know -- on standby in case I think I do, but I'm -- I'm pretty sure some of the witnesses I'm not going need. But -- so I could probably shorten my time frame a little bit. And then one thing I would ask to consider too is maybe preserving Sam's testimony before she leaves and --

THE COURT: Well I was going say this.

MS. HANRAHAN: -- let her get that over with. I mean --

THE COURT: You know, I don't know what's best for the children right now. I really -- I don't know how this case is going go, I really don't, because everyone said in -- in front of Hearing -- or Judge Hoskins said that -- that I -- there's all substantive -- these are not sub -- what we've had in this case hasn't been that substantive considering what I hear usually. It's been a lot of procedural stuff.

So I'm -- I'm more than happy to hear this case, obviously it was assigned to me, but I don't -- 40 witnesses

is -- is a lot of witnesses if they go forward and it's going to be a long couple weeks.

I can tell you on Tuesdays and Wednesdays -- those are blocked with, you know, 30 hearings on those days each, so I can't move those. What I -- I -- my -- so my point is as far as the guardianship goes, I don't have -- there's no preference right now. If -- I want the kids to have permanency whether that be through guardianship, through their parents, through whatever the case resol -- turns out to be in the TPR.

But because it's all kind of speculative, you know, they're not sure if they want to go, the lady's coming out for the graduation soon, I think the best thing to do is -- because you're not going get -- you're not going get three days done in three days even if we went to trial on Thursday. But I think for the sake of this case and getting it forward, moving it forward, because that's what we need to do, and I agree, there -- I know exactly what you're talking about, Ms. Honodel.

All those reasons and they were all legitimate at the time not knowing that this case -- I think the grandfather -- we were hoping that that would make the kids have some permanency and it obviously didn't turn out well, that we at least start with -- I mean, I can't tell you how to put on

your witnesses, but if Samantha's flying the coop in July, which is right around the corner, that we at least start with her testimony on Thursday and I can -- you know?

MS. HANRAHAN: She can't do Thursday. We had the kids coming Friday. It's -- Samantha's --

THE COURT: Okay.

MS. HANRAHAN: -- got finals all this week --

THE COURT: Okay.

MS. HANRAHAN: -- and she's got graduation early next week. So couldn't have come at a worse time, but she is anxious to get it over.

MR. GOWDEY: I just want to address one issue and that is Samantha turns 18 I believe in July. And we were talking about her joining -- joining the military. And it was -- the question was asked whether -- whether Ms. Lawrence would be willing to -- to surrender her parental rights as to Samantha so that she could basically I guess either be emancipated or have DFS facilitate the -- the entry into the military.

Given that it's two months, I don't know that that's going to be much of an issue as far as -- as far as Ms. Lawrence is concerned.

THE COURT: Her -- her permanency may not be an issue --

MS. HANRAHAN: But --

THE COURT: -- because she'll be an adult in couple months.

MS. HANRAHAN: Right. Right.

THE COURT: And I don't think the -- I don't -- I believe -- is it true that -- you're not -- I'm not --

MS. HANRAHAN: She'd still be a witness, so --

THE COURT: Correct. That is correct but I believe -- is it true that you're not asking that her rights be terminated? It's the three younger children?

MS. HANRAHAN: No, they're all on the --

THE COURT: Okay.

MS. HANRAHAN: -- petition, so --

THE COURT: Okay. Because I read something somewhere. I'll tell you what I read. Well, at this point, it doesn't matter as long as that's the case.

MS. HANRAHAN: Yeah, I mean, it's been kind of back and forth. You know, she wasn't sure, but I -- you know, the permanency plan for her was other planned permanency no matter what --

THE COURT: Okay.

MS. HANRAHAN: -- because she wasn't going be adopted.

THE COURT: Okay. I don't know why so soon. Okay.

MS. HANRAHAN: But she would still --

THE COURT: But she's a witness.

MS. HANRAHAN: -- be a witness so that's --

THE COURT: So that's why --

MS. HANRAHAN: -- that's --

THE COURT: -- she needs to be able to be heard before --

MS. HANRAHAN: And I mean, we can bring --

THE COURT: -- the trial.

MS. HANRAHAN: -- her back, but you know --

THE COURT: Well --

MS. HANRAHAN: -- there's --

THE COURT: -- you can --

MS. HANRAHAN: -- I know --

THE COURT: -- but once --

MS. HANRAHAN: -- it'll be difficult.

THE COURT: -- you're in the military, you're going to -- the -- I think we have to go, you know, by what they tell us. You know, her -- their --

MS. HANRAHAN: Well, right.

THE COURT: -- their timing --

MS. HANRAHAN: Then she's in the army.

THE COURT: -- their timing is more out there than

mine. So my concern is this. If the guardianship doesn't go through, the kids don't -- you know, that's not something that -- that meshes with them, we're just continuing this trial again, which -- which we may have to do, but just because of the time. How long is your testimony with Samantha going -- going to be? I mean, you're talking a full day, a good portion of the day?

MS. DORMAN: I couldn't even begin to guess what cross examination would be.

THE COURT: Okay.

MS. DORMAN: So I would say half a day.

THE COURT: Well, I would say this. Because she's leaving, I think you have to have her -- you can't prejudice the -- this trial. If the guardianship goes through, then you've taken her testimony -- I mean, at that point, is to have her testify I guess on that -- at 10:00 o'clock on that Friday at least for that purpose. And then I can give you a -- a bulk of time.

I can also -- we can also start Thursday, Friday, and the next Tuesday, but you're not going finish then. So I need to give you more time either way. So the question is do we have her testify and -- one witness and then push everything off for -- to A, see if the guardianship goes through, see what the kids think, and B -- and get a -- a bulk

of time together. Because you'd have three days in the next two weeks and then not again until August or we have Samantha testify, and only her, and then do everything else so it's not so choppy. It gets bad when it's choppy.

MS. HANRAHAN: Right --

THE COURT: Months --

MS. HANRAHAN: -- and honestly --

THE COURT: It does.

(COUNSEL CONFER BRIEFLY)

MS. HANRAHAN: And I guess another thought not along those lines would be if we can -- you know, we don't know when she's leaving or how that's going work. If she could just -- if she -- if it looks like she is going leave, can we set it to have her come in? I mean, that -- and spare her coming this week when she's trying to do finals --

THE COURT: Right, I mean --

MS. HANRAHAN: -- and graduate just so we do get her tes -- but -- but the problem is, Judge, I mean, she may have to be recalled. She -- I don't know. I don't know if that's such a good idea, but --

THE COURT: So do we start it sooner or later? Because --

MS. HANRAHAN: What do you have? Like --

THE COURT: -- at some point it's not going finish.

If I -- okay. So either way, we can go Thursday, Friday next -- the 20 -- oh sorry, I'm in August. The next -- I think it was the next Thursday we have you. So we can start those, but you might get through, I mean, realistically, four witnesses. And we still have 40 minus four so we still have 36 more to go give or take --

MS. HANRAHAN: Right --

THE COURT: -- obviously.

MS. HANRAHAN: And -- and if, you know -- starting at 10:00 on Friday, I don't know that we'd be done with Sam in time for Mr. Gowdey to go to --

THE COURT: Right, I don't know. But I don't want her -- I want her to leave to go off on her path. It's not her fault that this has been continued, you know, so many times. I want her to -- I mean, she's entitled to -- to have freedom to be able to go live her life and not be on the -- in the back of her mind because of -- now the aunt wants the children or she can't take the children, which is fine. I mean, I'm not saying there's anything wrong with that, but again, it's -- it is what it is and we have to deal with the facts as we get them and she shouldn't have to be penalized any longer and have to have this weigh over her head. So --

MR. DRASKOVICH: So is Your Honor contemplating setting this -- the hearing concerning Samantha for next

Thursday?

THE COURT: Well, if she wants to be heard and start clean, she -- there's always a possibility she may be recalled. Again, I don't know. There -- but there -- she may not be.

MS. HONODEL: No, and then -- and then she goes to Camp HerShe, that mentorship camp, June 5th to the 12th and I've got personally backed up behind that. So --

MS. HANRAHAN: Well --

MS. HONODEL: -- she has told me -- instructed me that she is -- she's tired of having this over her head. She knows that she's the main witness behind her parents. And she is one -- she's -- she -- she has been opposing the prior continuances to a limited extent. So when I told her in March that this was a firm setting, she was somewhat relieved. We scheduled her testimony tentatively --

THE COURT: I mean, it is --

MS. HONODEL: -- for Friday --

THE COURT: -- a firm setting --

MS. HONODEL: -- because there's no school.

THE COURT: -- as far as at least starting the case. We won't -- I mean, you know, if we didn't have so many witnesses, you know, it could be finished, but it's -- obviously, it's not. So I have no problem starting it and if

it goes another route, then at least her part's over.

MS. DORMAN: But she can't testify on Thursday because she has finals. So we would literally have Friday from 10:00 to 2:00. And I'm sure not until 2:00, because Mr. Gowdey would want to be on time to federal court.

MR. GOWDEY: I would need to be on time for federal court.

MS. DORMAN: Yeah, I was going say just the two times I've been there, it's not an -- an experience I want to repeat, but --

MR. GOWDEY: That's right.

MS. DORMAN: So --

THE COURT: What about that 2nd, the June 2nd? At least start the first day.

MR. GOWDEY: Is that next Thursday?

MR. DRASKOVICH: It's next Thursday.

THE COURT: It is.

MS. CALVERT: Yeah, it is.

MR. GOWDEY: We had that -- we had that blocked off. I mean, that -- I -- I don't mind doing it next Thursday.

THE COURT: I mean, at least for her testimony so she can go off --

MR. GOWDEY: Yeah.

THE COURT: -- to wherever she's going, whatever

state she's moving to and at least she can be done with that part.

MR. GOWDEY: Let me ask you, Judge, what's going to happen when -- if she needs to be recalled and she's unavailable?

THE COURT: Well, if she's --

MR. GOWDEY: If she goes into the --

THE COURT: -- in the military --

MR. GOWDEY: -- into boot camp, into the military and they refuse to release her.

THE COURT: Well, that's -- I mean, the whole point of it is -- is if we never start and she's -- I don't know. She -- if the Soldiers -- Sol -- the --

MR. GOWDEY: That's -- that's what I wanted to know.

MR. DRASKOVICH: We'll -- we'll cross that bridge --

THE COURT: -- the Sailor and Soldier Act applies --

MR. DRASKOVICH: -- hopefully then.

THE COURT: -- and she's protected, you know, as of the Sailor and Soldiers Act. So I don't know. And if we don't start and she doesn't get called in the first place, she can be gone for years. I mean, I don't know what her plans are. I don't know. That's -- it's out of my control if -- I mean, the federal -- that federal provision overrides this Court. I -- I don't know. I don't know.

Can they make -- can you make her come back? She's protected if she's truly in the military. So that's why you're going want to ask her any questions that you possibly think need to be asked while you have her and get all the --

MS. DORMAN: That's really -- that's really not how the military operates. I mean, we've seen them restrict access during the time that they're in boot camp, but that's not --

THE COURT: Right.

MS. DORMAN: -- how they operate.

THE COURT: But I don't know where --

MS. DORMAN: They -- they always --

THE COURT: -- she's going, I don't know what she's doing, I don't know if she's in -- in -- I don't know what -- I mean, what is she -- she's in boot camp and then there's --

MS. HONODEL: Six weeks.

THE COURT: Okay. Yeah, I -- you know, I don't -- I don't know anything about it except us hearing that for the first time that she wants to join the military. I don't know if they have her in special -- I don't know. I guess at that point, we can figure it out as a recall.

Is there any problem with starting for her testimony? Otherwise, we set this out -- I would say realistically an eight day -- eight days is realistic, I

think. Maybe it'll be done sooner, maybe you'll need an extra day, I don't know, but I'm -- I'm contemplating even if you have half the witnesses you say you have, which is 20 -- or I think you have 38, so say, you know, 19, it's going take at least that.

MS. HANRAHAN: When -- when would you have that -- or when -- could you get a senior judge to cover your calendar during that time or -- I don't know.

THE COURT: Or you can get a senior judge to hear the trial. No, I'm kidding. I -- no. I mean, you need -- obviously we need a senior judge.

MR. GOWDEY: You try to bit off this trial.

THE COURT: No, no. And realistically, you're asking for eight days. And so I can try to get a senior judge to -- to hear -- to hear my cases. Yeah, it's a matter of when they're available, I don't know, summertime. I can find out if they can hear my cases, but I can tell you as far as me. My -- my availability that I can hear the cases without having to move anything is starting -- August 18th is where trials have not been set yet. Everything up to that is pretty -- pretty hairy if you want back to back. I can give you like Monday, Wednes -- Monday, Thursday, Fridays, Monday, Thursday, Fridays. I can try to get seniors for those Tuesdays and Wednesdays. I can do that.

MS. HANRAHAN: Well I mean, yeah. It doesn't have to be consecutive like that. If you want to do Monday, Thursday, Friday, I -- I think, you know, realistically, if we start the trial now, it's going drib and drab out over the summer until it's -- not over till August anyway. So -- so if -- if you can do that, that would be great, but --

THE COURT: With the understanding that Samantha testifies before she leaves on that Thur -- this coming week from Thursday?

MR. DRASKOVICH: We're set at 11:00 o'clock, aren't we?

MS. HONODEL: Yeah, because that's --

THE COURT: We're set at 11:00.

MS. HONODEL: -- that's --

MR. DRASKOVICH: Okay.

MS. HONODEL: You know, I still don't know that that solves the problem, because you -- we start at 11:00 o'clock on the 2nd. That's the day after Samantha's graduation. My understanding is family is coming into town. I -- I think she is mentally prepped for doing it this Friday. She has no school, she'll be done with her finals, she's doing her senior checkout card, and it's a difference of maybe an hour and a half if -- when you add in lunch. So I don't know that that fixes the problem by kicking it to the 2nd --

THE COURT: Okay.

MS. HONODEL: -- quite frankly. And I didn't get her okay to -- for that day. She is ready to go on a --

MR. GOWDEY: I -- I don't believe we're going to be able to do it this Friday. I -- I anticipate that the cross examination is going to be rather lengthy given that there are allegations of around 10 prior incidents and I do have to be, you know, out of here by 1:30 at the very latest.

THE COURT: Okay. Well, all I know is I'm ready for today, I'm ready for Thursday, I'm ready for Friday, I'm ready for next Thursday. You know --

MR. GOWDEY: From our pers -- I'm sorry, go ahead.

MS. HANRAHAN: Can we keep next Thursday and then let you talk to Sam?

THE COURT: Right, but that's the day that --

MS. HANRAHAN: And then also get those later dates or --

THE COURT: Well why don't you do this? If you -- why don't you start with the Friday that she expects to testify that was set to be on calendar. And then when you leave, we'll at least get a good portion in and then I guess, you know, so she doesn't have to be here the next Thursday after her graduation, I mean, at some point, I -- doesn't matter to me. I'm -- it's on for calendar for all those days.

So I have you scheduled for those three days, whatever works. It just needs to -- I mean --

MS. HANRAHAN: I don't know. I think we --

THE COURT: Because my concern is this.

MS. HANRAHAN: -- we le --

THE COURT: If you start on --

MS. HANRAHAN: -- we leave --

THE COURT: If you start on -- on Friday, you're not going finish on Friday, so she's going have to come back. So would you rather finish her on Thursday the --

MS. HANRAHAN: Yeah, I --

THE COURT: Or would you rather --

MS. HANRAHAN: I feel like now it's --

THE COURT: -- have her come back from --

MS. HANRAHAN: -- hanging over her -- through her graduation and I think her thing with Friday was it's -- it's a really bad time in her life to have to do this but, you know --

THE COURT: How did we pick that date then?

MS. HANRAHAN: -- it was going be over and --

THE COURT: I mean, I don't know why I picked that date. I -- at the time, I wasn't thinking graduation. I was just trying to get dates.

MS. HANRAHAN: Yeah, well -- or unless we can --

THE COURT: And we picked it.

MS. HANRAHAN: -- get a date --

THE COURT: So what does she have --

MS. HANRAHAN: -- after she comes back.

THE COURT: -- on the sec --

(COUNSEL CONFER BRIEFLY)

THE COURT: Wait, and she's leaving when did you say?

MS. HONODEL: She's out for camp from June 5th to June 12th. I had planned on this trial going firm, so I've made family --

THE COURT: Yeah, I --

MS. HONODEL: -- arrangements to be out of town right after on, you know, the evening of the 3rd. And I'm not -- I'm gone for two weeks.

THE COURT: She's leaving June 5th you said?

MS. HONODEL: June 5th through June 12th she's out of state. She will be at Camp HerShe.

THE COURT: And she's coming back though after the 12th?

MS. HONODEL: She will be back I believe on the 13th --

THE COURT: Okay.

MS. HONODEL: -- but I will be out of the jurisdiction.

THE COURT: Okay. And then how long is she gone for? And when does she go back again?

MS. HONODEL: She wants to be out of here on July 6th. She want -- I mean, she would like to sign the papers and leave on her birthday, if possible.

MR. GOWDEY: We got a 10 day window between the time Ms. Honodel comes back and the time Samantha's supposed --

THE COURT: Why is there nothing on the 28th? That's odd.

(COURT AND CLERK CONFER BRIEFLY)

(COUNSEL CONFER BRIEFLY)

THE COURT: You know, I say that -- well, again, what's the opposition of starting with her on the -- the date she think's she's coming? Besides the fact that --

MS. HANRAHAN: Just --

THE COURT: -- Counsel has to leave at --

MS. HANRAHAN: But if we don't get finished, she's got to go through graduation with that hanging over her head.

THE COURT: Then you said you can't -- you can't do her on the Thursday either?

MS. HANRAHAN: Well --

THE COURT: Why can't you do the 26th?

MS. HONODEL: She has finals.

MS. HANRAHAN: No, she -- oh the 26th.

MS. HONODEL: On the 26th --

MS. HANRAHAN: Yeah.

MS. HONODEL: -- she's --

MS. HANRAHAN: The 26th --

MS. HONODEL: -- she's --

MS. HANRAHAN: -- she's got finals.

MS. HONODEL: -- got finals.

THE COURT: What time?

MS. TALLENT: They're doing a lot of the graduation -- signing --

THE COURT: Activities?

MS. TALLENT: -- stuff --

THE COURT: Yeah. Yeah.

MS. TALLENT: -- getting activities, so it's --

THE COURT: Yeah, I'm -- I didn't realize when we picked this date that there -- the final that -- I didn't know. I mean --

MR. GOWDEY: Bad date all the way around.

THE COURT: What?

MR. GOWDEY: Bad date all the way around.

THE COURT: Right, and -- and I -- and I get that --

that -- so -- so then do we push it off until after she gets back, you know, in -- in August? Because the -- and the whole point was is that she doesn't want this over her head. I can't blame her. It's not her fault this has been continued so many times.

Ms. Honodel, where do you believe is -- is the best to have your client testify since she'll be the only testifying in the very beginning of this -- of this case? So then everything else can be pushed back for more consistent days. We don't want her to miss her graduation stuff. That's not -- that's -- she looks forward to that.

MS. HANRAHAN: I --

MS. HONODEL: I --

MS. HANRAHAN: And for the record, I did not want to start my trial with her testimony; however, you know, for Sam's sake, I'd --

THE COURT: Right.

MS. HANRAHAN: -- I'd be willing to do it.

THE COURT: I mean, that's the thing.

MS. HANRAHAN: It's just not --

THE COURT: It's -- I -- I know there's no -- there's no ans -- there's no good answers to this.

MS. HANRAHAN: Right, there isn't.

MS. HONODEL: I don't -- you know, without talking

to her, I don't know; however, I can't imagine -- like her options are start Friday on the day she expected to do and potentially having it going on Thursday after she graduates or just have the entire thing hang over her head after she graduates or have it hang over her head for the next two, three months.

THE COURT: Right.

MS. HONODEL: It -- I -- I -- there's no good choice.

THE COURT: I know. There's no good choice.

MS. HONODEL: There's no good choice. And -- and I think for -- for purposes of, you know, making the most valuable use of the Court's time and hers, I think it would be a better idea to start on Friday and use the following Thursday if need be because it could be more than six hours and then we're -- we're having her come back after --

THE COURT: Let me ask you this.

MS. HONODEL: -- in the fall.

THE COURT: Do you want to -- do you want to start with that? And if -- if Samantha is -- is not -- is not okay with that, in other words, she's like I don't even care anymore and she doesn't, then -- then that -- then it's okay. Then it's not as urgent, because we continue this whole thing out. It's mostly I'm doing this for her because that's when

she was expected to -- to testify. But we gotta go -- I mean, she was, you know -- but for that --

MS. HANRAHAN: There's no way we can start earlier on Friday then just to get it done?

THE COURT: Well, that's -- let me see what I have. That's a -- where is she on Friday morning?

MS. HONODEL: She would be here. She was planning on being here all day Friday.

THE COURT: Okay. So let me see on Fridays. Yeah, we can. I mean, I'll get here at 8:00 if you want. I don't care. I mean, I have two other trials, but obviously they're not going. This takes preference. So yeah, tell me. I'll -- I'll find someone to do my PPHs. How -- how early do you want to come? I'm fine with that. Whatever's necessary to -- to --

(COUNSEL CONFER BRIEFLY)

MR. GOWDEY: I've got -- I've got three appearances Friday morning in district court and justice court. I do know -- I'm not saying they're going be long, but I'm just letting the Court --

THE COURT: Well, I know.

MR. GOWDEY: -- know that that's --

THE COURT: But we have to start this trial, because there's just way too many attorneys involved and there's way

too many days and, you know, I have deadlines that I have to -- I have to make. And -- and we -- you know, the guardianship was a good reason to continue it, but at some point something has to -- someone has -- something has to give. You know, I understand that if you have stuff in the morning because it's 10:00 o'clock in the morning. I mean, we set this for 10:00 and you have to leave. Yeah.

MR. GOWDEY: Oh, I'm -- yeah, you're right. And we set her for 10:00, right. And I -- I've got 8:00 o'clock appearances --

THE COURT: Okay.

MR. GOWDEY: -- so --

THE COURT: So -- and then what do you have at 1:00 again? It's something in federal court?

MR. GOWDEY: At 2:00 o'clock.

THE COURT: At 2:00 o'clock.

MR. GOWDEY: Yeah.

THE COURT: Do you have anyone that can cover --

MR. GOWDEY: No, not --

THE COURT: -- for one of --

MR. GOWDEY: -- that -- that's -- that's --

THE COURT: -- the other cases? Because this is a firm date.

MS. HONODEL: Right.

THE COURT: You know.

MS. HONODEL: Your Honor, just -- just for the record, I -- you know, she's -- she has a study hall and a limited schedule right now this week and I texted her. She wants to start this Friday. She wants it over with --

THE COURT: Okay.

MS. HONODEL: -- is what she's saying.

THE COURT: Okay.

MS. HONODEL: And I warned her that she would probably roll over to the Thursday on June 6th and she says this Friday, I want this over with.

MR. GOWDEY: Then let's go --

MS. TALLENT: June 2nd.

MR. GOWDEY: -- 10:00 o'clock Friday --

MS. HANRAHAN: June 2nd.

MR. GOWDEY: -- morning.

MS. HANRAHAN: Not 6.

MS. TALLENT: June 2nd.

THE COURT: All right. We'll start --

MS. HONODEL: Yeah, that's what I meant.

THE COURT: -- at 10:00 o'clock Friday morning because that's the time we -- we stated and we're just going have to -- you have to finish your testimony. I mean, you know, at this point, I can't -- I -- I don't know what else I

can do, because there's just too many down the road speculative dates. And what happens when we set another time in -- in three months and something else is going happen? We need to have this, she's leaving, she's going be 18, she needs to be heard.

You know, obviously it's not a witness that you cannot go with. It's not cumulative evidence like a character witness, it's somebody that needs to be here. So tell her we'll start at 10:00 o'clock. Everyone get here, you know, at 10:00 so we're not trailing this and getting here at 10:45. And we'll stop -- start promptly at 10:00. All right. And then --

MS. HANRAHAN: Is this the start of the trial though? I mean, about my opening statement and stuff. The --

THE COURT: I don't know what to do.

MS. HANRAHAN: I mean, you're going --

THE COURT: I don't know what to do.

MS. HONODEL: I -- I --

THE COURT: I -- I don't.

MR. GOWDEY: Here -- here's my -- here's my con -- my only concern with splitting her test -- I --

THE COURT: Then start your opening on 11:00 o'clock on Thursday. No? We can do Thursday at 11:00. I get it. That makes sense to have your opening statements. I -- I get

that. I'm trying to deal with a lot of juggling. Why not Thursday at 11:00 just start with the opening then?

So you'll do opening and Samantha and we'll continue this out. She'll do her thing, she'll be 18, she'll -- she'll be done at least for the time being and then we'll figure out the guardianship. We'll give you dates regardless. The guardianship goes through, then you vacate the other dates. And if they -- doesn't go through, then those dates are set for -- and for -- for affirmative trial. Do you want to do openings on Thursday as -- as -- because everyone here is available on Thursday, right?

MS. HONODEL: Yes, Your Honor.

THE COURT: Does that work? You have all day -- I mean, you have plenty of time to do opening.

MS. HANRAHAN: Well, we can do that.

MR. GOWDEY: Can -- can we just -- can we just preserve her testimony without actually starting the trial?

MS. HANRAHAN: I mean, that's fine too. That's what --

MR. GOWDEY: I mean I would pre -- I would prefer it that way and then coming in doing openings and then three months -- two or three months later, picking up a trial again.

THE COURT: Does anyone have any objection to that?

MR. DRASKOVICH: I have no objection to it.

MS. HONODEL: No.

THE COURT: This side?

MS. HANRAHAN: No, no.

THE COURT: Okay. You're good?

MS. DORMAN: Yeah, Your Honor.

THE COURT: Okay. All right. So we'll have her testimony at 10:00 o'clock on the 27th of May, this Friday at 10:00.

MS. HANRAHAN: Just --

THE COURT: And then we'll continue everything out --

MS. HANRAHAN: Well, I mean there's just no way we can start earlier on Friday?

MR. GOWDEY: I mean, I can try and get here earlier, but -- but I -- I can't -- I can't guarantee that I'm going be able to be here by 9:00 o'clock. I have a 9:00 o'clock appearance in district court. And -- and I can ask for preference and probably be out of there in 15 minutes, but I still got to get over here --

THE COURT: Right.

MR. GOWDEY: -- from district court, so 10:00 o'clock is realistically probably the earliest we would start.

THE COURT: Well, this is, you know, set at 10:00, so 10:00 o'clock is -- is appropriate and -- but we need to

finish her up so she can go. And -- and far as where she's going, you may be able to get her back from -- where did you say she was? Hershey (sic), Pennsylvania?

MS. HONODEL: Well, Camp -- well, she's going to Camp HerShe, which is in Malibu, California from the 5th to the 12th.

THE COURT: Okay.

MS. HONODEL: That's why --

THE COURT: Okay.

MS. HONODEL: -- we can't just bump it a week or whatever --

THE COURT: Right.

MS. HONODEL: -- the case may be for preserving her testimony.

THE COURT: Okay. So we'll -- we'll get it done on -- on Friday. And I'll vacate my other cases somehow. I'll them to come early and I'll -- and I'll give them new dates so we can start exactly at 10:00. Okay?

MR. DRASKOVICH: Okay. We'll be here --

MS. HONODEL: All right.

MR. DRASKOVICH: -- Friday at 10:00.

MS. HONODEL: Thank you, Your Honor.

THE COURT: Thank you.

MR. DRASKOVICH: Thank you.

MS. HANRAHAN: Wait, don't we have a date for the trial?

MS. TALLENT: Yeah.

THE COURT: Well at this point --

MS. HANRAHAN: I mean --

THE COURT: I mean, I think on Friday we can get some dates and just give them to you. But why don't you do this? Why don't you go through your calendars so we're not sitting here for hours and let me know that there's, you know, no death penalty cases that are, you know, that are set in stone there.

And if there are, we'll have a -- a slew of dates ready and available absent someone telling us for good reason that you have something that's, you know, obviously more -- set out further. How's that?

MR. DRASKOVICH: All right.

THE COURT: Okay. But we're talking -- honestly, around the end of August is the first day. So look at your calendars because you may say oh, I'm out of town that day, you know, and then one of -- and -- and then obviously we need some -- so I could figure out a day to replace that. But look through your calendars starting at the end August -- is a fair start to a consecutive, consistent time frame.

MS. HANRAHAN: Okay. Thanks, Judge.

THE COURT: All right.

MS., HONODEL: Thank Your Honor.

MS. CALVERT: Thank Your Honor.

MR. GOWDEY: Thank you, Your Honor.

THE COURT: Thank you.

(PROCEEDINGS CONCLUDED AT 12:18:18)

* * * * * *

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

Adrian Medrano

Adrian N. Medrano

TRANS

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CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS OF: SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN, WYATT BROWN, Minors.	CASE NO. D-15-510922-R DEPT. E/K

BEFORE THE HONORABLE CYNTHIA GIULIANI
DISTRICT COURT JUDGE

TRANSCRIPT RE: TRIAL

FRIDAY, MAY 27, 2016

APPEARANCES:

For the State of Nevada:	JANNE HANRAHAN, ESQ. AMITY DORMAN, ESQ. 8th Judicial District Court Family Division 601 N. Pecos Las Vegas, Nevada 89101 (702) 455-3794
For the Respondent Mother:	MICHAEL GOWDEY, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 471-0321
For the Minors Heidi Brown, Nikki Brown, and Wyatt Brown:	LAUREN CALVERT, ESQ. CAP Attorney 1220 Arizona St. Boulder City, Nevada 89005 (702) 292-3164
For the Minor Samantha Lawrence:	AMY HONODEL, ESQ. CAP Attorney 725 E. Charleston Blvd. Las Vegas, Nevada 89104 (702) 386-1070
Also Present:	MARYTE TALLENT Department of Family Services

LAS VEGAS, NEVADA FRIDAY, MAY 27, 2016

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 10:08:25)

THE COURT: All right. This is case D-510944 in the matter of Melissa Lawrence and Donald Brown. I'll let everyone state their appearances.

MS. DORMAN: Good morning, Your Honor. Amity Dorman, Chief Deputy District Attorney, bar number 9316, here -- here on behalf of the Department.

THE COURT: Thank you.

MS. TALLENT: Maryte Tallent, Department of Family Services.

MS HANRAHAN: Janne Hanrahan for the District Attorney's Office.

MS. HONODEL: Good morning, Your Honor. Amy Honodel, bar number 7755. I'm the CAP attorney for Samantha Lawrence.

THE COURT: Okay.

MR. GOWDEY: Good morning, Your Honor. Michael Gowdey, bar number 6994, I am the attorney for Melissa Lawrence. Ms. Lawrence and Mr. Brown are actually outside.

THE COURT: Okay.

MR. GOWDEY: Just to let the Court know. I'm also

be standing in for Mr. Draskovich who I'm sure the Court is aware now is -- is having a medical issue right now.

THE COURT: Okay.

MS. CALVERT: Lauren Calvert, bar number 10534, CAP attorney for Heidi, Nikki, and Wyatt Brown.

THE COURT: Thank you so much. All right. So I guess there was -- yesterday this -- today wanted to be taken off calendar and unless there's a stipulation from all parties, all attorneys, I can't just take anything off calendar. So I came here today not knowing what was going to happen.

MR. GOWDEY: I can -- I -- I can fill the Court in on Mr. Draskovich's medical condition. I have brought -- they sent over some paperwork and he is right at this point now undergoing an MRI with contrast. He has a collapsed disc in his neck. It -- he's -- he's been battling this for several years. There are --

THE COURT: Okay.

MR. GOWDEY: -- times it's worse, sometimes it's better. Yesterday, he came into the office and wasn't able to lift his right arm. He was deathly pale, so we was encouraged by all of us to go and seek medical attention.

THE COURT: Okay. All right. So we need him -- I -- we need him. He's the father -- or the attorney for the

father in this case. He's a very -- I don't know that I can go start a trial, although with -- without Mr. Brown having Counsel today. So the question is what do we do? Is your client here?

MS. HONODEL: She is not, Your Honor. We talked about this at length yesterday and -- oh, gosh. While I cannot -- I don't have permission to agree to move it. I -- I recognize that would probably be a violation of Mr. Brown's fundamental rights not to have his attorney here when we start the examination of this witness. So I can't stipulate, but I'm expecting the Court to overrule my objection to continuance and set it for the 2nd. So I told her not to show up.

THE COURT: The 2nd, which is Thursday?

MS. HONODEL: The -- the Thursday that we had talked about previously.

MR. GOWDEY: Right, and -- and at this point, I anticipate that Mr. Draskovich will be well enough to --

THE COURT: Okay. So this is --

MR. GOWDEY: -- be here on --

THE COURT: This is what I have to order. I have to order that this case under no circumstances continue to Thursday. If one of the attorneys, whether it's Ms. Hanrahan, Ms. Honodel, Mr. Gowdey, Ms. -- anyone, Ms.

Calvert, anyone can't be here on that Thursday, you need to have someone come in for you because I cannot -- I will go forward on Thursday. I -- and I think the Supreme Court would back me on this, because at the end of the day, what I understand today under -- under all the circumstances, you have a week to find other -- prep your -- another counsel, prep somebody else in your office, find somebody to help you.

I need to have -- someone can sit in and ask the right questions. I need to go forward on that Thursday. So I will go forward on that Thursday. Your client -- she's -- I mean, obviously your client will be here on Thursday.

MS. HONODEL: She will be here, Your Honor.

THE COURT: And we are going. I'm going to court -- I'm -- we're going to trial on Thursday. With all the other issues that were brought up with the guardianship and all that stuff, I think we talked about preserving Samantha's testimony, and that's fine, but she -- I need that -- this trial to start.

MS HANRAHAN: So -- oh.

THE COURT: Okay.

MS HANRAHAN: Okay. So that -- Your Honor, what I was going to request is that because we had talked about -- this was going to be preserving Samantha's testimony. So I

would request that we take -- we're set to start at 11:00 o'clock on Thursday. I don't know how long Samantha's testimony would take. I wouldn't anticipate she would have to be up there suffering for too much more than four or five hours, but I would request that we -- at -- at the most, I would request that we set it up, if the Court can at all, that we stay here until it's done, if it's 9:00 o'clock at night, so she doesn't have to come back again.

MS. DORMAN: There is no day -

MS HANRAHAN: And --

MS. DORMAN: -- set for her to come back.

THE COURT: Well, we --

MS HANRAHAN: Any --

THE COURT: Yeah.

MS HANRAHAN: Even if there was, I mean, this shouldn't be --

THE COURT: Because then I think about if -- you know, if these witnesses I think on your side, you're calling witnesses from out of state. It goes both ways. Just because she's in state doesn't mean, you know, she -- all -- every witness preps for trial at some point. And the fact is is that while she is an older child, she's still a child. I do not want to go past her birthday in -- in July, I know it's coming up, where she's 18.

So we need to continue. I can actually move up the time if you want to start earlier so you don't have to stay here later at night, I don't think anyone wants to have to, if you would be here at 9:00 o'clock at night. If you don't -- I mean, I'm not saying it's going to go to 9:00, but I would be happy to move up the time and start earlier.

MS HANRAHAN: That would be great just so we can make sure --

MR. GOWDEY: I'm happy to do that. I want to let the Court know with respect to staying here until 9:00 o'clock at night, I co -- I -- I manage a little league team, my little league team. I know this is peripheral, but we made the Tournament of Champions and the Tournament of Champions stretches all next week.

So -- so I can't stay here until 9:00 o'clock at night. I don't know if we're playing on Wednesday or Thursday. If we're playing on Wednesday, obviously that's not an issue. If we're playing on Thursday, I do need to be with my little league team after 6:00 o'clock.

THE COURT: Okay.

MS HANRAHAN: And Samantha needs to be at her --

THE COURT: We --

MS HANRAHAN: -- graduation --

THE COURT: Yeah, we --

MS HANRAHAN: -- festivities the next day and the days before, so --

THE COURT: Right. So everyone has something. I -- believe me, I get it, but we need to have -- that's why I'm -- I'm willing to work my calendar to make this work so we can get here earlier. I have a couple things that I will -- I will figure out to make sure that that happens. I'll do what I need to do. How -- how early can we all be here so we can start instead of -- we can start earlier than -- rather than staying later. I think that's probably the best thing under Court time.

MR. GOWDEY: I believe I can be here by 9:30.

MS. HONODEL: Yeah, no, I'm -- I'm fine with starting at 9:00 o'clock, Your Honor. I was already -- I have 9:00 o'clock hearings that I can get coverage for, so I was already going to be in this building at 9:00 o'clock.

THE COURT: Okay.

MS. HONODEL: So I'm good to start at 9:00 a.m.

MR. GOWDEY: I can start at 9:30. And I can't speak for Mr. Draskovich, but I'm sure he can clear his schedule to -- to comport with that.

THE COURT: Okay. So we'll start at 9:30 and we will continue on her -- her testimony until it's finished on Thursday. I mean, that's the best -- that's all I can do.

Again, this is a court. I have to -- I have to be able to -- to manage this court and I think that absent all the other continuances that there was good cause for that and at some point she needs to go on her way whether she's a witness that's going to out of state or not out of state, she's entitled to the same, you know, the same consideration that -- that everyone is going.

We'll start at 9:30 on the second and we will finish her testimony. I'm going to trial on this case, so if -- if attorney can't be here, find coverage. That's the best thing I can say. All right. We will see you 9:30 on June -- already -- June 2nd, this courtroom, for Samantha's testimony.

MS HANRAHAN: And would you anticipate setting the trial dates then, the continued trial dates at --

THE COURT: Yeah, I mean --

MS HANRAHAN: -- at that time or not today?

THE COURT: I'm -- I would say if we -- well, I don't know Mr. Draskovich's --

MR. GOWDEY: We need Mr. Draskovich here for -- for a schedule.

THE COURT: Yeah, but I mean, I can tell you right now, let's just talk about the dates kind of tentatively. So we have more time now than we do taking up a half an hour

on Thursday. So I'd rather spend the time now, at least preliminary, to get some dates out there.

So why don't everyone but Mr. Draskovich at this point, because he's not here, see how -- as early as -- August 15th is a Monday. August 18th is a Thursday. August 19th is a Friday. August 22nd is a Monday. 25th is a Thursday. So those -- those two weeks -- we can even, you know, go three weeks, the -- the -- starting the second week of August through the first week in September. Those are one, two, three, four, five, six, seven, eight, nine days.

All I can say too in general, I can't tell you how to pick your witnesses because I don't even know who these people are, most of them, except I obviously know the kids are the kids and the caseworkers are the caseworkers. Cumulative evidence is, you know, at that time, if we want to get this trial under control as far as testimony, just remember, you know, cumulative evidence doesn't always help and it's not always necessary as far as relevancy. So just kind of -- when you go through your witness list, just remember that. That's all -- that's all I'm going to say so this doesn't become a 20 day trial.

Okay. So I would say the Mondays, Thursdays, and Fridays starting August 15th. And I can go -- I can keep going. That's the beauty of it is that I can keep going

through this -- the whole month of September. If you want to block out tentatively -- should we start 10 days? Is that what we want to do?

MR. GOWDEY: I have a murder trial starting in the middle of September.

THE COURT: Okay.

MR. GOWDEY: So I'm -- I'm good.

THE COURT: Okay. So August --

MR. GOWDEY: Throughout the dates we've got and another couple of dates, I'm sure I'm fine.

THE COURT: August 15th, August 18th, August 19th, August 22nd, August 25th, August 26th, August 29th, September 1st, September 2nd, I'm just throwing these out. And then that --

MS HANRAHAN: I think -- I think that's --

MR. GOWDEY: That's nine right there. That's --

THE COURT: Okay.

MS HANRAHAN: That's --

MR. GOWDEY: -- probably sufficient.

THE COURT: But you guys, you got -- we thought it was three and look what happened. So I'd rather do a little bit more than -- lets -- lets you on your way --

MS. HANRAHAN: Right.

THE COURT: -- so this doesn't happen again.

Let's do -- just for the sake of it, you don't -- you don't have to show up if there's nothing to show up for. But just for the sake of everyone's calendars, August 8th and August 9th. I think that's good. Okay?

(COUNSEL CONFER BRIEFLY)

THE COURT: If you don't need it, you don't need it.

MS HANRAHAN: Oh, okay. 8th and 9th are -- won't work, because Ms. --

MR. GOWDEY: I'm sorry, is that --

MS. TALLENT: I'm out of town, Your Honor.

MS HANRAHAN: Oh, she's -- she --

MR. GOWDEY: Were we starting August 15th or August 8th?

THE COURT: What does August 8th look like?

MR. GOWDEY: Because you just said August 8th and August 9th and after -- you mean September 8th and 9th?

(COUNSEL CONFER BRIEFLY)

THE COURT: August -- I mean, techni -- All right. August. August. You guys aren't there at all.

MS. DORMAN: If we were following her train of thought, I think she means September.

MS. HONODEL: Yeah, I agree.

MR. GOWDEY: Okay.

MS HANRAHAN: Oh.

MR. GOWDEY: All right. I'm -- I'm assuming you meant to -- to --

THE COURT: August 15th.

MS. DORMAN: Yeah, yeah.

MR. GOWDEY: -- to tack those last two days on the end.

THE COURT: Yeah, August --

MS. DORMAN: Yeah.

THE COURT: -- 15th through -- and then -- but you're going to be here the 8th and 9th. So we can --

MS. HANRAHAN: No, she --

MS. TALLENT: No --

MS. HANRAHAN: -- thought you meant August.

MS. TALLENT: I -- I meant --

MS. DORMAN: She thought you were talking about August.

THE COURT: Sorry, September.

MS. TALLENT: That -- that would be fine, Your Honor.

THE COURT: August 15th through September --

THE CLERK: 9th.

THE COURT: All right. And that is -- that's -- that's a lot of time.

MR. GOWDEY: Okay.

THE COURT: Okay?

MR. GOWDEY: I would ima -- and we'd be starting at 10:00 o'clock or 11:00 o'clock each day?

THE COURT: No, I can tell you. Certain days we start different times. We can start August 15th at 10:00, 10:00. And the Thursdays, just so you know, I do have other cases. I do have adoptions and stuff that have to get done. So I do have stuff set at 10:30s, but on those days -- but I would say let's start on Thursdays. Let me just make sure every day is okay. I have objections on some of those days. I'll figure it out like I always do.

Let's start at -- on -- I usually start at 1:30 and do all my stuff on Thursdays in the morning, but I don't think that in this case 1:30 is going to work. So let's start at 10:30 on Thursdays. I'll figure out what I need to do with those cases and that way, you know, if we need to take a lunch break, we will, you know.

But if I start at 1:30, it's really only a couple -- it's only like three -- three hours. So let's start at 10:30 on Thursdays and 10:00 on those other days, Mondays and Fridays so we get as much complete time as possible. Because 1:30s end up being 2:00 in this court, so we want to start promptly. Okay? Sound good?

MR. GOWDEY: Yep.

MS. HONODEL: Yes, Your Honor.

MS. CALVERT: Thank you, Your Honor.

MS. HANRAHAN: Thank you.

MS. TALLENT: Thank you.

MS. DORMAN: Thank you, Your Honor.

THE COURT: All right then. We'll see you nice and early on Thursday morning, June 2nd. And like I said, this -- this case will go on that day. Thank you.

MS. HONODEL: Thank you, Your Honor.

MS HANRAHAN: Thank you.

(PROCEEDINGS CONCLUDED AT 10:20:45)

* * * * * *

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

Adrian Medrano

Adrian N. Medrano

TRANS

FILED
FEB 21 2017
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS OF: SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN, WYATT BROWN, Minors.	CASE NO. D-15-510922-R DEPT. E/K

BEFORE THE HONORABLE CYNTHIA GIULIANI
DISTRICT COURT JUDGE

TRANSCRIPT RE: TRIAL

FRIDAY, AUGUST 19, 2016

APPEARANCES:

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The Respondent Father: For the Respondent Father:	DONALD BROWN ROBERT DRASKOVICH, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 381-6590
The Respondent Mother: For the Respondent Mother:	MELISSA DAWN LAWRENCE MICHAEL GOWDEY, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 471-0321
For the Minors Heidi Brown, Nikki Brown, and Wyatt Brown:	LAUREN CALVERT, ESQ. CAP Attorney 1220 Arizona St. Boulder City, Nevada 89005 (702) 292-3164
For the Minor Samantha Lawrence:	AMY HONODEL, ESQ. CAP Attorney 725 E. Charleston Blvd. Las Vegas, Nevada 89104 (702) 386-1070
Also Present:	MARYTE TALLENT Department of Family Services

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RESPONDENT'S WITNESSES:

(None presented)

* * * * *

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LAS VEGAS, NEVADA FRIDAY, AUGUST 19, 2016

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 10:42:34)

THE COURT: Good morning.

MR. GOWDEY: Good morning.

MS. CALVERT: Good morning.

MS. HANRAHAN: Good morning, Your Honor.

MR. DRASKOVICH: Good morning, Your Honor.

THE COURT: Okay. So we're back on the -- we'll go back on the record. We're back on Lawrence case, Case D-510944, the matter of Melissa Lawrence and Donald Brown. Everyone's here, so we will I guess start where we left off. Hopefully --

MS. HANRAHAN: Yes, Your Honor.

THE COURT: Hopefully, there's no other fires we need to put out?

MS. HANRAHAN: I don't think so.

THE COURT: Okay. Good.

MS. HANRAHAN: But Your Honor, I did printout a copy if anybody wants it of a case from Nevada that references use of the Fifth Amendment and the -- a little bit adverse inference, so --

THE COURT: Okay.

MS. HANRAHAN: -- if anybody --

THE COURT: All right.

MS. HANRAHAN: -- wants it.

THE COURT: I don't know if --

MS. HANRAHAN: But --

THE COURT: -- your counterparts want a copy or -- or whatnot.

MR. GOWDEY: Sure, we'll take a copy.

MS. HANRAHAN: And then because some of -- because some of -- one the requirements as Ms. Calvert pointed out is that the negative inferences requires that you have independent corroborating evidence. I would just like to make a note and I know you're not going to make your ruling til -- til the end, but the jail calls in these questions where Ms. Lawrence is taking the Fifth are independent corroborating evidence.

THE COURT: Okay.

MS. HANRAHAN: With that, I would just recall Melissa Lawrence.

THE COURT: Okay. And we'll start where we left off yesterday. Okay. We'll have you come in -- we'll swear you in again because it's a new day.

MS. LAWRENCE: Okay.

THE COURT: The same -- same swearing in.

(WITNESS SUMMONED)

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

THE WITNESS: Yes.

THE CLERK: Thank you. State your name for the record.

THE WITNESS: Melissa Lawrence.

THE CLERK: You may have a seat.

MELISSA LAWRENCE

called as a witness on behalf of the State, have been first duly sworn, did testify upon her oath as follows on:

DIRECT EXAMINATION CONTINUED

BY MS. HANRAHAN:

Q All right. Ms. Lawrence, so when we left yesterday, I had -- I had asked you if the -- the calls that we listened to, the conversations that we listened to today and your understanding had all happened prior to Samantha acknowledging the abuse, is that right? We talked about the dates of those calls being prior to -- to when she wrote that letter. Let's put it that way.

MR. GOWDEY: Can we be more specific as to --

Q Okay. I'm just saying the last thing that I asked about yesterday was all of these calls that we

listened to occurred prior to am writing that letter on May 30th or May 29th, 2014. Would you agree with that?

A Yes.

Q So once Samantha did write that letter where she stated that Mr. Brown had been abusing her in various ways, you became even angrier with her at that point, correct?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection as yesterday.

THE COURT: Okay.

BY MS. HANRAHAN:

Q And in fact, you were even angry that Samantha smiled at you when she saw you at court, correct?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection. And I -- I would like to counsel my client to wait a moment before answering in case I have -- want to lodge an objection.

THE WITNESS: Okay.

THE COURT: Okay. Yeah, if you don't understand something with your attorney, what he's saying, just don't hesitate to ask him for clarification.

THE WITNESS: Okay.

BY MS. HANRAHAN:

Q All right. Well, let's listen to your conversation on 9:30 regarding that issue.

(AUDIO PLAYS IN COURTROOM)

Q Ma'am, is it your opinion that Samantha is schizophrenic?

A I assert the Fifth.

MS. HANRAHAN: And I'll ask for the negative inference.

MR. GOWDEY: Objection -- same objection.

BY MS. HANRAHAN:

Q Did you ever take Samantha to a psychiatrist to determine if she was schizophrenic or had some other psychiatric illness?

A No.

Q Do you recall on that same date, May 30th, 2014, having a second conversation with Mr. Brown in which you talked about how uncredible Sam is?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q We'll listen to that call.

(AUDIO PLAYS IN COURTROOM)

Q So ma'am in that conversation, you were referring

to that letter that Sam wrote that has already been admitted as State's Exhibit 11, I believe.

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q And did you read that letter?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Did -- well, let's -- let -- yeah.

(AUDIO PLAYS IN COURTROOM)

Q So would you agree that you just said in that conversation that you tore up the letter and threw it away, threw it against the wall?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q So ma'am, were you not even interested in reading what your daughter had to say about what had been happing in your home?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q You saw the injuries on Samantha's back, correct?

A I assert the Fifth.

Q And I'll ask for the negative inference.

THE COURT: Okay.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q And you knew that she had had multiple injuries that were reported to CPS over the years, right?

A I assert the Fifth.

Q I'll ask for the negative inference.

THE COURT: Okay.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q And you never had any concern about whether Mr. Brown might be harming Samantha.

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q So do you recall in a conversation with Donald Brown on May 30th, 2014 telling him that Samantha's own

father don't want nothing to do with her? Do you recall saying that?

MR. GOWDEY: Objection, asked and answered I think previously.

THE COURT: It was asked before yesterday.

MS. HANRAHAN: And -- I don't recall the answer, but let's --

THE COURT: We had a little discussion on it, if I'm not mistaken.

MS. HANRAHAN: Okay. Well, let's listen to that conversation.

MR. GOWDEY: I believe this recording has already been played as well.

MS. HANRAHAN: No, actually.

(AUDIO PLAYS IN COURTROOM)

BY MS. HANRAHAN:

Q So would you agree, ma'am, that that statement, Samantha's own father don't want nothing to do with her, would indicate that you know what her biological father wanted?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Now do you remember in that same phone call telling Mr. Brown that you feel sorry for the poor sap that ends up with Samantha?

A I assert the Fifth.

MR. GOWDEY: I'm sorry, I -- objection, it assumes facts not in evidence.

MS. HANRAHAN: Well, let's put them into evidence.

THE COURT: Okay. So I'll sustain that objection.

(AUDIO PLAYS IN COURTROOM)

BY MS. HANRAHAN:

Q Is that how you feel today, ma'am, that you feel sorry for the poor sap that ends up with Samantha and you'll send him a sympathy card in the mail?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Do you believe your daughter has the brain of a fucking peanut, ma'am?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Do you recall a conversation with Mr. Brown on May 31st, 2014 in which you said Samantha was fucking lucky she wasn't in front of your face when she wrote or read the letter about Mr. Brown's abuse?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Do you recall saying that you wanted her to say that in front of my fucking face in that conversation?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

(COUNSEL CONFER BRIEFLY)

(AUDIO PLAYS IN COURTROOM)

BY MS. HANRAHAN:

Q Ma'am, why was Sam fucking lucky that she wasn't in front of your face when she wrote that letter?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q What would you have done to her if she was in front of your face?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

BY MS. HANRAHAN:

Q Now listening to these calls that span a period of three months before and after Samantha wrote the letter, would you say those conversations, ma'am, are indicative of a healthy mother/daughter relationship?

A I assert the Fifth.

Q And I'll ask for the nega -- negative inference.

MR. GOWDEY: Same -- same objection.

BY MS. HANRAHAN:

Q Do you recall in Sam's testimony last month that she acknowledged that she lied about -- at the preliminary hearing downtown when she stated that you did not know about the abuse?

MR. GOWDEY: Could you repeat the question --

MS. CALVERT: Yeah.

MR. GOWDEY: -- please?

Q Do you recall Sam's testimony acknowledging that she lied at the preliminary hearing when she said that you

did not know about the abuse?

MR. GOWDEY: Do you remember that testimony?

A No.

Q And do you recall in her testimony last month or in June that she said she lied because she just didn't want you to hate her? Do you recall that testimony?

A No.

Q All right. Let's turn to what has happened since those early months in the case. Do you recall being provided with a document called a case plan?

A Yes.

Q Okay. And can you just tell the Court in your understanding what a case plan is?

MR. GOWDEY: You can answer.

A Things that I need to do to be able to get my kids back home and have a -- you know, a nice home environment.

Q Okay. So fair to say there were -- you -- you -- the document that you got had some objectives and things that you had to do before reunification, would you agree with that?

A Yes.

Q And you did get a copy of that case plan, correct?

MR. GOWDEY: I'm -- I'm sorry, which case plan are we referring to? There have been a number of them.

MS. HANRAHAN: The one filed on August 13th, 2014.

MR. GOWDEY: Okay. Do you have a copy --

MS. HANRAHAN: I'm unaware of any others.

MR. GOWDEY: -- of it you can show us?

MS. HANRAHAN: Do you have -- did you file another one?

MS. DORMAN: They can file with the court reporter every six months.

MS. HANRAHAN: Oh.

MS. DORMAN: Like --

MS. HANRAHAN: Yeah, the same one. It's the --

MS. DORMAN: It's the same one. It gets filed just every six months with the court reporter.

MS. HANRAHAN: So just for the record, Your Honor, I think the confusion is that there was a case plan filed and then Ms. Tallent attaches it to every report.

THE COURT: Right.

MS. HANRAHAN: It's the same case.

THE COURT: So at the dispositional hearing, we must have adopted a case plan. So there --

MS. HANRAHAN: Right.

THE COURT: Hopefully just one in this case.

MS. HANRAHAN: Yes.

THE COURT: And it was never --

MS. HANRAHAN: There's only one case.

MR. GOWDEY: Well, I think the goals -- the goals and -- and objective -- I mean, requirements change from filing to filing.

MS. DORMAN: No.

MS. HANRAHAN: No. It's --

THE COURT: They update it as to -- if -- if the goals have been achieved, but the case plan itself is most likely usually the same. In this case, I -- if there was one case plan, it's when we adopted. It's kind of the roadmap --

MR. GOWDEY: Okay.

THE COURT: -- to follow to order reunification.

MS. HANRAHAN: And if there's one that's different, I'm -- I'm happy to take a look at it.

BY MS. HANRAHAN:

Q In any case, do you recall getting a copy of a case plan on -- around August of 2014?

A Yes, I received it by email.

Q And did you participate in a meeting with the Department of Family Services and CPS to discuss what

objectives would be on that case plan?

A No, I did not.

Q Well, do you recall in looking at your case plan specifically what the objectives were on your case plan?

A Yes.

Q Could you tell the Court what those are?

A Which part?

Q There were --

A Which part of it?

Q Essentially, would you agree three main objectives on your case plan, things that were -- would -- would it refresh your recollection to take a look?

A I know one of the objectives was that I was to appear on all court hearings. Also, the other objective was that I needed to have a legal guardian prepared in the event that I went to jail.

MS. HANRAHAN: Okay. Let me -- let me just --

A And I had numerous classes --

MS. HANRAHAN: Nobody has an --

A -- and --

MS. HANRAHAN: -- objection.

A Yeah.

MS. HANRAHAN: Let me provide her with a copy so we can talk about -- make sure we're talking about the same

thing.

MR. DRASKOVICH: I'm not going to --

MS. HANRAHAN: That's --

MR. DRASKOVICH: -- object to any of this.

MS. HANRAHAN: Is there a problem with that?

MR. DRASKOVICH: I have no objection.

MS. HANRAHAN: Okay.

MS. CALVERT: What's the date at the top? Does it say like --

MR. DRASKOVICH: Only --

MS. CALVERT: -- 8 -- 8/11?

MS. HANRAHAN: It's August 13th I believe it was filed.

MR. GOWDEY: I -- I -- are we looking at the same one here?

THE COURT: There's another one filed on August -- on -- in -- in December too.

MS. CALVERT: Yeah.

MS. DORMAN: It's the same. It has not changed.

MS. CALVERT: I think it's the same.

THE COURT: Is one -- the children were removed --

MS. DORMAN: It's the same case but it has not

changed since the beginning.

THE COURT: Right.

MS. DORMAN: But yeah.

MR. GOWDEY: So she -- yeah, so it's got -- provide a home free from physical abuse, but then it also has --

MS. HANRAHAN: Right. The motion rule --

MR. GOWDEY: And then resolution of legal matters. So --

MS. HANRAHAN: Right.

MR. GOWDEY: -- we've got -- we've got --

MS. HANRAHAN: Yes.

MR. GOWDEY: -- three separate types of objectives and --

MS. HANRAHAN: Right.

MR. GOWDEY: Okay.

MS. HANRAHAN: But that's what I'm saying. There's essentially three objectives.

MR. GOWDEY: Oh, okay. She's --

MS. HANRAHAN: And that's what we're --

MR. GOWDEY: She's answering --

MS. HANRAHAN: -- going to talk about.

MR. GOWDEY: -- specific to one of those subcategories, I think, so --

MS. HANRAHAN: Right. So that's why I wanted her to have --

MR. GOWDEY: Then yeah.

MS. HANRAHAN: -- a copy.

MR. GOWDEY: You -- you're welcome to have a copy if you like to provide her with a copy, it probably would be --

MS. HANRAHAN: I did.

MR. GOWDEY: Okay.

MS. HANRAHAN: And -- and so -- in fact, she has the certified copy.

BY MS. HANRAHAN:

Q So -- so when I ask about objectives, those things that have a -- like a heading that says objective with kind of a gray box, I think yours has that too, would you agree that there are essentially three objectives on this case plan?

A Yes.

Q And would you also agree that each of those objectives has under it a section called measurement for success?

A Yes.

Q And then would you agree that each objective also has a series of action steps --

A Yes, ma'am.

Q -- under it that you have to follow? So let's start with the last objective, the third one. And would you agree that that objective is resolution of legal matters?

A Yes.

Q And this objective basically says that you have to comply with all the orders from the criminal court, right?

A Yes.

Q And you still have an open case in criminal court, right?

A Correct. Yes.

Q You haven't gone to trial yet?

A Yes, ma'am.

Q And so the objective -- and -- and I think this is what you were talking about, also requires you to come up with a plan for an alternate caregiver in the event that you would -- were to be incarcerated, correct?

A Yes, ma'am.

Q So and to be fair, that's probably something you could -- you wouldn't do until you had the children returned to you, correct?

MR. GOWDEY: Objection, calls for speculation.

MS. HANRAHAN: Well, I mean, there wouldn't be any point in having an alternative caregiver if -- but I'm giving her the benefit of the doubt here.

BY MS. HANRAHAN:

Q You -- have you completed that one? Have you come up with a plan for alternate caregiving for the children?

MR. GOWDEY: You can answer that.

A Yes.

Q And who -- who is the -- have you provided that to the Department of Family Services, that plan?

MR. GOWDEY: We have -- we've provided numerous --

MS. DORMAN: I'm sorry.

MR. GOWDEY: -- alternates.

THE COURT: What?

MS. DORMAN: He's now answering for his client --

MS. HANRAHAN: Right.

MS. DORMAN: -- openly.

MS. HANRAHAN: Right. Not only answering for his client, but Your Honor, I'm asking specifically about a plan for a person who would take the children if she were incarcerated --

THE COURT: Okay.

MS. HANRAHAN: -- if there's been something provided to the Department of Family Services. Not alternatives to foster care, but a specific --

THE COURT: Right.

MS. HANRAHAN: -- for if I'm incarcerated, this is the person and go through the process of getting that person approved by default.

THE COURT: Okay.

MS. HANRAHAN: I -- I kind of tried to give the benefit of the doubt by saying that's really not something you need to do until you have the kids, but --

THE COURT: Okay.

MS. HANRAHAN: -- if you want to answer it, go ahead.

THE COURT: And then obviously --

THE WITNESS: Yes, my sister-in-law.

BY MS. HANRAHAN:

Q Okay. And what's her name?

A Rita Renicher (ph).

Q Okay. All right. So the next objective moving up is meet the emotional, educational, physical and developmental needs of the children. Do you agree with that?

A Yes.

Q And again, that's -- be sort of hard for you to do when you have a no contact order out of the criminal court, correct?

A Yes, ma'am.

Q But you did do some parenting classes that this objective requires?

A Yes, I did.

Q All right. And now just looking back at those jail calls, ma'am, I mean, would you agree that one other requirement first of all under this objective is that you demonstrate empathy for all the children and an understanding of their emotional needs?

MS. CALVERT: Objection, misstates the action step.

MS. HANRAHAN: I'm sorry?

MS. CALVERT: Are you looking at the section --

MS. HANRAHAN: The action steps under meet the emotional, educational, physical and developmental needs of the children.

MR. GOWDEY: What time period --

MS. CALVERT: Yeah.

MR. GOWDEY: -- are we talking about?

MS. HANRAHAN: What --

MS. CALVERT: Hold on.

MS. HANRAHAN: -- do you mean --

MS. DORMAN: It's a case plan.

MS. HANRAHAN: -- what time period? I'm asking about the case plan which was filed on August -- in August of 2014. We already established that.

MR. GOWDEY: And it's my understanding that those jail calls all predated this case plan.

MS. HANRAHAN: I --

MR. GOWDEY: You're referring to the jail --

MS. HANRAHAN: Your -- Your Honor --

MR. GOWDEY: -- calls with respect --

MS. HANRAHAN: I don't --

MR. GOWDEY: -- to the --

MS. HANRAHAN: I'm not --

MR. GOWDEY: -- case plan.

MS. HANRAHAN: -- even sure what argument we're having now.

MS. CALVERT: I don't either.

MS. HANRAHAN: I'm asking -- I asked his client if she would agree that the action steps under this objective require her to demonstrate an understanding of her children's emotional needs and demonstrate empathy for all of the children.

MR. GOWDEY: You can answer that.

THE WITNESS: But this plan was done months after those calls.

BY MS. HANRAHAN:

Q Ma'am.

MR. GOWDEY: Just answer --

Q The --

MR. GOWDEY: -- the question --

Q Answer the --

MR. GOWDEY: -- Melissa.

Q -- question, please. Did -- do you see on there that the case plan requires you to demonstrate an understanding of your children's emotional needs?

A Yes, ma'am.

Q Does it say demonstrate empathy for all of the children, their experiences and their feelings?

A Yes, ma'am.

Q And would you agree that those jail calls don't really indicate an understanding acknowledging that they occurred before you got the case plan?

MR. GOWDEY: I'm not sure that I understand the relevance to asking about jail calls that occurred before a case plan was in place and relating them to the -- to the requirements of the case plan.

THE COURT: Okay.

MS. HANRAHAN: Your Honor, what I said I would do in my opening statement is establish what the situation was prior, what family dynamic was prior, and what has changed or not changed. And that's what we're looking at. Here's what we have. And then I'll ask what's changed.

MR. GOWDEY: I -- I don't -- I don't think that answer is responsive for my objection at all.

MS. HANRAHAN: Of course it is.

MR. GOWDEY: She is asking --

MS. HANRAHAN: And the objection --

MR. GOWDEY: She is asking --

MS. HANRAHAN: -- was relevance.

MR. GOWDEY: Do you think that demonstrates empathy as required in you case plan. The case plan was not in place at the time of those jail calls.

THE COURT: Okay. Like I --

MS. HANRAHAN: But I'm allowed to ask if she think it demonstrates empathy and understanding of all her children's needs.

THE COURT: I mean, she can ask the question. It's -- and -- and you can follow up with your client with whatever you want the Court to -- to take from that. I mean, the -- the -- it -- it's a fair question. It's -- it's relevant as to the case plan itself, but the Court is

aware based on what you stated that it was before -- the recordings were before the case plan was adopted by this Court.

So I'll -- I'm not going to tell your -- your client to answer or not answer, because that's up to you as far as that goes, but with that being said, she can ask that question. Whether you answer or not is a different story.

MR. GOWDEY: You can answer it.

THE WITNESS: Can you please repeat the question again?

BY MS. HANRAHAN:

Q All right. So in those jail calls where you called Samantha in pain in your sides since the day she was born, since she wasn't smart enough to write that letter, had the brain of a fucking peanut, felt sorry for the poor sap that ends up with her, you called her a killer kid and nothing but trouble, do you feel that demonstrates empathy for your children?

MR. GOWDEY: You can answer as to Samantha certainly.

A No.

Q Do you feel it demonstrates an understanding of Samantha's emotional needs?

A No.

Q So do you -- is it your testimony today that you feel differently about Samantha than you did at that time?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q Now in regard to the -- it -- we mentioned the no contact order which ever would acknowledges made it difficult for you to -- to demonstrate those requirements of that objective. That no contact order, initially there was some discussion about whether it would allow for you to provide gifts, correct? Do you recall that?

A No.

Q You don't recall that there was some back and forth about whether you can buy gifts for the children?

A Yes, I -- I do recall that part of it.

Q And do you recall that at first you were told that you could provide gift cards to the children anytime that you wanted in lieu of actual gifs?

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q But would you agree that you never provided any gift cards for the kids?

MR. GOWDEY: Same objection.

A I assert the Fifth.

Q And I'll ask for the negative inference.

MR. GOWDEY: Same objection.

THE COURT: Okay.

BY MS. HANRAHAN:

Q But then the last Christmas, isn't it true that you were told you could buy gifts for the children?

A Yes.

Q And you did buy gifts for the children, correct?

A Yes.

Q And then you also got them gifts on Easter, right, Easter baskets for the kids?

A Yes.

Q Okay. And then you gave Wyatt gifts for his birthday this past May, correct?

A Yes.

Q Did you buy Samantha a gift upon her high school graduation in May?

MR. GOWDEY: You can answer.

A No, I did not.

Q Did you buy Samantha a birthday gift for her 18th birthday in July?

A Yes, I did.

Q Did you provide that to her?

A Yes, I did.

Q What did you get her?

A There was a shirt, some water things, candy. There was numerous items in the bag.

Q Now was that her birthday or was that for the 4th of July for all the kids?

A Her birthday.

Q And did you give the other kids some stuff around the same time for the 4th of July?

A Yes.

Q Okay. Well, let's move to that first objective on your case plan. Arguably, the most important one that says provide a home free from physical abuse. Would you agree that's the first objective on your case plan?

A Yes.

Q And so let's take a look at the section that says measurement for success and go through each of those measurements one at a time. Would you agree that the first one says no further reports of physical abuse in the home.

A Yes.

Q And would you agree that again, that's one that couldn't really be met until the children were returned to their -- to your home?

A Yes.

Q And the kids have not been returned to your home, right?

MR. GOWDEY: You can answer.

A Yes.

Q All right. So we'll skip to the next one. In measurement for success, the nest sentence is Ms. Lawrence has completed non-offending parent classes and followed all the recommendations. Did you complete those classes?

A Yes, I did.

Q And where did you go?

A Red Rock Psychological.

Q Okay. And do you recall getting a completion report from Red Rock Psychological when you finished those classes?

A Yes.

Q And do you recall there -- if there was some recommendations on that completion report?

A No.

Q You don't recall? What it refresh your

recollection to take a look at that completion report from Red Rock Psychological?

MS. HANRAHAN: Your Honor, if I may approach.

THE COURT: Okay.

MS. HANRAHAN: And this is attached to a report filed on January 14th, 2015.

MR. GOWDEY: Let me see that. Where is the entire report?

MS. HANRAHAN: That's it. That's the conclusion.

MR. GOWDEY: Okay.

Q I'm showing you the certified copy of the report to which that was attached. If you can just take a look at the final recommendations. Does that refresh your recollection as to what was recommended?

A Yes.

Q And so those recommendations state that you remain in denial of any abuse, correct?

MR. GOWDEY: You can answer.

A Yes.

Q And the recommendations state Melissa would benefit from a family risk evaluation to assess her protective capacity, correct?

A Correct.

Q As well as continuing individual counseling. Is

that -- is that what you're reading on there as well?

A Yes, ma'am.

Q Okay. So did you follow those recommendations? Let's take them one at a time. There's only two really. Did you obtain that family risk evaluation from Red Rock?

A Yes, ma'am.

Q And do you recall -- so you went for the evaluation then after you did the classes, right?

A Correct.

Q And this family risk evaluation -- do you -- well, let me show you.

MS. HANRAHAN: Do you mind if I show her a copy of that? It's also attached to this report. In that same report, January 2015.

MR. GOWDEY: Okay. Let's see. The date of that report is --

MS. HANRAHAN: It was done on -- it's attached to the January 2015 report, but it was done on November 24th, 2014.

MR. GOWDEY: Who performed the evaluation?

MS. HANRAHAN: I believe the therapist was Kelly Lamb (ph) and the supervisor that signed off if Melissa Webb (ph).

Q Okay. So I want you to -- the very -- the first

page. This one's several pages long. Would you agree that the -- at the top of this document it says family risk evaluation?

A Correct.

Q And so was it your understanding that the risk being assessed was the risk for you for physical abuse to occur again in your home?

MR. GOWDEY: If you know that answer. I mean, I -- I think that calls for a -- for a legal conclusion, myself.

MS. HANRAHAN: Well, it's not a legal conclusion. The reason they performed the assessment, it's a family risk evaluation and it's performed -- because it was recommended upon completion of classes because client remains in denial of any abuse. But that's fine.

Q Let's -- if -- if you don't know, that's fine. Do you know if this was a -- an assessment of you -- of the likelihood of physical abuse happening to your children again in your home?

A No.

Q Okay. Well, if you would take a look at Page 15 where summary and conclusions are noted. Do you see the section that says summary and conclusions?

A Yes, ma'am.

Q And would you agree that the third section of that states that Ms. Lawrence is at high rate for physical abuse, neglect, recidivism? Because of that, the -- the following recommendations are being made because of Ms. Lawrence's high risk for physical abuse and neglect recidivism? Do you see that? Do you agree that the report says that?

A Yes.

Q And then the recommendations made as a result of that assessment of high risk, there are three recommendations, correct?

A Correct.

Q And now so the first thing that was recommended is weekly individual therapy to address her position of denial, agree?

A Yes.

Q So -- and number two is create a therapeutic safety plan with the help of a trauma therapist to identify triggers, coping skills and relapse prevention. Would you agree with that?

A Yes.

Q And have you worked with a trauma therapist, ma'am?

A No.

Q Did you know -- well, did you identify your triggers?

A No.

Q Were you able to identify what your coping skills would be?

A No.

Q Did you create a relapse prevention plan and provide it to the Department of Family Services?

A There was one created.

Q Was there one provided to the Department of Family Services?

A If Healthy Minds provided it.

Q Did you provide a relapse prevention plan for physical abuse to the Department of Family Services personally?

A No, I did not.

Q So moving on in the measurement of success here, would you agree -- oh, I'm sorry, the -- or in the Red Rock report, would you agree that the third recommendation is to continue to not have contact with your children until you're meeting the requirements of the DFS case plan and your risk of abuse has decrease? Is that what that third recommendation is?

A Yes.

Q And then it says to move to supervised visits once that risk of abuse is decreased. Agree with that?

A Yes.

Q And that recommendation was kind of moot actually since the criminal court also determined you should have no contact with your children, right?

MR. DRASKOVICH: I'm going to have to object as to that. I -- I believe Judge Smith did contact, Your Honor. There are a number of misrepresa -- misrepresentations made in the criminal case by the two deputies. So I mean, that decision I believe was in part based upon the misrepresentations of Mr. Sweet (ph) and Ms. -- Ms. Bluth (ph) and I'm --

MS. DORMAN: Write the objection.

MR. DRASKOVICH: -- putting this on the record.

MS. HANRAHAN: Well, what -- what are we --

MS. DORMAN: What's the --

MS. HANRAHAN: -- objecting to something that's being said downtown?

MR. DRASKOVICH: It -- it's --

MS. HANRAHAN: I'm asking her --

MR. DRASKOVICH: -- mischaracterizing what has occurred downtown.

MS. HANRAHAN: Well, there --

MS. DORMAN: Well, I cert --

MS. HANRAHAN: -- is a no contact order in place.

MS. DORMAN: And I certainly don't' think it's appropriate to attack on the record two deputies who aren't here to defend themselves.

MR. DRASKOVICH: And I did --

MS. DORMAN: And that's wildly --

MR. DRASKOVICH: And I did it --

MS. DORMAN: Mr. Draskovich, can I finish? That's wildly inappropriate.

MR. DRASKOVICH: Well, I did it there with them on the record, so I -- I would not say anything about them that I didn't say with them in the court and not giving them the ability to defend --

THE COURT: Sir --

MR. DRASKOVICH: -- themselves.

THE COURT: -- I do remember --

MS. DORMAN: And I'm sure they probably did defend themselves but --

THE COURT: Okay.

MS. DORMAN: -- they're not here today to do that.

THE COURT: All right. Okay. So I remember the J case and I remember there being issues of I think --

MR. DRASKOVICH: Well, and new -- no contact orders.

THE COURT: Right. Exactly. That's a great way to describe it. So -- so I -- I don't know if there's a no contact order. So -- so you can ask her about it and I don't know if it's still in place. I don't want any misrepresentations that -- that --

MS. HANRAHAN: I -- and here's -- I'm trying to give her the benefit of the doubt again that she couldn't do this because there was a no contact order, but that's fine.

THE COURT: Okay.

MS. HANRAHAN: If she wants to --

THE COURT: But I mean --

MS. HANRAHAN: -- argue that she --

THE COURT: -- also give her --

MS. HANRAHAN: -- could have done it --

THE COURT: -- a time frame, because --

MS. HANRAHAN: -- that -- we can go ahead.

THE COURT: -- I think it was kind of like --

MR. DRASKOVICH: Yes. And as a -- as a -- a representative of my client, officer of the Court, I can inform the Court that the case has been stayed. We had filed a motion last year for an independent psychological

evaluation of Samantha.

THE COURT: Okay.

MR. DRASKOVICH: The Court agreed that that was necessary because there were concerns concerning her mental health.

THE COURT: Okay.

MR. DRASKOVICH: The State filed emergency application with the supreme court. The Court granted a stay at their request. The -- the supreme court has had it fully briefed, remanded it for a more clear finding on why Judge Smith granted our motion. And the matter is still stayed. So I mean, we've -- it --

THE COURT: Okay.

MR. DRASKOVICH: -- it's been a procedural mess though. It's -- nothing's happening in a criminal court. And I guess my objection was that to try and somehow impugn their lack of contact because of the criminal case. We are not trying to drag out the criminal case at all. We've done everything we can to try and get it to trial and get it resolved.

MS. HANRAHAN: I've never made any such allegations.

THE COURT: Okay.

MR. DRASKOVICH: Okay.

MS. HANRAHAN: I just asked my -- again, I'm -- I'm trying to get -- okay, let me just ask this.

MS. DORMAN: She's giving her the benefit of the doubt.

MS. HANRAHAN: Yeah, no more benefit of the doubt.

BY MS. HANRAHAN:

Q Have you completed -- or have you continued as that recommended to have no contact with your client until -- or with your children until the risk of abuse has decreased?

A Yes.

Q All right. So moving back to the case plan -- and let me just take that report that, so -- thank you.

A Uh-huh (affirmative).

Q So back to the case plan under measurement for success. After the non-offending parent classes, would you agree that the next requirement is that reports from the providers are positive and providers reports that they have observed behavioral changes in Ms. Lawrence? Do you have anything like that from a provider that you have given to DFS?

MR. GOWDEY: I'm going to object. It's not -- it was not -- my understanding is it's not her obligation to

provide to DFS -- the -- the counselors are providing records directly to DFS.

THE COURT: Okay.

MS. HANRAHAN: I can ask her if she provided anything. I mean --

THE COURT: It -- it --

MS. HANRAHAN: -- what's wrong --

THE COURT: It was --

MS. HANRAHAN: -- with that question? She can say no.

MR. GOWDEY: Well, there's a -- there's a negative inference.

MS. HANRAHAN: Well, he can --

MR. GOWDEY: It's incomplete.

MS. HANRAHAN: -- ask his questions when it's his turn to ask questions.

THE COURT: Yeah. That's -- yeah, that's usually how it works is -- I mean, it's -- it's relevant. It's a yes or no question. And you can follow up with anything you want the Court to know as well.

BY MS. HANRAHAN:

Q Did you provide anything to DFS of that nature?

MR. GOWDEY: You can answer.

A No, I did not.

Q Did you attend any counseling where you received an evaluation or completion report?

MR. GOWDEY: Objection, vague. An evaluation or completion report as to what?

THE COURT: Okay.

MS. HANRAHAN: Well --

THE COURT: Sustained.

MR. GOWDEY: As to anything?

BY MS. HANRAHAN:

Q Reports from providers that are positive and that indicate behavioral change. Do you know if any -- first of all, let's just -- okay, we'll break it down. Did you receive any counseling of any sort after you did this evaluation at Red Rock?

A Yes, I did.

Q Where was that?

A Healthy Minds.

Q And is there anyplace else that you went for counseling?

A Yes.

Q Where was that?

A ABC Therapy.

Q And are you aware of ABC Therapy completed an evaluation for you?

MR. GOWDEY: If you're aware.

A Yes.

Q Yes, you're aware that they did?

A Yes.

Q And are you aware that if ABC Therapy did a completion report for you?

A Yes.

Q All right. So you and Mr. Brown -- did -- well, you signed a release for ABC to release information in the Department of Family Services, correct?

A Yes, I did.

Q And you and Mr. Brown originally went to ABC on your own and obtained that evaluation, correct?

MR. BROWN: No.

MS. HANRAHAN: Is somebody over there answering for her? I heard somebody say no.

MR. GOWDEY: I'm sorry, could you repeat the question --

THE COURT: No.

MR. GOWDEY: -- please?

THE COURT: I don't think he was -- I think she was waiting to -- he -- I don't think so.

MR. GOWDEY: She -- she's adhered to my instructions to wait for an -- an objection before she

answers.

THE COURT: Correct.

MR. GOWDEY: Can you repeat the question for me, please?

BY MS. HANRAHAN:

Q You and Mr. Brown originally went to ABC on your own and obtained an evaluation, correct?

A No.

Q When did you go or how did you get there?

A Maryte Tallent referred us to go there.

Q So your statement is that you got the evaluation after you were referring by Ms. Tallent to ABC Therapy?

A Yes.

Q Is that what you're saying? So would you agree that the mental health evaluation was performed on February 10th, 2015?

MR. GOWDEY: You can answer if you know.

A I -- I don't recall.

THE COURT: I'm sorry, this is from ABC?

MS. HANRAHAN: ABC --

THE COURT: Okay.

MS. HANRAHAN: -- Therapy.

Q Would it refresh your recollection to take a look at that?

A Yes.

MS. HANRAHAN: That's the evaluation.

MR. GOWDEY: I've -- I've it right here. Thank you.

Q Under -- let's see. Interview date up there on the lefthand corner of that box, would you agree the date is February 10th, 2015?

A Yes.

Q And so if the Department of Family Services' referral to ABC Therapy has a later date of February 18th, 2015, would you agree that the referral was probably made after you already went for the evaluation?

MR. GOWDEY: Objection, calls for speculation.

MS. HANRAHAN: Well --

MR. GOWDEY: It assumes facts not in evidence.

MS. HANRAHAN: If I may approach the witness --

THE COURT: Go ahead.

MS. HANRAHAN: -- with a copy of the referral form which the attorneys have been provided with.

THE COURT: So I'll sustain that objection and then you can go forward, Ms. Hanrahan, with --

BY MS. HANRAHAN:

Q So could you take a look at that referral form there? Do you see a date on the referral form of February

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 71873/71889

Electronically Filed
May 30 2017 04:40 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE MATTER OF THE PARENTAL RIGHTS AS TO S.L; N.R.B; H.R.B. AND W.C.B

DONALD BROWN,
Appellant,
vs.

STATE OF NEVADA DEPARTMENT OF FAMILY SERVICES; S.L.; N.R.B.; H.R.B.; AND W.C.B., MINORS
Respondents.

IN THE MATTER OF THE PARENTAL RIGHTS AS TO S.L; N.R.B; H.R.B. AND W.C.B

MELISSA LAWRENCE,
Appellant,
vs.

STATE OF NEVADA DEPARTMENT OF FAMILY SERVICES; S.L.; N.R.B.; H.R.B.; AND W.C.B., MINORS
Respondents.

APPENDIX TO APPELLANTS' OPENING BRIEF
VOLUME I

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Electronically Filed
01/28/2014 10:00:24 AM

CLERK OF THE COURT

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

In the Matter of Children:

SAMANTHA LAWRENCE	**DOB: 07-06-1998**
NIKKI BROWN	**DOB: 01-04-2004**
HEIDI BROWN	**DOB: 01-04-2004**
WYATT BROWN	**DOB: 05-30-2009**

Minors Under 18 Years of Age.

COURT CASE NO. J-14-319202-P2
UNITY CASE # 1345085
DEPT.: FAMILY JUVENILE
COURTROOM:
HM FEMIANO - #23
PETITION: 2-ABUSE/NEGLECT
PLEA: 01-29-2014 AT 9:00 A.M.

PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **2127 BLUE ZENITH CIRCLE, LAS VEGAS, NEVADA 89119**

MOTHER:	**MELISSA LAWRENCE**	**DOB: 8-7-1980**
FATHER (SAMANTHA):	**UNKNOWN**	**UNKNOWN**
FATHER (NIKKI, HEIDI & WYATT):	**DONALD BROWN**	**DOB: 3-9-1963**

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MELISSA LAWRENCE; the father to Samantha is UNKNOWN; the father to Nikki, Heidi and Wyatt is DONALD BROWN;

(b) The subject minors resided with MELISSA LAWRENCE and DONALD BROWN at the time of the alleged abuse or neglect, and both are persons responsible for the welfare of the subject minors and regularly found in the home pursuant to NRS 432B.130;

(c) In December 2013, the subject minor Samantha was found to have injuries that were characterized as "definite abuse" by a physician specializing in child abuse; the injuries included bruising around Samantha's left eye as well as bruising, loop marks and linear marks of differing ages to her back;

(d) DONALD BROWN has failed to provide a medically consistent explanation for Samantha's injuries;

(e) MELISSA LAWRENCE has failed to provide a medically consistent explanation for Samantha's injuries;

(f) The Clark County School District and Clark County Child Protective Services have documented multiple injuries to Samantha since at least 2008, to include: bruises under both eyes in March, 2008, which were covered over with makeup when Samantha went to school; bruising to the left eye in May 2008; bruises to the arm "shaped like fingers" in September 2008; a broken tooth in October 2008; bruising to the left eye in November 2008, again covered with makeup when Samantha went to school; a deep cut from the wrist to the mid-forearm in December 2009; a black eye requiring stitches and a chipped tooth in February 2010; a bruised right eye in December 2010; bruising to her eye and/or ribs in February 2011.

(g) DONALD BROWN was convicted of felony manslaughter and Corporal Punishment of a Child in relation to the death of his infant child in the 1980s;

(h) The subject minors are in need of protection in accordance with NRS 432B.330 as a result of the abuse/neglect described above.

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children.

...

...

...

...

...

...

I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of January, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: _____
Deputy District Attorney
Petitioner

UNITY Doc.
JH/mrm

CPS East A

Removal Datae: 01-08-2014

Clark County
Department of Family Services
121 S. Martin Luther King Blvd
Las Vegas, Nevada 89106
(702) 455-7200

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

In the Matter of: NIKKI BROWN Date of Birth: 01-04-2004 A Minor 10 years, 00 Months of Age HEIDI BROWN Date of Birth: 01-04-2004 A Minor 10 years, 00 Months of Age WYATT BROWN Date of Birth: 05-30-2009 A Minor 04 years, 07 Months of Age	COURT CASE NO.: DEPT.: FAMILY JUVENILE REMOVAL DATE/TIME: 01-17-2014 09:15 AM

CONFIDENTIAL PROTECTIVE CUSTODY REPORT

Date of Hearing: 01-23-2014
Time of Hearing: 09:00 AM
Courtroom: JUDGE GIULIANI - #22
Attachment(s):

CONCERNING:

Mother: Melissa Lawrence
DOB: 08-07-1980
Address: 2127 Blue Zenith Circle
Las Vegas, NV 89119

Arrest Record: No criminal history identified
Attorney: Donn Prokopius
Diligent Search: N/A

Father: Donald Brown
DOB: 03-09-1963

Address: 2127 Blue Zenith Circle
Las Vegas, NV 89119

Arrest Record: Criminal history identified - Relevant
Attorney: Donn Prokopius
Diligent Search: N/A

Siblings: Minor SAMANTHA LAWRENCE is presently in Protective Custody and is placed in a foster home. There is an adult sibling David Brown, who resides in Oceanside, California.

REASON FOR REMOVAL:

Date/Time Removed	Removed From	Relationship	Allegation(s)
01-17-2014 09:15 AM	Melissa Lawrence and Donald Brown	Natural Mother and Natural Father	14N PLAUS RISK OF PHYS INJURY

CURRENT STATUS OF MINOR:

NAME: NIKKI BROWN
LOCATION: Foster Home: NON-DETAINED? N / A
SCHOOL: GRADE: 4th

NAME: HEIDI BROWN
LOCATION: Foster Home: NON-DETAINED? N / A
SCHOOL: GRADE: 4th

NAME: WYATT BROWN
LOCATION: Foster Home: NON-DETAINED? N / A
SCHOOL: GRADE: N/A

NAME:
LOCATION: NON-DETAINED? N / A
SCHOOL: GRADE:

HISTORY:

Prior CPS History: YES NV CANS: NO Out of State CANS: UNKNOWN

Date Opened	Allegation	Disposition	Dated Closed	State
01-19-12	25N Eductn Negl	ASWS	02-02-12	Nevada
01-28-11	8N Bruises/Cut	UNSUBSTANTIATED	02-09-11	Nevada
02-22-10	8N Bruises/Cut	UNSUBSTANTIATED	04-14-10	Nevada
12-01-09	8A Bruises/Cut	UNSUBSTANTIATED	02-16-10	Nevada
11-24-08	8N Bruises/Cut	UNSUBSTANTIATED	12-14-08	Nevada
03-06-08	Medical Neglect/Neglect	UNSUBSTANTIATED	04-22-08	Nevada

Prior Home Removals: YES

Start Date	End Date	State	Start Date	End Date	State
03-22-10	04-14-10	Nevada			

Prior Wardship: UNKNOWN

Start Date	End Date	State	Start Date	End Date	State

PRESENTING PROBLEM/FAMILY ASSESSMENT:

This family initially came to the attention of the Department of Family Services on 12-10-13 when it was reported that SAMANTHA LAWRENCE had a bump/mark near her left eye. It was reported that SAMANTHA told a friend that her father hit her. SAMANTHA later reported to the counselor that she fell or ran into a door or wall. SAMANTHA later told the source that she ran into a cabinet at home. One week prior, SAMANTHA said that her 4 year old brother hit her in the face when he was sleeping. It was reported that SAMANTHA's eye was "blood shot." It was reported that SAMANTHA's behaviors have changed since last year; she is not as outgoing and she is sad. On 12-11-13, Specialist Flores conducted a body check observing SAMANTHA's arms, stomach, back, both legs (from the ankles to the knees), and underneath her feet. On SAMANTHA's lower back, Specialist Flores observed what appeared to be several red scratch marks, purple bruising in the center of her lower back, near the spine, and at least two looped marks. SAMANTHA is currently in protective custody.

There is an extensive history of SAMANTHA presenting with injuries that are not consistent with the explanation provided. Donald Brown, the alleged perpetrator, is the step father to SAMANTHA and the natural father to HEIDI BROWN, NIKKI BROWN and WYATT BROWN. Donald Brown is a felon due to Voluntary Manslaughter, Corporal Punishment of Child; the child was his daughter and had multiple skull fractures.

There is serious concern with the father's behavior being out of control to the point where the minor SAMANTHA has sustained serious bruising. There is also a concern as the mother, Melissa Lawrence, failed to protect SAMANTHA and it is uncertain if the siblings are being disciplined in the same manner or if mother is able to protect. Due to the mother's diminished protective capacity and the vulnerability of HEIDI, NIKKI and WYATT, the children were placed in protective custody.

WITNESS STATEMENTS/SUPPORTING EVIDENCE:

Child(ren)'s Statement:

SAMANTHA stated that she never told anyone that her dad hit her. She stated that the injury happened the other day. She stated she was bending down taking the dishes out of the dishwasher; she forgot that the cup cabinet above the dishwasher was open and when she stood up, she hit the area under her left eye on the bottom corner of the cabinet. SAMANTHA stated her dad, little sisters and brother were home when it happened. SAMANTHA stated that her father put ice on it to keep it from swelling. This specialist asked SAMANTHA if there was any particular reason that someone would report that she seemed sad last week. SAMANTHA quickly answered, "my grandfather died last week." SAMANTHA did not want to go into details about how her grandfather died. She stated that he lived in a different county in Nevada. She also stated that she was able to attend his services.

This specialist asked SAMANTHA about the marks and bruising on her back. SAMANTHA stated that she was playing with her dog on the other side of the backyard wall. She climbed over the wall to get back into her backyard and fell backwards hurting her lower back.

SAMANTHA stated this happened on Saturday. SAMANTHA described the trampoline as round with poles sticking out of it. SAMANTHA stated she hurt her back on the part of the trampoline where the pole and the round part meet. SAMANTHA stated that she has a red nosed pit bull mixed with sharpei and her dog is very active. SAMANTHA stated she has skinned her leg playing with her dog. SAMANTHA also stated that she is a "regularly clutzy" person.

During an unannounced home visit on 12-23-13, This specialist and Specialist Burch asked SAMANTHA about the injuries that were previously observed on her eye and on her back. Samantha indicated that she injured the bottom of her left eye when she was taking dishes out of the dishwasher. SAMANTHA stated that she was bending down to take the dishes out; the cabinet above the dishwasher was open and when she stood up, she injured the bottom of her left eye on the corner of the cabinet. SAMANTHA re-enacted the incident for Specialist Burch and this specialist and a photo was taken of SAMANTHA as she was re-enacting.

SAMANTHA stated that this was the second eye injury she received this school year. She stated the first one happened when she was playing with her little brother and he accidentally poked her in the right eye.

This specialist and Specialist Burch asked SAMANTHA about the long history of her getting injured and CPS getting involved. SAMANTHA stated that in the 3rd grade, she had her first black eye when she ran into a tree at school, while running "the mile." SAMANTHA stated that the teacher knew about this black eye before she went home. SAMANTHA stated the school later reported to CPS that she got the black eye from home. SAMANTHA stated that when she was in the 8th grade, her little sister accidentally "busted" her in the eye with the remote; she needed stitches and she stayed home for a week and did not go back to school until the stitches were out. SAMANTHA stated that the school reported that to CPS.

Specialist Burch asked SAMANTHA about the prior CPS report that Specialist Burch responded to involving Samantha trying to cover up a bruise with some makeup. SAMANTHA stated she did that because she was "tired of this happening." SAMANTHA stated that she was tired of the school calling CPS every time. Specialist Burch asked Samantha if she recalled what her explanation of that injury was. SAMANTHA stated she thought it was the same remote control incident in 8th grade. She did not remember anything about playing "3 little monkeys" on the bed with her sisters.

SAMANTHA stated there was one time that she went to school with a bruise and told a friend that she was "rough housing" with her brother.

This specialist asked about a previous incident when her tooth was knocked out. Samantha stated that she was about 7 or 8 years old and she was playing tag with her sisters, who were about 2 and 3 at the time. SAMANTHA stated that she tripped and knocked her tooth out. SAMANTHA stated the other tooth was knocked out when she was running away from her sister and ran into a door. SAMANTHA stated that there is no one in her family that is abusing her. She stated that she is not afraid of anyone in her home.

HEIDI BROWN was interviewed on 12-11-13 at school. HEIDI stated that when rules are broken at home her dad says "no t.v." and has them sit on the couch and think about what they did wrong. HEIDI stated that her dad also talks to them by saying, "don't do that, it's not right." HEIDI stated that this is the same for all of her siblings, however, the rules get "bent" for Wyatt because he is only 4. Heidi reported that her mom goes to work from 2PM to 9 or 10PM, therefore, dad does most of the disciplining. HEIDI reported that when mom is home and rules are broken, she usually tells the kids to go to bed.

This specialist asked if HEIDI knew how SAMANTHA got the mark under her left eye. HEIDI stated that she did not know what happened. HEIDI stated, we ask but she doesn't tell us. This specialist asked if she knew why SAMANTHA doesn't tell them and HEIDI stated, "We never ask her about her stuff. She doesn't like talking about it." This specialist inquired if HEIDI knew of any other marks on SAMANTHA's body and she stated she did not. HEIDI stated she has never seen her sister trip and fall and she has never seen her sister get hurt.

NIKKI BROWN was interviewed on 12-11-13. NIKKI stated that the people who live in her home are Don, Melissa, Sam, Wyatt, Heidi, "me," and Buck. NIKKI stated that Buck is the pet dog. This specialist asked HEIDI what usually happens when rules are broken at home. NIKKI stated that they are sent to the corner or told to sit on the floor for 5 minutes. NIKKI stated that if you do something "really bad" such as stealing something, hurting someone, talking back, cussing or not doing what you're told, they get a spanking with a hand on the butt; NIKKI added that it is not really a spanking and that it is more like a "pat on the butt." NIKKI stated that WYATT gets a "pat on the butt" and that it is not hard. NIKKI stated that there are no marks or bruises when they are spanked. NIKKI stated that sometimes her dad will make them do about 5 push-ups when they are in trouble. NIKKI stated that her mom is not really home a lot, so her dad does most of the disciplining.

This specialist asked NIKKI if she knew what happened to SAMANTHA's eye. NIKKI stated that SAMANTHA hurt her eye when she was doing the dishes. She stated SAMANTHA was grabbing a cup from the dishwasher to dry it and the cabinet was open and she hit her eye. Heidi stated that SAMANTHA held her eye and cried. NIKKI stated her dad told SAMANTHA to calm down and that it wasn't that bad.

This specialist asked what kinds of things SAMANTHA gets in trouble for. NIKKI stated that SAMANTHA sneaks around the corner with food. NIKKI stated that the rest of the family will find candy wrappers and crumbs and that SAMANTHA is "usually there." NIKKI stated that SAMANTHA lies about it when she is asked. NIKKI stated that she thinks SAMANTHA does it because it is a habit. NIKKI stated that when SAMANTHA is caught lying about sneaking food, she is spanked with a hand on the butt or told to do push ups.

WYATT BROWN was too young to be interviewed.

Parents/Legal Guardians Statements: Both Melissa Lawrence and Donald Brown deny that any physical abuse towards SAMANTHA, HEIDI, NIKKI or WYATT is occuring in the home. Both Ms. Lawrence and Mr. Brown accused SAMANTHA of having a history of lying and stealing items such as money, checks and a cell phone. Both Ms. Lawrence and Mr. Brown stated that they were not aware of SAMANTHA's bruises on her back until SAMANTHA informed them that they were there. Both Ms. Lawrence and Mr. Brown have reported that SAMANTHA wakes up in the middle of the night when everyone is asleep and stashes food in her room. Mr. Brown stated that everytime Samantha has an injury, she tells someone at school that a family member caused it and the school calls Child Protective Services (CPS). Ms. Lawrence reported that she has never seen any physical discipline used by Mr. Brown.

Ms. Lawrence was asked if there was any reason why Samantha would say that her father hit her, then change her story. Ms. Lawrence stated "she's been doing it for so long." She stated that it is Samantha's way of "seeking negative attention" and when confronted about it, Samantha either acts surprised or denies it. Ms. Lawrence stated that she has been having issues with Samantha since the 3rd grade. She stated stated that in the past, Samantha has stolen checks, in numerous amounts ranging from $40-$120 over the years. NM stated that since the 6th grade, Samantha has been stashing food under her drawers and mattress such as peanut butter, crackers, cereal and that she does this when everyone is asleep.

Ms. Lawrence has made comments about how Samantha has lied in the past and how she is capable of lying about this case. She has also made the comment that "the only people being abused is us."

Supporting Evidence: On 12-11-13, photographs were taken of SAMANTHA's injuries. A referral was made to Las Vegas Metropolitan Police Department's Abuse and Neglect Unit. This case was staffed in a CARES meeting with medical doctor, Dr. Cetl and it was determined that SAMANTHA's injuries are not consistent with her explanation and that they are indicative of physical abuse.

SAFETY ASSESSMENT:

Safety Threats Identified: #10 - The child has a serious injury for there is not reasonable or credible explanation.

Child Vulnerability: HEIDI, NIKKI and WYATT BROWN are vulnerable because they are dependent upon a responsible caregiver to provide for their basic needs, care and protection.

Protective Capacity of Parent/Caregiver: Minor SAMANTHA has unexplained injuries that a medical doctor has deemed to be indicative of abuse. The parents have not been able to explain the child's injuries or identify threatening family conditions. There is uncertainty as to whether HEIDI, NIKKI and WYATT are being disciplined in the same manner and concerns that the mother has diminished protective capacities.

Present or Impending Danger: There is impending danger because there has been no plausible explanation for SAMANTHA's injuries. There is impending danger to HEIDI, NIKKI and WYATT BROWN because they are vulnerable children and the parents have not demonstrated caregiver protective capacities.

REASONABLE EFFORTS AND PRIOR INTERVENTION SERVICES OFFERED:

Efforts to develop an in-home safety plan: Parents are not cooperative and forthcoming with information that would be necessary to support the development of an appropriate safety plan.

48 Hour CFT:

Other:

NECESSARY ACTIONS OR SERVICES NEEDED WHICH COULD PREVENT THE NEED FOR FURTHER PROTECTIVE CUSTODY AND/OR FACILITATE FUTURE RETURN OF THE CHILD(REN) TO PARENTS/LEGAL GUARDIANS:

Parents must be cooperative with referrals to assess violence in the home and excessive use of physical discipline.

MEDICAL SPECIAL NEEDS OF MINOR:

Minor(s) Name	Medical Conditions or Special Needs

Is the children listed in report currently on any psychotropic medication?

No

Has a Court appointed a person to be legally responsible for the children's psychiatric services?

No

When was the children's last appointment? Not Applicable

When will the children have an appointment? Not Applicable

INDIAN CHILD WELFARE ACT STATUS:

Were parents asked about possible ICWA affiliation? YES Results: ICWA does apply

PATERNITY/LEGAL RELATIONSHIPS:

Both Melissa Lawrence and Donald Brown reported Donald Brown is the natural father to HEIDI, NIKKI and WYATT BROWN. It is unknown if Donald Brown is listed on their birth certificates.

EFFORTS TO LOCATE ABSENT PARENTS:

Not Applicable

RELATIVE PLACEMENT INFORMATION:

As of this writing the adult sibling, David Brown and the paternal grandmother Viriginia Brandt have come forward requesting to be placement resources for HEIDI, NIKKI and WYATT. Both relatives reside out of state. Placement with either relative will be assessed pending an ICPC approval.

Relative(s) Identified:

Name/Date of Birth	Address/Phone	Relationship/To Whom
David Brown/09-28-92	135 Brodrick St. Oceanside, CA 92058	Brother to HEIDI, NIKKI and WYATT
Virginia Brandt/11-05-1940	17433 N. Magnolia Dr. Dolan Springs, AZ 86441	Paternal Grandmother to HEIDI, NIKKI and WYATT

Was a Diligent Search submitted? NO

Include status of background check, fingerprinting, home safety check and statement concerning relatives resources to care for the child(ren)

FAMILY VISITATION:

At this time the department is requesting a no contact order as the matter is pending criminal interviews.

RECOMMENDATIONS:

It is respectfully recommended that NIKKI BROWN, HEIDI BROWN and WYATT BROWN remain in Protective Custody and this matter be set for Plea. It is recommended that the mother Melissa Lawrence and the father Donald Brown follow through with any request from this court and the Department of Family Services.

Submitted by:

YOLANDA FLORES
CASE MANAGER
CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES

CONTACT NUMBER: 455-1188

DATE: 01-22-14

SHARON KISLING
SUPERVISOR

Hay servicios gratis de ayuda con otros idiomas. Para pedir un intérprete, llame por favor al Coordinador de Servicios de Intérpretes al *671-4578.*

Free language assistance services are available. To request an interpreter, please call the Language Assistance Coordinator at 671-4578.

Electronically Filed
02/27/2014 08:30:30 AM

CLERK OF THE COURT

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

In the Matter of Children:

SAMANTHA LAWRENCE	**DOB: 07-06-1998**
NIKKI BROWN	**DOB: 01-04-2004**
HEIDI BROWN	**DOB: 01-04-2004**
WYATT BROWN	**DOB: 05-30-2009**

Minors Under 18 Years of Age.

COURT CASE NO. J-14-319202-P2
UNITY CASE # 1345085
DEPT.: FAMILY JUVENILE
COURTROOM:
HM FEMIANO - #23
PETITION: 2-ABUSE/NEGLECT
PLEA: 01-29-2014 AT 9:00 A.M.

AMENDED PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **2127 BLUE ZENITH CIRCLE, LAS VEGAS, NEVADA 89119**

MOTHER:	**MELISSA LAWRENCE**	**DOB: 8-7-1980**
FATHER (SAMANTHA):	**UNKNOWN**	**UNKNOWN**
FATHER (NIKKI, HEIDI & WYATT):	**DONALD BROWN**	**DOB: 3-9-1963**

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MELISSA LAWRENCE; the father to Samantha is UNKNOWN; the father to Nikki, Heidi and Wyatt is DONALD BROWN;

(b) The subject minors resided with MELISSA LAWRENCE and DONALD BROWN at the time of the alleged abuse or neglect, and both are persons responsible for the welfare of the subject minors and regularly found in the home pursuant to NRS 432B.130;

(c) In December 2013, the subject minor Samantha was found to have injuries that were characterized as "definite abuse" by a physician specializing in child abuse; the injuries included bruising around Samantha's left eye as well as bruising, loop marks and linear marks of differing ages to her back; the injuries were such that they could not have occurred without a deliberate but unreasonable act or failure to

act by the person or persons responsible for the subject minor's welfare; see NRS 432B.450;

(d) DONALD BROWN has failed to provide a medically consistent explanation for Samantha's injuries;

(e) MELISSA LAWRENCE has failed to provide a medically consistent explanation for Samantha's injuries;

(f) The subject minors are deemed to be unsafe in the home due to the unexplained, abusive injuries to Samantha pursuant to NRS 432B.330(1)(c). In addition to the above-described injuries, the Clark County School District and Clark County Child Protective Services have documented multiple injuries to Samantha since at least 2008, to include: bruises under both eyes in March, 2008, which were covered over with makeup when Samantha went to school; bruising to the left eye in May 2008; bruises to the arm "shaped like fingers" in September 2008; a broken tooth in October 2008; bruising to the left eye in November 2008, again covered with makeup when Samantha went to school; a deep cut from the wrist to the mid-forearm in December 2009; a black eye requiring stitches and a chipped tooth in February 2010; a bruised right eye in December 2010; bruising to her eye and/or ribs in February 2011.

(g) 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 1980s;

(h) The subject minors are in need of protection in accordance with NRS 432B.330 as a result of the abuse/neglect described above.

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children.

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...

I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of February, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: _____
Deputy District Attorney
Petitioner

UNITY Doc.
JH/mrm

CPS East A

Removal Datae: 01-08-2014

Electronically Filed
06/12/2014 10:16:45 AM

CLERK OF THE COURT

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

In the Matter of Children:

SAMANTHA LAWRENCE	**DOB: 07-06-1998**
NIKKI BROWN	**DOB: 01-04-2004**
HEIDI BROWN	**DOB: 01-04-2004**
WYATT BROWN	**DOB: 05-30-2009**

Minors Under 18 Years of Age.

COURT CASE NO. J-14-319202-P2
UNITY CASE # 1345085
DEPT.: FAMILY JUVENILE
COURTROOM:
HM FEMIANO - #23
2ND AMD: PETITION: 2-ABUSE/NEGLECT
TRIAL SETTING: 06-18-2014 AT 9:00 A.M.

SECOND AMENDED PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **2127 BLUE ZENITH CIRCLE, LAS VEGAS, NEVADA 89119**

MOTHER:	**MELISSA LAWRENCE**	**DOB: 8-7-1980**
FATHER (SAMANTHA):	**UNKNOWN**	**UNKNOWN**
FATHER (NIKKI, HEIDI & WYATT):	**DONALD BROWN**	**DOB: 3-9-1963**

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MELISSA LAWRENCE; the father to Samantha is UNKNOWN; the father to Nikki, Heidi and Wyatt is DONALD BROWN;
(b) The subject minors resided with MELISSA LAWRENCE and DONALD BROWN at the time of the alleged abuse or neglect, and both are persons responsible for the welfare of the subject minors and regularly found in the home pursuant to NRS 432B.130;
(c) In December 2013, the subject minor Samantha was found to have injuries that were characterized as "definite abuse" by a physician specializing in child abuse; the injuries included bruising and/or abrasions and/or loop marks and/or linear marks of differing ages to her back; the injuries were such that they could not have occurred without a deliberate but unreasonable act or

failure to act by the person or persons responsible for the subject minor's welfare; see NRS 432B.450;

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

(e) DONALD BROWN physically abused the subject minor Samantha on a regular basis over the course of at least six years, by hitting and/or striking and/or beating her with a belt and/or other objects; the abuse resulted in multiple physical injuries, including multiple black eyes, which, on at least two separate occasions in 2008, were covered with makeup when Samantha went to school; a black eye requiring stitches in February 2010; bruising to other body parts; a broken tooth in October 2008 and another in February 2010; and a deep cut from the wrist to the mid-forearm in December 2009;

(f) DONALD BROWN physically abused the subject minor Samantha by shooting her hand with a BB gun;

(g) 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;

(h) DONALD BROWN mentally injured the subject minor Samantha by regularly referring to her by derogatory names such as "bitch," or "fuck" rather than her name;

(i) DONALD BROWN's physical abuse of Samantha constitutes Substantial Bodily Harm pursuant to NRS 0.060;

(j) MELISSA LAWRENCE failed to protect Samantha despite her knowledge of the ongoing physical abuse by DONALD BROWN;

(k) MELISSA LAWRENCE lacks protective capacity in that she has repeatedly blamed Samantha for the multiple investigations by Child Protective Services ("CPS") over the past six years, and MELISSA LAWRENCE continues to blame Samantha for CPS intervention in the current case;

(l) MELISSA LAWRENCE mentally injured the subject minor Samantha by acting in concert with DONALD BROWN to cover up the abuse; MELISSA LAWRENCE applied makeup to cover Samantha's bruises on two separate occasions in 2008, and encouraged Samantha and the other children to lie about the abuse;

(m) 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;

(n) 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).

(o) 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 1980s;

(p) The subject minors are in need of protection in accordance with NRS 432B.330 as a result of the abuse/neglect described above.

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children.

I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 12th day of June, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: _____
Deputy District Attorney
Petitioner

UNITY Doc.
JH/ac

CPS East A

Removal Datae: 01-08-2014

Electronically Filed
08/12/2014 07:40:26 AM

CLERK OF THE COURT

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

In the Matter of Children:

SAMANTHA LAWRENCE	**DOB: 07-06-1998**	COURT CASE NO. J-14-319202-P2
NIKKI BROWN	**DOB: 01-04-2004**	UNITY CASE # 1345085
HEIDI BROWN	**DOB: 01-04-2004**	DEPT.: FAMILY JUVENILE
WYATT BROWN	**DOB: 05-30-2009**	COURTROOM: GIULIANI #22
		PETITION: 2-ABUSE/NEGLECT
Minors Under 18 Years of Age.		**R&D: 08-13-2014 AT 2:00 P.M.**

THIRD AMENDED PETITION - ABUSE/NEGLECT

The Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

There are now living or found within the County of Clark, State of Nevada, minor children whose residence address is: **2127 BLUE ZENITH CIRCLE, LAS VEGAS, NEVADA 89119**

MOTHER:	**MELISSA LAWRENCE**	**DOB: 8-7-1980**
FATHER (SAMANTHA):	**UNKNOWN**	**UNKNOWN**
FATHER (NIKKI, HEIDI & WYATT):	**DONALD BROWN**	**DOB: 3-9-1963**

The Petitioner is informed and believes, and therefore on information and belief alleges, that the facts bringing the subject minors within the jurisdiction of the Juvenile Court are:

The subject minors are children in need of protection and this action is within the jurisdiction of the Court pursuant to N.R.S. 432B, et sec., in that:

(a) The mother is MELISSA LAWRENCE; the father to Samantha is UNKNOWN; the father to Nikki, Heidi and Wyatt is DONALD BROWN;

(b) The subject minors resided with MELISSA LAWRENCE and DONALD BROWN at the time of the alleged abuse or neglect, and both are persons responsible for the welfare of the subject minors and regularly found in the home pursuant to NRS 432B.130;

(c) In December 2013, the subject minor Samantha was found to have injuries that were characterized as "definite abuse" by a physician specializing in child abuse; the injuries included bruising and/or abrasions and/or loop marks and/or linear marks of differing ages to her back; the injuries were such that they could not have occurred without a deliberate but unreasonable act or failure to act by the person or persons responsible for

the subject minor's welfare; see NRS 432B.450;

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

(e) Over the course of the past six years, CPS has been called to the home on multiple occasions as 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 1980s;

(k) The subject minors are in need of protection in accordance with NRS 432B.330 as a result of the abuse/neglect described above.

Therefore, Petitioner prays that: upon the admission to/or proving of this Petition, or any part thereof, the subject minors be declared Wards of this Honorable Court.

The minors are in protective custody, having been placed there by the Department of Family Services.

THEREFORE, your Petitioner prays that this matter be set for hearing to determine the need for protection of the minors and for the Court to take such further action as is deemed fit and proper under the circumstances and in accordance with the law concerning protection of children.

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I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof; that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 8th day of August, 2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: _____
Deputy District Attorney
Petitioner

UNITY Doc.
JH/ac / mrm

CPS East A

Removal Datae: 01-08-2014

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Janne Hanrahan
Deputy District Attorney
Juvenile Division
Nevada Bar No. 9053
601 North Pecos
Las Vegas, Nevada 89101
(702) 455-5320

Electronically Filed
12/01/2014 03:53:36 PM

CLERK OF THE COURT

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

In the Matter of:

SAMANTHA LAWRENCE,
Date of Birth: 07-06-1998,
A Minor, 16 Years and 01 Month(s) of Age

HEIDI BROWN
Date of Birth: 01-04-2004
A Minor 10 years, 07 Months of Age

NIKKI BROWN
Date of Birth: 01-04-2004
A Minor 10 years, 07 Months of Age

WYATT BROWN
Date of Birth: 05-30-2009
A Minor 05 years, 02 Months of Age

COURT CASE NO.: J-14-319202-P2
DEPT.: FAMILY JUVENILE

CASE PLAN

Date of Hearing: 08-13-2014
Time of Hearing: 02:00 PM
Courtroom: JUDGE GIULIANI - #22

CASE PLAN: Please see Attachment: Case Plan for Mr. Brown

JUN 10 2015

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

Submitted by:

M. Tallent APP

MARYTE TALLENT
CASE MANAGER
DEPARTMENT OF FAMILY SERVICES

DATE: 8/13/2014

Hay servicios gratis de ayuda con otros idiomas. Para pedir un intérprete, llame por favor al Coordinador de Servicios de Intérpretes al *671-4578*.

Free language assistance services are available. To request an interpreter, please call the Language Assistance Coordinator at *671-4578*.

Case Plan Information

Case: 1345085 - LAWRENCE, MELISSA	Opened Date: 03-05-2008	Closed Date:
Status: Supervisor Approved	Effective: 07-02-2014	Review Due: 12-30-2014
Author: TALLENT, MARYTE	Approved: 07-02-2014- RICHARDSON, HEATHER	Court Approved:
Plan Created: 07/02/2014 18:50:22	Plan Last Modified: 07/02/2014 18:50:22	Court Case: J-14-319202-P2

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1740005 - BROWN, HEIDI	Reunification	02-28-2015	N
1740010 - BROWN, NIKKI	Reunification	02-28-2015	N
1831045 - BROWN, WYATT, C.	Reunification	02-28-2015	N
1739377 - LAWRENCE, SAMANTHA	Reunification	02-28-2015	N

**For Permanency Goal A, the undersigned caseworker has determined that 'without the preventive services described in this Case Plan, the child(ren) are at imminent risk of removal and placement into foster care.' **

Assessment Summary

1. Describe the parent's perception of his/her problems and service needs.

Participant: BROWN, DONALD

Mr. Brown has denied that he abused Samantha. He has reported that he feels that he has been an appropriate parent and reports that Samantha has been the source of the problems within the family. Mr. Brown has been open and receptive to engagement in parenting classes and services. Mr. Brown reports that he will do whatever is necessary to reunify with the children. Mr. Brown has acknowledged his previous criminal history regarding the death of his child many years ago. Mr. Brown reports that they previously attempted to get therapy for Samantha, but report that no therapist would take Samantha due to CPS' involvement.

2. Describe the strengths of the family and child(ren) that will help the family achieve their permanency goal.

The children are bonded to both parents and Heidi, Nikki and Wyatt report they want to return home. Samantha has recently become ambivalent about this, but reports that she loves both Ms. Lawrence and Mr. Brown. The family has a social support network including family and friends that support them. The currently have financial stability and transportation. Ms. Lawrence has stable employment that has supported her through CPS involvement. Ms. Lawrence and Mr. Brown both report a willingness to do what is necessary to do what is necessary to reunify with the children.

3. Describe assessed safety and/or risk factors identified with each parent. (Ensure these services are included in the Case Plan.)

Participant: BROWN, DONALD

SAMANTHA LAWRENCE came to the attention of the Department of Family Services in December 2013 after a report was received indicating that she had a black eye. An investigation ensued and SAMANTHA was found to have whip-like marks over her back and side of her abdomen in addition to her black eye. SAMANTHA reported she had hit her face on a cabinet door and that her injuries on her abdomen were from a fall on a trampoline. Mr. Brown and Ms. Lawrence made similar statements. The stories given to Child Protective Services appeared to be inconsistent with the injuries sustained by SAMANTHA. The case was staffed at CARES with Dr. Ceti who advised that SAMANTHA's injuries were fully consistent with child abuse, could not have been as a result of a fall on a trampoline and had not been self-inflicted. SAMANTHA was removed from the home. As the investigation continued, it was determined that HEIDI, NIKKI and WYATT were also unsafe and they were later removed from the care of Ms. Lawrence and Mr. Brown. There is a criminal matter in the process of prosecution regarding the physical abuse SAMANTHA sustained. Ms. Lawrence and Mr. Brown are both out on bond. The case has been bound up to District Court. If convicted, the parents could face incarceration. They will need to create an alternative caregiver plan in the event that they cannot facilitate their parental duties due to arrest.

The family has a very significant history with Child Protective Services. This was the 7th report of physical abuse to SAMANTHA in a five year time frame. SAMANTHA has sustained injuries including bruises to her face and eyes, a broken tooth, stitches and bruising to her abdomen. Injuries to the face and abdomen, along with repetitious injuries, lead to a substantially higher risk of future harm. With each report, however, there was no disclosure by any party. The collective reports demonstrate a consistent nature, despite multiple reporting sources, all with the same victim and the same allegations. Each of the reports show that there was no concern shown for SAMANTHA's welfare by Ms. Lawrence and Mr. Brown, but rather the inconvenience that the CPS investigations had caused them. During the reports, none of the reporting sources ever indicated any behavioral concerns for SAMANTHA. Each report noted that she performed well in school.

It should be noted that Mr. Brown has a conviction in California of Manslaughter and Corporal Punishment of a Child for the death of his child from several years ago. Each hotline report indicated that the reporting sources had significant concern for SAMANTHA's welfare and that they had attempted to address their concerns with Ms. Lawrence.

4. A history of services offered or provided to the family to prevent removal. If services were not provided, state why.

This Family had 7 reports of physical abuse allegations and Samantha has been the victim of those incidents. In the past, in home services were provided. Mr. Brown has been referred to Physical Abuse Boundaries classes and Ms. Lawrence has been referred to Non Offending Parenting classes at Red Rock Psychological Services. Both parents were referred to Triple P's of Positive Parenting classes through the Parenting Project. Family therapy has been discussed through Healthy Minds for both Ms. Lawrence and Mr. Brown. The children were placed together through St. Jude's. Samantha, Heidi, Nikki and Wyatt were all referred for therapy through Healthy Minds. They are all now receiving therapy to address their own interpersonal issues and to work on their sibling bond. When deemed appropriate, family therapy will commence. Monthly Treatment Team Meetings occur to ensure coordination of services is in place for therapeutic support. Relative placements have been reviewed. Previously, the children's sister in law was a placement, however this disrupted. The maternal grandmother has been ruled out as inappropriate at this time due to lack of protective capacity. The paternal grandmother reports she is physically incapable of caring for the children. Fictive kin placement was ruled out due to background and concern for protective capacity. The maternal grandfather has not provided the information necessary to complete an Interstate Compact Placement of Children (ICPC) to Texas.

Objective: PROVIDE A HOME FREE FROM PHYSICAL ABUSE

Measurement for Success: There are no further reports of physical abuse in the home. Mr. Brown has completed physical abuse classes and followed all recommendations. Reports from the providers are positive and providers report they have observed behavioral changes in Mr. Brown. Mr. Brown has acknowledged that Samantha was physically abused and the emotional damage that it has caused the children. Mr. Brown has developed an appropriate discipline plan.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete Physical Abuse classes at Red Rock Psychological.	BROWN, DONALD	07-30-2014	01-30-2015	
Follow all recommendations from Red Rock Psychological.	BROWN, DONALD	07-30-2014	01-30-2015	
In individual and/or group counseling, he will build upon the parenting knowledge and expectations he has acquired in parenting classes and actively participate in the development of a viable and reliable safety plan to prevent recurrence.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to the children's well-being.	BROWN, DONALD	07-30-2014	01-30-2015	
Mr. Brown will consistently demonstrate age appropriate behavioral and emotional expectations of the children and age appropriate non-physical interventions and disciplinary strategies.	BROWN, DONALD	07-30-2014	01-30-2015	
Sign a release of information with the service provider to allow DFS access to discuss treatment progress.	BROWN, DONALD	07-30-2014	01-30-2015	
The viability and reliability of any safety plan prevent future physical abuse to the children will be assessed through ongoing consultation between the DFS Specialist and any and all therapist(s) involved with both parents and the children and assessment of the demonstration of protective capacity.	BROWN, DONALD	07-30-2014	01-30-2015	

Objective: MEET THE EMOTIONAL, EDUCATIONAL, PHYSICAL AND DEVELOPMENTAL NEEDS OF THE CHILDREN

Measurement for Success: Mr. Brown is engaged in treatment services that his children are receiving. The children are taken for medical care as needed. In the absence of the parents, the children are placed in the care of an appropriate person to provide adequate supervision for the children. Mr. Brown is observed to provide age-appropriate discipline for her children. Mr. Brown has regularly attended visitation and is observed to be attentive to his children's needs. Mr. Brown has attended family therapy.

Objective Completion
Result:

Action Step	For	Start	Target	Result
Regularly attend visitation with his children, be attentive to their needs and interact with them on an age-appropriate level (once the No Contact order is lifted).	BROWN, DONALD	07-30-2014	01-30-2015	
Complete age-appropriate parenting classes.	BROWN, DONALD	07-30-2014	01-30-2015	
Participate in and be cooperative with treatment/developmental services for his children.	BROWN, DONALD	07-30-2014	01-30-2015	
Engage in Family Preservation services upon reunification of the children in the home.	BROWN, DONALD	07-30-2014	01-30-2015	
Engage in family therapy with the children.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate an understanding of his children's emotional needs.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate empathy for all of the children, their experiences and their feelings.	BROWN, DONALD	07-30-2014	01-30-2015	

Objective: RESOLUTION OF LEGAL MATTERS.

Measurement for Success: Mr. Brown has been compliant with all orders of the criminal court including contact orders and any terms of parole/probation. Mr. Brown has attended all criminal court matters. In the event of incarceration, Mr. Brown has identified an appropriate alternative caregiver and completed legal paperwork to facilitate a guardianship.

Objective Completion
Result:

Action Step	For	Start	Target	Result
Attend all criminal court hearings.	BROWN, DONALD	07-30-2014	01-30-2015	
Follow all terms of bond release and/or parole or probation terms.	BROWN, DONALD	07-30-2014	01-30-2015	
Sign a Release of Information to allow DFS to contact parole/probation, if applicable to communicate current status.	BROWN, DONALD	07-30-2014	01-30-2015	
In the event of incarceration, create an alternative caregiving plan, including a voluntary guardianship to provide care for the children.	BROWN, DONALD	07-30-2014	01-30-2015	

Child: 1740005 - BROWN, HEIDI

Permanency Goal for this child: Reunification

Concurrent Goal: Adoption — **Target Date:** 02-28-2015

Placement: Foster Care

1. Describe the adjustment of the child to placement

Heidi has struggled with the removal from her parents' care. Heidi has voiced that she desires to return home. She is growing to understand her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Heidi has been referred for therapy to address the situation that led to the removal of the children and to address the emotions she has surrounding the removal from her parents' care and to strengthen the sibling relationship.

3. What services are in place to ensure the above needs are met?

Heidi has been referred to Healthy Minds and is receiving therapy services. When appropriate, family therapy will commence.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 2744010 - BROWN, NIKKI

Permanency Goal for this child: Reunification

Target Date: 02-28-2015

Concurrent Goal: Adoption

Placement: Foster Care

1. Describe the adjustment of the child to placement

Nikki is placed in a licensed foster home within an agency. Nikki remains quiet and reserved. She is beginning to open up with those around her. She is beginning to establish trust with her foster parents.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Nikki has had emotions regarding the removal and the involvement of CPS in her family's lives. No other special concerns noted.

3. What services are in place to ensure the above needs are met?

Nikki has been referred to Healthy Minds for therapy and is receiving services.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1831045 - BROWN, WYATT, C

Permanency Goal for this child: Reunification

Target Date: 02-28-2015

Concurrent Goal: Adoption

Placement: Foster Care

1. Describe the adjustment of the child to placement

Wyatt is placed in a licensed foster home within an agency. He is reportedly doing well and enjoys playing with the other young children that reside in the home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Wyatt was recently referred for therapy through Healthy Minds and recently completed the intake process.

3. What services are in place to ensure the above needs are met?

Wyatt was recently referred to Healthy Minds for therapy and completed the intake process.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?
Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.
6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Child: 73977 - LAWRENCE, SAMANTHA	
Permanency Goal for this child: Reunification	
Concurrent Goal: Other Planned Permanency Arrangement	Target Date: 02-28-2015
Placement: Foster Care	

1. Describe the adjustment of the child to placement
Samantha intially presented as guarded after removal. Samantha has opened up and demonstrated trust with her foster parent. Samantha is attempting to adjust to her role within the foster home.
2. What medical, mental health, behavioral or educational care needs have been identified for this child?
Samantha was reported to have emotional issues prior to the removal by her mother, Mr. Brown and other relatives. Samantha has not had any significant episodes of behavioral issues beyond what is expected based on her age and experiences. She has been referred for therapy services to teach her appropriate coping skills and how to effectively communicate with those around her.
3. What services are in place to ensure the above needs are met?
Samantha has been referred to Healthy Minds and is now receiving therapy. When appropriate, family therapy will commence. Monthly Treatment Team Meetings (TTM) are held.
4. Describe the services provided to the caregiver to address the specific needs of the child.
Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.
5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?
Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.
6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

This case plan is a collaborative effort between the family and the child welfare agency to discuss the circumstances that led to your child(ren)'s removal and the goals that are necessary for you to maintain your child(ren) in the home or to safely return your child(ren) to your home.

I have read and understand the Case Plan. I understand that the Case Plan is a living document which is subject to revision based on any risk and safety factors not previously identified. I agree to complete the tasks listed above with the case manager from the Clark County Department of Family Services (DFS).

M. Tallent

DFS Permanency Worker

DFS Supervisor

Participant	Role	Signature
1739391 - BROWN, DONALD	Parent	
1740005 - BROWN, HEIDI	Child	
1740010 - BROWN, NIKKI	Child	
1831045 - BROWN, WYATT, C.	Child	
1739377 - LAWRENCE, SAMANTHA	Child	

In-Home Case:
[ ] Please be advised that while you are entering into this agreement voluntarily, there are circumstances that result in harm to a child presented by both federal law and state law that may require the Clark County Department of Family Services to initiate legal proceedings to find a home for your children outside of your care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] If you do not take the Action Steps and meet your Objectives that are stated in the case plan or follow through with the services offered and provided, DFS may take actions to protect and remove the child(ren) from your care and place them in foster care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed every 30 days. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

Out of Home Case:
[ ] The Adoption and Safe Families Act (ASFA) requires that all children in foster care must have a court approved permanency plan within 12 months after removal from the home. A court approved permanency plan will meet a child's basic health and safety needs in one of the following ways: Maintaining the children in the home/preventing removal, Reunification, Adoption, Legal Guardianship, Permanency placement with a relative, Other Planned Permanent Living Arrangement (OPPLA). As stated in the NRS 432B.590 if a child has been placed outside his home and has resided outside his home pursuant to that placement for 14 months of any 20 consecutive months, the best interest of the child must be presumed to be termination of parental rights and placement for adoption. The 14th month from the most recent removal is _____/20_____ (month/year).
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] Substantial achievement of these objectives identified in the case plan may not prevent a court from terminating your parental rights based on the legal factors, such as abandonment, neglect, parental unfitness or unreasonable risk of harm to the child. In addition the District Attorney's office or the Department of Family Services may request a waiver of reasonable efforts by the court based on the above plus the occurrence of previous adjudication and/or termination of parental rights by the court.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed with the family every 90 days, prior to reunification, or at the time the permanency goal(s) has changed. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

Case Plan Information

Case: 1345085 - LAWRENCE, MELISSA	**Opened Date:** 03-05-2008	**Closed Date:**
Status: Supervisor Approved	**Effective:** 07-02-2014	**Review Due:** 12-30-2014
Author: TALLENT, MARYTE	**Approved:** 07-02-2014- RICHARDSON, HEATHER	**Court Approved:**
Plan Created: 07/02/2014 18:50:22	**Plan Last Modified:** 07/02/2014 18:50:22	**Court Case:** J-14-319202-P2

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1740005 - BROWN, HEIDI	Reunification	02-28-2015	N
1740010 - BROWN, NIKKI	Reunification	02-28-2015	N
1831045 - BROWN, WYATT, C.	Reunification	02-28-2015	N
1739377 - LAWRENCE, SAMANTHA	Reunification	02-28-2015	N

**For Permanency Goal A, the undersigned caseworker has determined that 'without the preventive services described in this Case Plan, the child(ren) are at imminent risk of removal and placement into foster care.' **

Assessment Summary

1. Describe the parent's perception of his/her problems and service needs.

Participant: BROWN, DONALD

Mr. Brown has denied that he abused Samantha. He has reported that he feels that he has been an appropriate parent and reports that Samantha has been the source of the problems within the family. Mr. Brown has been open and receptive to engagement in parenting classes and services. Mr. Brown reports that he will do whatever is necessary to reunify with the children. Mr. Brown has acknowledged his previous criminal history regarding the death of his child many years ago. Mr. Brown reports that they previously attempted to get therapy for Samantha, but report that no therapist would take Samantha due to CPS' involvement.

2. Describe the strengths of the family and child(ren) that will help the family achieve their permanency goal.

The children are bonded to both parents and Heidi, Nikki and Wyatt report they want to return home. Samantha has recently become ambivalent about this, but reports that she loves both Ms. Lawrence and Mr. Brown. The family has a social support network including family and friends that support them. The currently have financial stability and transportation. Ms. Lawrence has stable employment that has supported her through CPS involvement. Ms. Lawrence and Mr. Brown both report a willingness to do what is necessary to do what is necessary to reunify with the children.

3. Describe assessed safety and/or risk factors identified with each parent. (Ensure these services are included in the Case Plan.)

Participant: BROWN, DONALD

SAMANTHA LAWRENCE came to the attention of the Department of Family Services in December 2013 after a report was received indicating that she had a black eye. An investigation ensued and SAMANTHA was found to have whip-like marks over her back and side of her abdomen in addition to her black eye. SAMANTHA reported she had hit her face on a cabinet door and that her injuries on her abdomen were from a fall on a trampoline. Mr. Brown and Ms. Lawrence made similar statements. The stories given to Child Protective Services appeared to be inconsistent with the injuries sustained by SAMANTHA. The case was staffed at CARES with Dr. Cetl who advised that SAMANTHA's injuries were fully consistent with child abuse, could not have been as a result of a fall on a trampoline and had not been self-inflicted. SAMANTHA was removed from the home. As the investigation continued, it was determined that HEIDI, NIKKI and WYATT were also unsafe and they were later removed from the care of Ms. Lawrence and Mr. Brown. There is a criminal matter in the process of prosecution regarding the physical abuse SAMANTHA sustained. Ms. Lawrence and Mr. Brown are both out on bond. The case has been bound up to District Court. If convicted, the parents could face incarceration. They will need to create an alternative caregiver plan in the event that they cannot facilitate their parental duties due to arrest.
The family has a very significant history with Child Protective Services. This was the 7th report of physical abuse to SAMANTHA in a five year time frame. SAMANTHA has sustained injuries including bruises to her face and eyes, a broken tooth, stitches and bruising to her abdomen. Injuries to the face and abdomen, along with repetitious injuries, lead to a substantially higher risk of future harm. With each report, however, there was no disclosure by any party. The collective reports demonstrate a consistent nature, despite multiple reporting sources, all with the same victim and the same allegations. Each of the reports show that there was no concern shown for SAMANTHA's welfare by Ms. Lawrence and Mr. Brown, but rather the inconvenience that the CPS investigations had caused them. During the reports, none of the reporting sources ever indicated any behavioral concerns for SAMANTHA. Each report noted that she performed well in school.
It should be noted that Mr. Brown has a conviction in California of Manslaughter and Corporal Punishment of a Child for the death of his child from several years ago. Each hotline report indicated that the reporting sources had significant concern for SAMANTHA's welfare and that they had attempted to address their concerns with Ms. Lawrence.

4. A history of services offered or provided to the family to prevent removal. If services were not provided, state why.

This Family had 7 reports of physical abuse allegations and Samantha has been the victim of those incidents. In the past, in home services were provided. Mr. Brown has been referred to Physical Abuse Boundaries classes and Ms. Lawrence has been referred to Non Offending Parenting classes at Red Rock Psychological Services. Both parents were referred to Triple P's of Positive Parenting classes through the Parenting Project. Family therapy has been discussed through Healthy Minds for both Ms. Lawrence and Mr. Brown.
The children were placed together through St. Jude's. Samantha, Heidi, Nikki and Wyatt were all referred for therapy through Healthy Minds. They are all now receiving therapy to address their own interpersonal issues and to work on their sibling bond. When deemed appropriate, family therapy will commence. Monthly Treatment Team Meetings occur to ensure coordination of services is in place for therapeutic support. Relative placements have been reviewed. Previously, the children's sister in law was a placement, however this disrupted. The maternal grandmother has been ruled out as inappropriate at this time due to lack of protective capacity. The paternal grandmother reports she is physically incapable of caring for the children. Fictive kin placement was ruled out due to background and concern for protective capacity. The maternal grandfather has not provided the information necessary to complete an Interstate Compact Placement of Children (ICPC) to Texas.

Objective: PROVIDE A HOME FREE FROM PHYSICAL ABUSE.

Measurement for Success: There are no further reports of physical abuse in the home. Mr. Brown has completed physical abuse classes and followed all recommendations. Reports from the providers are positive and providers report they have observed behavioral changes in Mr. Brown. Mr. Brown has acknowledged that Samantha was physically abused and the emotional damage that it has caused the children. Mr. Brown has developed an appropriate discipline plan.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete Physical Abuse classes at Red Rock Psychological.	BROWN, DONALD	07-30-2014	01-30-2015	
Follow all recommendations from Red Rock Psychological.	BROWN, DONALD	07-30-2014	01-30-2015	
In individual and/or group counseling, he will build upon the parenting knowledge and expectations he has acquired in parenting classes and actively participate in the development of a viable and reliable safety plan to prevent recurrence.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to the children's well-being.	BROWN, DONALD	07-30-2014	01-30-2015	
Mr. Brown will consistently demonstrate age appropriate behavioral and emotional expectations of the children and age appropriate non-physical interventions and disciplinary strategies.	BROWN, DONALD	07-30-2014	01-30-2015	
Sign a release of information with the service provider to allow DFS access to discuss treatment progress.	BROWN, DONALD	07-30-2014	01-30-2015	
The viability and reliability of any safety plan prevent future physical abuse to the children will be assessed through ongoing consultation between the DFS Specialist and any and all therapist(s) involved with both parents and the children and assessment of the demonstration of protective capacity.	BROWN, DONALD	07-30-2014	01-30-2015	

Objective: MEET THE EMOTIONAL, EDUCATIONAL, PHYSICAL AND DEVELOPMENTAL NEEDS OF THE CHILDREN.

Measurement for Success: Mr. Brown is engaged in treatment services that his children are receiving. The children are taken for medical care as needed. In the absence of the parents, the children are placed in the care of an appropriate person to provide adequate supervision for the children. Mr. Brown is observed to provide age-appropriate discipline for her children. Mr. Brown has regularly attended visitation and is observed to be attentive to his children's needs. Mr. Brown has attended family therapy.

Objective Completion Result:

Action Step	For	Start	Target	Result
Regularly attend visitation with his children, be attentive to their needs and interact with them on an age-appropriate level (once the No Contact order is lifted).	BROWN, DONALD	07-30-2014	01-30-2015	
Complete age-appropriate parenting classes.	BROWN, DONALD	07-30-2014	01-30-2015	
Participate in and be cooperative with treatment/developmental services for his children.	BROWN, DONALD	07-30-2014	01-30-2015	
Engage in Family Preservation services upon reunification of the children in the home.	BROWN, DONALD	07-30-2014	01-30-2015	
Engage in family therapy with the children.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate an understanding of his children's emotional needs.	BROWN, DONALD	07-30-2014	01-30-2015	
Demonstrate empathy for all of the children, their experiences and their feelings.	BROWN, DONALD	07-30-2014	01-30-2015	

Objective: RESOLUTION OF LEGAL MATTERS.

Measurement for Success: Mr. Brown has been compliant with all orders of the criminal court including contact orders and any terms of parole/probation. Mr. Brown has attended all criminal court matters. In the event of incarceration, Mr. Brown has identified an appropriate alternative caregiver and completed legal paperwork to facilitate a guardianship.

Objective Completion Result:

Action Step	For	Start	Target	Result
Attend all criminal court hearings.	BROWN, DONALD	07-30-2014	01-30-2015	
Follow all terms of bond release and/or parole or probation terms.	BROWN, DONALD	07-30-2014	01-30-2015	
Sign a Release of Information to allow DFS to contact parole/probation, if applicable to communicate current status.	BROWN, DONALD	07-30-2014	01-30-2015	
In the event of incarceration, create an alternative caregiving plan, including a voluntary guardianship to provide care for the children.	BROWN, DONALD	07-30-2014	01-30-2015	

Child: 1740005 - BROWN, HEIDI

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Heidi has struggled with the removal from her parents' care. Heidi has voiced that she desires to return home. She is growing to understand her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Heidi has been referred for therapy to address the situation that led to the removal of the children and to address the emotions she has surrounding the removal from her parents' care and to strengthen the sibling relationship.

3. What services are in place to ensure the above needs are met?

Heidi has been referred to Healthy Minds and is receiving therapy services. When appropriate, family therapy will commence.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1740010 - BROWN, NIKKI

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Nikki is placed in a licensed foster home within an agency. Nikki remains quiet and reserved. She is beginning to open up with those around her. She is beginning to establish trust with her foster parents.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Nikki has had emotions regarding the removal and the involvement of CPS in her family's lives. No other special concerns noted.

3. What services are in place to ensure the above needs are met?

Nikki has been referred to Healthy Minds for therapy and is receiving services.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1831045 - BROWN, WYATT, C.

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Wyatt is placed in a licensed foster home within an agency. He is reportedly doing well and enjoys playing with the other young children that reside in the home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Wyatt was recently referred for therapy through Healthy Minds and recently completed the intake process.

3. What services are in place to ensure the above needs are met?

Wyatt was recently referred to Healthy Minds for therapy and completed the intake process.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Child: 1739377 - LAWRENCE, SAMANTHA

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Other Planned Permanency Arrangement	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Samantha intially presented as guarded after removal. Samantha has opened up and demonstrated trust with her foster parent. Samantha is attempting to adjust to her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Samantha was reported to have emotional issues prior to the removal by her mother, Mr. Brown and other relatives. Samantha has not had any significant episodes of behavioral issues beyond what is expected based on her age and experiences. She has been referred for therapy services to teach her appropriate coping skills and how to effectively communicate with those around her.

3. What services are in place to ensure the above needs are met?

Samantha has been referred to Healthy Minds and is now receiving therapy. When appropriate, family therapy will commence. Monthly Treatment Team Meetings (TTM) are held.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

This case plan is a collaborative effort between the family and the child welfare agency to discuss the circumstances that led to your child(ren)'s removal and the goals that are necessary for you to maintain your child(ren) in the home or to safely return your child(ren) to your home.

I have read and understand the Case Plan. I understand that the Case Plan is a living document which is subject to revision based on any risk and safety factors not previously identified. I agree to complete the tasks listed above with the case manager from the Clark County Department of Family Services (DFS).

DFS Permanency Worker

DFS Supervisor

Participant	Role	Signature
1739391 - BROWN, DONALD	Parent	
1740005 - BROWN, HEIDI	Child	
1740010 - BROWN, NIKKI	Child	
1831045 - BROWN, WYATT, C.	Child	
1739377 - LAWRENCE, SAMANTHA	Child	

In-Home Case:
[ ] Please be advised that while you are entering into this agreement voluntarily, there are circumstances that result in harm to a child presented by both federal law and state law that may require the Clark County Department of Family Services to initiate legal proceedings to find a home for your children outside of your care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

[ ] If you do not take the Action Steps and meet your Objectives that are stated in the case plan or follow through with the services offered and provided, DFS may take actions to protect and remove the child(ren) from your care and place them in foster care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

[ ] This case plan will be reviewed every 30 days. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

Out of Home Case:
[ ] The Adoption and Safe Families Act (ASFA) requires that all children in foster care must have a court approved permanency plan within 12 months after removal from the home. A court approved permanency plan will meet a child's basic health and safety needs in one of the following ways: Maintaining the children in the home/preventing removal, Reunification, Adoption, Legal Guardianship, Permanency placement with a relative, Other Planned Permanent Living Arrangement (OPPLA). As stated in the NRS 432B.590 if a child has been placed outside his home and has resided outside his home pursuant to that placement for 14 months of any 20 consecutive months, the best interest of the child must be presumed to be termination of parental rights and placement for adoption. The 14th month from the most recent removal is _____/20_____ (month/year).
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

[ ] Substantial achievement of these objectives identified in the case plan may not prevent a court from terminating your parental rights based on the legal factors, such as abandonment, neglect, parental unfitness or unreasonable risk of harm to the child. In addition the District Attorney's office or the Department of Family Services may request a waiver of reasonable efforts by the court based on the above plus the occurrence of previous adjudication and/or termination of parental rights by the court.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

[ ] This case plan will be reviewed with the family every 90 days, prior to reunification, or at the time the permanency goal(s) has changed. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: ___/__/__

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CLERK OF THE COURT

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Janne Hanrahan
Deputy District Attorney
Juvenile Division
Nevada Bar No. 9053
601 North Pecos
Las Vegas, Nevada 89101
(702) 455-5320

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

In the Matter of:

SAMANTHA LAWRENCE,
Date of Birth: 07-06-1998,
A Minor, 16 Years and 01 Month(s) of Age

HEIDI BROWN
Date of Birth: 01-04-2004
A Minor 10 years, 07 Months of Age

NIKKI BROWN
Date of Birth: 01-04-2004
A Minor 10 years, 07 Months of Age

WYATT BROWN
Date of Birth: 05-30-2009
A Minor 05 years, 02 Months of Age

COURT CASE NO.: J-14-319202-P2
DEPT.: FAMILY JUVENILE

CASE PLAN

Date of Hearing: 08-13-2014
Time of Hearing: 02:00 PM
Courtroom: JUDGE GIULIANI - #22

CASE PLAN: Please see Attachment: Case Plan for Ms. Lawrence

Submitted by:

M. Tallent

MARYTE TALLENT
CASE MANAGER
DEPARTMENT OF FAMILY SERVICES

DATE: 8/13/2014

Hay servicios gratis de ayuda con otros idiomas. Para pedir un intérprete, llame por favor al Coordinador de Servicios de Intérpretes al *671-4578*.

Free language assistance services are available. To request an interpreter, please call the Language Assistance Coordinator at *671-4578*.

Case Plan Information

Case: 1345085 - LAWRENCE, MELISSA	Opened Date: 03-05-2008	Closed Date:
Status: Supervisor Approved	Effective: 07-02-2014	Review Due: 12-30-2014
Author: TALLENT, MARYTE	Approved: 07-02-2014- RICHARDSON, HEATHER	Court Approved:
Plan Created: 07/02/2014 18:50:22	Plan Last Modified: 07/02/2014 18:50:22	Court Case: J-14-319202-P2

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1740005 - BROWN, HEIDI	Reunification	02-28-2015	N
1740010 - BROWN, NIKKI	Reunification	02-28-2015	N
1831045 - BROWN, WYATT, C.	Reunification	02-28-2015	N
1739377 - LAWRENCE, SAMANTHA	Reunification	02-28-2015	N

**For Permanency Goal A, the undersigned caseworker has determined that 'without the preventive services described in this Case Plan, the child(ren) are at imminent risk of removal and placement into foster care.' **

Assessment Summary

1. Describe the parent's perception of his/her problems and service needs.

Participant: LAWRENCE, MELISSA

Ms. Lawrence has been frustrated about CPS' involvement in her family's life. Ms. Lawrence reports that she feels she has been a good mother. Ms. Lawrence reports that she feels that Samantha is to blame for the problems caused in the family and reports that she her No Contest plea was in no way an admission that she or Mr. Brown did anything wrong, but rather that they wanted to move forward. Ms. Lawrence reports that she believes that her other children, specifically, Heidi hates Samantha and blames her for the problems within the home.

2. Describe the strengths of the family and child(ren) that will help the family achieve their permanency goal.

The children are bonded to both parents and Heidi, Nikki and Wyatt report they want to return home. Samantha has recently become ambivalent about this, but reports that she loves both Ms. Lawrence and Mr. Brown. The family has a social support network including family and friends that support them. The currently have financial stability and transportation. Ms. Lawrence has stable employment that has supported her through CPS involvement. Ms. Lawrence and Mr. Brown both report a willingness to do what is necessary to do what is necessary to reunify with the children.

3. Describe assessed safety and/or risk factors identified with each parent. (Ensure these services are included in the Case Plan.)

Participant: LAWRENCE, MELISSA

SAMANTHA LAWRENCE came to the attention of the Department of Family Services in December 2013 after a report was received indicating that she had a black eye. An investigation ensued and SAMANTHA was found to have whip-like marks over her back and side of her abdomen in addition to her black eye. SAMANTHA reported she had hit her face on a cabinet door and that her injuries on her abdomen were from a fall on a trampoline. Mr. Brown and Ms. Lawrence made similar statements. The stories given to Child Protective Services appeared to be inconsistent with the injuries sustained by SAMANTHA. The case was staffed at CARES with Dr. Cetl who advised that SAMANTHA's injuries were fully consistent with child abuse, could not have been as a result of a fall on a trampoline and had not been self-inflicted. SAMANTHA was removed from the home. As the investigation continued, it was determined that HEIDI, NIKKI and WYATT were also unsafe and they were later removed from the care of Ms. Lawrence and Mr. Brown. There is a criminal matter in the process of prosecution regarding the physical abuse SAMANTHA sustained. Ms. Lawrence and Mr. Brown are both out on bond. The case has been bound up to District Court. If convicted, the parents could face incarceration. They will need to create an alternative caregiver plan in the event that they cannot facilitate their parental duties due to arrest.

The family has a very significant history with Child Protective Services. This was the 7th report of physical abuse to SAMANTHA in a five year time frame. SAMANTHA has sustained injuries including bruises to her face and eyes, a broken tooth, stitches and bruising to her abdomen. Injuries to the face and abdomen, along with repetitious injuries, lead to a substantially higher risk of future harm. With each report, however, there was no disclosure by any party. The collective reports demonstrate a consistent nature, despite multiple reporting sources, all with the same victim and the same allegations. Each of the reports show that there was no concern shown for SAMANTHA's welfare by Ms. Lawrence and Mr. Brown, but rather the inconvenience that the CPS investigations had caused them. During the reports, none of the reporting sources ever indicated any behavioral concerns for SAMANTHA. Each report noted that she performed well in school.

Ms. Lawrence has made significantly negative statements about SAMANTHA which have been observed including in her recorded calls while Mr. Brown was incarcerated on charges of child abuse. Ms. Lawrence appears to have extremely negative views of SAMANTHA and believes that everyone around her does too. Ms. Lawrence has reported that HEIDI and NIKKI also "hate" SAMANTHA. Since placement of the children together, there have been no concerns about SAMANTHA's relationship with her siblings outside of normal sibling rivalries. Ms. Lawrence and Mr. Brown have indicated that SAMANTHA is severely emotionally disturbed. Despite this, Ms. Lawrence and Mr. Brown did not get SAMANTHA any therapy or emotional help. Both indicate that they attempted to get her help, but report that therapists would not

"take the case" because of CPS' prior involvement. No records have been provided and names of providers where services were sought have not been received. Relatives have indicated that Ms. Lawrence and Mr. Brown have told them that SAMANTHA injured herself throughout the years. It should be noted there have been no reports of any self-injuries since removal.

4. A history of services offered or provided to the family to prevent removal. If services were not provided, state why.

This Family had 7 reports of physical abuse allegations and Samantha has been the victim of those incidents. In the past, in home services were provided. Mr. Brown has been referred to Physical Abuse Boundaries classes and Ms. Lawrence has been referred to Non Offending Parenting classes at Red Rock Psychological Services. Both parents were referred to Triple P's of Positive Parenting classes through the Parenting Project. Family therapy has been discussed through Healthy Minds for both Ms. Lawrence and Mr. Brown.
The children were placed together through St. Jude's. Samantha, Heidi, Nikki and Wyatt were all referred for therapy through Healthy Minds. They are all now receiving therapy to address their own interpersonal issues and to work on their sibling bond. When deemed appropriate, family therapy will commence. Monthly Treatment Team Meetings occur to ensure coordination of services is in place for therapeutic support. Relative placements have been reviewed. Previously, the children's sister in law was a placement, however this disrupted. The maternal grandmother has been ruled out as inappropriate at this time due to lack of protective capacity. The paternal grandmother reports she is physically incapable of caring for the children. Fictive kin placement was ruled out due to background and concern for protective capacity. The maternal grandfather has not provided the information necessary to complete an Interstate Compact Placement of Children (ICPC) to Texas.

Objective: PROVIDE A HOME FREE FROM PHYSICAL ABUSE

Measurement for Success: There are no further reports of physical abuse in the home. Ms. Lawrence has completed non-offending parenting classes and followed all recommendations. Reports from the providers are positive and providers report they have observed behavioral changes in Ms. Lawrence. Ms. Lawrence has acknowledged that her child was physically abused and has identified where she did not provide adequate protection. Ms. Lawrence has developed an appropriate discipline plan.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete non-offending physical abuse parenting classes.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to her child's well-being.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Ms. Lawrence will identify the opportunities that she missed to provide appropriate protection and supervision to her children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Develop an appropriate discipline plan for the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Follow all recommendations of Red Rock Psychological.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
In individual and/or group counseling, she will build upon the parenting knowledge and expectations she has acquired in parenting classes and actively participate in the development of a viable and reliable safety plan to prevent recurrence.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to the children's well-being.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Sign a release of information with the service provider to allow DFS access to discuss treatment progress.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
The viability and reliability of any safety plan prevent future physical abuse to the children will be assessed through ongoing consultation between the DFS Specialist and any and all therapist(s) involved with	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

both parents and the children and assessment of the non-offending parent's demonstration of protective capacity.				

Objective: MEET THE EMOTIONAL, EDUCATIONAL, PHYSICAL AND DEVELOPMENTAL NEEDS OF THE CHILDREN

Measurement for Success: Ms. Lawrence is engaged in treatment services that her children are receiving. The children are taken for medical care as needed. In the absence of the parents, the children are placed in the care of an appropriate person to provide adequate supervision for the children. Ms. Lawrence is observed to provide age-appropriate discipline for her children. Ms. Lawrence has regularly attended visitation and is observed to be attentive to her children's needs. Ms. Lawrence has engaged in family therapy.

Objective Completion Result:

Action Step	For	Start	Target	Result
Regularly attend visitation with her children, be attentive to their needs and interact with them on an age-appropriate level (once the No Contact order is lifted).	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Complete age-appropriate parenting classes.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Participate in and be cooperative with treatment/developmental services for her children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Engage in Family Preservation services upon reunification of the children in the home.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Engage in family therapy with the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of her children's emotional needs.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate empathy for all of the children, their experiences and their feelings.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

Objective: RESOLUTION OF LEGAL MATTERS

Measurement for Success: Ms. Lawrence has been compliant with all orders of the criminal court including contact orders and any terms of parole/probation. Ms. Lawrence has attended all criminal court matters. In the event of incarceration, Ms. Lawrence has identified an appropriate alternative caregiver and completed legal paperwork to facilitate a guardianship.

Objective Completion Result:

Action Step	For	Start	Target	Result
Attend all criminal court hearings.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Follow all terms of bond release and/or parole or probation terms.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Sign a Release of Information to allow DFS to contact parole/probation, if applicable to communicate current status.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
In the event of incarceration, create an alternative caregiving plan, including a voluntary guardianship to provide care for the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

Child: 1740105 - BROWN, HEIDI

Permanency Goal for this child: Reunification		**Target Date:** 02-28-2015
Concurrent Goal: Adoption		

Placement: Foster Care

1. Describe the adjustment of the child to placement

Heidi has struggled with the removal from her parents' care. Heidi has voiced that she desires to return home. She is growing to understand her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Heidi has been referred for therapy to address the situation that led to the removal of the children and to address the emotions she has surrounding the removal from her parents' care and to strengthen the sibling relationship.

3. What services are in place to ensure the above needs are met?

Heidi has been referred to Healthy Minds and is receiving therapy services. When appropriate, family therapy will commence.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1740010 - BROWN, NIKKI

Permanency Goal for this child: Reunification — **Target Date:** 02-28-2015

Concurrent Goal: Adoption

Placement: Foster Care

1. Describe the adjustment of the child to placement

Nikki is placed in a licensed foster home within an agency. Nikki remains quiet and reserved. She is beginning to open up with those around her. She is beginning to establish trust with her foster parents.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Nikki has had emotions regarding the removal and the involvement of CPS in her family's lives. No other special concerns noted.

3. What services are in place to ensure the above needs are met?

Nikki has been referred to Healthy Minds for therapy and is receiving services.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1831045 - BROWN, WYATT C

Permanency Goal for this child: Reunification — **Target Date:** 02-28-2015

Concurrent Goal: Adoption

Placement: Foster Care

1. Describe the adjustment of the child to placement

Wyatt is placed in a licensed foster home within an agency. He is reportedly doing well and enjoys playing with the other young children that reside in the home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Wyatt was recently referred for therapy through Healthy Minds and recently completed the intake process.

3. What services are in place to ensure the above needs are met?

Wyatt was recently referred to Healthy Minds for therapy and completed the intake process.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Child: 1739377 - LAWRENCE, SAMANTHA

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Other Planned Permanency Arrangement	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Samantha intially presented as guarded after removal. Samantha has opened up and demonstrated trust with her foster parent. Samantha is attempting to adjust to her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Samantha was reported to have emotional issues prior to the removal by her mother, Mr. Brown and other relatives. Samantha has not had any significant episodes of behavioral issues beyond what is expected based on her age and experiences. She has been referred for therapy services to teach her appropriate coping skills and how to effectively communicate with those around her.

3. What services are in place to ensure the above needs are met?

Samantha has been referred to Healthy Minds and is now receiving therapy. When appropriate, family therapy will commence. Monthly Treatment Team Meetings (TTM) are held.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

This case plan is a collaborative effort between the family and the child welfare agency to discuss the circumstances that led to your child(ren)'s removal and the goals that are necessary for you to maintain your child(ren) in the home or to safely return your child(ren) to your home.

I have read and understand the Case Plan. I understand that the Case Plan is a living document which is subject to revision based on any risk and safety factors not previously identified. I agree to complete the tasks listed above with the case manager from the Clark County Department of Family Services (DFS).

M. Tallent

DFS Permanency Worker

DFS Supervisor

Participant	Role	Signature
1740005 - BROWN, HEIDI	Child	
1740010 - BROWN, NIKKI	Child	
1831045 - BROWN, WYATT, C.	Child	
1739380 - LAWRENCE, MELISSA	Parent	
1739377 - LAWRENCE, SAMANTHA	Child	

In-Home Case:

[ ] Please be advised that while you are entering into this agreement voluntarily, there are circumstances that result in harm to a child presented by both federal law and state law that may require the Clark County Department of Family Services to initiate legal proceedings to find a home for your children outside of your care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] If you do not take the Action Steps and meet your Objectives that are stated in the case plan or follow through with the services offered and provided, DFS may take actions to protect and remove the child(ren) from your care and place them in foster care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed every 30 days. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

Out of Home Case:

[ ] The Adoption and Safe Families Act (ASFA) requires that all children in foster care must have a court approved permanency plan within 12 months after removal from the home. A court approved permanency plan will meet a child's basic health and safety needs in one of the following ways: Maintaining the children in the home/preventing removal, Reunification, Adoption, Legal Guardianship, Permanency placement with a relative, Other Planned Permanent Living Arrangement (OPPLA). As stated in the NRS 432B.590 if a child has been placed outside his home and has resided outside his home pursuant to that placement for 14 months of any 20 consecutive months, the best interest of the child must be presumed to be termination of parental rights and placement for adoption. The 14th month from the most recent removal is _____/20_____ (month/year).
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] Substantial achievement of these objectives identified in the case plan may not prevent a court from terminating your parental rights based on the legal factors, such as abandonment, neglect, parental unfitness or unreasonable risk of harm to the child. In addition the District Attorney's office or the Department of Family Services may request a waiver of reasonable efforts by the court based on the above plus the occurrence of previous adjudication and/or termination of parental rights by the court.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed with the family every 90 days, prior to reunification, or at the time the permanency goal(s) has changed. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

Case Plan Information

Case: 1345085 - LAWRENCE, MELISSA	**Opened Date:** 03-05-2008	**Closed Date:**
Status: Supervisor Approved	**Effective:** 07-02-2014	**Review Due:** 12-30-2014
Author: TALLENT, MARYTE	**Approved:** 07-02-2014- RICHARDSON, HEATHER	**Court Approved:**
Plan Created: 07/02/2014 18:50:22	**Plan Last Modified:** 07/02/2014 18:50:22	**Court Case:** J-14-319202-P2

Permanency Goal Summary

Child	Goal	Targeted Completion	**Prevent Removal**
1740005 - BROWN, HEIDI	Reunification	02-28-2015	N
1740010 - BROWN, NIKKI	Reunification	02-28-2015	N
1831045 - BROWN, WYATT, C.	Reunification	02-28-2015	N
1739377 - LAWRENCE, SAMANTHA	Reunification	02-28-2015	N

**For Permanency Goal A, the undersigned caseworker has determined that 'without the preventive services described in this Case Plan, the child(ren) are at imminent risk of removal and placement into foster care.' **

Assessment Summary

1. Describe the parent's perception of his/her problems and service needs.

Participant: LAWRENCE, MELISSA

Ms. Lawrence has been frustrated about CPS' involvement in her family's life. Ms. Lawrence reports that she feels she has been a good mother. Ms. Lawrence reports that she feels that Samantha is to blame for the problems caused in the family and reports that she her No Contest plea was in no way an admission that she or Mr. Brown did anything wrong, but rather that they wanted to move forward. Ms. Lawrence reports that she believes that her other children, specifically, Heidi hates Samantha and blames her for the problems within the home.

2. Describe the strengths of the family and child(ren) that will help the family achieve their permanency goal.

The children are bonded to both parents and Heidi, Nikki and Wyatt report they want to return home. Samantha has recently become ambivalent about this, but reports that she loves both Ms. Lawrence and Mr. Brown. The family has a social support network including family and friends that support them. The currently have financial stability and transportation. Ms. Lawrence has stable employment that has supported her through CPS involvement. Ms. Lawrence and Mr. Brown both report a willingness to do what is necessary to do what is necessary to reunify with the children.

3. Describe assessed safety and/or risk factors identified with each parent. (Ensure these services are included in the Case Plan.)

Participant: LAWRENCE, MELISSA

SAMANTHA LAWRENCE came to the attention of the Department of Family Services in December 2013 after a report was received indicating that she had a black eye. An investigation ensued and SAMANTHA was found to have whip-like marks over her back and side of her abdomen in addition to her black eye. SAMANTHA reported she had hit her face on a cabinet door and that her injuries on her abdomen were from a fall on a trampoline. Mr. Brown and Ms. Lawrence made similar statements. The stories given to Child Protective Services appeared to be inconsistent with the injuries sustained by SAMANTHA. The case was staffed at CARES with Dr. Cetl who advised that SAMANTHA's injuries were fully consistent with child abuse, could not have been as a result of a fall on a trampoline and had not been self-inflicted. SAMANTHA was removed from the home. As the investigation continued, it was determined that HEIDI, NIKKI and WYATT were also unsafe and they were later removed from the care of Ms. Lawrence and Mr. Brown. There is a criminal matter in the process of prosecution regarding the physical abuse SAMANTHA sustained. Ms. Lawrence and Mr. Brown are both out on bond. The case has been bound up to District Court. If convicted, the parents could face incarceration. They will need to create an alternative caregiver plan in the event that they cannot facilitate their parental duties due to arrest.

The family has a very significant history with Child Protective Services. This was the 7th report of physical abuse to SAMANTHA in a five year time frame. SAMANTHA has sustained injuries including bruises to her face and eyes, a broken tooth, stitches and bruising to her abdomen. Injuries to the face and abdomen, along with repetitious injuries, lead to a substantially higher risk of future harm. With each report, however, there was no disclosure by any party. The collective reports demonstrate a consistent nature, despite multiple reporting sources, all with the same victim and the same allegations. Each of the reports show that there was no concern shown for SAMANTHA's welfare by Ms. Lawrence and Mr. Brown, but rather the inconvenience that the CPS investigations had caused them. During the reports, none of the reporting sources ever indicated any behavioral concerns for SAMANTHA. Each report noted that she performed well in school.

Ms. Lawrence has made significantly negative statements about SAMANTHA which have been observed including in her recorded calls while Mr. Brown was incarcerated on charges of child abuse. Ms. Lawrence appears to have extremely negative views of SAMANTHA and believes that everyone around her does too. Ms. Lawrence has reported that HEIDI and NIKKI also "hate" SAMANTHA. Since placement of the children together, there have been no concerns about SAMANTHA's relationship with her siblings outside of normal sibling rivalries. Ms. Lawrence and Mr. Brown have indicated that SAMANTHA is severely emotionally disturbed. Despite this, Ms. Lawrence and Mr. Brown did not get SAMANTHA any therapy or emotional help. Both indicate that they attempted to get her help, but report that therapists would not

"take the case" because of CPS' prior involvement. No records have been provided and names of providers where services were sought have not been received. Relatives have indicated that Ms. Lawrence and Mr. Brown have told them that SAMANTHA injured herself throughout the years. It should be noted there have been no reports of any self-injuries since removal.

4. A history of services offered or provided to the family to prevent removal. If services were not provided, state why.

This Family had 7 reports of physical abuse allegations and Samantha has been the victim of those incidents. In the past, in home services were provided. Mr. Brown has been referred to Physical Abuse Boundaries classes and Ms. Lawrence has been referred to Non Offending Parenting classes at Red Rock Psychological Services. Both parents were referred to Triple P's of Positive Parenting classes through the Parenting Project. Family therapy has been discussed through Healthy Minds for both Ms. Lawrence and Mr. Brown.
The children were placed together through St. Jude's. Samantha, Heidi, Nikki and Wyatt were all referred for therapy through Healthy Minds. They are all now receiving therapy to address their own interpersonal issues and to work on their sibling bond. When deemed appropriate, family therapy will commence. Monthly Treatment Team Meetings occur to ensure coordination of services is in place for therapeutic support. Relative placements have been reviewed. Previously, the children's sister in law was a placement, however this disrupted. The maternal grandmother has been ruled out as inappropriate at this time due to lack of protective capacity. The paternal grandmother reports she is physically incapable of caring for the children. Fictive kin placement was ruled out due to background and concern for protective capacity. The maternal grandfather has not provided the information necessary to complete an Interstate Compact Placement of Children (ICPC) to Texas.

Objective: PROVIDE A HOME FREE FROM PHYSICAL ABUSE.

Measurement for Success: There are no further reports of physical abuse in the home. Ms. Lawrence has completed non-offending parenting classes and followed all recommendations. Reports from the providers are positive and providers report they have observed behavioral changes in Ms. Lawrence. Ms. Lawrence has acknowledged that her child was physically abused and has identified where she did not provide adequate protection. Ms. Lawrence has developed an appropriate discipline plan.

Objective Completion Result:

Action Step	For	Start	Target	Result
Complete non-offending physical abuse parenting classes.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to her child's well-being.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Ms. Lawrence will identify the opportunities that she missed to provide appropriate protection and supervision to her children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Develop an appropriate discipline plan for the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Follow all recommendations of Red Rock Psychological.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
In individual and/or group counseling, she will build upon the parenting knowledge and expectations she has acquired in parenting classes and actively participate in the development of a viable and reliable safety plan to prevent recurrence.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of the impact of physical abuse to the children's well-being.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Sign a release of information with the service provider to allow DFS access to discuss treatment progress.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
The viability and reliability of any safety plan prevent future physical abuse to the children will be assessed through ongoing consultation between the DFS Specialist and any and all therapist(s) involved with	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

both parents and the children and assessment of the non-offending parent's demonstration of protective capacity.				

Objective: MEET THE EMOTIONAL, EDUCATIONAL, PHYSICAL AND DEVELOPMENTAL NEEDS OF THE CHILDREN.

Measurement for Success: Ms. Lawrence is engaged in treatment services that her children are receiving. The children are taken for medical care as needed. In the absence of the parents, the children are placed in the care of an appropriate person to provide adequate supervision for the children. Ms. Lawrence is observed to provide age-appropriate discipline for her children. Ms. Lawrence has regularly attended visitation and is observed to be attentive to her children's needs. Ms. Lawrence has engaged in family therapy.

Objective Completion Result:

Action Step	For	Start	Target	Result
Regularly attend visitation with her children, be attentive to their needs and interact with them on an age-appropriate level (once the No Contact order is lifted).	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Complete age-appropriate parenting classes.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Participate in and be cooperative with treatment/developmental services for her children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Engage in Family Preservation services upon reunification of the children in the home.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Engage in family therapy with the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate an understanding of her children's emotional needs.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Demonstrate empathy for all of the children, their experiences and their feelings.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

Objective: RESOLUTION OF LEGAL MATTERS

Measurement for Success: Ms. Lawrence has been compliant with all orders of the criminal court including contact orders and any terms of parole/probation. Ms. Lawrence has attended all criminal court matters. In the event of incarceration, Ms. Lawrence has identified an appropriate alternative caregiver and completed legal paperwork to facilitate a guardianship.

Objective Completion Result:

Action Step	For	Start	Target	Result
Attend all criminal court hearings.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Follow all terms of bond release and/or parole or probation terms.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
Sign a Release of Information to allow DFS to contact parole/probation, if applicable to communicate current status.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	
In the event of incarceration, create an alternative caregiving plan, including a voluntary guardianship to provide care for the children.	LAWRENCE, MELISSA	07-30-2014	01-30-2015	

Child: 1740005 - BROWN, HEIDI

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	

Placement: Foster Care	

1. Describe the adjustment of the child to placement

Heidi has struggled with the removal from her parents' care. Heidi has voiced that she desires to return home. She is growing to understand her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Heidi has been referred for therapy to address the situation that led to the removal of the children and to address the emotions she has surrounding the removal from her parents' care and to strengthen the sibling relationship.

3. What services are in place to ensure the above needs are met?

Heidi has been referred to Healthy Minds and is receiving therapy services. When appropriate, family therapy will commence.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1740010 - BROWN, NIKKI

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Nikki is placed in a licensed foster home within an agency. Nikki remains quiet and reserved. She is beginning to open up with those around her. She is beginning to establish trust with her foster parents.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Nikki has had emotions regarding the removal and the involvement of CPS in her family's lives. No other special concerns noted.

3. What services are in place to ensure the above needs are met?

Nikki has been referred to Healthy Minds for therapy and is receiving services.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Yes, the child is 6 years old or older.

Child: 1831045 - BROWN, WYATT, C.

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Adoption	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Wyatt is placed in a licensed foster home within an agency. He is reportedly doing well and enjoys playing with the other young children that reside in the home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

No medical, behavioral or educational issues have been identify at this time. Wyatt was recently referred for therapy through Healthy Minds and recently completed the intake process.

3. What services are in place to ensure the above needs are met?

Wyatt was recently referred to Healthy Minds for therapy and completed the intake process.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

Child: 1739377 - LAWRENCE, SAMANTHA

Permanency Goal for this child: Reunification	**Target Date:** 02-28-2015
Concurrent Goal: Other Planned Permanency Arrangement	
Placement: Foster Care	

1. Describe the adjustment of the child to placement

Samantha intially presented as guarded after removal. Samantha has opened up and demonstrated trust with her foster parent. Samantha is attempting to adjust to her role within the foster home.

2. What medical, mental health, behavioral or educational care needs have been identified for this child?

Samantha was reported to have emotional issues prior to the removal by her mother, Mr. Brown and other relatives. Samantha has not had any significant episodes of behavioral issues beyond what is expected based on her age and experiences. She has been referred for therapy services to teach her appropriate coping skills and how to effectively communicate with those around her.

3. What services are in place to ensure the above needs are met?

Samantha has been referred to Healthy Minds and is now receiving therapy. When appropriate, family therapy will commence. Monthly Treatment Team Meetings (TTM) are held.

4. Describe the services provided to the caregiver to address the specific needs of the child.

Foster parents are a licensed agency. They have the support of St. Jude's staff and supervision. Foster parents have had the support of the Department, the children's attorneys and a CASA.

5. How is the case worker going to monitor the child's care and services (including routine medical, behavioral and education care)?

Ongoing regular child contacts will be maintained, as well as contacts with the caregiver, service providers, CAP, CASA and all other collateral sources.

6. Is this child placed in a NRS432B.3905 compliant placement? If not, explain why.

This case plan is a collaborative effort between the family and the child welfare agency to discuss the circumstances that led to your child(ren)'s removal and the goals that are necessary for you to maintain your child(ren) in the home or to safely return your child(ren) to your home.

I have read and understand the Case Plan. I understand that the Case Plan is a living document which is subject to revision based on any risk and safety factors not previously identified. I agree to complete the tasks listed above with the case manager from the Clark County Department of Family Services (DFS).

DFS Permanency Worker

DFS Supervisor

Participant	Role	Signature
1740005 - BROWN, HEIDI	Child	
1740010 - BROWN, NIKKI	Child	
1831045 - BROWN, WYATT, C.	Child	
1739380 - LAWRENCE, MELISSA	Parent	
1739377 - LAWRENCE, SAMANTHA	Child	

In-Home Case:
[ ] Please be advised that while you are entering into this agreement voluntarily, there are circumstances that result in harm to a child presented by both federal law and state law that may require the Clark County Department of Family Services to initiate legal proceedings to find a home for your children outside of your care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] If you do not take the Action Steps and meet your Objectives that are stated in the case plan or follow through with the services offered and provided, DFS may take actions to protect and remove the child(ren) from your care and place them in foster care.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed every 30 days. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

Out of Home Case:
[ ] The Adoption and Safe Families Act (ASFA) requires that all children in foster care must have a court approved permanency plan within 12 months after removal from the home. A court approved permanency plan will meet a child's basic health and safety needs in one of the following ways: Maintaining the children in the home/preventing removal, Reunification, Adoption, Legal Guardianship, Permanency placement with a relative, Other Planned Permanent Living Arrangement (OPPLA). As stated in the NRS 432B.590 if a child has been placed outside his home and has resided outside his home pursuant to that placement for 14 months of any 20 consecutive months, the best interest of the child must be presumed to be termination of parental rights and placement for adoption. The 14th month from the most recent removal is _____/20_____ (month/year).
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] Substantial achievement of these objectives identified in the case plan may not prevent a court from terminating your parental rights based on the legal factors, such as abandonment, neglect, parental unfitness or unreasonable risk of harm to the child. In addition the District Attorney's office or the Department of Family Services may request a waiver of reasonable efforts by the court based on the above plus the occurrence of previous adjudication and/or termination of parental rights by the court.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

[ ] This case plan will be reviewed with the family every 90 days, prior to reunification, or at the time the permanency goal(s) has changed. New objectives can be added at the review to address any identified safety threats or any moderate or serious problems based on assessments.
Parent Initials: _____; _____ Worker Initials: _____ Date Initialed: __/__/__

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CLERK OF THE COURT

CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
121 SOUTH MARTIN LUTHER KING BLVD.
LAS VEGAS, NEVADA 89106
(702) 455-7200

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

In the Matter of:

SAMANTHA LAWRENCE
Date of Birth: 07-06-1998
A Minor 16 years, 06 Months of Age

HEIDI BROWN
Date of Birth: 01-04-2004
A Minor 11 years, 00 Months of Age

NIKKI BROWN
Date of Birth: 01-04-2004
A Minor 11 years, 00 Months of Age

WYATT BROWN
Date of Birth: 05-30-2009
A Minor 05 years, 07 Months of Age

COURT CASE NO.: J-14-319202-P2
DEPT.: FAMILY JUVENILE

REPORT FOR PERMANENCY AND PLACEMENT REVIEW

Date of Hearing: 01-14-2015

Time of Hearing: 03:00 PM

Courtroom: JUDGE GIULIANI - #22

Attachment:
A. Parenting letter of completion on behalf of Mr. Brown
B. Parenting letter of completion on behalf of Ms. Lawrence
C. Red Rock Psychological Health Family Risk report on behalf of Mr. Brown
D. Red Rock Psychological Health

JUN 10 2015
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

Family Risk Assessment on behalf of Ms. Lawrence.
E. Red Rock Psychological Health Adult Boundaries (Physical Abuse) Completion Certificate.
F. Red Rock Psychological Health Non-Offending Parenting class (Physical Abuse) completion certificate.
G. Incident reports for SAMANTHA LAWRENCE

CONCERNING:

Father: DONALD BROWN (as to HEIDI, NIKKI and WYATT)
DOB: 03-09-1963
Address: 2127 Blue Zenith Circle Las Vegas, NV 89119

Mother: MELISSA LAWRENCE
DOB: 08-07-1980
Address: 2127 Blue Zenith Circle Las Vegas, NV 89119

Siblings: HEIDI, NIKKI and WYATT have an adult sibling, David, who resides in California. It has been reported that Mr. Brown has other adult children; however, their full name and locations are unknown.

Father: Ms. Lawrence has not disclosed the name of SAMANTHA's father as of this report.

☒ The Indian Child Welfare Act does not apply.
☐ The Indian Child Welfare Act does apply.

NOTIFICATION OF HEARING AND TYPE OF SERVICE

Mother:	Ms. Lawrence was notified at the court hearing on December 12, 2014.
Father(s):	Mr. Brown was notified at the court hearing on December 12, 2014.
Current Placement:	Foster parents were notified via phone on January 6, 2014.
CASA:	Ms. Smith was notified at the court hearing on December 12, 2014.
Child's Attorney:	Ms. Honodel and Ms. Hauser were notified at the court hearing on December 12, 2014.
Mother's Attorney:	At the time of the hearing on December 12, 2014, it was reported that Ms. Lawrence will no longer be represented by Mr. Prokopious. DFS was notified at the CFT meeting on January 12, 2015 that a Mr. Gowdey represented Ms. Lawrence. No contact information has been provided and no appearance has been made in Family Court.

Father's Attorney: Mr. Prokopious was notified at the court hearing on December 12, 2014.

Tribe: Not Applicable

Maternal grandfather's attorney: Gregor Mills - notified on December 12, 2014

REMOVAL DATE:

January 8, 2014 as to SAMANTHA LAWRENCE and January 19, 2014 as to NIKKI BROWN, HEIDI BROWN and WYATT BROWN.

TRIAL HOME VISIT DATES:

N/A to N/A; N/A to N/A

REASON FOR CUSTODY AND COURT JURISDICTION (formally known as Wardship):

PREVIOUS COURT ORDER DEEMED EFFORTS BY THE DEPARTMENT TO ACHIEVE THE PERMANENCY PLAN:

☒ Were Reasonable Efforts	For: SAMANTHA, HEIDI, NIKKI and WYATT.
☐ Were Not Reasonable Efforts	For:

PERMANENCY GOAL AND PROJECTED DATE OF ACHIEVEMENT:

☐ Reunification	With:
☒ Termination of Parental Rights and Adoption	By: current placement or maternal grandfather
☐ Guardianship	By:
☐ Long Term Relative Placement	With:
☐ Other Planned Permanent Living Arrangement	With:
Projected Date of Achievement:	September 2015

CONCURRENT PERMANENCY GOAL:

☒ Reunification	With: Ms. Lawrence and Mr. Brown
☐ Termination of Parental Rights and Adoption	By:
☐ Guardianship	By:
☐ Long Term Relative Placement	With:
☐ Other Planned Permanent Living Arrangement	With:

. . .

. . .

RATIONALE FOR PERMANENCY PLAN:

This is the 12 month review on this case. There is a Motion to Waive Reasonable Efforts pending before this court that was continued to be heard with this hearing.

The family has a very significant history with Child Protective Services since 2008. This was the 7th report of physical abuse to SAMANTHA within a five year time frame.

Currently, there is a No Contact order that was issued out of the criminal court as to Ms. Lawrence and Mr. Brown. Mr. Brown and Ms. Lawrence are awaiting criminal trial as to the allegations of physical abuse of SAMANTHA LAWRENCE.

Ms. Lawrence has made negative statements about SAMANTHA which have been recorded while talking to Mr. Brown while he was incarcerated on charges of child abuse. The Department of Family Services has reviewed some of these phone calls between Ms. Lawrence and Mr. Brown.

It is clear that Mr. Brown and Ms. Lawrence continue to blame SAMANTHA for the significant injuries that she sustained, still a year later. During their calls, Mr. Brown and Ms. Lawrence have indicated that SAMANTHA is severely emotionally disturbed. Despite this, Ms. Lawrence and Mr. Brown did not get SAMANTHA any therapy or emotional help during the time she was in their care; however in the recorded calls Mr. Brown and Ms. Lawrence wanted their attorneys to ask for a psychiatric evaluation to diagnose SAMANTHA with borderline personality disorder. These calls give insight to how Mr. Brown and Ms. Lawrence truly feel about their daughter, despite knowing that they are being recorded and acknowledge that they are being recorded.

The Department of Family has concerns about the extremely negative beliefs and statements that Ms. Lawrence has made regarding SAMANTHA. Ms. Lawrence called SAMANTHA a "pea head" during her phone conversation with Mr. Brown. During the same conversation Mr. Brown stated that "she (SAMANTHA) will pay for what she wrote" days after SAMANTHA had written her letter of disclosure of the abuse she sustained. These statements demonstrate a lack of protective capacity, the lack of empathy and could further exacerbate emotional distress for SAMANTHA.

In May 2014, SAMANTHA gave a full written disclosure naming Mr. Brown as the perpetrator of the physical abuse against SAMANTHA. The disclosure was a detailed disclosure and SAMANTHA testified in the preliminary hearing for Ms. Lawrence at criminal court. SAMANTHA named the previously referenced incidents and advised that she had been being abused since she was 3-years-old.

Since the removal, HEIDI, NIKKI and WYATT have also given multiple disclosures to multiple parties that SAMANTHA was physically abuse by Mr. Brown and Ms. Lawrence was aware of it. The disclosures have included that there was great discord in the Lawrence/Brown home due to Ms. Lawrence

knowing about the abuse, but still remaining with Mr. Brown and subjecting the children to further harm.

An Interstate Compact Placement of Children (ICPC) was process on behalf of David Brown and his wife in California. In January 2015 after the visit with the children, David requested for SAMANTHA to be taken from the ICPC and leave the 3 other children as relative placement to expedite the process and when he moves to Las Vegas in 6 months then can take the foster care license classes and take SAMANTHA. David has supervised phone calls with the children and it was reported that his conversation is minimal and strained.

The children also disclosed that their adult sibling, David, and his wife knew about the abuse and that David was present and participated during some of the incidents. David recently visited with the children for the first time in person since their removal. After the visit, one of the children recalled a detailed event of abuse that involved David. A recent disclosure was so detailed that it is being investigated at this time. At the time of the investigation, the disclosure given to a third party was again repeated to the investigator. Each time that David contacts the Department it is immediately following a contact between the Department and Mr. Brown. Mr. Brown has reported at the recent CFT that he has seen the emails between DFS and David. David appears aligned with Mr. Brown rather than the children. As such, David is not a viable placement option for the children.

The Department has spoken at length with the maternal grandfather who resides in Texas. He had declined to provide the information needed to process an Interstate Compact Placement of Children (ICPC) request to assess him as a placement. The maternal grandfather met with Supervisor Richardson in December 2014 and provided the information to begin the ICPC process. The maternal grandfather has kept his opinions to himself, treated all four children equally and has not engaged in attempting to discuss the case. While meeting with Supervisor Richardson, the maternal grandfather stated that he had noticed SAMANTHA to be withdrawn and began "keeping to herself" about 5 years ago. The CPS reports began in 2008 with the allegations of physical abuse against SAMANTHA. The maternal grandfather did not appear to connect his timeline of seeing the change in SAMANTHA's behavior with the same timeframe as the beginning of the allegations of abuse perpetrated against her. Despite this, Mr. Lawrence has advised that he is committed to ensuring the children's safety. He has been hesitant to acknowledge that any abuse took place. He has stated that he "believes the truth will come out" about who is lying. The maternal grandfather has been permitted supervised phone contact and visitation that is supervised by either the foster parent or the Department. Currently, the contacts are going well and he visited the children in December 2014. The Department of Family Services is in the process of submitting an ICPC on behalf of the maternal grandfather. The Department has expressed concern that the maternal grandfather allowed the children to bond with foster parents for a lengthy amount of time before committing to be a placement resource. Mr. Lawrence has advised that he believed the case would resolve.

Mr. Brown and Ms. Lawrence have both engaged in services at Red Rock Psychological Services for physical abuse. Both completed services and a subsequent assessment. The assessments both report that both parents are at High Risk of re-offense of physical abuse. Mr. Brown was recommended to engage in Anger Management and Domestic Violence. Mr. Brown reports that he has begun to engage in both services. Verification has not yet been received as of this writing. Mr. Brown was recommended to engage in individual therapy specific to his physical abuse. There was some misunderstanding for Mr. Brown as he believed his Healthy Minds therapy would suffice. This was clarified at the CFT meeting and he now understands he needs to seek treatment outside the agency with a DFS approved provider. Ms. Lawrence was recommended to engage in individual therapy to address physical abuse. Her report indicates that the recommendations are "guarded without a polygraph". The opportunity was not allowed to discuss this with Ms. Lawrence as she did not attend the CFT meeting.

Both Mr. Brown and Ms. Lawrence have engaged in therapy at Healthy Minds in preparation of family therapy. Family Therapy has not been able to begin at this time as the children's therapists all report that the children are all still actively making disclosures and that the children are all waiting for their parents to "tell the truth" before moving forward.

Mr. Brown and Ms. Lawrence have not taken responsibility for their role in SAMANTHA's injuries or the lack of ensuring she receive adequate care throughout the years. HEIDI, NIKKI and WYATT could be at risk, as well, as there is no parent with sufficient protective capacity to recognize the safety threat that is clearly present in the home.

At this time, the Department of Family Services is requesting that the permanency goal be changed to termination of parental rights and adoption due to Ms. Lawrence and Mr. Brown demonstrating no behavioral changes and the safety concerns not being addressed and the children remaining in out of home care one year after removal. Mr. Brown and Ms. Lawrence do not appear any closer to acknowledging the safety threats today than they did at the time of the removal despite several services taking place.

PARENTS' PROGRESS:

Visitation: There in a no contact order between the children and the parents by the Criminal Court. Ms. Lawrence and Mr. Brown have not had any direct contact this reporting period.

Housing: Mr. Brown and Ms. Lawrence continue to reside in the family home. The home is a 5 bedroom home. There are no concerns with housing suitability with regards to the structure of the home. A new home inspection will need to

be completed prior to moving forward with any unsupervised visitation or reunification plans. Mr. Brown and Ms. Lawrence will need to cooperate with this at the time that this becomes appropriate.

Employment: Both parents report that are employed at this time. Historically, there has been no concern with the parents' ability to provide financially for the children. Ms. Lawrence has carried insurance for the children privately for them through her employment. There have been communications about the parents paying for SAMANTHA's orthodontic payments in a timely manner to ensure that she gets the care she needs. As a result, her orthodontist had to be changed as the payments had not been maintained in a timely manner.

Counseling: Mr. Brown completed the boundaries classes and subsequently a Family Risk Assessment at Red Rock Psychological. The recommendations were to do a domestic violence assessment and follow recommendations; anger/management/impulse control classes and follow recommendations, weekly individual therapy to address his position of denial and history of criminal behavior and no contact with his children until his risk of abuse is decreased. A referral was done to ABC Therapy on behalf of Mr. Brown for a domestic violence assessment. It was reported that Mr. Brown had an assessment scheduled for December 15, 2014. Mr. Brown reports that he completed his assessment and has completed four classes. This Specialist has not been able to confirm if Mr. Brown's attendance as of this writing.

Ms. Lawrence completed Non-Offending Parenting classes for Physical Abuse at Red Rock and a Family Risk Assessment. The recommendations given to Ms. Lawrence after completing the Family Risk Assessment at Red Rock Psychological Health are to complete individual therapy to address physical abuse; to create a safety plan with the help of a trauma therapist to identify triggers, coping skills and relapse prevention; no contact with the children until the risk of abuse is decreased. She also was recommended a polygraph examination to provide clarity in this case.

Mr. Brown and Ms. Lawrence have engaged in services this reporting period as requested. Despite engagement in services, neither parent has been able to discuss the abuse, safety threats or a viable safety plan about how they will protect the children in the future from physical abuse. When Supervisor Richardson asked Ms. Lawrence in October 2014 how she was going to prevent future recurrence of injury to SAMANTHA, Ms. Lawrence responded that she was going to "give SAMANTHA less responsibility. She would not do the chores that she was doing where she always hurt herself." Statements such as these are evident that Ms. Lawrence despite engagement in services still verbalizes that she denies despite seven reports for her family for abuse to the same child with significant injuries that SAMANTHA was abused.

Mr. Brown and Ms. Lawrence have demonstrated no empathy toward SAMANTHA regarding the abuse or injuries sustained while she was in their care. When asked about a safety plan, Mr. Brown and Ms. Lawrence have reported that their proposed solution was the installation of video cameras in their home. This does not prevent future physical abuse from taking place nor protect the children.

Parenting: Both Mr. Brown and Ms. Lawrence completed parenting classes. They continue to deny that SAMANTHA was physical abused in their care. The Department of Family Services obtained recordings from Clark County Detention Center between Mr. Brown and Ms. Lawrence from the time period from May 30, 2014 to June 3, 2014. Ms. Lawrence makes extremely disparaging remarks about her daughter. Both Ms. Lawrence and Mr. Brown stated that they would ask their attorneys for a psychiatric assessment for SAMANTHA because she has Borderline Personality disorder which is a psychiatric disorder that cannot be assessed in someone under 18 years old. Ms. Lawrence expresses extremely negative of SAMANTHA during the conversations. Melissa Lawrence stated that SAMANTHA could "go live in a fucking orphanage" and that "not even her father wanted anything to do with her". Ms. Lawrence stated that SAMANTHA has a "brain of a peanut ". Mr. Brown said on one of the phone calls that "she (SAMANTHA) is going to fucking pay for what she said in that letter" with regards to the disclosure that SAMANTHA made in writing about the abuse she sustained.

Twice in the review period, Ms. Lawrence and Mr. Brown contacted the Department to inquire about the children's welfare.

Other: There were calls also made by Mr. Brown to his adult son, David Brown and his daughter in law, Alyshia Brown. During the conversation, both David and Alyshia are aligned with the parents and do not believe that SAMANTHA was physically abused under the care of the parents. David recently requested to have SAMANTHA removed from the ICPC and have only HEIDI, NIKKI and WYATT placed with them. David was advised that this is not an option. Both David and Alyshia have directly communicated with Mr. Brown and Ms. Lawrence each time after the Department has had communications with them. This demonstrates concern for protective capacity.

CHILD(REN)'S CURRENT PLACEMENT:

The children have been placed at St. Jude's since May 2014.

This placement is within close proximity to the parent(s) for SAMANTHA LAWRENCE , HEIDI BROWN, NIKKI BROWN and WYATT BROWN.

This placement is the least restrictive for SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN and WYATT BROWN.

CHILD(REN)'S WELL BEING:

Education – SAMANTHA is attending a local high school. She is in 11th grade and is doing well in school. She is active and is playing sports. She has gained self-esteem while playing sports and has done well in her studies.

HEIDI is in 6th grade attending a local middle school and she is doing well. She had a few issues with another child bullying her, The foster mother met with the school and they are working on ensuring a separation between HEIDI and the other student.

NIKKI is also in 6th grade attending a local middle school. NIKKI is a straight A student. She loves school and is doing well in her studies.

WYATT is in kindergarten at a local elementary school. He is doing well. He reports that he loves to go to school and he has many friends.

Placement – The children have been placed together since May 2014 at St. Jude's Ranch. SAMANTHA and NIKKI are sharing room. HEIDI is sharing a room with another foster child and WYATT is also sharing a room with another foster child. The children are thriving in their environment. The children have after school activities and are active in the home. This Specialist has observed them enjoying being outside, riding bikes and playing with other children. The foster parents report that have worked on facilitating a sibling relationship between the children as when the children came into care, the siblings often had squabbles. The children are observed to be close to the foster parents. The home has structure in place and the children follow the rules of the home well.

The foster home has helped in facilitating an ongoing relationship with the maternal grandfather who calls the children on a regular basis. Phone contact has been supervised with all relatives due to the extremely negative beliefs stated openly by many others related to the parents. The maternal grandfather appears to have an openly loving relationship with all four children and appears to treat them equally. He recently came for a visit in December 2014. During the visit, Mr. Lawrence enjoyed the children's company. Also during this visit, the maternal grandfather met with the Department and provided information to have his home processed for an ICPC placement for the children. Prior to this, Mr. Lawrence had declined to provide the information to the Department. Mr. Lawrence has not openly discussed what his beliefs are about what occurred in the home or why he believes the children were removed. He has stated he believes that the "truth will come out one day" and that he will decide about contact between the parents and the children as based on the rules of this court and later if this court is not involved, as based on what the outcome of who is determined to be "telling the truth or lying" with regards to the parents or SAMANTHA with regards to the physical abuse. Mr. Lawrence is the only relative who has not expressed an openly hostile relationship toward

SAMANTHA. It should be noted that since removal, SAMANTHA has not engaged in any "self-harm" as reported by the parents prior to removal. The injuries that she did sustain (total of three as detailed in medical area) were sustained in team sports and a fall from a bike and witnessed by several individuals.

An ICPC was pending with the adult sibling of HEIDI, NIKKI and WYATT, David Brown. David's wife, Alyshia previously had placement of the children and disrupted to return to California. While she had placement, Alyshia called Ms. Lawrence after every contact with her and would not follow DFS directions without the approval of Ms. Lawrence. Recent review of the calls from CCDC between Alyshia and David with Mr. Brown demonstrate their alignment with the parents in their disparaging remarks about SAMANTHA. Recently, David requested to have SAMANTHA removed from the ICPC reporting he wanted his siblings placed with him faster and he would one day return to Nevada to take placement of SAMANTHA. When advised this was not an option and asked how separation from their older sibling was in their best interest, David stopped responding. At the CFT on January 12, 2015, Mr. Brown reported that he had copies of all the emails between DFS and David, which further supports that David is aligned with the parents. In Confirming Safe Environments, the Department is required to ensure a placement option will put children's needs before the parents and protect them from the threat of safety. It's clear that David and his wife do not believe there is a safety threat, other than SAMANTHA.

David began sibling contact with the children in the summer of 2014, six months after removal. Phone calls are monitored. David talks to WYATT easily and has a good rapport with him. He also has an easier relationship with HEIDI and NIKKI. David's tone with SAMANTHA is much different than the other children. Despite being siblings that are closest in age and were raised together, the tone is distant and not bonded.

He visited in January 2015 for the first time in person. After the visit, one of the children disclosed that Mr. Brown used to punch Samantha in the chest until she was unconscious and David would splash water on her face to have her regain consciousness. David was previously reported in the historical reports as being aggressive toward SAMANTHA. With all of the above, it is the recommendation of the Department that placement with David, is no longer in the children's best interest.

The maternal grandfather has been having contact with all of the children. His tone with all of the children is equal and loving. The maternal grandfather has advised that he is now a placement option. He did not wish to provide his information to the Department until he met in person with the Department recently in December 2014. As such, the children have been in a placement for an extended period and allowed to bond. The maternal grandfather was advised of this concern back in June 2014 about a delay in providing

information to process an ICPC. Despite this, the Department assessed the maternal grandfather. The maternal grandfather reports he is willing to believe that the parents are not being honest with him. Ms. Lawrence reports that her father is "just saying what the Departments to hear" and has laughed reporting that her father is paying her attorneys' fees. When asked about this, Mr. Lawrence advised that he did pay Ms. Lawrence's retainer agreement, but reported that the rest was not true. Mr. Lawrence was assessed under Confirming Safe Environments. Mr. Lawrence was able to answer most questions without any concern. The only question that he has still struggled with is whether the abuse is actually "true" or not. Mr. Lawrence has advised that he will follow the orders of the court and that if he were to be a permanency resource for the children that he will have to base any post adoptive contact with the parents based off what the court finds at any Termination of Parental Rights proceedings.

Emotional/Counseling – The children are receiving individual therapy at Healthy Minds. Each child has a different therapist. HEIDI and NIKKI had a sibling session and HEIDI would like for SAMANTHA to participate; however, SAMANTHA stated that she is not ready at this time.

The children have made disclosures to their therapists about SAMANTHA being hurt at the home by Mr. Brown and Ms. Lawrence being aware of it. The children have disclosed in detail that the parents fought because of SAMANTHA. The children have reported that SAMANTHA told Ms. Lawrence that Mr. Brown hit her, that Ms. Lawrence saw the marks and that was the reason for the arguments between the parents. The children also reported that when the parents drank alcohol that Ms. Lawrence fought with Mr. Brown. The children reported that SAMANTHA was hit with a black belt with a metal buckle on her back.

The children are reported that they were told by Mr. Brown to be mean to SAMANTHA and to not love her. There is one report of an incident where HEIDI told Mr. Brown that she loved SAMANTHA and that Mr. Brown slapped HEIDI on her face for saying that.

The children are reporting that their adult sibling, David was present during some of the incidents involving SAMANTHA and that David's wife, Alyshia, was also aware of the abuse of SAMANTHA.

The children are reporting that they were called fat and they had to exercise to a video tape. During contacts with the parents since the removal, Mr. Brown and Ms. Lawrence have repeatedly made comments about SAMANTHA gaining too much weight since the removal. It should be noted that the historical reports were that SAMANTHA was denied food. It should also be noted that SAMANTHA is currently actively involved in sports and is not overweight for her age and frame.

The children have reported that the abuse towards SAMANTHA frequently happened at dinner time and that Ms. Lawrence was not present but she was aware of the incidents.

The children reported that they were told how to behave when the maternal grandfather visited from Texas. The children stated that the maternal

grandfather did not know about what was going in the home because they were made to behave differently around him.

The children reported that HEIDI was physically abused by Mr. Brown.

The children have disclosed that they were told what to say when CPS would show up to the home and that they rehearsed what to say with Mr. Brown practicing with the children.

The children stated that prior to CPS showing up at their home last January that Ms. Lawrence was very upset at Mr. Brown for hurting SAMANTHA and that she got a knife and followed him upstairs because she was upset at him for injuring SAMANTHA.

The children have repeatedly told their therapist, foster parent and case manager that they want the parents to "tell the truth so they can go back home."

At this time, the therapists are recommending that the children have No Contact with the parents at this time and that when any No Contact Order is lifted that any contact be in a therapeutic setting when all parties are ready to address the history of abuse in order for all parties to move forward.

Medical/Dental – The children are up to date with their medical needs.

SAMANTHA had her EPSDT on May 14, 2014. SAMANTHA had her last dental exam on in September 2014. She has braces. SAMANTHA had her vision exam on September 2014. She wears glasses.

Ms. Lawrence and Mr. Brown make issue that SAMANTHA has been injured during her time in foster care in their criminal case and in their Opposition to the Motion to Waive Reasonable Efforts in the Family Court case. What is alluded to as SAMANTHA's "emergency surgery" was SAMANTHA getting stitches at her bedside after a fall from a bike in September 2014 resulted in a cut on her vagina, which Ms. Lawrence was immediately notified of and her injury was consistent with the report and witness reports of what occurred. SAMANTHA has had two other incidents where she was injured while playing soccer. In both events, no serious injuries were sustained. The parents recently alleged that she had bruising in a picture in December 2014 which the CAP attorney, therapist and case manager reported that they have not seen or been made aware of.

SAMANTHA was kicked in her calf while playing soccer at a community event on August 30th and an ice pack was applied. No injuries sustained. SAMANTHA plays on the school soccer team. SAMANTHA was in a collision in a game in September 2014. On September 16, 2014, she was taken for a CT scan which was negative.

On September 27, 2014, SAMANTHA fell down from her bike and she had to have stiches on her vagina due to a 2 1/2 inch laceration. Ms. Lawrence was informed by the foster mother since she needed information regarding medication allergies prior to any treatment by the hospital. Supervisor Richardson spoke to Ms. Lawrence on the morning of September 29, 2014. Ms. Lawrence did not inquire any further about SAMANTHA's condition.

HEIDI had her EPTSD on May 14, 2014. HEIDI had her last dental exam on August 5, 2014. HEIDI had her vision exam on September 29, 2014. She is to return in in September 2015 for follow up.

NIKKI had her EPTSD on May 14, 2014. She had no cavities. NIKKI had her last dental exam on August 5, 2014. NIKKI had her vision exam on September 29, 2014. She was diagnosed with slight hyperopia but still 20/20. NIKKI fell down while running to the foster home from the school bus at the return from Winter Break. She is doing well but she bruised her knees and face.

WYATT had her EPTSD on May 14, 2014. WYATT had her last dental exam on August 5, 2014. He had no cavities. WYATT had his vision exam on September 29, 2014. He is to return in in September 2015 for follow up. WYATT went to Boulder City Hospital in November 2014 due to a bad cold.

Safety – The safety concerns for both Mr. Brown and Ms. Lawrence are the physical abuse suffered by SAMANTHA under their care and lack of protective capacity by both parents. Neither parent has acknowledged the abuse in the home nor there is no ability to do an in home safety plan without an acknowledgement of the abuse or a safe person to be in the home who acknowledges the safety threat to participate in a safety plan.

Psychiatric Services –

Are the children listed in report currently on any psychotropic medication?

No

Has a Court appointed a person to be legally responsible for the children's psychiatric services?

No

When was the children's last appointment? Not Applicable

When will the children have an appointment? Not Applicable

SIBLING CONTACT:

☒ Placed Together
☐ Not Placed Together –

REASONABLE EFFORTS TO ACHIEVE THE PERMANENCY PLAN:

On behalf of the parents:

1. The Department of Family Services made a referral to Safe Nest on behalf of Mr. Brown.

2. The Department of Family Services has maintain contact with both parents regarding services.
3. The Department of Family Services has maintain contact with the parents' attorney.
4. The Department has attended the criminal court hearings.
5. The Department of Family Services met with the maternal grandfather and his counsel.
6. The Department of Family Services maintained contact with Red Rock Psychological Health on behalf of the parents
7. The Department of Family Services maintained contact with Healthy Minds on behalf of the parents
8. The Department of Family Services maintained with Safe Nest on behalf of Mr. Brown.
9. The Department of Family Services received and reviewed phone records from CCDC.
10. The Department of Family Services scheduled Child Family Team meetings to review parents' progress.
11. The Department completed collateral interviews for Red Rock.
12. Referrals were completed for Red Rock Psychological Services.
13. Referrals were completed to Healthy Minds for Ms. Lawrence and Mr. Brown.
14. The Department has maintained contact with both parents advising of the barriers to reunification lies in the lack of acknowledgement of the safety threat, discussion of placements and service planning.
15. An ICPC was conducted with the adult sibling at the request of Mr. Brown.

On behalf of the child(ren):

16. Personal belongings have been requested for the children to the parents.
17. Contact has been held with the children's sister-in-law regarding contact.
18. The Department of Family Services participates at Treatment team meetings held for the children.
19. The Department of Family Services requested medical records on behalf of the children for social summary purposes.
20. The Department of Family Services requested school records on behalf of the children.
21. The Department of Family Services facilitated visitation between maternal grandfather and the children.

22. The Department of Family Services facilitated visitation between adult sibling and his wife with the children.
23. The Department of Family Services conducted announced and unannounced visits at the children's placement.
24. The Department of Family Services maintained contact with Healthy Minds regarding intake and services for the children.
25. OOH Safety checks and pictures were completed to assess the safety of the children in the home.
26. The Department of Family Services maintained regular contact with the foster parents to ensure the safety and wellbeing of the children.
27. The Department of Family Services maintained contact with the children's CAP.
28. The Department of Family Services maintained contact with the children's CASA volunteer.
29. The Department of Family Services submitted ICPC on behalf of the adult sibling.
30. The Department of Family Services submitted a referral to for Waiver of Reasonable Efforts (WRE) to DA's office.
31. Termination of Parental Rights referral is in process to the DA's office.

GOALS FOR THE NEXT REVIEW PERIOD:

During the next review period, the Department will refer for Termination of Parental Rights. The Department will await the outcome of the ICPC for the maternal grandfather prior to identifying the adoptive resource. The Department will explore whether SAMANTHA will consent to an adoption or whether she would like to explore Independent Living. The Department will refer to adoptions.

It is recommended that Ms. Lawrence and Mr. Brown engage fully in their case plan to address these safety concerns to provide a safe home for all four children.

Even though the parents are engaged in services the safety threat has not been addressed. The parents have not been able to provide an explanation for SAMANTHA's injuries, demonstrate empathy for SAMANTHA's injuries or provide any plan of action about how this will not occur in the future.

. . .

SUMMARY AND RECOMMENDATIONS:

Over the course of the past 12 months, SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN and WAYTT BROWN were made Wards of the Court due to the allegations of physical abuse to SAMANTHA. The family had come to the attention of the Department seven times over the past five years for repetitious injuries to SAMANTHA. Each time, the injuries did not appear to have a medically plausible explanation; however SAMANTHA would not disclose the true source of her injuries. In 2010, she was removed for some time under a safety plan and a petition was filed. The case was later dismissed. At the time of this removal, SAMANTHA's injuries did not match her and her parents' explanation and the case was staffed at CARES. The marks that were on her body were not medically plausible with the explanation and SAMANTHA was removed from her parents. HEIDI, NIKKI and WYATT were also removed from Ms. Lawrence and Mr. Brown's care.

The children have now been out of the home for the past year. Since the removal, SAMANTHA made a full written disclosure of the abuse she has sustained that she reports dates back to when she was around three years old. The children are all in therapy with different therapists. All of the children have all made disclosures of the abuse that occurred in Mr. Brown and Ms. Lawrence's home. Despite the disclosures, the children still love their parents. It is their hope that their parents will "tell the truth, so they can return home." Still, Ms. Brown and Mr. Lawrence deny any abuse occurred.

Mr. Brown and Ms. Lawrence have engaged in services. Despite engagement in services, their behavior has not changed. Both parents still blame SAMANTHA for her injuries. Both parents speak of SAMANTHA so incredibly negatively as described in detail in this report that it is clear that they believe her injuries are the result of her behavior despite being a child of ages 9 to 14 years old when the injuries occurred. It is the belief of the Department that if the children were to be returned to the home that they would be in imminent danger.

At this time, it is recommended by the Department of Family Services that SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN and WAYTT BROWN remain in their current placements until permanency can be achieved. SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN and WAYTT BROWN are placed in an adoptive resource.

The ICPC will be submitted on behalf of the maternal grandfather if approved for placement the Department of Family Services will NARD the case with the court to discuss placement.
There was a pending ICPC to adult sibling of HEIDI, NIKKI and WYATT. There are numerous concerns with David as a placement resource that began prior, but more serious ones have arisen since including him requesting to have SAMANTHA to be taken off of the ICPC, hearing phone calls where David and Alyshia speak disparagingly about SAMANTHA and now a new CPS report that

includes him being involved in the abuse, David is no longer being considered as a placement resource at this time.

As this case has been a year, no behavioral change exists, a No Contact Order is in place and grounds exist for a Motion to Waive Reasonable Efforts which will be heard concurrently with this hearing, it is respectfully recommended that Termination of Parental Rights and Adoption be the permanency goal for the children with a Concurrent Goal of Reunification.

It is therefore recommended that SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN and WYATT BROWN remain under Court Jurisdiction and in the care and custody of the Department of Family Services.

CHILD SUPPORT:
Not Applicable

WHEREFORE, DEPARTMENT OF FAMILY SERVICES RESPECTFULLY RECOMMENDS:

(1) That SAMANTHA LAWRENCE , HEIDI BROWN, NIKKI BROWN and WYATT BROWN remain under the jurisdiction of the Family Court and in the legal custody of the Clark County Department of Family Services;
(2) That the efforts made by the Department of Family Services are found to be reasonable efforts as outlined in this report;
(3) That the permanency goal of termination of parental rights and adoption be adopted by the court with a concurrent goal of reunification;
(4) That this matter be brought back for Formal Review in six months.

Submitted By:

MARYTE TALLENT
CASE MANAGER
CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES

HEATHER RICHARDSON
SUPERVISOR

DATE: 1/12/2015
COURT CASE NO.: J-14-319202-P2

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CLERK OF THE COURT

NOTC
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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

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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 **NOTICE OF APPEAL** 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;

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TRANS

FILED
FEB 21 2017
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

In the Matter of the Parental Rights of: SAMANTHA LAWRENCE, DOB 07/06/98; HEIDI BROWN, DOB 01/04/04; NIKKI BROWN, DOB 01/04/04; WYATT BROWN, DOB 07/15/09; Minors.	CASE NO. D-15-510944-R DEPT. E/K

BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

TRANSCRIPT RE: TERMINATION OF PARENTAL RIGHTS

TUESDAY, FEBRUARY 23, 2016

APPEARANCES:

For the State of Nevada:	JANNE HANRAHAN, ESQ. 601 North Pecos Las Vegas, Nevada 89101 (702) 455-3794
For the Father:	ROBERT DRASKOVICH, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 474-4222
For the Mother:	MICHAEL GOWDEY, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 471-0321
For Samantha Lawrence:	AMY HONODEL, ESQ. 725 E. Charleston Blvd. Las Vegas, Nevada 89104 (702) 386-1492
For Nikki, Heidi and Wyatt Brown:	LAUREN CALVERT, ESQ. 716 South Jones Blvd. Las Vegas, Nevada 89107 (702) 507-0092

LAS VEGAS, NEVADA TUESDAY, FEBRUARY 23, 2016

PROCEEDINGS

(PROCEEDINGS BEGAN AT 10:52:49)

THE COURT: All right. We are on the record in D-510944. I don't know -- just spread out wherever you find a seat, we'll figure it out. Tell me who's here.

MS. HANRAHAN: Well, Janne Hanrahan for District Attorney's Office and --

MS. HONODEL: Good morning, Your Honor. Amy Honodel, bar number 7755, from the Children's Attorney Project, and I just represent Samantha Lawrence.

THE COURT: Okay.

MS. CALVERT: Lauren Calvert, 10534, CAP attorney for Nikki, Heidi, and Wyatt Brown.

THE COURT: Okay.

MR. DRASKOVICH: Good morning. Thanks for trailing this matter. Robert Draskovich on behalf of Mr. and Mrs. Brown, the -- the natural parents.

THE COURT: All right. Appreciate you guys coming. This is kind of an unusual -- have a seat for a minute and I'll tell you where we are and where we're going. It's unusual -- I know this is on before me on a motion to reconsider, but there's really no procedure to

reconsider an order I never entered. So my thought process, so at least we're all on the same page getting started on this, is this came on the heels of us revamping the entire system. Congratulations, you're the first. I think you made it within a little more than a week before you brought this issue up. But historically this motion would have made more sense to me and I -- I kind of understand as we're working through this process why this would become an issue. The history is -- and I was involved in the history in the majority of the meetings that took place in coming up with this new procedure under One Family, One Judge. We had all the community partners present, we had buy-in from everybody in doing One Family, One Judge and having the hearing masters hear these. There's really not a legal basis for me to grant what it is that you're asking me for -- and I keep looking at you because your name's on the motion, but nobody opposed it, so I'm assuming everybody's on the same side --

MS. HANRAHAN: We're all --

THE COURT: -- except for me. So I don't really have a legal basis -- I guess what I'd like to start with is the most compelling argument, at least the way that I see it, is the kids testifying. Now under In Re AB, there's no requirement of the judge hearing an objection,

has to have new testimony. It can review the testimony that was placed before the hearing master. So that's not much of an argument. But I guess my initial question is, why would we have minors testify in a TPR action anyway? Abuse and neglect I can see, but a termination action, wouldn't we just take offers of proof and move on?

MS. HANRAHAN: Offers of proof?

THE COURT: With regard to what the kids may or may not say. I'm not quite sure why we would need -- and I haven't been through -- other than to count the numbers of hearings that this case has generated and how many have gone to which judicial officers, I haven't looked too far into it. So in order to establish your termination case, why would you need the kids to testify?

MS. HANRAHAN: Your Honor, the kids have, since they've been in foster care, made a lot more disclosures about what was going on in the home. We would anticipate having them for that purpose. And as well, we've had some push-back from the Supreme Court in a few cases that basically said you need to establish more of the case that you proved by preponderance of the evidence, and so in the interest of dotting all the I's and crossing the T's, that -- that's part of the reason. But the main reason is that the kids have made further disclosures since the case

opened.

THE COURT: Okay.

MS. HANRAHAN: We had no contest pleas entered after we began the trial for the abuse and neglect petition, and so there isn't that evidence on the record. So --

THE COURT: Okay.

MS. HANRAHAN: -- we believe that it's necessary.

THE COURT: Are the kids requesting to testify?

MS. HANRAHAN: No, the kids don't want to testify.

THE COURT: Okay.

MS. HANRAHAN: They -- they testified at the prelim, that was traumatic. I -- I expect this will be, and they will be expected to testify at the criminal trial whenever that takes place.

THE COURT: Okay. I just -- typically -- I'm just -- it's not an --

MS. HANRAHAN: No.

THE COURT: -- an issue --

MS. HANRAHAN: Typically --

THE COURT: -- that I would anticipate.

MS. HANRAHAN: -- we'd never have kids -- I mean,

I -- I do everything I can not to have kids testify at a TPR, but I don't see any way around it with this one.

THE COURT: All right. I think I understand. I've got standing, so I think somebody wants to say something.

MR. DRASKOVICH: And on behalf of the parents we take issue with these supposed later disclosures that have occurred, and obviously we want an opportunity to cross examine or at least ask questions ourselves as opposed to rely upon what someone says somebody else says that they said, so.

THE COURT: No, no, and I -- and what Counsel indicated to me makes sense for putting the kids on the stand. It would be one of the few exceptions, I think, that I would probably accept for getting to that point other than protecting the kids. But I -- I understand the argument. Counsel.

MS. CALVERT: And I've had an ongoing issue representing Nikki and Heidi, getting an order signed to allow them to testify by alternative means. Everyone here is in agreement that it makes the most sense to minimize the trauma. They experienced a lot of issues following the, you know, first proceeding where they did testify in front of them. I don't know if you're able to sign it or

not for me, or if I need to keep trying to get it signed through our hearing master, but it's getting lost somewhere in the process of drop -- I think I've dropped it off three or four times to be signed.

THE COURT: Well, I'm sorry about that. I'm presuming you're -- you're proposing -- is it 16.215? Is that the new -- they keep adding on and I'm not sure the new alternative means for children testifying.

MS. HANRAHAN: It's -- we -- we all stipulated to that and the last time we were on for a review in front of Hearing Master Roys and she granted it, so it's just a matter of --

THE COURT: It just --

MS. HANRAHAN: -- getting an order.

THE COURT: -- hasn't been signed? Well, then leave it with me and I'll -- at least I'll have control of it and you won't have to worry about where it ended up, and then I'll take a look at it and go from there.

MS. CALVERT: Wonderful. Thank you.

THE COURT: So I'll keep that. Getting back to -- to where we were, there's not a legal basis, this is kind of more procedural, would you agree?

MS. HANRAHAN: Yes.

THE COURT: That why -- why you're requesting

this. The -- the issue that I -- well, before I forget, Justin will you give these -- I think I've got one for everybody. There was a -- a mention in your -- in your moving papers that the objection procedures were not clarified.

MS. HANRAHAN: I -- I subsequently found out there is a --

THE COURT: Yeah --

MS. HANRAHAN: -- procedure for that.

THE COURT: -- I was going to say, I -- I disseminate them to everybody that I knew to disseminate to everybody else, so I'm --

MS. HANRAHAN: I was out of the --

THE COURT: -- giving them to you --

MS. HANRAHAN: -- office.

THE COURT: -- in open court so that we don't have that problem.

MS. HANRAHAN: Yes. I missed a whole block of emails while I was out of the office and --

THE COURT: All right.

MS. HANRAHAN: -- I found them.

THE COURT: Okay. Was I short? Okay. It's both sides. So just so you know what I've done, 33 hearings have occurred in this case J-case type. Of those 33

hearings, Judge Giuliani heard 12. I think the only argument in this case, in maintaining consistency with what we've done with the Blue Ribbon Panel, is the One Judge, One Family argument. But I'm not sure that that's that strong given the fact that Judge Giuliani has only heard essentially a third of the hearings that have occurred at this point in time. So why -- why is it that we should make an exception for this case then open the flood gates for anybody who thinks their case is complex to bypass the procedure we put in place under One Family, One Judge.

MS. HANRAHAN: Your Honor, the one thing that is almost a foregone conclusion given the contentious nature of the case and the complexity that relates party to the nature of the case and partly -- mostly to the fact that there's a concurrent criminal case going on, I think it's almost a forgone conclusion that whatever finding is made by the hearing master will be objected to. Knowing that would come to Your Honor --

THE COURT: Have a seat. I'll get to you when she's done.

MS. HANRAHAN: -- I think -- and we discussed it beforehand, that that's -- probably the fact that everyone's dug in so deeply to their position, this is probably just going to continue on up the chain. So -- so

that would be one reason, Judge. Even if the kids weren't a second time -- you know, we all acknowledge that just because an objection is filed doesn't mean that we're going to have to redo the whole trial, but it's a possibility. It's something that could happen.

And so -- but even if not, the -- the objection hearing and the subsequent actions resulting from that just delay further any appeal, so the reason is just that -- if we can just go straight forward, have it heard by a judge. And even if it's not Judge Giuliani -- that was kind of the argument, you know -- she is very familiar with the case, the people in the case are familiar with her, and that would fit the One Judge, One Family. It's still a significant number of hearings --

THE COURT: It is.

MS. HANRAHAN: -- that she's had, and she's very familiar with the case and the issues. So those are the reasons that -- in addition to just the -- the trauma to the kids that could result.

THE COURT: Okay. All right.

MR. GOWDEY: Your Honor, if I might, Michael Gowdey on behalf of Melissa Lawrence. And Ms. Hanrahan is correct. While there have been 12 hearings, almost every single one of those hearings has been of a substantive and

lengthy nature; whereas almost all of the other hearings have been perfunctory and more scheduling issues than anything else.

Judge Giuliani is far more familiar with this case than any of the other judges or hearing masters that we've been in front of. I think for consistency basis and to save the Court time, she is already aware of -- of the vast majority of the arguments that have been made in this case that have led to this point. So we would be rehashing a number of issues that have already been hashed out with Judge Giuliani if we go in front of a new judge.

THE COURT: Okay. Mr. Raskovich, you --

MR. DRASKOVICH: I was just going to add that the criminal case that was referred to is apparently being stayed and it's being litigated before the Supreme Court on an extraordinary writ that the State had filed.

THE COURT: Any -- any idea time-wise what we're looking at?

MR. DRASKOVICH: You know they have their own timelines.

THE COURT: Yes, they do.

MR. GOWDEY: We're set --

MR. DRASKOVICH: So --

MR. GOWDEY: -- for review in March.

THE COURT: Okay. So the decision has evidently been made to move forward with this case, notwithstanding the non-resolution of the criminal action, yes?

MS. HANRAHAN: We have to.

THE COURT: Okay. And I think it -- the decision makes sense. Anybody else want to weigh in?

MS. HANRAHAN: Well, I think Ms. Honodel just mentioned to me too, Judge Giuliani has heard the most significant of the hearings that have occurred in this case. We -- we had -- I think we started out with Hearing Master Femiano --

THE COURT: Uh-huh.

MS. HANRAHAN: -- and we've been in front of Hearing Master Gibson and now Hearing Masters Roys, so -- but Judge Giuliani is the one who had the real meat and potatoes of the case. And she was the one slated to hear the trial in the abuse and neglect -- for the petition, the abuse and neglect petition, but Judge Becker ended up hearing that because I think she was out of the jurisdiction or something.

THE COURT: She was.

MS. HONODEL: Right. And just to add on, Your Honor, one more thing. Samantha will be graduating from high school in a couple months and she will be aging out as

well. Her -- she has plans to move on that involve college and possibly the military, so she might not be easily retrievable if we go through this a serial amount of times and she's the main alleged victim in this case, so it would make sense to have it more efficiently handled on her behalf.

THE COURT: The problem that I'm running into is delay is mentioned five or six times in your moving papers and you've indicated to me now. Currently you're scheduled for next week, I think, in front of Hearing Master Roys.

MS. HANRAHAN: Week after next.

THE COURT: If I -- week after next. If I move this to Judge Giuliani, my guess is you're not going to get in front of her for a couple months on a trial of this magnitude, so we've created more delay. And my guess that's substantially more delay than would occur even if you took it on objection and it ended up coming back before me. So is that really the path that we want to go if we're trying to find what's best for these kids?

MS. CALVERT: And I guess I would just add to that the duplicative nature of taking up -- no, I guess I shouldn't say taking up -- but using up the Court's space in Hearing Master Roys' courtroom and also the trauma to -- to the children. Just kind of the duplicative efforts that

we're going to have on all the parties, even though I understand your statement that, yeah, it will potentially put off the first go-around a couple months, just going through the motions essentially and taking up several days of -- of courtroom time. I don't know if it saves anything. It seems to waste more of the Court's resources.

THE COURT: Well, I'm just -- in my mind -- and just if I can clarify what I just said. In my mind this case is going to be substantially more delayed by reassigning of this case to a district judge at this point than it would be even if everybody objected. Because your objection is going to be in front of me in a matter of probably two weeks, would be my guess, and a decision made by me. The only thing that would delay that further is if that after I watch what Hearing Master Roys did that I find that I'd need additional testimony or different testimony, which is still available to me under In Re AB and -- and the way I look at EDCR 1.46. But I still think you're going to be -- have a much quicker result to this case leaving it to the hearing master than moving it to the -- to the district judge. That's the point --

MS. HANRAHAN: Judge.

THE COURT: -- I was trying to make.

MS. HANRAHAN: And I don't know if this makes a

difference -- I'm sorry.

MR. GOWDEY: Go ahead. Go ahead, Ms. Hanrahan.

MS. HANRAHAN: In looking through the witnesses that I have and the time that's been assigned to us by Hearing Master Roys, I don't see us getting done in the time that's -- that she set aside for it. I -- looking at just my witnesses, the three days that are -- or two and a half days that are currently set aside, I can fill up with my witnesses and probably will. I don't know how many witnesses the other side has, I haven't seen a witness list.

So there's a good chance that she's going to have to give us another day or two sometime down the road, so -- and again, it doesn't have to be Judge Giuliani. It's -- it's -- Judge Sullivan --

THE COURT: Well, it does. It has to be. If it's going to -- if it's not going to be Hearing Master Roys, it has to be Judge Giuliani because I've made a commitment --

MS. HANRAHAN: Right.

THE COURT: -- I made a commitment to -- under One Family, One Judge. And I'm certainly not going to create a precedent with this case that's going to undo all the representations and promises that I've made to the Blue

Ribbon Panel. So it's either going to be Hearing Master Roys or it's going to be Judge Giuliani under a One Family, One Judge. I've made that exception in the past on other cases, one to -- well, maybe two to Judge Sullivan and one -- at least one to Judge Teuton under this kind of an analysis. So that's -- that's where I'm at. Bringing in a senior doesn't -- doesn't maintain the consistency with what it is that we've established with this new program, so --

MS. HANRAHAN: Just Judge Becker heard the original -- well, what little there was of it, so.

MR. GOWDEY: Your Honor, I -- I agree with the Court wholeheartedly that it should be Judge Giuliani, notwithstanding the Court's preference that it be a hearing master. But if it's going to be District Court judge, I think it should be Judge Giuliani because we are going to spend a considerable amount of time arguing about things that have already been brought to Judge Giuliani's attention and that she will be aware of if we have to educate a hearing master in this case.

THE COURT: But hasn't everything been resolved that you'd be bringing up?

MR. GOWDEY: No, not necessarily. And we're -- we're going to have -- there are going to be objections

flying back and forth with respect to the crossover between the criminal case and the TPR trial. There were no contact orders. All things that -- that Judge Giuliani is -- is intimately familiar with that are going to be part of our defense in the TPR trial. That CPS has not -- has not treated this family in a -- in a manner that we consider to be fair and consistent with the way -- the way that they should have been treated.

So Judge Giuliani is going to be the one who's far more familiar with the arguments that have previously been made, whereas we are going to get lost in the weeds with a hearing master. So from my perspective, the two -- the two months that you're speaking about, there's also a collateral issue which -- which -- and that -- and that has to do -- we've been working on alternate placement and there have been a couple of viable, theoretical alternate placements that if a guardianship was established, it may obviate the need for this altogether. I don't think that an extra 30 or 45 days is going to harm us from that perspective because there's a possibility that we may actually come to some resolution with respect to this as opposed to -- to rushing in front of a hearing master, rushing being -- being a relative word mind you -- but then having to come back in front of this Court because

whichever side lost the -- lost the TPR trial is going to lodge objections.

So from my perspective, I think it's --

THE COURT: And there's no guarantee that if I have Judge Giuliani hear this that somebody's not going to appeal. So it's --

MR. GOWDEY: Well, there's no guarantee but it's -- but I think it's less likely because it's --

THE COURT: You haven't all agreed that somebody's going to appeal. At least I've -- I know you've all agreed somebody's going to object.

MR. GOWDEY: Well, it appear -- it appears --

MS. HANRAHAN: It will probably get appealed too.

THE COURT: Should I poll? Should I poll everybody? MS. HANRAHAN: It will probably get appealed.

THE COURT: So, all right.

MS. HANRAHAN: But it's one less layer, that's all.

THE COURT: No, no. I understand and appreciate that, but that was all considered when we were discussing this manner of moving forward. Anybody else have anything they want to --

MS. CALVERT: Real quickly, and this might be

dumb, but speaking procedurally, since it's not an order that you put into place, is my understanding correct that we could not bring a motion to reconsider in front of Hearing Master Roys? I'm just wondering for the future, going forward, what is the -- is there a pra -- preferred procedure or methodology to -- to go about this, or is it just kind of a -- a moot point too?

THE COURT: Well, the -- the procedure that's been put in place is that the Court assignments are the Court assignments, whether they're in front of a hearing master or in front of a District judge, and they will hear them to conclusion. That was a representation that we made. The reason that I denied your stip and order initially was because it was inconsistent with what we just put into place eight days earlier. But I anticipated, and the reason we're having this hearing, I anticipated that this would not be the only case that would have this concern.

Around the time that the reassignments took place there were -- it was either two or three, and I wish I could remember which it was -- that were assigned administratively by me to the District judge that was maintaining it because they established -- it was clear to me that the family would be better served by maintaining

that case with that District judge moving forward.

So that's -- as far as a procedure is concerned, it would probably be a request directly to me, not to the hearing master, because the assignments are -- are left to me under an administrative order that Chief Barker signed some time ago.

MS. CALVERT: Understood.

THE COURT: Any -- any other -- all right. As I've indicated previously, we worked on this process and the way we have this laid out for -- well, I've been working on it for probably three years. And we put it in place, and I had buy-in from all the community partners that this was a procedure that was going to benefit the families that we serve with the One Family, One Judge and maintaining that consistency.

The issues that have been raised today were all raised during our discussion with regard to what would be in the best interest and how we could move forward with the additional resources that we have. So there's not an issue that's been brought today that was not considered or not have been part of what it is that we were -- that we were looking at in putting this one judgment family together with six judicial officers, not six District Court judges.

That being said, I have made exceptions for cases

that I think serve under One Family, One Judge, and given that fact that Judge Giuliani has spent a significant amount of time with this family and the history of this case, that I think the spirit of the One Family, One Judge would be served by having her hear -- her hear the D-case, the TPR trial moving forward. I can't tell you when she's going to be able to get you on. I am a little concerned about the child that will be aging out, but I'll make Judge Giuliani aware of that. She will not be pleased with me I'm anticipating, but it is within my purview to -- to make those assignments.

But just so it's clear, I'm not doing it based upon the fact that there's the potential for an objection, or based upon the fact that the hearing master couldn't hear this case, or that the policy is somehow flawed. I'm doing it under the -- the goal that we tried to obtain in the -- in the Blue Ribbon Panel, and that was under One Judge, One Family, and this appears to be a more consistent determination for the resolution of this case. Questions from anyone?

MR. DRASKOVICH: No, it's clear.

MS. CALVERT: Clear.

THE COURT: I don't -- I don't believe I need an order since we're kind of procedurally in a gray area here,

so what I will do is I will enter -- I'll enter a minute order reassigning the case and directing Department K to reset the trial.

MS. HANRAHAN: Could we -- could we get a trial setting date?

THE COURT: Today?

MS. HANRAHAN: Just for everyone so we can all be present --

THE COURT: I would love --

MS. HANRAHAN: -- since --

THE COURT: -- to give you one if I can do it. It's just her calendar and I'll see what I can determine from her calendar. I can probably give you a range and then have her contact. I know with everybody in the same room it would be easier to check calendars now. Looks like she's got some openings beginning mid-April.

MR. GOWDEY: Are we actually setting the trial today or are we just going to refer -- going to get a date to appear in front of Judge Giuliani for a trial setting?

THE COURT: The question -- the question was to see if we could set a trial while everybody's here, but I'm reluctant to do that given that it's her calendar. What I'm looking for at this point is a place to put you for -- in front of her so you can get that set.

MR. GOWDEY: Okay. Very good.

THE COURT: How does March 2nd at two o'clock look? It's on her review calendar, which is probably okay for her.

MR. GOWDEY: I'm okay with that date.

MS. HONODEL: That date will work.

MS. CALVERT: It's perfect.

MR. DRASKOVICH: Wait, what time on March 2nd?

THE COURT: Two o'clock.

MS. HANRAHAN: Works for me.

THE COURT: All right. Then we'll set you for March 2 at two o'clock. There's a possibility that that's not going to work for Judge Giuliani or she has some other intent for that hearing. If that's the case, she will notify everybody, her department to do that notification. But we'll set you on a status check for that date.

MS. CALVERT: Thank you.

MR. GOWDEY: Thank you, Your Honor.

MS. HONODEL: Thank you, Your Honor.

THE COURT: Thank you.

(COURT RECESSED AT 11:18 AND RESUMED AT 11:18)

THE COURT: The trial, the three-day trial for the 7th, 8th and 15th will be vacated. Judge Giuliani will reset that just so that makes it on the record.

MS. CALVERT: Thank you.

MS. HANRAHAN: Thank you.

MS. HONODEL: Thank you.

(PROCEEDINGS CONCLUDED AT 11:18:45)

* * * * * *

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

/s/ Kimberly C. McCright
Kimberly C. McCright, CET
Certified Electronic

FILED
FEB 2 1 2017
CLERK OF COURT

TRANS

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

IN THE MATTER OF THE PARENTAL RIGHTS OF: SAMANTHA LAWRENCE, HEIDI BROWN, NIKKI BROWN, WYATT BROWN, Minors.	CASE NO. D-15-510922-R DEPT. E/K

BEFORE THE HONORABLE CYNTHIA GIULIANI
DISTRICT COURT JUDGE

TRANSCRIPT RE: MOTION

TUESDAY, MAY 24, 2016

APPEARANCES:

For the State of Nevada:	JANNE HANRAHAN, ESQ. AMITY DORMAN, ESQ. 8th Judicial District Court Family Division 601 N. Pecos Las Vegas, Nevada 89101 (702) 455-3794
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For the Respondent Mother:	MICHAEL GOWDEY, ESQ. 815 S. Casino Center Blvd. Las Vegas, Nevada 89101 (702) 471-0321
For the Minors Heidi Brown, Nikki Brown, and Wyatt Brown:	LAUREN CALVERT, ESQ. CAP Attorney 1220 Arizona St. Boulder City, Nevada 89005 (702) 292-3164
For the Minor Samantha Lawrence:	AMY HONODEL, ESQ. CAP Attorney 725 E. Charleston Blvd. Las Vegas, Nevada 89104 (702) 386-1070
Also Present:	MARYTE TALLENT Department of Family Services

LAS VEGAS, NEVADA TUESDAY, MAY 24, 2016

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 11:43:55)

THE COURT: -- request a trial continuance on the basis that paternal aunt is currently being approved for possible guardianship of the children. The parties would like to determine whether placement will be appropriate for the children. Further, there are concerns regarding the case not being able to be presented in three days and having to wait weeks for the fourth day since there are witnesses who have to fly from out of state and take time off work.

So just to make sure, was everyone noticed of today's -- you're all here. Was everyone noticed of today's motion?

MS. HANRAHAN: Yes.

THE COURT: Okay.

MS. CALVERT: Yes, Your Honor.

THE COURT: So that's -- we're done with that. Okay.

MR. GOWDEY: I -- I have an additional issue.

THE COURT: Okay.

MR. GOWDEY: Actually, several additional issues, but the first one is I have been ordered back into federal

court on Friday afternoon at a sentence -- federal sentencing yesterday in front of Judge Boulware. My client objected to the pre-sentence report that I -- the pre-sentence memorandum that I had done.

THE COURT: Okay.

MR. GOWDEY: On -- on the basis of something that he felt might get him in a little bit of trouble when he goes to prison. Judge Boulware allowed us to withdraw that and correct it and then scheduled for us to be back in on Friday at 2:00 o'clock.

THE COURT: Okay. Well let me ask, who is -- and who's opposed to this -- this motion, first of all?

MS. HONODEL: I am, Your Honor.

MS. HANRAHAN: And Your Honor, DFS is opposed simply on the basis that, you know, we're outside the time -- time frame. DFS agrees that if -- I mean I think DFS would be happier if we could get a block of time. That's what this was supposed to be and we sort of ha -- have had it chipped away at just because of other things.

So I think if they could have a block of time where we knew for sure it was going to get continued instead of just dribbed and drabbed out, they -- they might be okay with that. With regard to the representations about the paternal aunt --

THE COURT: Yeah.