

1 A It's not in the report.

2 Q Okay. So if I show you the completion report for
3 Ms. Lawrence dated Tuesday, March 31st, 2015, do you see
4 where it says program mental health?

5 A Yes.

6 Q And again, they were referred for a mental health
7 assessment, correct?

8 A No. They were referred for individual therapy.

9 Q I'm sorry, you -- you -- so you're disputing that
10 they were referred originally for a mental health
11 assessment?

12 A Well, that's what ABC calls it.

13 Q Okay. And the individual therapy that -- that
14 was recommended, there was 10 sessions recommended,
15 correct?

16 A Yes.

17 Q And they had to do with the assessment, which had
18 to do with mental health; is that right?

19 A The Department requested to address the -- the
20 recommendations from Red Rock. That's what the Department
21 requested in their -- in their referral.

22 Q So they were requested by Red Rock to have mental
23 health assessment, which they did.

24 A They were not recommended a mental health

1 assessment, they were recommended individual therapy to
2 address the physical abuse, the denial of the physical
3 abuse.

4 Q Okay. So here we get to -- to the crux of what
5 it is. Unless they acknowledge physical abuse there is no
6 way in the world they could ever complete their case plan;
7 is that correct? Is that correct?

8 A They acknowledge what led to the removal of the
9 children, yes.

10 Q The did acknowledge to you that the children were
11 removed because of allegations of physical abuse; is that
12 right?

13 A I'm sorry, what was that?

14 Q They did acknowledge to you that they knew why
15 the children were removed, because of allegations made by
16 DFS as to phil -- physical abuse of Samantha; is that
17 right?

18 A (NO AUDIBLE RESPONSE)

19 Q They knew why they were caught up in this whole
20 -- this whole proceedings; didn't they?

21 A I'm going to assume that they did.

22 Q They told you they knew; didn't they?

23 A They knew there were allegations of physical
24 abuse.

1 Q So they -- so they knew why the children were
2 removed, it's just that they didn't agree with it and for
3 that reason this case plan could never go anywhere; could
4 it? They could do -- actually, I'll let you answer that
5 question.

6 A There had to be an acknowledgment that something
7 was going on in their home and the reasons of the removal.
8 They have -- they had to be able to verbalize that
9 something did happen to their child when their -- while
10 under their care. There was no explanation on how those
11 injuries happened. And once -- once the children start
12 disclosing -- and there was concerns. And there's still
13 not an acknowledgment that something was going (sic) in
14 their home.

15 Q So they had to admit, even though they were
16 facing criminal charges, that there was physical abuse in
17 the home for you to be satisfied; is that correct?

18 A They have to acknowledge that there were concerns
19 and that they needed to be addressed.

20 Q They had to -- what does that mean? They had to
21 acknowledge that there were concerns. What does that mean?
22 Isn't it true that without an admission that Mr. Brown
23 physically abused Samantha --

24 MS. HANRAHAN: Your Honor, objection. Asked and

1 answered multiple times.

2 MR. GOWDEY: She -- it's evasive. It's ju --
3 dancing around the issue.

4 MS. HANRAHAN: He doesn't like the answer he got,
5 so he's asking and asking and asking and he's --

6 MR. GOWDEY: The answer is --

7 MS. HANRAHAN: -- not allowed to do that.

8 MR. GOWDEY: -- non-responsive.

9 MR. DRASKOVICH: It's -- it's a yes or no
10 question that he's asked her.

11 THE COURT: I'm going to have her answer that.

12 MS. HANRAHAN: She said yes, they --

13 THE COURT: It's --

14 MS. HANRAHAN: -- had to --

15 THE COURT: It's --

16 MS. HANRAHAN: -- acknowledge it.

17 MR. GOWDEY: No, she said they had to acknowledge
18 concerns.

19 BY MR. GOWDEY:

20 Q Unless they admitted to physically -- Mr. Brown
21 physically abusing Samantha, this case plan would go
22 nowhere; isn't that true?

23 A Yes.

24 Q They could complete all of the therapy under the

1 sun and the case plan would go nowhere; isn't that true?

2 A Well, they will have to address it in therapy and
3 the reports will reflect that they addressed that in
4 therapy.

5 Q So it doesn't matter that Mr. Brown did domestic
6 violence counseling, that they both did mental health
7 evaluation and counseling, that they completed everything,
8 all the counseling Red Rock required, Healthy Minds
9 required, ABC Therapy required, it would all come to naught
10 unless they admitted that Mr. Brown abused Samantha,
11 correct?

12 A Correct.

13 Q In fact, you wrote yourself, Ms. Brown -- Mr.
14 Brown and Ms. Lawrence had been in compliance with the case
15 plan objectives as they completed services at Red Rock,
16 psychological services to address the physical abuse. They
17 are both attending family therapy sessions without the
18 children present at Healthy Minds. You -- you acknowledged
19 that she -- they were in compliance with the case plan,
20 correct?

21 A They were completing some of the action steps on
22 their case plan.

23 Q Okay. Again, I want -- this is your report --

24 A Yeah.

1 Q -- dated January 20th, 2016. You previously
2 referred to this report. I would like you to please the
3 highlight portion in its entirety.

4 A Mr. Brown and Ms. Lawrence have been in
5 compliance with the case plan objectives as they completed
6 services at Red Rock Psychological Service (sic) to address
7 the physical abuse. They're both attending family therapy
8 sessions without the children present at Healthy Minds.
9 However, they are still not able to verbalize the physical
10 abuse that Samantha suffered under their -- and the
11 emotional abuse that Heidi, Nikki and Wyatt suffered under
12 their care.

13 Q So your first sentence, Mr. Brown and Ms.
14 Lawrence have been in compliance with the case plan
15 objectives as they completed services at Red Rock.

16 MS. HANRAHAN: This is the third time we've read
17 that sentence, Your Honor.

18 MR. GOWDEY: Well, I can't help that -- that
19 they've gone over it and I certainly have a right to since
20 she -- she did not answer that they were in compliance when
21 her report says they were. I'd like to impeach with her
22 own report, if that's okay with the DA.

23 MS. HANRAHAN: Well, Your Honor, she answered
24 that the first time he read it. She said that they were in

1 compliance with most of it. They were doing some of the
2 action steps. That was the answer that she gave him the
3 first time he asked that question.

4 THE COURT: Okay. That's true. Heard -- I heard
5 that.

6 MS. HANRAHAN: He's badgering the witness.

7 BY MR. GOWDEY:

8 Q Does this say they were in partial compliance?

9 A However they have not been able --

10 Q No, I -- I get that. Do you say they were in
11 partial compliance here?

12 A Partial compliance.

13 Q Really?

14 A Because they still -- I still make sure that I
15 stated that they still have not been able to acknowledge
16 the children suffered under their care.

17 Q So again, unless Mr. Brown admits, there's no way
18 they complete the case plan in your eyes.

19 MS. HANRAHAN: Asked and --

20 Q There's no way --

21 MS. HANRAHAN: -- answered, Your Honor.

22 Q There's no way that they --

23 THE COURT: Sustained.

24 Q -- can effectuate reunification.

1 MR. DRASKOVICH: She sustained it.

2 MS. HANRAHAN: Asked and answered.

3 MS. DORMAN: It's been --

4 THE COURT: Sustained.

5 MS. DORMAN: -- sustained.

6 BY MR. GOWDEY:

7 Q All right. You have testified that there were
8 numerous attempts -- you made numerous attempts at
9 placement; is that correct?

10 A What? Placement of?

11 Q Of the children.

12 A Placement?

13 Q With alternative --

14 A With family?

15 Q Yeah.

16 A Yes.

17 Q And basically it was with respect to maternal
18 grandmother, made negative statements towards Samantha,
19 correct?

20 A Correct.

21 Q And that made her ineligible to become a
22 placement; is that right?

23 A Yes.

24 Q Same thing for the paternal grandfather -- or

1 grandmother, I'm sorry. That she made negative statements
2 towards Samantha.

3 A Yes.

4 Q And what were those negative statements? That
5 they didn't believe the allegations?

6 A That Samantha was a troubled child. They didn't
7 believe what -- the allegations and they were -- one of
8 them stated that we were putting two innocent people in
9 jail, which that's not what we do in family court.

10 Q So because they didn't believe the allegations
11 they were found to be not suitable for placement; is that
12 right?

13 A They were not -- they were not protective to the
14 children. They were aligning with the parents.

15 Q Was there -- was there any indication that they
16 would have been non-protective other than that -- that
17 statement? Any -- do you know whether the maternal
18 grandmother had ever been accused by DFS in whatever state
19 she was in of abuse?

20 A They were separating the children. They were
21 already making statements, negative statements to one of
22 the children.

23 Q So maternal grandmother is out. Paternal
24 grandmother is out. David Brown made a number of requests

1 to have an ICPC done; didn't he?

2 A And it was sent to California.

3 Q It was -- when was it sent to California?

4 A I don't recall.

5 Q And what happened with it?

6 A He requested not to have it done based on that.

7 He -- it will be taking too long and he was moving -- he
8 will be move -- getting out of the military and moving back
9 to Las Vegas.

10 Q So this was at least a year and a half ago; is
11 that right?

12 A I don't recall how long ago.

13 Q And the Louises made request for placement but
14 there were concerns with their behaviors, that they were
15 aligning with the parents; is that right?

16 A My supervisor spoke to them.

17 Q That's what you testified to though, correct?

18 A Correct.

19 Q Concerns with their behaviors and that they were
20 aligning with the parents; is that right?

21 A Correct.

22 Q With respect to the letter that you read, Sam's
23 letter, you were here when Sam's therapist testified; is
24 that right?

1 A Yes.

2 Q And you heard her say that Sam wrote that letter
3 after she found out she wouldn't be returning to -- she
4 wouldn't have to return to Mr. Brown and Ms. Lawrence; is
5 that right?

6 A She did test -- testify to that.

7 Q Were you the one who told Sam that she wouldn't
8 have to go be returning to her parents?

9 A No.

10 Q Do you know who did?

11 A No.

12 Q With respect to the issue of a safety plan, did
13 Dave Sanchez, the therapist for Healthy Minds, send you
14 over a safety plan?

15 A No.

16 Q You're sure? You're absolutely --

17 A I don't --

18 Q -- positive?

19 A -- recall. I don't recall if he did.

20 Q You don't recall if he did, so are you saying
21 that he didn't or you don't recall whether he did or not?

22 MS. HANRAHAN: She said she didn't recall.

23 A I don't recall.

24 Q You would typically work with a therapist in

1 developing a safety plan; would you not?

2 A Yes.

3 Q Unless you didn't intend to allow the children to
4 remove -- to -- to return home.

5 A We always work in safety plan for the parents.
6 If I might say, just because we file to terminate parental
7 rights, it doesn't mean that every case is going to
8 parental rights termination hearings.

9 Q But this one did; didn't it?

10 A Yes.

11 Q Rather quickly.

12 A No.

13 Q The filing was rather quick; wasn't it?

14 A No.

15 Q Three months after beginning the case plan filing
16 for aggravating circumstances as the first step to
17 terminate parental rights is not quick?

18 A No, it's not.

19 Q I mean, how quick --

20 A We didn't --

21 Q How quick would be quick?

22 A The file for parental rights doesn't happen until
23 after -- by policy we file at the 10th month of any case,
24 regardless of what the parent is doing or not doing.

1 Q So filing for aggravated circumstances,
2 aggravating circumstances and asking that they no long --
3 you no longer have to adhere to the case plan or put a case
4 plan forward after three months wouldn't be quick as far as
5 you're concerned?

6 MS. HANRAHAN: And, Your Honor, again, I'm going
7 to object. That's not even what happens. I mean, that's
8 just misstating the whole process. And I understand Mr.
9 Gowdey doesn't practice in here, but --

10 MR. GOWDEY: I'm sorry --

11 MS. HANRAHAN: -- that's not what happens.

12 MR. GOWDEY: -- is there -- is there a legal
13 objection --

14 MS. HANRAHAN: Yes. It's --

15 MR. GOWDEY: -- without the --

16 MS. HANRAHAN: -- misstating what --

17 MR. GOWDEY: -- editorializing?

18 MS. HANRAHAN: It's misstating what the legal
19 process and he's -- I -- I don't know if he's trying to
20 confuse her or simply misstating it, but --

21 MR. GOWDEY: Again --

22 MS. HANRAHAN: -- that's not correct --

23 MR. GOWDEY: Then -- then that's --

24 MS. HANRAHAN: -- what he's saying.

1 MR. GOWDEY: -- what needs to be stated, not the
2 editorializing and the --

3 MS. HANRAHAN: She's not --

4 MR. GOWDEY: -- testifying.

5 MS. HANRAHAN: -- an attorney, but --

6 THE COURT: Okay.

7 MS. HANRAHAN: -- he's -- he's stating that, you
8 know, they don't have to produce a case plan. First of
9 all, there was already a case plan produced. They had a
10 case plan. She already testified that she would continue
11 to work with the parents, even if that motion had been
12 granted.

13 THE COURT: Okay. So we know that --

14 MS. HANRAHAN: So --

15 THE COURT: -- there's a motion to waive
16 reasonable efforts that was filed. I don't know if it was
17 granted or not, I don't remember.

18 MR. GOWDEY: I misspoke with respect to --

19 THE COURT: It wasn't granted?

20 MR. GOWDEY: I misspoke with respect to what --
21 what the motion is. The motion is for a finding that
22 aggravated circumstances exist under which reasonable
23 efforts are not required pursuant to NRS 432B.

24 BY MR. GOWDEY:

1 Q Is that correct?

2 A Yes.

3 Q So three months after they enter into their case
4 plan, you -- a motion was filed to discontinue reasonable
5 efforts, correct?

6 A Yeah.

7 Q And that's not quick; is it?

8 A The children were removed in January. We're in
9 November.

10 Q And they began their case plan in August, right?

11 A Based on the continuation of the evidentiary
12 hearing.

13 Q And in fact you were the one who signed the
14 affidavit in support of the motion to waive reasonable
15 efforts; isn't that right?

16 A Yes, I'm the primary caseworker. Yes.

17 Q Right. So -- and at that point the -- Mr. Brown
18 and Ms. Lawrence were engaged in therapy, correct?

19 A They had a case plan and they were engaged --
20 started to engage in services.

21 Q They were engaged in therapy; were they not?
22 They were doing what the -- what the DFS wanted them to do
23 at that point in time.

24 A They were doing some of the action steps (sic) --

1 steps in their case plan, yes.

2 Q The only thing that they weren't doing was
3 admitting that abuse took place; is that correct?

4 A They were not acknowledging why the children were
5 removed, yes, you're correct.

6 Q So that was -- so that was --

7 A Correct.

8 Q -- the reason -- so that's the reason you said
9 that reasonable efforts were no longer required?

10 A No. There is -- there's a criteria why we waive
11 reasonable efforts and the case met the criteria to file to
12 waive reasonable efforts. However, that wasn't granted and
13 the termination of parental rights goal became -- was
14 changed or the permanency goal was changed to termination
15 in January, so a few months after they received their case
16 plan.

17 MR. GOWDEY: Court's indulgence. I have no
18 further questions.

19 THE COURT: Ms. Calvert.

20 MS. CALVERT: I think I just have a couple here.

21 CROSS EXAMINATION

22 BY MS. CALVERT:

23 Q Did you review the UNITY notes in this case at
24 any point?

1 A I do review the notes. Do you mean for today?

2 Q No, just during your time as the caseworker
3 assigned to the -- the children.

4 A At the time the case was assigned I had to review
5 them.

6 Q Did you note that there were prior investigations
7 made regarding the Browns?

8 A Yes.

9 Q Were there quite a few?

10 A Yes.

11 Q And did you accept all the records that you
12 reviewed as true?

13 A They're facts.

14 Q So do you believe DFS made any incorrect findings
15 in those prior investigations?

16 A I don't know. I wasn't there.

17 Q When you reviewed the prior investigations, did
18 it -- did it mean anything to you in how you were going to
19 address this case?

20 A No.

21 Q Have you disagreed with -- strike that. Since
22 you have been the caseworker assigned to the kids in this
23 matter, have you disagreed with any of the decisions of DFS
24 in regard to the -- Melissa or -- we'll go with Melissa

1 Brown (sic) as far as like development of her case plan.

2 A I don't think I'm understanding --

3 Q Oh, yeah.

4 A -- your question.

5 Q It was a bad question. Who else has been
6 involved from DFS in working on this case?

7 A Well, I mean, I have a supervisor, oversees me
8 and she is involved in the case too.

9 Q Is there anybody else?

10 A From DFS?

11 Q Uh-huh (affirmative).

12 A No, just my supervisor and myself.

13 Q Who is Yolanda Flores?

14 A CPS investigator.

15 MS. CALVERT: Okay. That's where I got that
16 from. That's all.

17 THE COURT: That's all. I looked over there
18 thinking you were in the back. Yeah.

19 MS. HONODEL: No, I don't have any questions.

20 THE COURT: Okay. All right.

21 MS. HANRAHAN: And just a few.

22 THE COURT: Okay.

23 REDIRECT EXAMINATION

24 BY MS. HANRAHAN:

1 Q Now Mr. Draskovich asked you if the parents had
2 in fact attended all classes and assessments, but you
3 testified for me, didn't you, that they had not completed
4 the recommended individual therapy to address their denial
5 of the abuse, right?

6 A Correct.

7 Q And was it not a requirement of the case plan
8 that they communicate what they learned in therapy to you?

9 A Yes.

10 Q And it's your job to make an assessment as to
11 whether they had learned what they needed to learn, right?

12 A Yes.

13 Q So -- and was it -- didn't you testify that it
14 was a requirement of the case plan that they acknowledge
15 that Sam was abused?

16 A Yes.

17 Q And in fact weren't those the primary
18 requirements of the case plan according to your testimony?

19 A Yes.

20 Q So -- and then you were asked about attending
21 some criminal hearings. To your knowledge, is it fairly
22 common for caseworkers to attend criminal hearings? Or
23 it's not uncommon, is it?

24 A It's not uncommon that we attend some of them.

1 Q And your job requires you to monitor the criminal
2 case to some extent; does it not?

3 A Yes.

4 Q Is that important to your decisions as to how to
5 proceed in -- in a case? Is knowledge of -- of what's
6 happening in the criminal case sometimes important to --

7 A It is important --

8 Q -- your decision.

9 A -- based on if the parents are going to be
10 incarcerated for reunification purposes and what will be
11 the plan.

12 Q So -- and then Mr. Draskovick asked you, and you
13 agreed, that -- about the parents seeking to visit with the
14 children, right? You -- you didn't have an issue with
15 that?

16 A No.

17 Q Was that ever a reason that you recommended this
18 case move toward TPR?

19 A No.

20 Q And then Healthy Minds, the counseling that the
21 parents received at Healthy Minds, that was one of the
22 types of counseling that they were required to attend,
23 right?

24 A Well, it recommended by Healthy Minds based on

1 that. That's part of moving toward the reunification, that
2 the kids are able to address certain things with the
3 parents in a family session.

4 Q But you testified that that was made clear to Mr.
5 Brown at the CFT that that wasn't the counseling that Red
6 Rock was recommending --

7 A Correct.

8 Q -- right? Now you -- there was all kinds of
9 discussion about ABC Therapy and how they got there and if
10 I were to show you a copy of the referral that you provided
11 to ABC Therapy, as well as Ms. Lawrence's -- well, first,
12 would you agree that Ms. Lawrence and Mr. Brown both got
13 their evaluations from ABC Therapy on the same day?

14 A Yes.

15 Q And so if I were to show you copies of those --

16 MR. GOWDEY: Can we see those first, please?

17 MS. HANRAHAN: The referral and then this is just
18 the front page of her evaluation.

19 BY MS. HANRAHAN:

20 Q All right. Could you take a look at those and
21 tell me what date the evaluation at ABC Therapy was
22 completed on?

23 A February 10th, 2015.

24 Q And what date was the referral completed on?

1 A February 18th, 2015.

2 Q Is February 18th after February 10th?

3 A Yes.

4 Q So when providers give you reports based on a
5 parent's therapy or some assessment that they've attended,
6 if that report's not sufficient to address what you need to
7 know, is it also the parents' responsibility to communicate
8 with you regarding what they've learned in therapy?

9 A Yes. And -- and in some instances the parents
10 said, well, I'm supposed to be doing this but they're not
11 addressing that in my sessions. So at times they talk to
12 the therapist about what needs to be addressed. I will
13 contact the therapist, what needs to be addressed. And in
14 some instances the client -- the parents go to a different
15 agency to be able to -- to address what is being required
16 of them.

17 Q So sometimes the clients recognize it's not what
18 they need.

19 A Yes.

20 Q And in fact were Mr. Brown and Ms. Lawrence
21 required to talk to you about what they learned in therapy
22 by the case plan?

23 A Yes.

24 Q Did either parent ever speak to you about their

1 therapy or assessments at re -- ABC?

2 A No.

3 Q And do you recall -- I'll take those back. Do
4 you recall early in the case, I think it was Mr. Draskovich
5 asked you if you weren't being prevent -- the parents were
6 being prevented from engaging in that therapy or doing any
7 acknowledgment by the District Attorney's Office, right? I
8 think one of them asked you that. Do you recall early in
9 the case, at the time of the parents entered their pleas
10 that they were offered a stipulation that anything said to
11 treatment providers would not be used in the criminal case
12 against them?

13 A Yes.

14 Q And did you take that to mean that they were able
15 to freely talk to therapists and let you know what they had
16 learned --

17 A Yes.

18 Q -- without fear of consequences in the criminal
19 case?

20 A Yes.

21 Q Now Mr. Gowdey asked you about the permanency
22 goal that was indicated on a case plan; do you remember
23 that?

24 A Yes.

1 Q And the court report that you attached that case
2 plan to was January 2016.

3 A Yes.

4 Q And is there a section on every single report
5 that you prepare for the -- the Court that indicates what
6 the permanency goal is and that also indicates what the
7 concurrent permanency goal is?

8 A Yes.

9 Q And did you indicated on that report for January
10 2016 that there was a concurrent goal of reunification; do
11 --

12 A Yes.

13 Q -- you recall?

14 A Can I see it?

15 Q Sure.

16 A May I see it?

17 Q I just have a copy of it.

18 MS. HANRAHAN: If I can get the -- do you have,
19 Paul, January 2016? I don't know what number it is.

20 THE COURT: It's towards the end.

21 THE CLERK: January -- what is it?

22 THE COURT: 2016.

23 (COUNSEL AND CLERK CONFER BRIEFLY)

24 BY MS. HANRAHAN:

1 Q If you'd just take a look at that and tell me if
2 it refreshes your recollection as to whether you indicated
3 that the concurrent permanency goal was reunification.
4 A Yes.
5 Q And is the reason that only the primary goal is
6 indicated on the case plan related to space --
7 A I --
8 Q -- that you have --
9 A I -- I don't know.
10 Q But the --
11 A The gen --
12 Q -- case plan only indicates the primary goal;
13 isn't that your testimony?
14 A The report shown to me, it states that the
15 primary goal and the concurrent goal, it's adoption, which
16 is it generated -- I don't know how it generated that way.
17 But my report states --
18 Q Oh, okay.
19 A -- that the concurrent goal --
20 MR. GOWDEY: Would you like a copy --
21 A -- is reunification.
22 MR. GOWDEY: -- of what I was referring to?
23 MS. HANRAHAN: I get what she's saying now, yeah.
24 Okay.

1 BY MS. HANRAHAN:

2 Q So it showed both goals as adoption on the --

3 A Yes.

4 Q -- case plan. Okay. And that was a mistake?

5 A Yes.

6 Q Okay. And it was indicated in the place where
7 people look for the goal -- permanency goals on your report
8 as correct?

9 A Right. The report states it correct.

10 Q And now Mr. Gowdey also asked you about whether
11 you explored the Louises for placement. You also did
12 background checks though. You did pursue them at some
13 point, right?

14 A Yes, the Department completed background checks.

15 Q And was there a problem with the background check
16 for Mr. Louise?

17 A There was a concern, yes.

18 Q And was that the reason that the Louises weren't
19 considered?

20 A One of them, yes. Uh-huh.

21 Q And now they -- Mr. Gowdey asked you if David
22 Sanchez, the therapist from Healthy Minds did a safety
23 plan, and I believe you stated that you didn't recall. Is
24 David Sanchez the person whose job it was to make a safety

1 plan without consulting with you or --

2 A No, the safety plans are -- are a collaboration
3 of the team. Family, therapists, DFS, any other provider,
4 and like I said, also the children sometimes have input on
5 the safety plans.

6 Q And now, just a couple more. With regard to the
7 motion to waive reasonable efforts. And to your knowledge,
8 motions to waive reasonable efforts are generally filed
9 immediately after the dispositional hearing; are they not?

10 A Yes.

11 Q And -- and waivers of reasonable efforts are not
12 requested based on compliance or non-compliance with case
13 plans; are they?

14 A No.

15 Q They're based on aggravating circumstances that
16 exist at the time of removal?

17 A Yes.

18 Q And do you recall when the waive -- motion to
19 waive reasonable efforts, or motion for a finding of
20 aggravated circumstances -- Mr. Gowdey indicated it was
21 filed in November 2014. Do you recall when it was heard
22 actually?

23 MR. DRASKOVICH: Objection. Relevance.

24 MS. HANRAHAN: Well, the timing of the filing of

1 the motion to waive was a big deal, so --

2 MR. DRASKOVICH: It showed how quick --

3 MR. GOWDEY: I meant --

4 MS. HANRAHAN: I would like to --

5 MR. GOWDEY: -- the filing, not -- not the
6 hearing of it, but the filing of it, three months after the
7 case plan took effect.

8 MS. HANRAHAN: Could I just ask a couple of
9 questions --

10 THE COURT: Sure.

11 MS. HANRAHAN: -- on this, Your Honor?

12 THE COURT: Yeah, that's fine, because I'm
13 curious too.

14 BY MS. HANRAHAN:

15 Q Do you remember -- it was filed in November. Do
16 you remember when it was heard?

17 A I believe it was to be -- to be heard at the time
18 of the permanency review, which was in November -- I mean,
19 I'm sorry -- January 2015.

20 Q And in fact wasn't it denied because you were
21 requesting termination of parental rights as a general goal
22 and the Court indicated they were changing -- it was
23 changing the goal anyway?

24 A Yes.

1 MS. HANRAHAN: Thank you. That's all I have.

2 MR. DRASKOVICH: I just have a few followup
3 questions.

4 THE COURT: Okay.

5 RECROSS EXAMINATION

6 BY MR. DRASKOVICH:

7 Q In reference to the Louises, there was some
8 intimation concerning their background check that there was
9 a concern?

10 A Yes.

11 Q It wasn't criminal in nature; was it?

12 A I don't know.

13 Q Do you recall it was Mr. Louise was a pilot for
14 United Airlines and he had a concealed weapons permit?

15 A We don't get that information. We just get a
16 denial or approval.

17 Q Neither one of them had any criminal convictions;
18 did they?

19 A I don't know.

20 Q In reference to the questions concerning the
21 counseling, and Mr. Brown and Ms. Lawrence's failure to
22 admit, that's to you, correct?

23 A To the Department.

24 Q That -- that stipulation doesn't cover

1 communications between them and DV -- DFS worker, correct?

2 A Correct.

3 Q And you weren't in their counseling sessions;
4 were you?

5 A No, I was not.

6 Q And you don't know what occurred inside those
7 counseling sessions.

8 A No, I don't.

9 Q And in reference to this requirement, you --
10 you've testified extensively to concerning Mr. Brown and
11 Ms. Lawrence must communicate to you what they've learning
12 in their counseling. That's nowhere in their case plan.

13 A It is to be able to demonstrate, acknowledge what
14 has been learned. It is -- is an objective.

15 Q There's an objective that says they must --

16 A I mean --

17 Q -- communicate --

18 A -- I'm sorry. An action step.

19 Q It states they must communicate to you what
20 they've learned in counseling? That was your testimony,
21 those were your words.

22 A The -- I don't know the wording, but it's -- it's
23 that they're able to verbalize what led to the removal.

24 Q So you -- you're playing kind of fast and loose

1 with wording, correct, and what they're supposed to do and
2 what they're not supposed to do in your eyes.

3 A I don't have it in front of me, so I can't tell
4 you exactly what the wording is.

5 Q Your department communicated to them on February
6 27, 2015, that all communications must be directed toward
7 Ms. Heather Richardson and not yourself, correct?

8 A Correct.

9 Q And that's been some time ago, correct?

10 A Yes.

11 MR. DRASKOVICH: Pass the witness.

12 THE COURT: Anybody else?

13 MS. HONODEL: No, Your Honor.

14 THE COURT: All right. All right. You've been
15 on the stand a long time, so we'll let you go back. Thank
16 you.

17 THE WITNESS: Thank you.

18 THE COURT: All right. So I think you stated
19 before that there's no other witnesses for today. It's
20 three o'clock. So with that being said, we begin again on
21 Thursday, I can tell you that. I just want to make sure --
22 September 1st at 10:30. Again, I have -- I have nine
23 hearings before that starting at 9:00.

24 MR. GOWDEY: I'm sorry, we're talking about next

1 Thursday?

2 THE COURT: 10:30. So we'll try to start as soon
3 -- at -- as soon as 10:30 begins, but I'm just letting you
4 know I have -- that were set, probably a couple months ago.
5 All right. With that being said, we'll see you at 10:30.
6 Have a nice weekend.

7 MR. GOWDEY: Thank you.

8 MR. DRASKOVICH: If I don't get stuck at JFK.

9 (PROCEEDINGS CONCLUDED AT 03:02:32)

10 * * * * *

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

14

15 /s/ Kimberly C. McCright
16 Kimberly C. McCright, CET
17 Certified Electronic
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1 TRANS

FILED

FEB 21 2017

Ann L. Quinn
CLERK OF COURT

2 ORIGINAL

3
4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 In the Matter of the)
Parental Rights of:)
10) CASE NO. D-15-510944-R
SAMANTHA LAWRENCE, DOB 07/06/98;)
11 HEIDI BROWN, DOB 01/04/04;) DEPT. E/K
NIKKI BROWN, DOB 01/04/04;)
12 WYATT BROWN, DOB 07/15/09;)
13 Minors.)
14)

15
16 BEFORE THE HONORABLE CYNTHIA N. GIULIANI
DISTRICT COURT JUDGE

17
18 TRANSCRIPT RE: TERMINATION OF PARENTAL RIGHTS

19
20 THURSDAY, SEPTEMBER 1, 2016

1 APPEARANCES:

2 For the State of Nevada: JANNE HANRAHAN, ESQ.
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5 The Father: DONALD BROWN

6 The Mother: MELISSA LAWRENCE
7 For the Mother: MICHAEL GOWDEY, ESQ.
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11 For Nikki, Heidi and
12 Wyatt Brown: LAUREN CALVERT, ESQ.
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14 Also present: MARYTE TALLENT, DFS
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1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 1, 2016

P R O C E E D I N G S

2 (PROCEEDINGS BEGAN AT 11:07:57)

3
4 THE COURT: All right. So this is case D-510944,
5 In the Matter of Melissa Lawrence and Donald Brown and for
6 the four children. I'll let everyone state their
7 appearances so we know who's here for the minutes.

8 MS. CALVERT: Oh, Lauren Calvert, CAP attorney for
9 Nikki, Heidi and Wyatt Brown.

10 THE COURT: Okay.

11 MR. GOWDEY: Michael Gowdey, attorney for Melissa
12 Lawrence, who is present before the Court. And I am also
13 standing in for Mr. Draskovich on be -- on behalf of his
14 client, Mr. Brown. Mr. Draskovich is -- is not here today.

15 THE COURT: Okay. Thank you.

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

19 THE COURT: Okay.

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

22 MS. DORMAN: Amity Dorman, Chief Deputy District
23 Attorney, bar number 9316.

1 THE COURT: Okay.

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

4 THE COURT: Okay. So there was a medical
5 emergency, we'll just state that, with Mr. Draskovich. He's
6 not here. He left the courthouse, so we can't go forward
7 today. He's not available. What I'd like to do is see if
8 he is available for tomorrow, and what we can do is this.
9 Maybe there could be an email link exchanged before five
10 o'clock today so we know -- he may be admitted, he may not
11 be admitted. They may say he just needs to rest. I don't
12 know. That way we just have an idea. Because if we have --
13 if he's able to be here, we need to continue, just based on
14 the timing of this.

15 We do have two days next week, but obviously we're
16 a day behind even for today. So if we can only be one day
17 behind, not two, we'll take tomorrow. I don't know that I
18 can answer that question right now, so let him -- let
19 someone -- I'll reach out -- maybe the DA's can find out his
20 status and then let the courts know. If he's able to be
21 present, then he should be, and if he's not, then obviously
22 we understand he's, you know, physically not able to.

23 MR. GOWDEY: All right. I'm sure I'll be in a
24 better position than the DA's to find out his -- you know,

1 we share office space --

2 THE COURT: Okay.

3 MR. GOWDEY: -- so --

4 THE COURT: Okay, fine.

5 MR. GOWDEY: -- so --

6 THE COURT: That's fine.

7 MR. GOWDEY: -- Mr. Draskovich --

8 THE COURT: And just --

9 MR. GOWDEY: -- I'm sure will --

10 THE COURT: -- let them know, and then they --

11 some -- you know, let everybody know, all the attorneys, and

12 then someone at least give the courtesy to let us know just

13 so we can prepare for tomorrow. Sound good? So if he's

14 able to, we'll go forward, and then if he's not because he's

15 just, you know, truly not able to be here, then we -- again,

16 can't go without him. But if he is, we should go forward

17 tomorrow with the next day of the trial.

18 All right. Let's just kind of all regroup towards

19 the end of the day and see what his status is and let us

20 know. All right? So we're planning for tomorrow unless we

21 hear that he can't be here. Okay? And if he can't be here,

22 then obviously we're not going to go forward without him.

23 So we'll just wait for someone to let us know. All right?

24 All right. Thank you.

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MS. CALVERT: Thank you, Your Honor.

(PROCEEDINGS CONCLUDED AT 11:10:21)

* * * * *

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

1 TRANS

2 ORIGINAL

FILED

FEB 21 2017

Alan T. Blum
CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

9 IN THE MATTER OF THE)
PARENTAL RIGHTS OF:)

CASE NO. D-15-510922-R

10 SAMANTHA LAWRENCE, HEIDI)
11 BROWN, NIKKI BROWN,)
12 WYATT BROWN,)

DEPT. E/K

13 Minors.)
_____)

14
15 BEFORE THE HONORABLE CYNTHIA GIULIANI
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: TRIAL

18
19 THURSDAY, SEPTEMBER 8, 2016
20
21
22
23
24

1 APPEARANCES:

2 For the State of Nevada: JANNE HANRAHAN, ESQ.
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9 The Respondent Mother: MELISSA DAWN LAWRENCE
10 For the Respondent Mother: MICHAEL GOWDEY, ESQ.
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12 For the Minors Heidi Brown,
13 Nikki Brown, and Wyatt Brown: LAUREN CALVERT, ESQ.
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15 For the Minor
16 Samantha Lawrence: AMY HONODEL, ESQ.
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18 725 E. Charleston Blvd.
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19 Also Present: MARYTE TALLENT
20 Department of Family
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I N D E X O F W I T N E S S E S

STATE'S
WITNESSES:

DIRECT CROSS REDIRECT RECROSS

DONALD BROWN 6 172/186 187/192 190/193

RESPONDENT'S
WITNESSES:

(None presented)

* * * * *

I N D E X O F E X H I B I T S

STATE'S
EXHIBITS:

ADMITTED

25 - Judgment of conviction	28
26 - Evaluation report	156
27 - ABC Therapy completion report	156
28 - Preliminary hearing transcript	196

RESPONDENT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 8, 2016

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 11:16:50)

4
5 THE COURT: All right. With that being said,
6 everyone can sit down and we'll continue with this trial.
7 This is case D-510944 in the matter of Melissa Lawrence and
8 Donald Brown. For the record, we'll have everyone state
9 their appearances.

10 MS. CALVERT: Lauren Calvert for Nikki, Heidi, and
11 Wyatt Brown.

12 THE COURT: Thank you.

13 MR. DRASKOVICH: Robert Draskovich on behalf of
14 Donald Brown.

15 THE COURT: Thank you.

16 MR. GOWDEY: Michael Gowdey, bar number 6994, on
17 behalf of Melissa Lawrence.

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

20 THE COURT: Okay.

21 MS. DORMAN: Amity Dorman, Chief Deputy District
22 Attorney, bar number 9316, here on behalf of the Department.

23 MR. HANRAHAN: And Janne Hanrahan for the District
24 Attorney's Office.

1 MR. HONODEL: And Amy Honodel, bar number 7755,
2 CAP attorney for Samantha Lawrence.

3 THE COURT: Okay. Great. So we last left off I
4 believe with the children's therapists, so I think you said
5 you had a couple more witnesses.

6 MR. GOWDEY: Actually, Your Honor, we -- I think
7 we left off with Ms. Tallent, but we had finished her --

8 THE COURT: Yeah, Ms. Tallent --

9 MR. GOWDEY: -- her cross.

10 THE COURT: -- cross -- Ms. Tallent -- that was --
11 yeah. And then I think there was a couple more witnesses.
12 You stipulated to admit something, a Red Rock report or
13 something, that at this point, I'll -- I'll see who else you
14 have as far as today goes as -- as far as witnesses.

15 MR. HANRAHAN: We have one more witness, Judge.

16 THE COURT: Okay.

17 MR. HANRAHAN: That's --

18 THE COURT: Okay.

19 MR. HANRAHAN: We'll be done today.

20 THE COURT: All right.

21 MR. HANRAHAN: And so --

22 THE COURT: So did you want to call that witness?

23 MR. HANRAHAN: Yes, Donald Brown.

24 THE COURT: Okay. All right.

1 (WITNESS SUMMONED)

2 THE CLERK: Please raise your right hand. You do
3 solemnly swear the testimony you're about to give in this
4 action shall be the truth, the whole truth, and nothing but
5 the truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: State your name for the record.

8 THE WITNESS: Donald Edward Brown.

9 THE CLERK: You may have a seat.

10 DONALD BROWN

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

13 DIRECT EXAMINATION

14 BY MS HANRAHAN:

15 Q Mr. Brown, you're the biological father to Heidi
16 and Wyatt?

17 A Yes.

18 Q And how do you characterize your relationship to
19 Samantha Lawrence?

20 A We were very close.

21 Q No, I mean, do you call her stepdaughter?

22 A I call her my daughter.

23 Q Your daughter. Okay. And then are you married to
24 her mother, Melissa Lawrence?

1 A No, ma'am. I'm not.

2 Q How many other children do you have besides Heidi,
3 Nikki, and Wyatt?

4 A Two.

5 Q And what are they names?

6 A David Brown -- E. Brown, and Rebecca Brown.

7 Q All right. And Rebecca's mother was Gerry Irene
8 Brown (ph)?

9 A Yes, ma'am.

10 Q And Rebecca had a sister named Amanda, didn't she?

11 A Yes, ma'am.

12 Q And Amanda died at the age of seven months of
13 abuse of head trauma, didn't she?

14 A Yes, ma'am.

15 Q And that was because you picked her up by the
16 throat and slammed her to the floor?

17 A No, ma'am.

18 Q No? did you speak with detectives at that time?

19 A I'm going to invoke my Fifth of this.

20 MR. HANRAHAN: But Your Honor, the Fifth Amendment
21 invocation isn't proper here. This is regarding a crime
22 that has already had a conviction. He already served time
23 for it. He's not facing any criminal implications from
24 anything in regard to this crime.

1 MR. DRASKOVICH: And it's in reference to the link
2 in the case file that we discussed previously, that I'm
3 going to instruct my client not to answer this line of
4 questioning. Additionally, I would submit that it's fairly
5 irrelevant to the determination that's before this Court
6 today.

7 MR. HANRAHAN: Your Honor, it's extremely relevant
8 and not only relevant, but this Court's required to consider
9 it under 128.106. Three different sections of 128.106.
10 Section B says if there was conduct toward a child of
11 physically, emotionally, or sexually cruel or abusive
12 nature, the Court has to consider it in considering
13 unfitness which is one of the grounds we'll be requesting.

14 128.106(f) says the Court must continue the
15 conviction of the parent with a commission of a felony if
16 the facts of the crime are of such a nature as to indicate
17 the unfitness of the parent to provide adequate care and
18 control to the extent necessary for the child's health and
19 development.

20 Section 128.106(g) says in determining unfitness,
21 the Court must consider whether the child, a sibling of the
22 child or another child in the care of the parent suffered a
23 physical injury resulting in substantial bodily harm or
24 fatality for which the parent has no reasonable explanation

1 and for which there is evidence that such physical injury or
2 death would not have occurred absent abuse or neglect.

3 Those three things require this Court to consider
4 prior conduct with siblings of the child or any child who is
5 in the care of the parent.

6 MR. DRASKOVICH: And we have a differentiation
7 between a conviction and/or conduct. We have a conviction
8 that's been addressed. We're talking about a 32-year-old
9 conviction. There are enhancements in -- in the current
10 criminal case that could be addressed in the event that he
11 answers these questions. And for that reason,

12 THE COURT: I agree with Mr. Draskovich in that I
13 do have to consider that in my -- in my order of my findings
14 at the end of this trial, but I believe that him answering
15 questions could pose a risk to his criminal trial; however,
16 the Court does know that there was a -- I don't know if it
17 was put in evidence or if it was put somewhere else before
18 that there was a conviction.

19 MR. HANRAHAN: It was part of the --

20 THE COURT: Part of --

21 MR. HANRAHAN: -- petition.

22 THE COURT: -- the petition. So the Court
23 obviously knows about that conviction from 30 something
24 years ago. But for him to -- for you to elicit testimony

1 from him absent the conviction itself, I think that's where
2 it gets -- the fine lines are crossed as far as his criminal
3 trial.

4 MR. HANRAHAN: But I'm still entitled to ask the
5 questions and because the Court is -- has to consider the
6 facts of the previous crime in order to determine unfitness.
7 The -- the facts of the crime are of such a nature as to
8 indicate unfitness.

9 MR. GOWDEY: She --

10 MR. HANRAHAN: And so the Court is required to
11 consider that. So whether he can take the Fifth or not,
12 I'll leave that to you, but I'll be asking the questions.

13 THE COURT: You can ask the questions and his --

14 MR. HANRAHAN: And I'll ask --

15 THE COURT: -- his Counsel --

16 MR. HANRAHAN: -- a negative inference.

17 THE COURT: -- his Counsel had -- had stated that
18 he plans on -- or he stated that he's -- he's invoking his
19 Fifth Amendment privilege which I'm not going to make him
20 testify to anything that -- with those lines of questioning.
21 So if you ask him a question, I think we've talked about
22 this in the last -- with the Mom, you can make that
23 inference and we'll deal with it at the end of the trial.

24 MR. DRASKOVICH: Well, Your Honor, we would be

1 willing to stipulate to the entry of the conviction of --
2 although I think it's already been submitted. I mean --

3 MR. HANRAHAN: Yes, we'll be asking to enter that,
4 but the facts of this crime are extremely relevant to the
5 Court's considerations of unfitness.

6 MR. DRASKOVICH: And I -- I would briefly like to
7 make a record in that we have the District Attorney's Office
8 currently prosecuting a termination of parental rights
9 simultaneous with the criminal case where they are seeking
10 decades of -- of time.

11 We have the District Attorney's Office preventing
12 reunification because of a no contact order, yet at the same
13 time the very same District Attorney's Office which is
14 seeking to terminate the parental rights because the
15 children have not been returned to the home.

16 MR. HANRAHAN: And Your Honor, clearly the State
17 is not requesting termination of parental rights based on
18 the no contact order. Actually, I think Ms. Tallent even
19 testified to that. The no contact order is not the order is
20 not the basis for this termination of parental rights.

21 MR. GOWDEY: I -- I would say with respect to
22 that, the basis of this -- the -- the termination of
23 parental rights is their failure to complete the case plan
24 which Ms. Tallent also indicated unless they admitted in

1 counseling and admitted to her that they had committed acts
2 of abuse which would be used against them in the criminal
3 setting, there is no way that the case plan could have moved
4 forward.

5 So in effect, if you go --

6 MR. HANRAHAN: That's --

7 MR. GOWDEY: -- from point A to point Z, what Mr.
8 Draskovich stated is exactly correct. The State has blocked
9 this reunification in an attempt to terminate parental
10 rights.

11 MR. HANRAHAN: These are closing arguments, Judge.
12 This is --

13 THE COURT: I -- I agree.

14 MR. HANRAHAN: -- about whether I can ask the
15 question and whether he can invoke the -- invoke it, then I
16 will follow up by --

17 THE COURT: So --

18 MR. HANRAHAN: -- asking for the negative
19 inference.

20 THE COURT: Okay. So a couple things. Based on
21 this testimony, that could affect his criminal case and any
22 higher or expanded charges. So I understand why he would
23 plead the Fifth; however, he still can make -- ask the
24 questions, because that's -- your -- your case is your case

1 and he has the right -- and you have the right to -- you're
2 -- you're -- the burden is on the D.A.'s Office to show by
3 clear and convincing evidence parental fault and best
4 interest.

5 So you can ask those questions and if he chooses
6 to plead the Fifth, while it was an old case, and had there
7 been -- had there not been a -- a case pending right now in
8 court, he should be able -- he should answer those questions
9 because it's an old case. He has no -- he's already been
10 convicted and tried.

11 However, because there's a pending case, that has
12 some overlap into his past. I understand why his attorneys
13 is telling him to plead the Fifth, but you can still answer
14 the questions. So -- and then you can obviously decide what
15 you're going to answer to not and if there's an objection,
16 we'll -- we'll hear it as -- as needed.

17 BY MR. HANRAHAN:

18 Q All right. So initially, Mr. Brown, when I asked
19 you if Amanda died at the age of seven months of abuse of
20 head trauma, you said no, is that correct?

21 A That wasn't the question.

22 Q I know, but I -- then I followed that question
23 with another and you invoked your Fifth Amendment. But
24 going back to that first one, you said no, she did not die

1 of abuse of head trauma.

2 A No, ma'am. You said that --

3 MR. DRASKOVICH: And I object --

4 A -- I grabbed her by the throat and threw her down
5 and that's when I said no then. That was two questions.

6 Q Well, that's --

7 A I answered the one.

8 Q -- the one you took issue to. Okay. That's fine.

9

10 MR. GOWDEY: No, I'm sorry. That -- that
11 misstates the testimony flat out. He did acknowledge --
12 respond affirmatively to the first question. The second
13 question, he responded negatively to, and then the third
14 question he took the Fifth. So Ms. Hanrahan is definitely
15 misstating prior testimony.

16 THE COURT: Okay. So why don't we start from the
17 beginning.

18 MR. HANRAHAN: Thank you for that clarification.
19 That's why I was asking.

20 THE COURT: So let's -- let's start from -- from
21 the beginning as to what you -- the questions and we'll do
22 it not compound so he can answer each question how he feels
23 appropriate.

24 MR. DRASKOVICH: And I'll be instructing my client

1 A The parents had completed some of the actions
2 steps on the case plan.

3 Q And you attached a couple of attachments to that
4 report indicating that, correct?

5 A Yes.

6 Q So what were those attachments indicative of?

7 A It was a risk assessment for Mr. Brown, a risk
8 assessment for Ms. Lawrence, the Boundaries certified for
9 Mr. Brown.

10 Q Okay. So --

11 A And the classes completed at Red Rock.

12 Q Okay. So if you recall, did the parents do the
13 classes first or the assessment first at Red Rock?

14 A I'm not sure. Let me --

15 Q If your report says the classes, would you --

16 A Yeah, I'll -- I'll agree. The classes were taken
17 first.

18 Q So when a parent completes classes at Red Rock,
19 do they get some kind of completion report? Is that what
20 you attached to that report?

21 A Yeah, once they --

22 Q Is that what you said that --

23 A -- complete the classes, they -- we get a report
24 with any -- if any recommen -- recommendations are given.

1 Q Okay. And were there any recommendations for --
2 you said both of them completed it. So did you get reports
3 for both of them? Completion reports?

4 A Yes.

5 Q And were there recommendations for Mr. Brown --

6 A Yes.

7 Q -- as a result of the classes? What were the
8 recommendations for Mr. Brown?

9 A To complete a family risk assessment.

10 Q And were there recommendations for Ms. Lawrence?

11 A Yes.

12 Q And what were the recommendations for her?

13 A To also complete a family risk assessment.

14 Q And then you said that you attached family risk
15 assessments. Was that for both parents?

16 A Yes.

17 Q So they both completed that?

18 A Yes, at that time they had.

19 Q Okay. And then those risk assessments, did those
20 result in a determination of the level of risk for the
21 family?

22 A Yes.

23 Q With regard to Ms. Lawrence's risk assessment,
24 what was the result of her risk assessment?

1 A High risk for physical abuse.

2 Q And Mr. Brown? Was there a level of risk
3 assessed for him as well?

4 A High risk for physical abuse.

5 Q And then were there also recommendations made
6 from those reports?

7 A Yes.

8 Q What were the -- what -- well, were you here --
9 you were here when Ms. Lawrence testified, correct?

10 A Yes.

11 Q In this hearing -- in this proceeding?

12 A Yes.

13 Q And would you concur with the recommendations
14 that she agreed were in her Red Rock assessment, to
15 continue in weekly therapy, create a therapeutic safety
16 plan --

17 A Yes.

18 Q -- with the help of a trauma therapist? Would
19 you agree with everything that she testified was
20 recommended by Red Rock?

21 A Yes.

22 Q Okay. As far as Mr. Brown, what were the
23 recommendations for him from the Red Rock assessment?

24 A To complete an assessment for domestic violence

1 and follow the recommendations. Anger management, impulse
2 control classes and follow recommendations. Weekly
3 individual therapy to address his position of denial and
4 history of criminal behaviors. And con -- continue not to
5 have contact with -- with his children until meeting the
6 requirements of his case plan and his risk of abuse has
7 decreased.

8 Q Okay. We'll come back to that. At this time are
9 the parents also attending some other type of therapy as
10 well as the Red Rock or doing the Red Rock assessment and
11 classes?

12 A They were attending Healthy Minds.

13 Q And what type of -- what was that therapy meant
14 to address?

15 A Healthy Minds is -- they work with the parents on
16 what they call family without the child and they address --

17 THE COURT: I'm sorry, family without a child or
18 with --

19 THE WITNESS: Without a child.

20 THE COURT: Without?

21 THE WITNESS: Without.

22 THE COURT: Without a child, okay.

23 THE WITNESS: So they mean like just with the
24 parents.

1 THE COURT: Okay.

2 THE WITNESS: It's typically to meet with the
3 parents and work on some of the concerns of -- the safety
4 concerns and -- in appro -- I -- in order to kind of start
5 the family sessions and move towards the reunification
6 process.

7 BY MS. HANRAHAN:

8 Q So was that -- you said that one of the
9 requirements from Red Rock for Mr. Brown was individual
10 therapy to address his position of denial. And Ms.
11 Lawrence had testified that she was also recommended to
12 have the same thing, individual therapy to address her
13 position of denial. So was that therapy at Healthy Minds
14 acceptable to fulfill that recommendation?

15 A No. They're not -- they don't provide individual
16 therapy, they provide family without the child, which is
17 different. They address different things.

18 Q So is family therapy more toward just
19 interactions to make the family function smoother and
20 things like that?

21 A Correct. It's -- it's about the family, it's not
22 about the individual person.

23 Q And is it specifically meant to address physical
24 abuse in any fashion? That therapy at Healthy Minds.

1 A They address parenting, not as physical abuse.

2 Q Were the parents aware that that Healthy Minds
3 therapy was not acceptable --

4 MR. GOWDEY: Objection. Calls for speculation.

5 BY MS. HANRAHAN:

6 Q Did you ever talk to the parents? Were they ever
7 told that this therapy was not acceptable to fulfill that
8 recommendation from Red Rock?

9 A I talked to Mr. Brown at the time of the referral
10 to let him know that the therapy was family without the
11 child. That was a part of the reunification process. I
12 don't -- I don't know if he understood that that was not
13 what it was, a requirement. We did have a meeting January
14 of 2015 to clarify.

15 Q Okay. And what kind of meeting was that?

16 A It was a CFT, a Child Family Team meeting.

17 Q And when you hold a CFT, do you normally prepare
18 a written agenda of things that will be addressed at the
19 CFT?

20 A Yes, we do prepare an agenda. We start with
21 ground rules, objectives of the agenda, things that we're
22 going to be addressing --

23 Q Okay.

24 A -- during the meeting.

1 Q Did you prepare one for that meeting?

2 A My supervisor and I did.

3 Q Okay. And do you recall what items were on that
4 agenda to be addressed? Would it refresh your recollection
5 --

6 A Yeah, please. I know we put the case plan
7 objectives and what was the status of each one.

8 (COUNSEL CONFER BRIEFLY)

9 Q Were the parents provided a copy of that -- well,
10 did both parents attend that CFT?

11 A No. Prior to that -- the meeting, both parents
12 had the same attorney. During that meeting it was advised
13 that Ms. Lawrence no longer was represented by the same
14 attorney and had a new attorney who was not -- who was not
15 present, so she -- she chose not to participate. But Mr.
16 -- Mr. Brown and his attorney were present and a copy of
17 the agenda was provided to him.

18 Q Okay. So can you just take a look at that agenda
19 and see if that refreshes your recollection and let the
20 Court know what kinds of things were on -- on the agenda
21 for that meeting.

22 A So we talked about the safety concerns, the
23 physical abuse, the protective capacities, the lack of a
24 safety plan. And then we spell out Mr. Brown's case plan

1 objectives and what was completed, what was not, what's
2 still missing. Same as Ms. Lawrence. And one of the -- in
3 the agenda we were clear that there was a safety -- there
4 was no -- a safety plan to prevent recurrence of -- of the
5 abuse, and there was no acknowledgment of the abuse.

6 Q All right. So you were present at that CFT
7 meeting.

8 A Do you need this one?

9 Q Oh, sorry. You were present at that CFT --

10 A Yes.

11 Q -- correct? So did you address most of the
12 things that were on the agenda in that CFT?

13 A Mr. Brown's. We addressed Mr. Brown's.

14 Q With Mr. Brown.

15 A Uh-huh (affirmative).

16 Q Yes. So you didn't talk about Ms. Lawrence's
17 case plan because she wasn't there?

18 A Correct.

19 Q Was Mr. Brown made aware at that meeting that the
20 Healthy Minds therapy was not sufficient to account for the
21 recommendation from Red Rock therapy?

22 A Yes. The therapists were present, so they also
23 explained to him.

24 Q The Red Rock therapists?

1 A No, the Healthy Minds therapists. His therapy
2 too.

3 Q Okay. It's -- they explained what type of
4 therapy they were providing or --

5 A Yes.

6 Q Now you talked about -- you attached the Red Rock
7 completion reports and you attach the evaluations, the --
8 or the risk assessments from Red Rock. Do you typically
9 attach everything you've gotten regarding any type of case
10 plan compliance or non-compliance to your reports? Any
11 kind of reports that you receive from other entities, do
12 you usually attach those to your reports?

13 A We attach any service providers. There's other
14 reports that we receive that might not be attached, but
15 it'd be in -- in the report.

16 Q Summarized in the report?

17 A Summarized in the report.

18 Q So in this report for January 2015, you also
19 attached a report indicating that both Mr. Brown and Ms.
20 Lawrence had completed parenting --

21 A Yes.

22 Q -- right? Would you agree with that?

23 A Yes.

24 Q And -- and then did this report also contain

1 something -- a report regarding Samantha, an incident
2 report for Samantha?

3 A Yes, it was attached.

4 MR. GOWDEY: What's the date of the report we're
5 talking about now?

6 MS. HANRAHAN: January 2015.

7 MR. GOWDEY: Okay.

8 BY MS. HANRAHAN:

9 Q Do you recall that or do you need to --

10 A I know I attach it, I just re -- recall the
11 incident.

12 Q Let me know when you have refreshed your
13 recollection.

14 (PAUSE)

15 Q Do you see the incident report thats --

16 A Yeah, there is --

17 Q What was that incident regarding? Well, first of
18 all, what is an incident report?

19 A We receive from foster homes or high level homes,
20 foster homes, reports of any major incidents where the
21 children maybe have to be taken to the emergency room, or
22 something that the school reported based on if it's any
23 medical care needed.

24 Q Okay. So --

1 A So --

2 Q -- do you have to attach those to the report?

3 A Not necessarily. Some of the reports might be
4 just summarized in -- in the medical section --

5 Q Okay. So what was this --

6 A -- of the children.

7 Q -- incident report regarding?

8 A This incidence -- there's incidence reports of
9 when Samantha fell out of her bike. And just summarizes
10 what some of the -- the -- the incident.

11 Q So this is the documentation from St. Jude's
12 about that incident?

13 A Yes.

14 Q Okay.

15 A St. Jude's provided that documentation to the
16 Department.

17 Q All right. Thank you.

18 MS. HANRAHAN: I'm going to move to admit State's
19 -- 19? 18?

20 MR. DRASKOVICH: No objection.

21 THE CLERK: 19.

22 THE COURT: January 2015 permanency report.

23 MS. HANRAHAN: January 2015.

24 (STATE'S EXHIBIT 19 ADMITTED)

1 BY MS. HANRAHAN:

2 Q Now you testified that at the hearing and in the
3 report you recommended that permanency goal be changed to
4 termination of parental rights at that hearing. Did the
5 Court indeed change the permanency goal to termination of
6 parental rights at that point?

7 A Yes.

8 Q All right. Did you prepare and submit to the
9 report (sic) -- to the Court another report six months
10 later as you're required by law?

11 A Yes.

12 Q And that would have been for the 18 month
13 hearing, right?

14 A Yes.

15 Q Did that hearing, to your recollection, take
16 place on July 22nd, 2015?

17 A Yes.

18 Q And if you would take a look at this document and
19 let me know if you recognize that as the report that you
20 prepared for July 2015.

21 A This is not July 2015.

22 Q Oh, sorry.

23 A This is January.

24 Q January 2015. I'm sorry, I gave you the wrong

1 report. Sorry.

2 A That's all right.

3 Q Does that appear to be the report that you
4 prepared for July 22nd, 2015?

5 A Yes.

6 Q And at the time of this hearing, 18 months into
7 the case, what were you recommending as the permanency goal
8 for that --

9 A To remain --

10 Q -- report?

11 A -- termination of parental rights and adoption --

12 Q And --

13 A -- with a concurring goal of reunification.

14 Q Okay. And do you also recommend a permanency
15 goal with a concurrent goal? Is that kind of the policy or
16 --

17 A Yes.

18 Q Now why were you continuing to recommend
19 termination of parental rights as the permanency goal at
20 this point?

21 A Even though the parents had completed the
22 objectives or action steps in the case plan, there still
23 was no behavioral changes at that time, meaning there was
24 still know acknowledgment of the physical abuse and there

1 was no -- there was -- the Department was not able to do a
2 safety plan with them.

3 Q Okay. So had they talked to you at all during
4 that review period about the abuse or about a plan to
5 prevent it from happening again, or how it had been
6 addressed in therapy?

7 A No.

8 Q Did you provide some attachments for this report
9 as well?

10 A Yes.

11 Q What did you attach to that report?

12 A Mr. Brown's assessment for domestic violence, the
13 domestic violence report that they provide. A mental
14 health report for Mr. Brown. A mental health assessment
15 for Ms. Lawrence, and a mental health report for Ms.
16 Lawrence. The reports from Healthy Minds for all children.
17 And some awards for Heidi and Nikki and a school picture
18 for Samantha.

19 Q Okay. So you said -- and you talked about some
20 mental health reports and a domestic violence report for
21 Mr. Brown. Where were those from?

22 A ABC Therapy.

23 Q And how did the parents come to -- how did the
24 therapy -- the ABC engagement come about?

1 A After the CFT held in January, Mr. Brown was
2 already attending -- or had attended ABC Therapy and he --
3 my understanding is that they went back to ABC Therapy to
4 be -- to comp -- to engage in the individual counseling
5 that was recommended.

6 Q So tell me what you got from ABC Therapy. Just
7 let's -- what exact documents you attached to that report.

8 A So there is an assessment that ABC completed for
9 domestic violence where there -- where they write their
10 recommendations and where -- what they feel is recommended
11 for the client. It was recommended that Mr. Brown engages
12 in their domestic violence treatment there, which was
13 recommended for 29 sessions.

14 Q Okay. So just --

15 A I mean 28 sessions.

16 Q To just get that out of the way, did he do that?

17 A Yes.

18 Q Okay. So Mr. Brown got an evaluation for
19 domestic violence and it recommended that he do so many
20 sessions, and you said he completed those, right? Was that
21 your --

22 A Yes.

23 Q -- testimony? Okay. What else do you have there
24 for ABC Therapy?

1 A There was a mental health assessment completed
2 where they were -- he was recommended to attend --

3 Q Okay. So just tell me the documents that you
4 have first. Mental health --

5 A Okay. That's a completion --

6 Q -- assessment --

7 A -- report for a mental health assessment.

8 Q A completion report -- sorry, for what?

9 A For the mental health assessment. It's attach --
10 Attachment C. I'm missing something here on the --

11 Q Is that a completion report for an assessment or
12 a completion report for counseling?

13 A I'm sorry, for counseling.

14 Q Okay. And then what other -- anything else --
15 what other attachments from ABC do you have?

16 A It was a Ms. Lawrence mental health assessment --

17 Q Okay.

18 A -- results. And then there is a completion
19 report of the sessions taken.

20 Q All right. So you don't have an actual
21 evaluation attached to that report, a mental health
22 evaluation for Mr. Brown?

23 A I did not at the time that the report was filed.

24 Q Did -- to your knowledge, did he get one?

1 A Yes.

2 Q And did you receive a copy of his mental health
3 evaluation?

4 A Yes.

5 MS. HANRAHAN: I'm assuming you have no
6 objection.

7 BY MS. HANRAHAN:

8 Q If you would take a look --

9 MR. GOWDEY: No.

10 Q -- at that and tell the Court if that's a true
11 and accurate copy of what you received from ABC regarding
12 Mr. Brown's mental health evaluation.

13 A Yes.

14 Q And is there a date on that for that evaluation
15 as to when it was completed?

16 A February.

17 Q February --

18 A February 10 of 2015.

19 Q So that was actually after -- you said that CFT
20 was in January, right?

21 A Yes.

22 Q So he went for that evaluation in February. Was
23 that something that you had referred him for or how did he
24 --

1 A No.

2 Q -- end up at ABC Therapy?

3 A The Department find out that they had -- they had
4 gone to ABC for assessment. I don't recall if it was Mr.
5 Brown or Ms. Lawrence who call. At that point the
6 Department sent a referral to --

7 Q Well, let -- okay, let me stop you. So you --
8 they went on their own to get an assessment --

9 A Correct.

10 Q -- is that your testimony?

11 A Yes.

12 Q And then did those assessments -- let's start
13 with Mr. Brown's -- result in any type of diagnosis or
14 indication of what issues would be addressed in his
15 therapy? If you were to -- did it recommend therapy?
16 Sorry.

17 A They recommended 10 sessions.

18 Q Okay. So did -- was there any indication on that
19 evaluation as to what Mr. Brown's issues to be addressed
20 would be or what his diagnosis was?

21 A Anxiety -- separation anxiety disorder.

22 Q Is that a diagnosis?

23 A It was the one he met criteria for.

24 Q Okay. And you said it recommended 10 sessions --

1 A Uh-huh (affirmative).

2 Q -- in therapy. Did it indicate what that therapy
3 would be addressing other than separation anxiety?

4 A No.

5 Q And then Ms. Lawrence, you said hers was attached
6 to the report.

7 A Yes.

8 Q Was there a recommendation for her as well?

9 A Ten sessions of individual mental health
10 counseling.

11 Q And did she have a diagnosis?

12 A It says classification for separation anxiety
13 disorder.

14 Q So the same thing as Mr. Brown.

15 A Yes.

16 Q Did Ms. Lawrence's evaluation indicate what those
17 10 sessions of individual therapy would address?

18 A No.

19 Q Now you said that you received completions
20 reports for the sessions for both parents.

21 A Yes.

22 Q And with regard to Mr. Brown, did that completion
23 report indicate what issues were addressed in his therapy
24 at ABC?

1 A No.

2 Q Sorry?

3 A No. What he addressed?

4 Q Did -- yes. Did it --

5 A Oh.

6 Q -- give any kind of summary of what had been done

7 in the therapy? I'm talking about the completion report.

8 A For Mr. Brown?

9 Q Yes.

10 A They talk about -- the comments made was that Mr.

11 Brown -- learn and implement the problem solving strategies

12 for realistically addressing worries.

13 Q Okay. Did it indicate that he completed the

14 program?

15 A Yes.

16 Q But it stated that he had learned strategies for

17 addressing worries?

18 A Yes.

19 Q And with regard to Ms. Lawrence's completion

20 report, did it have any kind of summary of what had been

21 addressed in therapy?

22 A Yes.

23 Q And what did her report indicate had been

24 addressed?

1 A It's basically the same thing. Worries about the
2 children well-being and being able to develop alternative
3 reality based protections.

4 Q Do you know what that means?

5 A No. It doesn't give an -- any specifics of what
6 -- what actually was addressed during the sessions.
7 Normally we get reports where they give a little more
8 detail.

9 Q Was -- was there anything on either parent's
10 completion report that mentioned anything about physical
11 abuse of a child?

12 A No.

13 Q Anything on either parent's completion report
14 that addressed -- mentioned anything about protective
15 capacity?

16 A No.

17 Q Anything about triggers?

18 A No.

19 Q Coping skills?

20 A No.

21 Q Relapse prevention plans?

22 A No.

23 Q Anything in either parent's evaluation from ABC
24 that mentioned anything about physical abuse of a child?

1 A No.

2 Q Anything on either evaluation that mentioned
3 anything about protective capacity?

4 A No.

5 Q Triggers?

6 A No.

7 Q Coping skills?

8 A No.

9 Q Relapse prevention plans?

10 A No.

11 Q To your knowledge, did ABC Therapy consult with
12 anyone other than the parents in preparing those
13 evaluations?

14 A No.

15 Q Did they consult with the Department of Family
16 Services?

17 A Not to my knowledge, no.

18 Q And -- but you indicated that prior to the --
19 after the parents had received the evaluations and prior to
20 starting the sessions, DFS did provide some information to
21 ABC, a referral?

22 A Yes, a referral was sent to them with the
23 specifics on the case as well as the risk assessments.

24 Q The risk assessments --

1 A From Red Rock with the recommendations.

2 Q And after receiving -- after you provided that
3 information to ABC Therapy, were you sent any type of
4 amended evaluation based on that information?

5 A No.

6 Q Did you ever make any efforts to obtain more
7 information from ABC Therapy than what you have attached to
8 that report and what was in Mr. Brown's evaluation?

9 A Yes, the Department did.

10 Q What -- what efforts?

11 A We contact the -- the provider. Messages were
12 left with the therapist and no calls were returned.

13 Q Did you ever receive a treatment plan or --

14 A There was no treatment plan.

15 Q -- a list of goals?

16 A It was just the -- the assessments and the
17 completion report.

18 Q Did the parents themselves ever meet with you to
19 discuss what they learned at ABC?

20 A No.

21 Q And at that point, July 2015, when you submitted
22 this report, was there still a no contact order in place
23 from the criminal court at that --

24 A Yes.

1 Q -- point? During that period of time, with the
2 no contact order in place, were the parents allowed to
3 provide gifts for the children?

4 A Not gifts, but gift cards.

5 Q Gift cards?

6 A Uh-huh (affirmative).

7 Q Did they ever provide any gift cards for the
8 children to your knowledge?

9 A No.

10 Q Did Mr. Brown and Ms. Lawrence ever talk to you
11 at all during this period of time about their -- what plan
12 they had to get their children back in their custody?

13 A No.

14 Q Did -- did they have any ideas about how the case
15 might resolve that they expressed to you?

16 A There was a conversation with Ms. Lawrence where
17 she stated that once Saman -- I don't recall exactly what
18 was said, but once Samantha turns 18, the children will
19 come home.

20 Q And did she say they were going to take any steps
21 to see that that's the way the case went?

22 A The criminal -- the criminal case will get
23 continued.

24 Q What do you mean?

1 A Ms. Lawrence stated that the criminal case will
2 be continued until Samantha will turn 18. I don't know
3 what her understanding was when Samantha will turn 18, that
4 charges will disappear. I'm not sure what her
5 understanding --

6 MR. GOWDEY: Objection. Calls for speculation.

7 THE COURT: Sustained.

8 MR. GOWDEY: She's now speculating as to --

9 THE COURT: Sustained. Sustained. Sustained.

10 BY MS. HANRAHAN:

11 Q So did -- did that seem realistic to you as a way
12 to -- to get the other children back?

13 A No.

14 Q Why not? I mean, if -- if -- if they hadn't
15 injured the other children and Samantha was 18 and gone, is
16 it -- it's not an appropriate plan to just wait and get
17 those kids back and --

18 A Based on the -- based on the allegations and
19 where the case was where even though a child turns 18,
20 there's still the safety concerns. There were safety
21 concerns --

22 Q For the other children.

23 A -- for the other children.

24 Q And what --

1 A So --

2 Q -- concerns were those?

3 A There's -- the physical abuse has not been
4 addressed. There was no safety plan, to be able to --
5 safety plan with -- with the children. There was a no
6 contact order, meaning that was no contact between the
7 children, so we were not able to assess their parental
8 capacities. The Department was not able to assess that.
9 And there were many more disclosures by the children.

10 Q Do you have concerns about any effects on the
11 other children of what had happened in the home prior?

12 A The Department has concerns with the children --
13 what the children endured while they were in the parent's
14 home.

15 Q Now during that period between 12 and 18 months,
16 did the parents maintain regular contact with you?

17 A There was a period where the parents weren't in
18 contact with the Department as regular, however there was a
19 period where they will send emails every other week.

20 Q And what kind of emails?

21 A Just asking how the children were doing.

22 Q Lengthy emails or --

23 A A couple sentences on the emails, how the
24 children were doing.

1 Q So did they ever contact you during that time to
2 ask for a CFT to discuss the case plan?

3 A The Department asked them and their attorneys to
4 meet to discuss the -- the case and the progress.

5 Q And did that happen?

6 A No.

7 MR. DRASKOVICH: If I could get a foundation as
8 to time frame.

9 MS. HANRAHAN: Well, we're talking about the six
10 months between the one-year report and the 18-month report.

11 MR. DRASKOVICH: So are we discussing January 5th
12 of 2015 until --

13 THE COURT: Through July of 2 --

14 MS. HANRAHAN: July.

15 MR. DRASKOVICH: -- July --

16 THE WITNESS: Right.

17 MR. DRASKOVICH: -- 2015?

18 THE WITNESS: Uh-huh (affirmative).

19 MS. HANRAHAN: Yes.

20 BY MS. HANRAHAN:

21 Q So you said the goal changed to TPR in January of
22 2015. Generally when the goal in a permanency case changes
23 to termination of parental rights does that change your
24 focus as a case manager?

1 A Yes.

2 Q How does it change your focus?

3 A We focus on the children. We still work with the
4 parents, but our main focus is the permanency of the
5 children. So finding a permanent home for the children and
6 just ensuring the well-being of the children.

7 Q So your focus is no longer reunification --

8 A No.

9 Q -- is that what you're saying. And if it's no
10 longer reunification, does that mean the parents no longer
11 get any assistance from you?

12 A No, we still work with the parents. We work with
13 the parents through the whole case even though the goal --
14 because our concurring goal re -- it remains for
15 reunification, so we still work with the parents, it's just
16 not our main focus.

17 Q So is -- would you characterize it as kind of the
18 ball is in their court at that point?

19 A It means that they're the ones that need to
20 contact the Department with any completion, anything that
21 they're doing, any progress that they're doing. The
22 Department still requests the six-month review reports and
23 -- from providers, but it is the parents' responsibility to
24 contact the Department and provide what they want the Court

1 to know about their progress.

2 Q What was the plan for the kids at this point, at
3 18 months?

4 A The goal was termination of parental rights and
5 adoption.

6 Q I guess I should -- where were they placed and --

7 A They were placed in a -- in a licensed foster
8 home at St. Jude's.

9 Q Still at St. Jude's.

10 A Yes.

11 Q Was there a plan to maybe have them go somewhere
12 else at that point?

13 A Yes. We had the maternal grandfather, we had
14 submitted an ICPC that was approved. There were some
15 concerns. We met with Mr. Lawrence and it was an agreement
16 that the children would go visit for a few days and then
17 return. And then if everything went well, that the
18 children would be placed with him prior to school starts in
19 August of 2015.

20 Q In the section of your report labeled
21 emotional/counseling for the children, where you talk about
22 the children's well-being as far as emotional and whatever
23 'counseling they're getting, is -- is that something that
24 you're normally required to report on in these court

1 reports?

2 A Yes.

3 Q Had the children at this point started talking
4 about their feelings with regard to the case and what they
5 wanted to happen?

6 A Yes.

7 Q And what had they told you specifically?

8 MR. GOWDEY: I'm going to object. It can -- I
9 don't know which child we're -- we're speaking of.

10 MS. HANRAHAN: Well --

11 MR. GOWDEY: The children is very vague as to
12 what did they tell you. If perhaps it can be broken down
13 into the individual children that might be a little easier
14 to --

15 MS. HANRAHAN: Sure.

16 THE COURT: Sustained. That's fine.

17 BY MS. HANRAHAN:

18 Q In your report, and specifically referring to the
19 section emotional/counseling on Page 9, you talk about some
20 things the children said. Was that all the children saying
21 those things or was there a reason you said the children
22 instead of a particular child?

23 A Sometimes in our reports we -- we try to just
24 make it general for some -- some of the concerns, some of

1 the things that the kids have disclosed.

2 Q Why is that?

3 A It doesn't differ -- differentiate the kids, who
4 said what or who didn't say this. It's just when there's a
5 family and there's many children, we'll disclose -- and
6 then sometimes there will be specifics of what the children
7 reported if it's more significant than others.

8 Q Okay. So -- but was there a reason that you
9 didn't want to specifically say this child said that in
10 your report?

11 A Samantha has been the target child in this case
12 and we just want to ensure that all the kids were just
13 treated equally.

14 Q Okay. But so today, here, I mean, you still --
15 when you're doing these reports, there's no termination of
16 parental rights, right? And so there might still be a --
17 at some point a reunification.

18 A Correct.

19 Q So now here at this proceeding for termination of
20 parental rights, can you talk a little more specifically
21 about the things that the girls told you and specifically
22 your statement that they told the specialist they want
23 their parents to tell the truth? Who -- who told you that?

24 A Heidi. Heidi is more verbal than Sam and Nikki

1 when it comes to talking about what was going on in their
2 home prior to their removal. Heidi would disclose things
3 such as, you know, as I say early (sic), the drills that
4 happened in the home when CPS was coming. She --

5 Q But just for purposes of this report, Heidi's the
6 one that said she wants her parents to tell the truth?

7 A Yes. Heidi will say that if the parents will
8 tell the truth then they can go home. So she will ask, and
9 she continues to ask, if the par -- if her parents have
10 told the truth.

11 Q Now in your summary you -- did the kids express
12 some concerns to you about having to testify at the court
13 hearings?

14 A Both Heidi and Nikki and Sam were scared to
15 testify. At this point they were worried that they have to
16 be in front of the parents. That if they -- Heidi
17 specifically said that if she told the truth of what was
18 going on in her home and what happened to Sam, that if Mom
19 will stop loving her, will not want her anymore.

20 MS. HANRAHAN: All right. I'm going to ask to
21 admit this, certified copy of the report for July 2015, as
22 well as Mr. Brown's mental health evaluation report.

23 MR. DRASKOVICH: We've agreed to have all these
24 exhibits admitted.

1 THE COURT: He agreed -- they agree -- they
2 agreed.

3 MR. DRASKOVICH: We agreed.

4 MS. HANRAHAN: Yeah -- oh, yeah. I thought you
5 said you already -- what is this one? 20 is the report, 21
6 is the mental health evaluation.

7 (STATE'S EXHIBITS 20 AND 21 ADMITTED)

8 BY MS. HANRAHAN:

9 Q Did you hold a two-year review hearing on Jan --
10 in January 2016?

11 A Yes.

12 Q And write all the same types of information for
13 that report?

14 A Yes.

15 Q Do you recall if that report reflects any
16 significant changes with regard to the parents'
17 participation in the case plan, whether they had begun, you
18 know, talking to you about how this case opened, any
19 significant changes?

20 A No.

21 Q No you don't recall or no they didn't?

22 A No, they have not.

23 Q And you talked about previously a plan to place
24 the children with the grandfather at the time that you had

1 submitted the last report; did that happen?

2 A No.

3 Q And why not?

4 A When the children returned from their trip to
5 Texas the children talked about Mr. Lawrence spanking
6 Wyatt. They talked about Wyatt misbehaving and he was
7 spanked. And they, Heidi, stated that she did not want to
8 feel like she could not protect another sibling.

9 Q And so at the time of this report, where were the
10 children?

11 A They remain in the -- in the foster home.

12 Q The same home at St. Jude's?

13 A Yes.

14 Q And during all these, you know, periods, six-
15 month periods that are covered in your reports, you
16 continue to always go out and visit the children or did
17 they come to see you? How did you --

18 A No, we're required to see them in their home
19 every 30 days.

20 Q Did you ever see them more often than that?

21 A Yes.

22 MS. HANRAHAN: I'm going to ask to admit the
23 court report from January 20th, 2016 as Number 22.

24 MR. DRASKOVICH: We agree, so --

1 THE COURT: Okay.

2 (STATE'S EXHIBIT 22 ADMITTED)

3 BY MS. HANRAHAN:

4 Q And then was there just recently a two and a half
5 year review hearing in this matter on July 20th, 2016?

6 A Yes.

7 Q And did you prepare and submit a report to the
8 Court as you're required by law?

9 A Yes.

10 Q Did that report reflect any significant changes
11 in regards to the parents since the prior report as far as
12 their case plan compliance --

13 A No.

14 Q -- or any other activities? Was there -- had
15 there been some -- you testified earlier that -- that the
16 parents were allowed to give the kids gift cards --

17 A Yes.

18 Q -- right? And you testified that to your
19 knowledge they never did, right?

20 A No.

21 Q Was there some change in the gift giving policy
22 somewhere along the way in this period of time?

23 A Yes. They were allowed to -- to provide
24 Christmas gifts in -- at the end of 2015, so gifts were

1 provided.

2 Q Okay. And then did that continue to be the
3 policy where they still -- did they provide other gifts
4 after those Christmas gifts?

5 A Easter baskets.

6 Q Okay.

7 A And --

8 Q Anything else?

9 A Wyatt received a birthday gift. And the children
10 received 4th of July gifts.

11 Q Okay. And all the kids got 4th of July gifts?

12 A Correct.

13 Q Is -- did Sam receive any gift for her high
14 school graduation in May 2016?

15 A No.

16 Q Did Sam receive a birthday gift for her 18th
17 birthday in July to your knowledge?

18 A No, there was -- she -- on her 4th of July bag
19 there was a little banner that said Happy Birthday.

20 Q Okay. So those might have been --

21 A I was not aware. The email -- the email that I
22 received from Ms. Law -- Ms. Lawrence was that they were
23 4th of July gifts.

24 Q Okay. And all the kids got those.

1 A Yes.

2 Q And during this time period was there some
3 extended family that visited with the kids?

4 A Yes.

5 Q Who -- who visited during that time from January
6 2016 to July?

7 A The adult sibling, his wife, and the paternal
8 grandmother.

9 Q The adult sibling David?

10 A David. David Brown and his wife and the paternal
11 grandmother.

12

13 Q Paternal grandmother?

14 A Paternal grandmother.

15 Q Were you also exploring possible placement with
16 another relative at that --

17 A Yes.

18 Q -- during that period?

19 A During that period we also had a paternal aunt
20 and an ICPC was submitted on her behalf as she resided in
21 Colorado.

22 Q And was that ICPC approved?

23 A Yes.

24 Q And did you -- did the children know this aunt?

1 A No.

2 Q Did you attempt to get the children to have --
3 give the children an opportunity to get to know that aunt?

4 A She visited twice. She has visited twice and
5 phone calls with her.

6 Q Okay. So when did she visit? You don't have to
7 give specific dates --

8 A It was --

9 Q -- but approximately --

10 A -- towards the end of 2014 (sic) and she actually
11 came --

12 Q 2014?

13 A I mean 2015, and then -- and May, June of this
14 year.

15 Q Okay. And then you said phone calls. And did
16 she appear to get along with the children?

17 A Yeah, she --

18 Q Did those visits --

19 A -- they don't know each other --

20 Q -- go okay?

21 A -- so it's -- it was kind of awkward to -- it is
22 awkward for the children during the phone calls. They
23 don't have any -- she tries to have conversations with
24 them. Sometimes she's able to get them in a topic that the

1 kids want to talk about. Most of time it's a lot of
2 silence. She asks a lot of questions. She tells them a
3 lot about her home and she tries.

4 Q Okay. So is there -- and was that ICPC approved
5 did you say? Did I --

6 A Yes, it was.

7 Q -- ask you that? And so why have the children
8 not been moved to placement with that paternal aunt?

9 A The children have chosen not to -- not to go to
10 even a visit, to even visit. Nikki stated that pater --
11 the paternal aunt has a granddaughter who has disabilities,
12 is in a wheelchair and is nonverbal, and Nikki just doesn't
13 feel comfortable going. Nikki stated that she feels that
14 the aunt has a lot going on, taking care of her
15 granddaughter, and how she's going to take care of them.
16 Heidi stated that if Nikki didn't want to go, she didn't
17 want to go either.

18 Q And what about Wyatt? Did he have an opinion?

19 A Wyatt said he doesn't want to go anywhere. He --
20 he just wants to stay where he's at.

21 Q So do you -- does the Department normally make
22 decisions about placement just based on what the children
23 want?

24 A (NO AUDIBLE RESPONSE)

1 Q Well, let's talk about this case then. I mean, I
2 know you have a lot of cases. Is it -- would you -- why
3 would you not force the children to go despite their
4 wishes?

5 A They have an attorney and they're just not
6 comfortable going. I think the kids have gone through a
7 lot --

8 Q And do you feel --

9 A -- on and off going -- have relatives that want
10 them come forward that they have never met. In this case
11 it's -- it's -- it -- say a kind of different case, just
12 because with not contact with their parents, not knowing
13 what's going on, what's going to happen. They're
14 comfortable. They're -- they feel stable where they (sic)
15 at. They feel safe. And they -- they have chosen to stay
16 where they (sic) at. They would like to go back with the
17 parents, but if that's not an option, they want to stay
18 where they (sic) at.

19 Q Okay.

20 MS. HANRAHAN: And I'm going to ask to admit the
21 report from July 20th, 2016 at this time.

22 MR. GOWDEY: Already been stipulated to.

23 THE COURT: Uh-huh.

24 (STATE'S EXHIBIT 23 ADMITTED)

1 MS. HANRAHAN: Your Honor, and I don't know if
2 you want to break for lunch. This would probably be a good
3 time. I have a few more questions for Ms. Tallent after
4 lunch and --

5 THE COURT: Okay. It's almost 12:00.

6 MR. GOWDEY: If she only has a few more
7 questions, I'd just as --

8 MS. HANRAHAN: Well --

9 MR. GOWDEY: -- soon get done with the direct so
10 we can know the -- the total scope and have an opportunity
11 to prepare further.

12 MS. HANRAHAN: I mean, it's more than a few.
13 It's --

14 THE COURT: Well, I guess approximately how long
15 -- how much longer do you think in time, time-wise?

16 MS. HANRAHAN: A half hour, 45 minutes.

17 MR. DRASKOVICH: This is probably a good time for
18 lunch then.

19 THE COURT: All right. We can break for lunch
20 then. How long, an hour? And let me ask you this now,
21 since we're all here. After Ms. Tallent, how many more
22 witnesses do you have for today?

23 MS. HANRAHAN: I only have Ms. Tallent for today.

24 THE COURT: Oh, good. Okay.

1 MR. GOWDEY: So we -- okay, so the State's case
2 is going to extend into next Thursday and -- and longer?

3 MS. HANRAHAN: Next Thursday, certainly. I may
4 be finished by Thursday. If not, halfway through Friday.

5 MR. GOWDEY: Can you give us any indication how
6 many witnesses you intend to call on Thursday?

7 THE CLERK: We still have Monday.

8 MR. GOWDEY: No.

9 MS. HANRAHAN: We don't have Monday.

10 MR. GOWDEY: Mr. -- Mr. Draskovich is going to be
11 in New York. That's previously been -- been discussed.

12 MS. HANRAHAN: Do you -- we -- and we did think
13 about -- I don't if it's officially off calendar for Monday
14 or --

15 THE COURT: No, yeah, it's -- it's -- he had
16 mentioned it and at that point I don't -- I don't -- he's
17 not going to be here, correct?

18 MR. GOWDEY: Correct.

19 THE COURT: So unfortunately, if he's not going
20 to be here -- you know, we want to move forward as fast as
21 we can as far as the dates, but obviously his client needs
22 him to be here on that date, so we can't go forward without
23 him. So do you intend to call Mr. Brown as well?

24 MS. HANRAHAN: Yes.

1 THE COURT: Okay. So we have -- finish up Ms.
2 Tallent today, we have Mr. Brown. Is there any other
3 witnesses?

4 MS. HANRAHAN: I -- I may call Heather Richardson
5 --

6 THE COURT: Okay.

7 MS. HANRAHAN: -- but I'm not sure.

8 THE COURT: Okay.

9 MS. HANRAHAN: Not yet.

10 THE COURT: So -- and then let me ask this --
11 well --

12 MS. HANRAHAN: She won't be too long.

13 THE COURT: So we have -- so it's Thursday and
14 Friday. At the latest you'll be done by next Friday. And
15 then we have -- Monday's a holiday. And then we have you
16 on the 8th and then the 9th. That's all we have you on.
17 Most of my trials like this end up -- there seems to be
18 more days at the end, just -- that's just the way it works
19 for certain reasons, whatever. Testimony is longer than
20 expected. So I don't necessarily know that even if we went
21 on Monday that you would still be done by the next Friday,
22 just -- just from speaking from experience.

23 So we can check out some days if necessary. If
24 we need them. Obviously if we don't need them, then you

1 don't have to come to court that day. And then you'll let
2 us know how many witnesses you plan.

3 MR. DRASKOVICH: We intend at this point of
4 calling three witnesses.

5 THE COURT: Each?

6 MR. GOWDEY: No.

7 THE COURT: Together?

8 MR. DRASKOVICH: Together.

9 THE COURT: Okay. Ms. Calvert?

10 MS. CALVERT: I'm relying on their witnesses.

11 THE COURT: Okay. And Ms. Honodel, she's good.

12 MS. HONODEL: Rely on --

13 THE COURT: Okay.

14 MS. HONODEL: -- their witnesses.

15 THE COURT: So it's possible. It's definitely
16 possible. And if worse comes to worst, we can always
17 schedule a closing statement block of time relatively soon,
18 even if I have to move something around. Okay?

19 MS. HANRAHAN: Okay.

20 THE COURT: All right. So be back at 1:00.

21 Sounds good. Thank you.

22 MS. HANRAHAN: Thank you, Your Honor.

23 (COURT RECESSED AT 11:57 AND RESUMED AT 01:08)

24 THE COURT: You're still under oath. We won't

1 swear you in, but you're still under oath. All right.

2 BY MS. HANRAHAN:

3 Q Are you settled?

4 A Yeah.

5 Q So turning your attention to the case plan, case
6 plans for both parents, you testified previously that both
7 parents had the same objectives on their case plans, right?

8 A Correct.

9 Q And do you recall what those objectives were?

10 A Resolve legal matters. Meet the children's
11 needs, educational, medical. And to have a home free from
12 physical abuse.

13 Q So as to the resolution of legal matters, what
14 did that mean that they had to do specifically?

15 A Just go and be compliant to the -- the criminal
16 process.

17 Q Okay. Anything else?

18 A I don't recall. I would have to --

19 Q Do you want to take --

20 A What the specifics are.

21 MS. HANRAHAN: If I may approach the witness,
22 Your Honor.

23 THE COURT: Sure.

24 MR. GOWDEY: Where are you referring?

1 MS. HANRAHAN: Copies of both parents' case
2 plans. We're talking about the objective that requires
3 resolution of legal matters and just what that means.

4 BY MS. HANRAHAN:

5 Q And the question was, was there something besides
6 just remain compliant -- in compliance with any orders from
7 the criminal court, what they had to do under this
8 objective.

9 A Right. What they have to -- follow the criminal
10 -- if they're on probation, follow probations. Release the
11 information in order for us to be able to speak to their
12 probation officer. And also, in the event that there's an
13 incarceration at the time of a reunification, that there's
14 a -- a plan for the children.

15 Q Okay. So a plan for the children for what?

16 A For placement.

17 Q Okay. For --

18 A That would be --

19 Q -- a caregiver.

20 A That -- that -- that objective will be once the
21 children reunify with the parents and if we're still
22 involved that there's a plan for the children to go to
23 someone.

24 Q Okay. So a caregiver --

1 A Instead to go back --
2 Q -- in the event --
3 A -- to foster care.
4 Q -- that they were incarcerated.
5 A I'm sorry?
6 Q A caregiver in the event that they were
7 incarcerated.
8 A Correct.
9 Q Okay. So it -- it's a possibility that -- it was
10 a possibility at that point that the children could have
11 been reunified before the criminal case was resolved.
12 A If the other objectives in --
13 Q No, I -- is -- yeah, okay, go ahead. I'm sorry.
14 A Yeah, in other -- if -- if everything has been
15 met and all it is just pending any criminal probation, the
16 children could be reunified with the parents.
17 Q Okay. Have you ever had cases where this was a
18 requirement of the case plan and the kids went home before
19 the criminal case was resolved?
20 A Yes.
21 Q And does that keep you from closing the case?
22 A No.
23 Q So they didn't have to have the whole trial done
24 and be out of that before -- necessarily before you would

1 close the case?

2 A No.

3 Q As long as they had that alternate caregiving
4 plan.

5 A Correct.

6 Q Okay. So as to the next objective, provide for
7 the emotional, educational, physical, developmental needs
8 of the children, what did that mean that they had to do?

9 A For that one they had to attend visitation,
10 parenting classes --

11 Q Well, let's just -- I mean, first of all, with
12 visitation, prior to any no contact orders, did they do
13 that?

14 A They had visitation.

15 Q Okay. And then parenting classes you said. Did
16 they do that?

17 A Yes.

18 Q Okay. What else?

19 A Once a reunification occurs, there's other
20 services that the Department will -- might put in place if
21 needed, and they will -- to participate on those. Engage
22 in family therapy with the children if it was a
23 recommendation. Demonstrate understanding of the
24 children's emotional needs. Demonstrate empathy of all the

1 children, their experiences and their feelings.

2 Q All right. So with regard to participation in
3 any treatment or therapy after reunification or after a no
4 contact order was lifted, that was something they couldn't
5 do until those things occurred, right?

6 A Correct.

7 Q Reunification or the lifting of the no contact
8 order. With regard to demonstrating and understanding of
9 the children's emotional needs, what does that mean?

10 A Understanding what the -- what's going on with
11 the children, what's happening with the children, where are
12 the children at, at that time. Meaning if -- if there's
13 anything that the children would like to address with them
14 in therapy.

15 Q And demonstrate empathy for the children.

16 A Just empathy --

17 Q Is that something they could do before
18 reunification theoretically?

19 A Yes.

20 Q And how would they do that?

21 A Just being able to talk about their home life,
22 the situations in their home. The allegations at times
23 will be the allegations on the petition or what they --
24 what led to the children's removal.

1 Q Now as to the first objective on the case plan,
2 you said provide a home free from physical abuse. Was that
3 the primary objective of this case plan?

4 A Yes.

5 Q And what did this objective require that the
6 parents have to do?

7 A To complete physical abuse assessments. To
8 engage and follow the recommendations.

9 Q Okay. So both parents had to do that. And we
10 already talked about that, right?

11 A Yes.

12 Q And you testified that they did the assessments.

13 A Yes.

14 Q And they did the classes.

15 A Yes.

16 Q Now it's -- you said follow all the
17 recommendations from Red Rock. So -- well, what else?
18 What -- what other action steps were required by this
19 objective?

20 A To be able to understand the impact of the
21 physical abuse to the children's well-being.

22 Q Have -- have they completed that objective?

23 A No.

24 Q What else?

1 A Will be able to demonstrate appropriate behavior
2 and emotional expectations of the children in age
3 appropriate non-physical interventions and disciplinary
4 strategies.

5 Q What does that mean?

6 A I'm sorry?

7 Q What does that mean?

8 A It means that once the children are -- when the
9 children (sic) are having visitation with the children, the
10 Department will cont -- will assess their understanding of
11 the children's needs, behaviors, emotional, being able to
12 -- for the parent to be able to do appropriate things based
13 on the age of the children. Talk to them age appropriate.

14 Q Okay. So can -- I think I kind of confused
15 things here. You testified that all three parents had the
16 same objectives, but were some of the action steps
17 different for each parent?

18 A There is a difference on the -- on the -- on the
19 action steps for the parents.

20 Q Okay. So what -- in that -- what you just read
21 about --

22 A That would be --

23 Q -- demonstrate age appropriate behavior, oh, and
24 emotional expectations, that was Mr. Brown's case plan?

1 A Yes.

2 Q Okay. Well, let's just go through the other
3 action steps for Mr. Brown.

4 A Yes, for Mr. Brown's case plan.

5 Q Yeah. What else did he have to do?

6 A Have a viable and reliable safety plan to prevent
7 future physical abuse of the children that the Department
8 will monitor. Be able to demonstrate protective
9 capacities.

10 Q All right. So -- so essentially what does that
11 mean, the requirement about safety plan.

12 A There will be a safety plan. Once there's an
13 explanation for injuries and the parents can understand --
14 can understand how the injuries came up to be in their
15 home, then it's -- the Department will be able to do a
16 safety plan based on the acknowledgment of the parents and
17 how to prevent, what is the -- the triggers, what time of
18 the day the triggers might happen, and -- and based on
19 that, we'll -- we'll provide supports to the family.

20 Q So is that safety plan something that is prepared
21 with some kind of collaboration between the parents and the
22 Department?

23 A Yes.

24 Q It's not something the parents do by themselves

1 --

2 A No.

3 Q -- and present to DFS?

4 A It will be a team effort --

5 Q And that's --

6 A -- with the support. At times the children are
7 -- will -- at times the children will provide an input on
8 the safety plans.

9 Q Okay. So -- but that's why the action step
10 specifies ongoing consultation between DFS and therapists
11 as well as the parents?

12 A Yes.

13 Q Sorry. And then that -- the other, consistently
14 demonstrate age appropriate behavioral and emotional
15 expectations. The one you talked about previously, age
16 appropriate non-physical interventions and disciplinary
17 strategies.

18 A Yes.

19 Q So would you say that Mr. Brown completed that
20 aspect of his case -- or action step?

21 A No.

22 Q And why not?

23 A He hasn't had the opportunity as there has been
24 no contact, and he has not -- prior to that, we have not

1 have -- had a way to assess him.

2 Q Well, if Mr. Brown could talk to you about his
3 expectations for physical interventions or emotional
4 expectations of the children but he was still under a no
5 contact order from the criminal court, would that be
6 something that would absolutely cause you to go to TPR or
7 request TPR as a permanency goal? If he could articulate
8 to you his understanding of age appropriate parenting?

9 A Right. If a parent is able to acknowledge and
10 verbalize to the Department the action steps to ensure that
11 the incidents -- the allegations, the incidents don't
12 happen again, yes. I mean, by law we still have to do, but
13 will be ways that we can ask the Court not to have
14 termination of parental rights as a primary goal.

15 Q You have the option to ask for compelling reasons
16 to keep a permanency goal as reunification if you have
17 indications that the parent is -- is doing what they need
18 to do but they're under some constraint otherwise.

19 A Correct.

20 Q Okay. What about Ms. Lawrence? What were the
21 action steps that she needed to complete?

22 A From the -- home free from physical abuse. Is
23 that the --

24 Q Yes.

1 A Okay.

2 Q Sorry.

3 A Would be also like to complete a non-offending
4 parenting. Demonstrate the impact the physical abuse has
5 on her children.

6 Q Did she do that? She did -- you testified she
7 did the classes, right?

8 A She completed classes.

9 Q Did she demonstrate an understanding of the
10 impact of physical abuse to her child's well-being?

11 A No.

12 Q Okay. What else?

13 A Plan -- identify opportunities that she missed to
14 provide appropriate protect -- protection and supervision
15 to her children.

16 Q Did she ever do that?

17 A No.

18 Q In any fashion through conversation or through
19 anything provided to you by a therapist?

20 A No.

21 Q What else?

22 A Develop appropriate discipline plan for the
23 children.

24 Q Did she do that?

1 A No.

2 Q What else?

3 A It was to follow all the recommendations from
4 their -- their assessment at Red Rock.

5 Q Okay. And we'll talk about that in a minute.
6 What else?

7 A Participate in individual or group counseling to
8 build the parenting knowledge and expectations that she was
9 required. That was one. To -- to have a viable and
10 reliable safety plan to prevent future physical abuse of
11 the children --

12 Q So --

13 A -- that will be --

14 Q -- that was --

15 A -- monitored by the Department.

16 Q -- the same as Mr. Brown's requirement
17 essentially --

18 A Yes.

19 Q -- about the safety plan? And so for Ms.
20 Lawrence you would have expected that to be something that
21 you -- that she -- you and she completed together.

22 A Right, with a team. Uh-huh.

23 Q And was that ever done?

24 A No.

1 Q What else did Ms. Lawrence have to do in action
2 steps?

3 A She's completing the offending, demonstrate the
4 opportun --

5 Q Oh, I'm sorry, you --

6 A Yeah, I went through --

7 Q You kind of --

8 A I --

9 Q -- combined two.

10 A I combined them.

11 Q Yeah.

12 A Yes, I'm sorry.

13 Q All right. And did she have to sign a release of
14 in --

15 A Yes.

16 Q -- for the service -- did she do that?

17 A Yes.

18 Q Okay. So you had testified about the Red Rock
19 classes and you stated that one of the requirements for
20 both parents' action steps was to follow the
21 recommendations of that Red Rock assessment.

22 A Yes.

23 Q And you had previously testified as to what those
24 requirements were. I believe you stated Mr. Brown had to

1 --

2 MR. GOWDEY: Objection. Asked and answered.

3 MS. HANRAHAN: Well, I'm going to ask now if he
4 did those, so I guess we have to say what they are.

5 BY MS. HANRAHAN:

6 Q You testified that Mr. Brown was recommended to
7 complete domestic violence evaluation and follow the
8 recommendations, correct?

9 A Yes.

10 Q So did Mr. Brown do that?

11 A Yes.

12 Q And you testified that Mr. Brown had to complete
13 anger management impulse control classes; is that --

14 A Yes.

15 Q -- right? Did he do that?

16 A Yes.

17 Q And did you get some kind of certification that
18 he completed that?

19 A Yes.

20 Q Where did he do that?

21 A The impulse control? At Red Rock.

22 Q And I don't think this was attached to a report;
23 was it?

24 MS. HANRAHAN: Do you guys have this?

1 MR. DRASKOVICH: No.

2 (COUNSEL CONFER BRIEFLY)

3 BY MS. HANRAHAN:

4 Q So does that appear to be the impulse control
5 class completion certificate for Mr. Brown that you
6 received?

7 A Yes.

8 MR. GOWDEY: Objection. It actually says anger
9 management/impulse control on it.

10 THE WITNESS: Anger management and impulse
11 control class.

12 BY MS. HANRAHAN:

13 Q Is that the one you received from Red Rock?

14 A Yes.

15 THE COURT: And for the record, anger management
16 and impulse control.

17 MS. HANRAHAN: And I'm going to ask to admit that
18 as State's --

19 THE CLERK: 24.

20 MR. GOWDEY: It's already been stipulated.

21 THE COURT: Uh-huh.

22 (STATE'S EXHIBIT 24 ADMITTED)

23 BY MS. HANRAHAN:

24 Q Okay. So then you also testified that he was

1 required or recommended to do individual therapy to address
2 his position of denial.

3 A Yes.

4 Q Did he complete that recommendation?

5 A No.

6 Q Did he engage in individual therapy?

7 A Yes.

8 Q And was that the therapy at Healthy Minds that
9 you testified to earlier, the individual therapy? I'm
10 sorry --

11 A That's not individual therapy for parents.

12 Q Tell -- tell me what individual therapy he
13 engaged in.

14 A He had a mental health assessment at ABC and they
15 recommended 10 individual session there.

16 Q Okay. And -- and so your testimony is that those
17 sessions did not meet the recommendation of Red Rock to
18 address his position of denial?

19 A The report does not state that it was -- that it
20 was addressed.

21 Q As of today, has Mr. Brown acknowledged any abuse
22 in his family home of any of the children or addressed it
23 in any fashion in therapy?

24 A Not to the Department.

1 Q Now Mr. Brown though -- well, what about the Red
2 Rock recommendations for Ms. Lawrence? You testified
3 previously that she had to continue in weekly therapy to
4 address her position of denial.

5 A Yes.

6 Q Was that done by Ms. Lawrence?

7 A No.

8 Q She also went for some individual therapy, you
9 testified earlier.

10 A Yes.

11 Q And is it your testimony that that was not
12 sufficient to meet this recommendation?

13 A The report doesn't state that she addressed it.

14 Q And you testified earlier that she was required
15 to create a therapeutic safety plan with the help of a
16 trauma therapist to identify triggers, coping skills, and
17 relapse prevention. And -- well, what -- did you find that
18 Ms. Lawrence completed that portion of the recommendation?

19 A No.

20 Q In fact she testified herself that she didn't,
21 correct? You were here when she testified?

22 A Yes.

23 Q And she also had the requirement to have no
24 contact with the children until she's meeting case plan

1 requirements and reduces the risk of abuse.

2 A Yes.

3 Q Is that your testimony?

4 A Yes.

5 Q And would you say she met that requirement?

6 A No.

7 Q Well, she kind of had to, didn't she? I mean,
8 she couldn't have contact with the kids, right?

9 A Or I'm sorry, yes.

10 Q Would -- so maybe it's compound.

11 A Yeah, I --

12 Q It says -- sorry. No contact with the kids until
13 she's meeting the case plan requirements. If the no
14 contact order had not been in place, was she meeting the
15 case plan requirements?

16 A I -- I don't understand your question.

17 Q Well, what's your understanding of that
18 recommendation from Red Rock? It says no contact with the
19 kids until she's meeting the case plan requirements and the
20 risk of abuse is decreased. What -- what does that mean to
21 you?

22 A Well, it means that she is able to acknowledge
23 what led to the removal of her children and being able to
24 verbalize her plan for a -- for a safe environment for her

1 children, and that was not met.

2 Q Okay. Now as of today, has either Mr. Brown or
3 Ms. Lawrence demonstrated to you an impact -- an
4 understanding of the impact of physical abuse on the
5 children's well-being?

6 A No.

7 Q As of today, has either Mr. Brown or Ms. Lawrence
8 engaged in ongoing consultation with you or your supervisor
9 to develop a safety plan such that the children could be
10 returned to the home?

11 A No.

12 Q And as of today, two and a half years after the
13 case is open, has either Mr. Brown or Ms. Lawrence
14 acknowledged that Samantha was abused in their care?

15 A No.

16 Q Overall would you say the parents completed or
17 substantially completed their case plans?

18 A No.

19 Q And why not?

20 A They haven't been able to acknowledge that there
21 was physical abuse in their home, there was emotional abuse
22 in their home, and that impact the children.

23 Q And even though the parents went to classes and
24 went to some assessments, it's your testimony that they

1 didn't complete what was important on the case plan?

2 Sorry, go ahead.

3 A Parents can complete classes, can attend all
4 classes, and still not being able to acknowledge the
5 reasons of the removal for the children.

6 Q And is that what happened in this case?

7 A Yes.

8 Q As far as the children, where are they placed
9 today?

10 A They're in a licensed foster home at St. Jude's.

11 Q And are they -- is that an adoptive home?

12 A Yes.

13 Q How long have they been there?

14 A Since May of 2014.

15 Q And do you see the kids regularly in that foster
16 home?

17 A Yes.

18 Q About how often?

19 A It's required that the -- that we have child
20 contact every 30 days. I do see the children more often.

21 Q And do you generally go to their home or do you
22 see them when they're in town for something or how does
23 that work?

24 A I have to see them in the home per our

1 regulations every 30 days. I do see them in the community.

2 Q And then have you attended events of theirs at
3 school or things like that; is that what you're talking or
4 --

5 A Well, I see them at therapy appointments, they
6 stop by the office sometimes to pick up things. When
7 there's -- there have been court hearings that they are
8 present, sometimes I transport them. And I had attended
9 some activities for Samantha.

10 Q Okay. So when you meet with the children in the
11 home, do you meet with them individually or all together?

12 A Both. We do individual with each one and when I
13 arrive at the home usually they're all together in the --
14 maybe in the different areas, so I talk to them as a group
15 and then individually on -- in their bedrooms.

16 Q And you -- you were here when the children
17 testified, Samantha, Nikki and Heidi, right?

18 A Yes.

19 Q Did the children talk to you ever about the
20 things that they testified that -- here --

21 A Some.

22 Q -- that happened in the home? Well, let's start
23 with Samantha. Did she ever talk to you personally about
24 any kind of abuse in the home?

1 A No.

2 Q Nothing.

3 A The only time -- the only time she mentioned
4 anything was about the letter, saying that what she wrote,
5 it was true.

6 Q And what about Nikki?

7 A No. I -- Nikki is very reserved. She doesn't
8 talk much. She acknowledged that there was abuse in her
9 home, that Samantha was abused, but doesn't give details,
10 doesn't talk about details.

11 Q Okay. And what about Heidi?

12 A Heidi is very open. Heidi -- sometimes I spend a
13 lot of time with her because she just wants to talk about
14 what happened in her home.

15 Q And what has she told you happened in her home?

16 A That Samantha was hit. That they were told not
17 to tell what was going on. That when family came,
18 especially when the maternal grandfather came to visit,
19 that they were not to say anything. And that at that time
20 Samantha was treated equally but only for that period of
21 time.

22 Q Oh, when the grandfather was --

23 A When the grandfather was in town.

24 Q Anything else?

1 A She -- she talks about the incidents -- an -- an
2 incident when Mom was breaking plates. Mom -- there's one
3 time when Mom was aware that Saman -- that Samantha was --
4 was hurt by Mr. Brown and Mom was very upset and was
5 hitting Mr. Brown and Mr. Brown was standing, just
6 laughing. Talks about the drills. She talks about --

7 Q The drills?

8 A The drill about Dad telling them what -- what to
9 say when CPS comes, be prepared, questioning. That's she
10 called them, a drill. She talked about being scared at the
11 home.

12
13 Q What was Heidi's demeanor when she talked about
14 these things?

15 A (WITNESS CRYING) I'm sorry.

16 Q That's okay.

17 A Heidi's scared. Heidi stutters a lot when she
18 talks, when she gets really nervous, when she's talking
19 about Sam's abuse. She -- you know, she loves her parents.
20 Wants to be home. Wants a home where there's no abuse.
21 She an -- she's angry at herself for not helping Samantha.
22 She blames herself. There was times where she blamed Sam
23 for the removal.

24 Q Why were you --

1 A She's af --

2 Q -- crying when you talked about that?

3 A It's hard to talk about what the kids went
4 through in the parents' home. It's one of those cases that
5 you don't get the whole story in one day. You don't get
6 this is what happened, this is a removal, and we work with
7 that. It's -- kids suffer. I care about them. I spend a
8 lot more time with any kid that I work with. Heidi is such
9 a beautiful girl and I spend a lot more time with her
10 because she loves to talk. We talk about other things. We
11 don't talk every session -- every visit we don't talk about
12 this, but it is in her mind. She gets scared about knowing
13 that she had to testify. She said, you know, I'm going to
14 testify in one court and then I had to testify in another
15 court. Why? And I don't have an answer for her. I don't
16 think any of us have an answer why she has to do that and
17 why she has to do it.

18 Through the two and a half years that we work
19 together -- I say we're together because we were -- you
20 know, I see them, it's -- you get to know them on a
21 different level. It's just I care about them and want them
22 -- what's best for them.

23 Q Have you seen changes in the kids since you first
24 met them?

1 A Yes.

2 Q What kind of changes?

3 A When I first met -- I -- I met Nikki and Heidi
4 together. They wouldn't talk to me. They wouldn't get
5 near me. They answered yes or no questions. Now it's they
6 hug me when they see me. Appear to be happy and -- and I
7 know my first -- the first time Heidi disclosed anything,
8 you can see that she was more comfortable talking to me
9 about things that happened.

10 Nikki started to open up more. She's
11 comfortable. She's still not as comfortable as Heidi
12 talking about what happened, but she is very -- we have
13 conversations now even about school. She loves talking
14 about school. Dead Walk (sic) -- I don't know, she has a
15 show that likes and she has different games and things, so
16 she loves to talk about that.

17 Q What about Sam?

18 A Sam. Sam was shy, reserved. She's becoming her
19 own person. Self esteem wasn't there. I think she's built
20 that through sports, school, having friends. She loves her
21 sports. She's becoming a good young lady and has a future.

22 Q And what about Wyatt?

23 A Wyatt. Wyatt's a beautiful kid. He's funny,
24 he's charming. He has his moments when -- every kid,

1 tantrums and all that, but he was one of the first one
2 (sic) who disclosed some of the things that happened to Sam
3 to me.

4 Q What did Wyatt tell you?

5 A Wyatt said that Dad will hit Sam in the back with
6 a black belt a metal -- a metal.

7 Q A metal?

8 A Like buckle.

9 Q When did Wyatt tell you that? I mean early in
10 the case or --

11 A Early in the case. Early in the case.

12 Q And how is Wyatt doing in the foster home today?

13 A He has his moments. He's seven years old. He --
14 some days he does well, some other days he has tantrums.
15 He had a few months where he was hitting his sisters. He
16 didn't like when the sister argue. The girls argue. They
17 have arguments about what happened in the home as well as
18 they have arguments as just sisters. I have to talk to
19 them about getting along, caring for each other. But there
20 was a -- there has been a big separation between the three
21 and Sam that is -- it's a work in progress.

22 Q Is it better than it was?

23 A It's -- it's a bit better, yes.

24 Q Have the children spoken to you about their

1 desires as far as where they want to live? You addressed
2 that a little bit, but --

3 A As I said, the children want to go home with
4 their parents. They love their parents. That's a
5 preference. If that would not happen, they want to stay
6 where they (sic) at. They don't want to be moved.

7 Q Do they want to go home unequivocally,
8 unconditionally?

9 A They want a safe home. They want to be safe.
10 They want to feel safe when they go home.

11 Q And have they specifically told you that, that
12 they want --

13 A They want things to be different at home.

14 Q All right. As the permanency worker for these
15 children for the last two and a half years, what is your
16 recommendation as far as a permanency plan that's in their
17 best interest?

18 A The Department recommends termination of parental
19 rights and adoption.

20 Q Is that what you personally believe is in their
21 best interest?

22 A Yes.

23 MS. HANRAHAN: I have nothing further for this
24 witness.

1 THE COURT: Ms. Tallent, do you want to take a
2 quick break?

3 THE WITNESS: Thank you.

4 THE COURT: All right. Let's take a little bit
5 of a break. Not too long. Just let her go outside and do
6 whatever and then come back in five or 10 minutes.

7 (COURT RECESSED AT 01:46 AND RESUMED AT 01:55)

8 THE COURT: We'll go back on the record and
9 continue where we left off.

10 THE WITNESS: Thank you.

11 MR. DRASKOVICH: Did the State --

12 MR. GOWDEY: You concluded your questioning,
13 correct?

14 MS. HANRAHAN: Yes.

15 MR. DRASKOVICH: Okay.

16 (COUNSEL CONFER BRIEFLY)

17 MR. DRASKOVICH: All right.

18 CROSS EXAMINATION

19 BY MR. DRASKOVICH:

20 Q Ms. Tallent, let's start with some of the latter
21 part of your testimony. You had said that the first time
22 you met Heidi and Nikki that they didn't really talk to you
23 much, correct?

24 A Right.

1 Q Whereas now when they see you, they hug you, and
2 you have a really good rapport with them?

3 A Yes.

4 Q You'd expect that to happen; wouldn't you? In
5 fact it would be strange if it didn't work out like that.

6 A For more -- most kids, yes, that's how it works.

7 Q You were a stranger. You were an adult stranger
8 --

9 A Correct.

10 Q -- correct? And can't be attributed to some form
11 of abuse or something. You were a stranger and they didn't
12 know you.

13 A Correct.

14 Q Whereas now they do.

15 A Correct.

16 Q You had testified in reference a question that
17 the -- Mr. Brown and Ms. Lawrence have completed some
18 classes and some assessments, correct?

19 A Correct.

20 Q They've actually completed all classes and all
21 assessments.

22 A Yes.

23 Q Yes, they have. So they've been in compliance
24 with the case plan; haven't they? To the best of their

1 ability.

2 A They had completed some action steps, however
3 they have not -- they have not able -- they have not
4 verbalized or acknowledged what led to the removal of the
5 children.

6 Q Have you been in their counseling classes with
7 them?

8 A No.

9 Q You -- in fact you haven't spoken with either one
10 of them since February 27th, 2015; have you?

11 A I haven't spoken to them. I spoke to them after
12 court, before court.

13 Q But you haven't had a conversation with them
14 outside of a court proceeding since February 27th, 2015.

15 A Correct.

16 Q It's been a long time; hasn't it?

17 A Yes.

18 Q They've -- they've attended a lot of classes,
19 whether it be parenting classes, anger management classes,
20 domestic violence classes, correct?

21 A Yes.

22 Q You were -- you had also testified towards the
23 end of your testimony that there's been this separation
24 between Samantha and the other children, correct?

1 A Yeah.

2 Q That -- that's normal. She's 18, correct? And
3 I'm referring to Samantha.

4 A It's normal in what sense?

5 Q She's an adult. She should be moving on. There
6 should be separation between her and the rest of the family
7 to some extent. You'd agree with it'd be unhealthy
8 otherwise.

9 A There was a separation at the time of the
10 removal.

11 Q Okay. And there's a separation with them now,
12 correct?

13 A If that's what you want to call it, yes.

14 Q Well, I don't want to put words in your mouth.
15 I'm asking you. It's natural. There should be a
16 separation.

17 A There is a sep -- they -- there could be a
18 separation based on age, but not a separation based on
19 sibling care, love.

20 Q You were here when Samantha testified back in
21 June?

22 A Yes.

23 Q She had testified that she was graduating from
24 high school.

1 A Yes.

2 Q And she was going to go into the military.

3 A Yes.

4 Q She hasn't gone into the military yet; has she?

5 A No.

6 Q In fact she's changed her plans and she's not
7 going into the military now, correct?

8 A She has not changed her plans as far as I know.

9 Q As far as know.

10 A Uh-huh. Correct.

11 Q You had had some testimony in reference to this
12 no contact order interfering with the reunification of this
13 case, correct?

14 A Correct.

15 Q This case plan was entered into in this court in
16 August 13th, 2014, correct?

17 A Yes.

18 Q The -- Mr. Brown and Ms. Lawrence immediately
19 went into services.

20 A Yeah, I think the referrals were made and they
21 engaged in services.

22 Q And they engaged in services. However there was
23 a motion for a finding that aggravated circumstances
24 existed under which reasonable efforts could not -- or were

1 not required on November 17th, 2014, correct?

2 A I don't recall.

3 Q If I showed you a copy of the document would it
4 refresh your recollection?

5 A Yes.

6 MS. HANRAHAN: Yeah.

7 MR. DRASKOVICH: If I may approach.

8 THE WITNESS: Yes.

9 BY MR. DRASKOVICH:

10 Q You'll agree with me that document was filed on
11 November 17th, 2014?

12 A November 7, 2014 (sic).

13 Q Yes. Just three months after Mr. Brown and Ms.
14 Lawrence had engaged and began their case plan, correct?

15 A I don't recall when they engaged in services,
16 like the time frame, but --

17 Q And if I told you that they engaged into services
18 days after they began the plan, would you have any reason
19 to disagree with me?

20 A No, I don't.

21 Q They never really had a chance; did they? I
22 mean, you were going to seek for termination of their
23 rights regardless of what they did, correct?

24 A Well, we're following procedure --

1 Q You were following --

2 A -- based --

3 Q -- procedure by filing this three months into the
4 plan where they've engaged in services?

5 A Based on the history, yes.

6 Q Based on the history.

7 A Yes.

8 Q I see. So because of a 32 year old conviction,
9 you were never going to let them get back together with
10 their children, correct?

11 MS. HANRAHAN: Your Honor, I'm going to object.
12 It's -- it -- I mean, he's asking her about a legal
13 document that was filed that -- and -- and he's making
14 inferences that aren't legally sustainable, that the
15 Department was planning to --

16 MR. DRASKOVICH: I'd object --

17 MS. HANRAHAN: -- move to --

18 MR. DRASKOVICH: -- as to her testifying. Is
19 there a legal objection that I can respond to?

20 THE COURT: Okay.

21 MS. HANRAHAN: Well, he's asking her to testify
22 as to the legal documents that were filed in the case and I
23 don't think she has the background to do that.

24

1 MR. DRASKOVICH: She's the caseworker in the
2 permanency. I'd submit that there's a motion --

3 THE COURT: You can ask her/--

4 MR. DRASKOVICH: -- of that nature --

5 THE COURT: -- regarding her knowledge. Her
6 knowledge. If she has knowledge, then she should answer.
7 If she doesn't have knowledge, then she needs to tell you
8 that she doesn't.

9 BY MR. DRASKOVICH:

10 Q As far as your department, you'd agree with me
11 that your department had determined by November of 2014
12 that rights should be terminated?

13 A That's not to file -- to rights to be terminated.

14 Q It's to stop trying, correct?

15 A It's to now be able to work --

16 Q Which will result --

17 A To move forward.

18 Q -- in a termination, correct?

19 A It doesn't result in a termination. It results
20 in filing to terminate rights. That doesn't mean that
21 we're terminating rights.

22 Q It just means that you don't engage in services
23 anymore, correct?

24 A We still work with parents even when we waive

1 restorative efforts.

2 Q I see. You were -- had given testimony
3 concerning the children staying with the sister, correct?

4 A I'm sorry?

5 Q Mr. Brown's sister. Do you recall?

6 A Mr. Brown's sister?

7 Q I'm sorry, his daughter.

8 MR. GOWDEY: Daughter-in-law.

9 Q Daughter-in-law.

10 A I'm -- I'm sorry.

11 Q Okay.

12 A I'm not following you.

13 Q There had been some discussion concerning
14 placement with Mr. Brown's daughter-in-law, correct?

15 A Yes.

16 Q You had testified that you didn't feel she was a
17 -- an appropriate placement because of some negativity in
18 reference to Samantha. Do you remember that testimony
19 earlier today?

20 A Yes.

21 Q That negativity that you were referring to was
22 the pictures that she had shown you of the injuries that
23 Samantha had perpetrated upon her child, correct?

24 A No.

1 Q And you didn't tell her that if she kept on this
2 course you were going to take her child away as well?

3 A No.

4 Q Prior to your ceasing to have contact with Mr.
5 Brown and Ms. Lawrence, they had emailed you a number of
6 other potential placements.

7 A I don't recall.

8 Q Do you recall telling that you didn't care who or
9 whom they sent to you, you were not going to place those
10 kids with anyone that they provided to you?

11 A I did not say that.

12 Q In reference to this no contact order, you're
13 aware -- actually I think it was in your first January 2015
14 report, you stated that you attended court proceedings,
15 criminal court proceedings.

16 A I attended the preliminary hearing with the
17 children.

18 Q Okay.

19 MR. DRASKOVICH: And, Your Honor, is it okay if I
20 stand over here versus sitting --

21 THE COURT: Yeah.

22 MR. DRASKOVICH: -- in my chair?

23 BY MR. DRASKOVICH:

24 Q You'd agree with me that that's fairly uncommon

1 where you attend criminal proceedings such as this for
2 someone in their position?

3 A It's not uncommon that we attend criminal
4 proceedings.

5 Q Preliminary hearings. How many preliminary
6 hearings have you attended?

7 A I have not had a -- besides this case, I have not
8 have any other case that had preliminary hearings.

9 Q Okay. So this is the only preliminary hearing
10 that you've attended, correct?

11 A Right. Correct.

12 Q You've also made appearances in District Court
13 hearings.

14 A I believe once, yes.

15 Q Okay. And that was concerning this no contact
16 order that you've testimony concerning.

17 THE COURT: Right. You're right. He's not being
18 picked up by a microphone.

19 THE CLERK: We'll need you on a camera.

20 MR. DRASKOVICH: Okay.

21 THE COURT: Just for like -- and just because of
22 the microphone too I'm thinking.

23 MR. DRASKOVICH: I don't want to be like looming
24 over her or anything.

1 THE WITNESS: No, that's good.

2 THE COURT: Yeah.

3 THE CLERK: Thank you.

4 BY MR. DRASKOVICH:

5 Q You attended a District Court hearing concerning
6 this no contact order, correct?

7 A Correct.

8 Q The initial no contact order was entered at the
9 preliminary hearing on July 18th, 2014, correct?

10 A I don't recall.

11 Q If I told you that it was, would you have any
12 reason to disagree with me?

13 A No.

14 Q The case plan then entered on August 13th, 2014;
15 correct?

16 A Correct.

17 Q And are you aware that in September of 2014 Mr.
18 Gowdey filed a motion to allow contact for the purposes of
19 completing this case plan?

20 A I -- I don't know.

21 Q Are you aware that such an order was entered on
22 September 19th, 2014?

23 A No.

24 Q Two months later, on September sev -- or on

1 November 17th, the District Attorney's Office filed a
2 motion to put that no contact order back on and make it
3 back in effect.

4 A I -- no, I don't know.

5 Q So you're unaware of the two month period where
6 there was no no contact order in existence?

7 A No.

8 Q Through a series of hearings that I want to
9 address with you, that no contact order was ultimately put
10 back in place again, correct?

11 A We were notified, yes.

12 Q And were you notified it was the District
13 Attorney's Office that sought and obtained that no contact
14 order?

15 A I was notified by my supervisor.

16 Q Had you had any conversations with Jim Sweetin?

17 A No.

18 Q Or Jacqueline Bluth?

19 A I don't recall.

20 Q Okay. Is that something that would easily be
21 forgotten? I mean, you don't speak with the criminal
22 deputies -- chief deputy very often; do you?

23 A No.

24 Q But it's your testimony today you may have spoken

1 with her, you just don't remember?

2 A Not in person. I think there was an email sent
3 to clarify about the no contact order. I don't recall if I
4 -- if it was -- the Department sent one and I -- I don't
5 recall to be honest with you.

6 Q In this email or conversation, did you tell Ms.
7 Bluth that if the -- the no contact order remained
8 dissolved, the children had -- would have unfettered
9 contact with their parents, and unsupervised contact with
10 their parents?

11 A No.

12 Q You were here for -- you've been here for all the
13 testimony, correct? So -- in this TPR proceeding?

14 A Yes.

15 Q You heard from the children's counselors
16 yesterday.

17 A Yes.

18 Q You heard Ms. Nordine state that she had wanted
19 to have family counseling sessions with the parents,
20 correct?

21 A Yes.

22 Q And it would better for the parents and the
23 children to do that.

24 A Yes.

1 Q But she was told no by your department.

2 A Not by our department. There was a no contact
3 order by --

4 Q When -- when did she make this request?

5 MS. HANRAHAN: Your Honor, I'm going to object as
6 to misstates Ms. Nordine's testimony. She never said she
7 asked for family therapy. And she never said it was
8 denied. She said --

9 MR. DRASKOVICH: And she did.

10 MS. HANRAHAN: -- that she recommended --

11 MR. GOWDEY: She did say both of those.

12 MS. HANRAHAN: -- it.

13 THE WITNESS: If you're -- there -- there was a
14 meeting where they --

15 MS. HANRAHAN: Hang on a second.

16 THE COURT: Well, I have to go back to my notes.
17 I don't know per se what she said exactly. She engaged in
18 family therapy with her sibling, Sam. Her agency requested
19 that parent should have been included in family therapy.
20 She felt it would be -- have been beneficial for Sam if
21 there was parental -- parents in therapy. Family never had
22 a chance to do family therapy. Well --

23 MR. DRASKOVICH: So at least the first part of
24 that statement that I elicited is correct. She did say

1 that they wanted the family doing it.

2 THE COURT: Right.

3 MR. DRASKOVICH: So that's not a misstatement.

4 THE COURT: I don't think that's --

5 MS. HANRAHAN: Right.

6 THE COURT: -- yeah, that's --

7 MS. HANRAHAN: And our --

8 THE COURT: -- that's --

9 MS. HANRAHAN: -- notes indicate that she said as
10 an agency they could not begin family therapy because a no
11 contact order. She would have thought it would be
12 beneficial from Samantha's point of view. She didn't ask
13 the agency to do it and they didn't refuse. That misstates
14 the testimony.

15 MR. DRASKOVICH: Well, and when in closing I will
16 address that part of the video where she did say that and
17 (indiscernible).

18 MS. HANRAHAN: Okay.

19 THE COURT: All right.

20 BY MR. DRASKOVICH:

21 Q And once again you're stating because of the no
22 contact order. Are you stating that it was never requested
23 from the DFS, the Department, that they engage in family
24 counseling, Mom and Dad and children?

1 A There was a request for when they -- the -- the
2 therapist requested -- all the therapist for the four
3 children and the parents to have family therapy and the no
4 contact was --

5 Q So your response then was DFS did say no and it
6 was because of this contact order?

7 A Correct.

8 Q Well, when was this request made?

9 A I don't recall. There was a letter provided, but
10 I don't recall the date.

11 Q There was a period of time, two, two and a half
12 months, where there was no no contact order, correct?

13 A I don't know how long was it.

14 Q Okay. Because you would agree with me that your
15 agency was not really interested in them having family
16 sessions together?

17 A I believe at that time that -- that you are
18 stating that there was a no contact order, Mr. -- Mr. Brown
19 and Mr. (sic) Lawrence had spoken to my supervisor, Heather
20 Richardson, in regards of the no contact, and at that time
21 it was not -- the therapist had not -- the therapist
22 reported that the children were not ready for it.

23 Q So just to be clear, Mr. Brown and Ms. Lawrence
24 wee making efforts to have contact and maintain a

1 relationship with their children.

2 A It -- they got a no con --

3 Q That's not an answer to my question.

4 A I'm sorry, re -- can you repeat?

5 Q Mr. Brown and Ms. Lawrence were making efforts to
6 have contact with their children.

7 A Yes.

8 Q Through the rules, no surreptitiously but through
9 the rules, through their program.

10 A Yes.

11 Q They were seeking to work their program and seek
12 reunification with their children.

13 A Visitation with children.

14 Q Yes. Which is a step to ultimately being
15 reunified with them, correct?

16 A Correct.

17 Q And they were seeking to do that.

18 A Yes.

19 Q And they have the entire time of this proceeding,
20 or this case being open, correct?

21 A Yes.

22 Q You testified that you had attended a District
23 Court hearing reference to this no contact order.

24 A I did.

1 Q Are you aware that they've gone to court six
2 times trying to get that order lifted?

3 A No.

4 Q You'd agree with me that that's fairly
5 extraordinary. That's an extraordinary step to go to court
6 six times for something.

7 A I -- I wouldn't know. I don't.

8 Q You had testified that you would submit these
9 reports, the required reports every six months concerning
10 how the case plan is moving along, correct?

11 A Not case plan, progress.

12 Q The pro -- okay, the progress.

13 A Of the family.

14 Q And every one of those reports has stated that
15 Mr. Brown and Ms. Lawrence are doing what they're supposed
16 to do. They're not derelict, they're attending counseling,
17 correct?

18 A They are following some of the case plan
19 objectives.

20 Q The ones that they can, correct?

21 A No.

22 Q I see. And the ones -- we've heard your
23 testimony, I won't go -- go through it on cross, but you
24 had testified today that for some reason Healthy Minds was

1 not appropriate under -- in your view for the counseling
2 that they were undergoing, correct?

3 A Not -- that's not my opinion, that's not my view.

4 Q Okay. Your view is that it is appropriate to
5 match what's required in the -- the case plan?

6 A No. The therapist -- Healthy Minds stated that
7 they don't provide individual therapy to address whatever
8 the issues the parents might need to be addressing. They
9 provide what is a family without the child. That's what
10 they provide.

11 Q You made the referral for Mr. Brown and Ms.
12 Lawrence to Healthy Minds.

13 A Yes.

14 Q So you make the referral and now come into court
15 and say that it's inappropriate services for their needs,
16 in your opinion, to comply with the case plan.

17 A It was stated to them that it was family without
18 a child, so they can move forward to reunification once the
19 children were ready and they were ready to start family
20 sessions.

21 Q But you made the referral.

22 A Yes, I did.

23 Q In reference to the counseling they received
24 through ABC, and successfully completed, you made that

1 referral.

2 A I made the referral after they already had done
3 the assessment.

4 Q Okay. Then you come into court and say that ABC
5 isn't appropriate in order to comply with the requirements
6 of the case plan.

7 A They did not provide a report that states that
8 they were -- they addressed what needed to be addressed.

9 Q So you're blaming the provider that you had
10 referred them to for that inadequacy?

11 A I'm not blaming anybody.

12 Q I see. So you make these referrals but then
13 they're not the right ones.

14 A They're --

15 Q And the reports aren't the right ones to the
16 referrals that you made, correct?

17 A The referrals were done to the agency that they
18 already -- they -- they requested to go to. I -- it is --
19 I -- I don't -- I don't know what that was addressed, but
20 what we received, it doesn't state what needed to be
21 addressed.

22 Q But you can't blame them for that; can you?

23 A They know -- parents knew what they needed to be
24 addressing on the sessions. Parents have the authority or

1 the knowledge of what needs to be done. So it's up to them
2 to tell the therapist what needs to be addressed, because
3 the therapist had the referral, they knew what they --
4 needed to be addressed. They had this assessment, and
5 there still hasn't been a report that stated -- that
6 addressed those concerns.

7 Q Well, Mr. Brown and Ms. Lawrence don't generate
8 their own reports, correct? It's the provider to whom you
9 referred them to that writes the report, correct?

10 A Correct. And the reports are also with the input
11 of the parents.

12 Q And there has not been a single negative report
13 in reference to their participation, correct?

14 A Not to participation, no.

15 MR. DRASKOVICH: If I may approach, I'd like to
16 get State's Exhibit 24.

17 BY MR. DRASKOVICH:

18 Q And you've already reviewed this previously,
19 correct?

20 MS. HANRAHAN: What is it?

21 A Oh, I saw it, I didn't --

22 MR. DRASKOVICH: It's the --

23 A -- review it.

24 MR. DRASKOVICH: -- Red Rock report.

1 MS. HANRAHAN: Okay.

2 A I don't recall what it says.

3 Q Why don't you read that.

4 A Yes.

5 Q Thank you. And this report is from Red Rock,
6 correct?

7 A Yes.

8 Q Mr. Brown actively participated in class and
9 demonstrated he has learned concepts. Mr. Brown
10 successfully completed, with family therapist involvement,
11 the recommended evaluation. Any further concerns related
12 to satisfying effective parenting skills. That's a glowing
13 recommendation; isn't it?

14 A Parenting skills, yes.

15 Q In fact there has not been a single assessment
16 nor referral nor class that they have failed to complete
17 that they've been told to do as part of their case plan.

18 A They still have not completed what is the main
19 objective.

20 Q And that's in part because of the District
21 Attorney's Office blocking them.

22 A No.

23 MR. DRASKOVICH: I'll pass this witness.

24 THE COURT: Mr. Gowdey.

1 MR. GOWDEY: Yes, thank you.

2 CROSS EXAMINATION

3 BY MR. GOWDEY:

4 Q Let's start in here. Did you generate that? I'm
5 looking at the case plan reports that you have previously
6 referred to.

7 A My supervisor did.

8 Q Did you have input into them?

9 A Yes, I did.

10 Q Did you review them?

11 A Yes, I did.

12 Q When did reunification stop becoming a goal of
13 DFS?

14 A January 2015.

15 Q And at that point it no longer became a secondary
16 objective?

17 A I don't understand your question.

18 Q There is a permanency goal and then there is a
19 concurrent goal, correct?

20 A Correct.

21 Q And was reunification a concurrent goal?

22 A Yes.

23 Q If reunification is a current goal, can you
24 explain to me why it says, with respect to Heidi Brown,

1 under concurrent goal it says adoption. Does it say
2 anywhere on there reunification is a concurrent goal in
3 that portion?

4 A This -- this case plan report is dated 1/17/2016,
5 which means that the goal had already been changed.

6 Q That's the date of the goal, but in fact it says
7 objective completion result 7/7/2015, correct?

8 A Yes. Still active. It means it hasn't been
9 achieved.

10 Q So at some point reunification -- you're
11 testifying that reunification is -- was no longer a
12 concurrent goal.

13 A Our re --

14 Q Is that what this says?

15 A The report only states the primary goal. It
16 doesn't state the concurrent goal.

17 Q Oh, I'm --

18 A It should have.

19 Q -- sorry, maybe --

20 A It -- maybe it wasn't printed, but the concurrent
21 goal, it is on my reports. It states that, it is there.

22 Q Is it on this report?

23 A Oh, I don't -- I don't understand why the
24 concurrent continues. It's adoption. It is reunification.

1 It states on my reports.

2 Q According to this report, which is the case plan;
3 am I right?

4 A Correct.

5 Q The case plan report, it says adoption.

6 A Correct.

7 Q It doesn't say reunification; does it?

8 A (NODS IN THE NEGATIVE)

9 Q So that's as to Heidi.

10 A Uh-huh (affirmative).

11 Q As to Nikki, can you tell me what the concurrent
12 goal -- concurrent goal states there?

13 A The same.

14 Q Which is?

15 A Adoption and adoption.

16 Q As to --

17 A And --

18 Q -- Wyatt?

19 A -- the same.

20 Q So according to the case plan, reunification was
21 no longer a concurrent goal, correct?

22 A Yes.

23 Q And reunification was never your objective; was
24 it?

1 A It is always the objective. It's always a
2 permanency goal until --

3 Q Was it --

4 A -- it's changed.

5 Q -- your objective?

6 A Yes.

7 Q Well, let me ask you this. You indicated that --

8 MR. GOWDEY: Court's indulgence for one moment.

9 Let me make sure I've got the right one. Okay.

10 BY MR. GOWDEY:

11 Q I want to address the ABC Therapy counseling.

12 You acknowledge that you referred Donald Brown and Melissa

13 Lawrence to ABC Counseling -- or ABC Therapy, correct?

14 A For --

15 Q You just acknowledged that.

16 A For -- I mean, there was two different referrals.

17

18 Q Okay.

19 A So it was --

20 Q For a --

21 A -- a referral --

22 Q -- mental health --

23 A -- for domestic violence and then once he

24 completed the mental health assessment, I sent a referral.

1 Q And ABC Therapy, they didn't just come up with
2 ABC Therapy on their own; did they? You gave them a list
3 of two providers to seek this assessment through; isn't
4 that right?

5 A For the domestic violence, I did. Not for the
6 cou -- the individual counseling.

7 Q But you agreed with -- you did in fact refer them
8 to ABC Therapy for the mental health assessment, cres --
9 reque -- correct?

10 A After they already had completed the assessment
11 and -- and I aware that they had completed an assessment,
12 then I sent a referral with -- with everything else that
13 was needed.

14 Q Have you seen this letter from Mr. Gallego, who
15 is the counselor at ABC Therapy?

16 MS. HANRAHAN: Can I see that first? I don't
17 know what he's showing.

18 BY MR. GOWDEY:

19 Q Have you ever seen this letter before?

20 MR. GOWDEY: I'm going to hover over.

21 THE COURT: It's from Mr. Gallego at ABC Therapy?

22 MR. GOWDEY: Yes.

23 THE COURT: Okay.

24 MR. DRASKOVICH: If it's --

1 A I don't recall --

2 MR. DRASKOVICH: -- okay with the Court --

3 A -- seeing this --

4 MR. DRASKOVICH: -- I'm just going to stand.

5 A -- letter.

6 MR. DRASKOVICH: -- I'm just going stand, I'm
7 getting --

8 THE COURT: That's fine.

9 MR. DRASKOVICH: -- muscle spasms.

10 THE COURT: That's fine.

11 BY MR. GOWDEY:

12 Q Do you dispute that Mr. Brown and Ms. Lawrence
13 were referred to ABC Therapy by the Department of Family
14 Services requesting a mental health assessment?

15 A No, I -- they were referred.

16 Q To request --

17 A But --

18 Q -- a mental health assessment, correct?

19 A After they already completed the mental health
20 assessment, I sent a referral re -- regarding that mental
21 health assessment.

22 Q And you testified, if I'm correct, that you don't
23 believe the ABC Therapy completion report addressed the
24 issues in the mental health assessment; is that right?

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 71873/71889

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**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 IV**

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1 harmed by being in a home where abused happened to another
2 family member?

3 A Yes, I believe -- yes. I believe that she was
4 harmed by the things that were going on in the home.

5 MS. HANRAHAN: Thank you. I have nothing
6 further.

7 MR. DRASKOVICH: I have some followup.

8 THE COURT: Okay.

9 RECROSS EXAMINATION

10 BY MR. DRASKOVICH:

11 Q Turn your attention to this last line of
12 questioning concerning your diagnosis of unspecified trauma
13 disorder.

14 A Uh-huh (affirmative).

15 Q You were just asked if the primary cause of this
16 unspecified trauma disorder was --

17 MS. HANRAHAN: Actually --

18 Q -- events in the home.

19 MS. HANRAHAN: -- I meant PTSD. I meant PTSD. I
20 was talking about PTSD.

21 THE WITNESS: I assumed that's what she meant.

22 MR. DRASKOVICH: Okay. We've had three
23 diagnoses, so okay.

24 MS. HANRAHAN: Right. Sorry.

1 MR. DRASKOVICH: No problem.

2 BY MR. DRASKOVICH:

3 Q Same line of questioning concerning the diagnosis
4 of PTSD.

5 A Uh-huh (affirmative).

6 Q You just testified that the primary reason you
7 believe was because of things she saw while in the home,
8 correct?

9 A Uh-huh (affirmative).

10 Q Is that yes?

11 A Yes.

12 Q But you nevertheless testified that she's been
13 very vague and has disclosed very little about these events
14 in the home, correct?

15 A Yes.

16 Q And nonetheless you're basing your diagnosis, the
17 primary basis of your diagnosis, based upon things that you
18 haven't talked to her about, correct?

19 A No, I've talked to her about them. And there's
20 no criteria that she has to say so many things happened.

21 Q But she's been -- been very non-descriptive,
22 correct?

23 A No, she's made it clear that -- that there was
24 abuse in the home.

1 Q Okay. But the level of abuse has been left wide
2 open, correct? Severe --

3 A Yes.

4 Q -- abuse --

5 A That --

6 Q -- the minor --

7 A -- we haven't discussed.

8 Q -- abuse; is that correct?

9 A Yeah.

10 Q And in reference now to the last diagnosis, that
11 of the unspecified trauma disorder, you had testified that
12 the lack of contact may be a contributing factor but not a
13 primary factor in that diagnosis; is that a fair statement?

14 A The lack of contact is not -- the lack of contact
15 is not part of her diagnosis. That diagnosis is made on
16 the symptoms that she is displaying and the fact that she
17 does not meet the full criteria for PTSD.

18 Q But you would agree with me that the lack of
19 contact is a contributing factor to the anxiety that she's
20 feeling?

21 A I think that the lack of contact affects her
22 because she hasn't been able to have any sort of answer on
23 her relationship with her family.

24 Q And you'll agree with me there's a second part to

1 the trauma that she may have suffered when she was nine
2 years old, and that was removal from the home?

3 A That could be an additional trauma.

4 Q You had testified that she gets concerned about
5 upcoming court proceedings.

6 A Yes.

7 Q And is the basis for her concern the level of
8 uncertainty of what may occur at or after those court
9 appearances?

10 A I don't know if that's primary. I think there's
11 lots that goes into her anxiety about the court
12 proceedings.

13 Q Okay. Has she differentiated to you the
14 difference between the criminal -- her participation in the
15 criminal court proceedings and her participation in the
16 family court proceedings?

17 A No.

18 Q Are you aware that there's --

19 A Yes.

20 Q -- parallel --

21 A Uh-huh (affirmative).

22 Q -- proceeding occurring?

23 A Yes.

24 MR. DRASKOVICH: I'll pass the witness. Thank

1 you.

2 MR. GOWDEY: Just a couple of questions.

3 RECROSS EXAMINATION

4 BY MR. GOWDEY:

5 Q I'm sorry, I -- I forgot, what was the name of
6 the prior therapist?

7 A Dr. Brian Norensberg.

8 Q Norensberg. So when you inherited Nikki as a
9 patient in January of 2015, at that point her diagnosis was
10 unspecified trauma and stress related disorder, correct?

11 A No. At that time her diagnosis was adjustment
12 disorder.

13 Q Okay. If I showed you your report marked May
14 20th, 2016 --

15 MS. HANRAHAN: Can I see what you're looking at?
16 This one? Okay. Where -- what part?

17 MR. GOWDEY: Where it says diagnostic impression.

18 BY MR. GOWDEY:

19 Q Can you read to me what the diagnostic impression
20 is?

21 A Yes. Nikki was -- has been diagnosed with
22 unspecified trauma and stressor related disorder.

23 Q So was that at the time that you took over?

24 A No, this is my current diagnosis for her.

1 Q Is there anything in here that lists what the
2 prior diagnosis was?

3 A No.

4 Q Okay. As far as you know -- Dr. Norberg (sic)?

5 A Norensberg, yes.

6 Q Norensberg. I'll get it. Had previously
7 diagnosed her with Post Traumatic Stress Disorder, correct?

8 A No, he did not. I did.

9 MR. GOWDEY: All right. I have no further
10 questions.

11 THE COURT: Anybody else?

12 MS. HANRAHAN: No, Your Honor.

13 MR. DRASKOVICH: No, thank you.

14 THE COURT: Thank you. You're done.

15 THE WITNESS: Thank you.

16 THE COURT: Thank you. All right. Very good.
17 Thank you. Ms. Hanrahan, do you have another witness
18 outside?

19 MS. HANRAHAN: I should have, and that would
20 Linetta Cooley.

21 THE COURT: Linetta Cooley. Okay.

22 MR. GOWDEY: Who -- who are we calling now?

23 MS. HANRAHAN: Linetta Cooley.

24 MS. DORMAN: Well, it's just barely 2:15, Janne.

1 MS. HANRAHAN: I told her 2:15.
2 THE COURT: 2:15?
3 MS. DORMAN: She's here.
4 THE COURT: She's here, I think. Is that her?
5 MS. HANRAHAN: Yeah.
6 THE COURT: Okay. Over here. Thank you.
7 THE CLERK: Raise your right hand.
8 THE WITNESS: Is that okay?
9 THE COURT: Yep, that's fine. That's good.
10 THE CLERK: You do solemnly swear the testimony
11 you're about to give in this action shall be the truth, the
12 whole truth, and nothing but the truth, so help you God?
13 THE WITNESS: I do.
14 LINETTA COOLEY
15 having been called as a witness by the State and being
16 first duly sworn, testified as follows:
17 DIRECT EXAMINATION
18 THE CLERK: State your name for the record.
19 THE WITNESS: Linetta Ruth Cooley.
20 THE COURT: Thank you. All right. Thank you.
21 BY MS. HANRAHAN:
22 Q Good afternoon, Ms. Cooley. Could you tell the
23 Court how you are currently employed?
24 A I'm employed with Healthy Minds and -- as a

1 clinical social worker intern.

2 Q And how long have you been so employed?

3 A I've been there almost two years.

4 Q And are you licensed to practice in the state of
5 Nevada?

6 A Yes.

7 Q What license do you currently hold?

8 A Clinical social work intern.

9 Q And as a clinical social work intern, are you
10 qualified to make diagnoses?

11 A Yes.

12 Q What is the nature of your practice at Healthy
13 Minds? Is it primarily children, adults, or a mix of the
14 two?

15 A Children and family.

16 Q And the children that you see, are some of them
17 referred to Healthy Minds by the Department of Family
18 Services?

19 A Yes, ma'am.

20 Q Okay. At some point did you begin treating a
21 child by the name of Heidi Brown?

22 A Yes, I did.

23 Q When did you first begin seeing Heidi, if you
24 recall?

1 A In December of 2014.

2 Q December?

3 A Yes, ma'am.

4 Q And to your knowledge, was Heidi referred to

5 Healthy Minds initially by the Department of Family

6 Services?

7 A Yes.

8 Q Did she have a therapist prior to you taking over

9 in December 2014?

10 A Yes, she did.

11 Q And who was that?

12 A There were two. I never can say his name. It's

13 Dr. Guerra and Dr. Jen Karmelly.

14 Q Okay. And so -- and you took over from which

15 one?

16 A Dr. Karmelly.

17 Q When you took over from Dr. Karmelly -- did I say

18 that right?

19 A Yes, ma'am.

20 Q Or when you take over in general from another

21 clinician, does the case -- how does the case get

22 transferred? Do you just sort of start from scratch or do

23 you receive some information from that prior therapist?

24 How do you -- how do you make that transfer?

1 A Typically there would be an actual -- there would
2 be some transitioning where you would -- where I would meet
3 with the client and the transitioning therapist, but due to
4 the nature of Dr. Karmelly's leaving the clinic, I met with
5 Heidi with my supervisor at the time.

6 Q Okay. So your first meeting with Heidi was just
7 you and your supervisor?

8 A Correct. And her foster mother.

9 Q Is there -- can you access any records that were
10 kept by that prior clinician or --

11 A Yes.

12 Q -- get any information about what has been
13 addressed previously in therapy?

14 A Yes.

15 Q How do you access that information?

16 A It's in our database, our computer database.

17 Q So does a client have what used to be called a
18 chart that you access?

19 A It's an electronic chart.

20 Q But do you still --

21 A Yes.

22 Q -- call them a chart?

23 A Electronic chart.

24 Q Okay. But the records are there for you to

1 access.

2 A Yes, ma'am.

3 Q So what type of therapy have you been providing
4 Heidi?

5 A Individual and family.

6 Q Okay. At some point did you acquire some
7 information about how Heidi came to be removed from her
8 home or why she was referred to Healthy Minds by the
9 Department of Family Services?

10 A Yes, at some point.

11 Q And what was the information that you had as to
12 why she was referred?

13 A I was informed that she had been removed from her
14 home due to allegations that her sibling had been abused by
15 parents, and also that there was some coaching of -- with
16 the children to -- for -- for what the children were --
17 were to say from --

18 Q Okay. So --

19 A -- family members.

20 Q -- did you have that information prior to that
21 first meeting with Heidi?

22 A No.

23 Q So when you first met with Heidi, what did you
24 talk about?

1 A It was an introduction.

2 Q Okay. So how does that go? Do you sort of --

3 A Well, as I had stated earlier, due to how Dr.

4 Karmelly left the clinic, it was very abrupt, so my

5 supervisor at the time introduced herself and myself to the

6 foster mother and, you know, just kind of explained the

7 nature of -- this is not usual, and this is going to be the

8 therapist that's going to be working Heidi, and we just

9 introduced ourselves and they ta -- that foster mother was

10 able to talk about her concerns and Heidi was -- we just

11 said hello and I believe that we might have played Uno --

12 Q All right.

13 A -- just to get to know each other.

14 Q Okay.

15 A Uh-huh (affirmative).

16 Q And then at some point did you do some sort of

17 assessment to determine what issues you needed to address

18 with her?

19 A That eventually happened, but not right away.

20 Q Had there been an assessment by the prior

21 clinician --

22 A Yes, ma'am.

23 Q -- Dr. -- or see --

24 A Yes.

1 Q -- Karmelly?
2 A Yes.
3 Q And had -- you said that eventually you did one
4 as well.
5 A Uh-huh. Uh-huh (affirmative).
6 Q And do you recall how far into your first
7 meeting, after your first meeting with Heidi that you did
8 that assessment?
9 A I do not recall.
10 Q Was it like six months later or a few weeks
11 later? Any idea?
12 A It was -- it was probably more like six months.
13 Q Okay. So did you basically work off of the
14 assessment that had been done by Dr. Karmelly?
15 A Yes, what I did is I did an update from that,
16 which was actually on that assessment.
17 Q On the same form?
18 A Yes, ma'am.
19 Q Okay. And is that assessment something that
20 helps you in determining what issues to address in therapy
21 and what the diagnosis for that client might be?
22 A Yes.
23 Q And did you -- was there already a diagnosis in
24 place from Dr. Karmelly?

1 A Yes, there was.

2 Q What was that diagnosis?

3 A It was adjustment disorder with I believe
4 depressive -- I'm not -- I'm not exactly sure what her -- I
5 think it was depressive and -- depressive and anxiety --
6 I'm not exactly sure.

7 MR. DRASKOVICH: I'm sorry, I -- I didn't hear
8 the witness.

9 A I believe -- it wasn't my diagnosis -- I believe
10 it was adjustment disorder with mixed -- mixed depression
11 and anxiety. Mixed emotions of depression and anxiety.

12 MR. DRASKOVICH: Thank you.

13 BY MS. HANRAHAN:

14 Q And did you maintain that diagnosis or did you
15 change it at some point?

16 A Maintained it for quite some time.

17 Q And what does that mean, adjustment disorder with
18 mixed anxiety and depress --

19 A Well, adjustment disorder comes when there are
20 multi -- you know, there's a change that is disruptive to
21 an individual's -- I'm sorry I'm find -- trying to find the
22 word here. It's there. I know it's there. Ability to
23 function in day-to-day life. So just the removal of a
24 child from the home, there's an adjustment. And trying to

1 adjust to other children coming into the home when a
2 child's in foster care can be an adjustment. Not know
3 what's going to happen next. You know, know there are
4 multiple things that can happen to a child in this
5 situation. So -- and when that continues to happen, there
6 can be -- some children have anxiety, so people have
7 depression, so we continue to moner (sic) that -- monitor
8 what's going on with a child to see what's happening
9 throughout treatment.

10 Q And so is adjustment disorder a fairly common
11 diagnosis for foster children when they are first removed
12 from the home?

13 A Yes, it is.

14 Q So you said -- at some point you made a different
15 diagnosis?

16 A Yes.

17 Q And what was that?

18 A It was PTSD.

19 Q And why did you change the diagnosis?

20 A When the DSM IV changed over to DSM V, DSM V
21 changed some of the criteria of PTSD. And at that point in
22 time she met criteria within each of the -- within each of
23 the criteria there -- she met something within that. And
24 so that was changed to PTSD.

1 Q Okay. So can you tell the Court what symptoms
2 Heidi had or what -- what -- which of the criteria that she
3 met to -- to make that diagnosis of PTSD?

4 A Gosh, I --

5 Q You don't --

6 A I can't recall everything. I'm sorry.

7 Q Do you -- is there something that would refresh
8 your recollection?

9 A I -- I believe that I wrote a court report in '15
10 (sic) that has it on there.

11 Q The one from May of -- you wrote a May of 2 --
12 2016.

13 A '16. Is it that one or is --

14 Q And would looking at that refresh your
15 recollection as to --

16 A Yeah.

17 Q -- what criteria?

18 A Uh-huh (affirmative).

19 MS. HANRAHAN: May I --

20 THE COURT: Sure.

21 THE WITNESS: I'm sorry --

22 MS. HANRAHAN: You guys --

23 THE COURT: You want to look at that?

24 MS. HANRAHAN: -- have this.

1 THE WITNESS: -- I'm just feeling a bit nervous.
2 (COUNSEL CONFER BRIEFLY)
3 THE WITNESS: Thank you.
4 BY MS. HANRAHAN:
5 Q All right. Just take a look and --
6 A Okay.
7 Q -- take your time and look at it and let me know
8 when --
9 A Actually, this is a different diagnosis. This is
10 the most recent diagnosis. There would be another report
11 from last year.
12 Q January 2015? The January 2015?
13 A I believe -- I believe so.
14 Q And this is a --
15 A It may not be in that one.
16 Q -- report or letter that you prepared for --
17 A I don't think it's in that one.
18 Q -- Department of Family Services?
19 A Yeah, I don't think it's in this one. I know
20 it's not in that one.
21 Q So -- but you can't recall what criteria --
22 A I can -- I can't --
23 Q Do you --
24 A -- recall every --

1 Q Are there any other reports --
2 A Well, there's --
3 Q -- that you --
4 A -- there's multiple criteria. I can recall most
5 of it, I just --
6 Q Okay.
7 A -- don't -- I'm --
8 Q If you could just tell us what you recall that
9 Heidi -- the criteria that Heidi met for --
10 A Okay. So hy -- hyper-vigilance. A sense of
11 hopelessness. Irritability. Avoidance of wanting to talk
12 about the event. Intrusive thoughts. And it also was
13 very, very disruptive to her social and family life.
14 Q And so is a diagnosis of PTSD, what does PTSD
15 stand for?
16 A Post Traumatic Stress Disorder.
17 Q And so what, just in general, causes PTSD?
18 A It can -- for Heidi it was witnessing traumatic
19 events.
20 Q And so is PTSD in general something that's trauma
21 related then since that's in the --
22 A Yes, ma'am.
23 Q That's --
24 A It's trauma related.

1 Q So it could be somebody who's experienced any
2 kind of trauma --

3 A Experienced --

4 Q -- is that --

5 A -- it personally or witnessed it, yes.

6 Q Can you just describe a normal session with Heidi
7 as to whether she was attentive and participatory, or more
8 off to herself, did that change over time?

9 A It changed over time. She was fairly guarded
10 initially. I was the third therapist, so I allowed her to,
11 you know, kind of the run the -- the session herself until
12 she became comfortable. And when -- she often talked about
13 the frustration she was having at home, feeling --

14 Q And when -- when you say --

15 A -- when -- when she --

16 Q -- at home --

17 A -- became more comfortable, and which -- which
18 was within, right around two months probably, two or three
19 months.

20 Q When you say frustrations at home, does that mean
21 the foster at that time?

22 A Yes, the foster home.

23 Q Okay.

24 A Uh-huh. Yeah.

1 Q Uh-huh.

2 A And, you know, she would -- you know, squabbling
3 between sisters and other foster children and difficulties
4 at school. Feeling like she was holding secrets and she
5 didn't like secrets, and the secret was that she was a
6 foster kid. She was afraid to be bullied or teased at
7 school. And the -- so her anxiety continued to grow. So
8 she's very anxious about that stuff. And so we worked --

9 Q Okay. So that --

10 A -- on a lot of --

11 Q -- what you talked --

12 A -- her anxiety.

13 Q -- about --

14 A Uh-huh (affirmative).

15 Q -- initially.

16 A Yes.

17 Q Okay.

18 A Uh-huh (affirmative).

19 Q And you said you kind of let Heidi run the
20 sessions. What does that mean?

21 A Well, that's kind of my style of therapy. I
22 believe that in order for someone to feel comfortable they
23 should come in and be able to talk how they need to talk,
24 you know, and then as that goes -- I -- I then become a

1 little more guided. So what -- what's going on today, tell
2 me how you're week's been. So, as opposed to I have no
3 agenda, you know.

4 Q Okay.

5 A It's a -- it's their agenda and therefore get to
6 talk about what's going on today because she needed --
7 Heidi needed to learn how to function today and feel
8 comfortable in -- within herself. And because I knew that
9 I was working with a child who had experienced trauma, or I
10 wanted -- my goal for her was for her to be able to self-
11 regulate before she started ex -- sharing her trauma
12 history with me at all.

13 Q Okay.

14 A And that's just because I have -- I -- I -- I go
15 from a trauma base when I do my therapy, that's my
16 philosophy. Help them work with themselves once they leave
17 the therapy session so that they can self-regulate when
18 they get home.

19 Q Okay. So you said that the background
20 information on the family that you received indicated there
21 had been physical abuse of a sibling. Did you eventually
22 talk about that with Heidi?

23 A Well, I would say she more or less talked with me
24 about that, yes.

1 Q Did she eventually bring that up on her own or --
2 A Yes.
3 Q -- how did that come up?
4 A She brought it up on her own.
5 Q And what -- what did she tell you specifically
6 about that alleged abuse in the home? Well, let me phrase
7 it this way. Did she talk about any specific traumatic
8 events that occurred in the home?
9 A Yes, she did.
10 Q What -- can you tell us about some of those?
11 A She talked about Sam, her sister, not having the
12 same amounts of food as they did and she understood why she
13 would get up in the middle of the night to eat. She talked
14 about Sam being told by her father to go out in the garage
15 and get something so he could beat her with it, and she got
16 a pipe, and they ran up to the room.
17 Q Who ran up to the room?
18 A She and -- the three children. She and her
19 sister -- her twin and Wyatt. Talked about domestic
20 violence.
21 Q Between the parents?
22 A Between the parents.
23 Q And what did she tell you?
24 A That there was usually drinking before it

1 happened: And she talked about a time where plates were
2 being broken, and they were very scared, and there was a
3 lot of yelling, and the door was closed. And they didn't
4 know what was going on. They thought their dad was going
5 to die. Because -- maybe he was yelling the loudest. And
6 just being very, very frightened. Hiding in the room. And
7 something about a knife in a door.

8 Q And did she -- when Sam talked -- or, sorry, when
9 Heidi talked about Sam getting hit, did she talk about who
10 did that?

11 A Yes.

12 Q You said that she talked about Sam having to go
13 get something.

14 A Uh-huh (affirmative).

15 Q For who?

16 A For her father.

17 Q Heidi's father.

18 A Heidi's father, yeah.

19 Q Did you ever do things in therapy, like have
20 Heidi draw pictures or play games or do other things like
21 that to encourage her to communicate more effectively?

22 A Yes. All of the above.

23 Q Did she ever draw pictures for you?

24 A Yes, she did.

1 Q What kinds of pictures?

2 A Specifically what we just spoke about.

3 Q Yeah.

4 A She drew a picture of -- of the pipe and -- and a
5 knife.

6 Q And those two events that you talked about.

7 A Yes.

8 Q What was her demeanor in talking about these
9 events?

10 A Very straightforward. She just said it very,
11 very fast. She just wanted to get it out and done and then
12 she took a big breath and blew it out. Then that was one
13 of the calming exercises I had train -- I -- we had been
14 working on. And then she said to me I feel like my -- my
15 shoulders are lighter.

16 Q So did you get the impression that it was
17 difficult for her to -- to not talk about that stuff?

18 A Yes.

19 Q When she told you those things, was that all in
20 one session?

21 A Well, not -- not everything I said, but the --
22 the -- the knife and the pipe, yes.

23 Q And so did she continue to talk about things like
24 that aft -- or was that just one time she talked about it

1 and then she was done?

2 A She had about a three month period where she
3 talked fairly regular, and then it was back to the daily --
4 the day-to-day feeling left out at school and having a hard
5 time at home and those day-to-day things.

6 Q Did she talk to you about her relationship with
7 her mother?

8 A Not much that I can recall.

9 Q Did she indicate to you whether her mother knew
10 about those things that were happening?

11 A Yes. She said --

12 Q Yes, she --

13 A -- she knew. She said she knew.

14 Q Can you -- and so do you think those things
15 contributed to her diagnosis as -- with Post Traumatic
16 Stress Disorder?

17 A Clarify those things.

18 Q The things that you just described, the seeing
19 her sister have to go out and get something for her
20 stepfather to beat her with, the domestic violence, those
21 things.

22 A Those --

23 Q Did those have --

24 A Those would be considered traumatic incidents,

1 yes.

2 Q And so do you believe that those contributed to
3 or led to a diagnosis of PTSD?

4 A Yes.

5 Q So can you just explain how -- and let me go
6 back. Did she indicate to you that she was present when
7 Sam was made to go out to get this pipe or that she just
8 heard about it?

9 A No, she was present.

10 Q And she was present during the time when the
11 dishes were being broken and --

12 A Yes.

13 Q -- she thought her father might be dead. Did she
14 tell you why she thought her father might be dead?

15 A She wasn't present through the whole thing
16 because they had gone up -- the children had gone up to
17 their room and closed the door, but all they could do is
18 hear, so they were -- they were speculating, they didn't
19 know. All they could do is hear.

20 Q So can you just explain how if she was up in her
21 room and heard these things going on how that would be
22 traumatic to Heidi?

23 A Trauma is different than what most people think
24 it is. They think it's just when someone is hit or when

1 there's a car accident or when somebody has something
2 physically done to them, but trauma can be hearing
3 something that's very jarring, especially if it's
4 associated with something that's very frightening. And to
5 hear your parent or your parents in a -- you know, a loud
6 altercation and to not be able to see that would be
7 traumatic because you're only wondering what could happen
8 and your mind goes everywhere. So that is a traumatic
9 experience.

10 Q And the same thing with her sister?

11 A Yes.

12 Q Is it traumatic for kids to have to keep things
13 inside or keep secrets?

14 A I would say that's more anxiety provoking,
15 therefore it never allows the trauma to come up and be
16 worked with because the anxiety is ever present.

17 Q Did it seem to -- you said that Heidi visibly
18 sort of lightened or said she felt lighter --

19 A Uh-huh (affirmative).

20 Q -- after she talked about it.

21 A Yes.

22 Q So do you feel that it helped her anxiety to be
23 able to talk about it?

24 A Yes.

1 Q Is there anybody else at Healthy Minds who saw
2 Heidi on a regular basis?
3 A Dr. Harding.
4 Q And did Dr. Harding also kind of assess Heidi
5 when she saw her --
6 A Yes.
7 Q -- and make her own diagnosis or --
8 A Yeah. Yes.
9 Q -- did -- and would you confer with Dr. Harding
10 with regard to ongoing diagnosis?
11 A Yes.
12 Q Like does the diagnosis change? Apparently it
13 did for Heidi, so --
14 A Yes.
15 Q -- is that something that you just keep as an
16 ongoing conversation with --
17 A Yes.
18 Q -- Dr. Harding?
19 A Yes.
20 Q Did Dr. Harding -- is -- Dr. Harding's a
21 psychiatrist, right?
22 A Yes, she is.
23 Q And how -- about how often did Heidi see Dr.
24 Harding?

1 A Because she's not on any medications, every three
2 months.

3 Q Did you develop a treatment plan for Heidi?

4 A Yes.

5 Q And identify some goals for her to accomplish on
6 her treatment plan?

7 A Yes.

8 Q What were her goals? Or what are her goals on
9 her treatment plan?

10 A To be able to identify and -- actually I don't
11 think I can remember all of them. Identify anxiety and the
12 causes of them. And better communication. That -- because
13 that was part of the anxiety and the fighting between
14 siblings, is that she -- the communication between the
15 siblings. Family therapy. And get back to kind of just a
16 normal functioning level.

17 Q And then -- so family -- is it -- Heidi does
18 family therapy --

19 A With her siblings.

20 Q -- with her siblings.

21 A Uh-huh (affirmative).

22 Q Okay. And would you say -- going back just for a
23 minute to that diagnosis of PTSD, and I think you talked
24 about this a little bit, could that be also related to --

1 to being in foster care or is that more the anxiety or what
2 -- I mean, like you said -- you said that keeping secrets
3 might be more anxiety provoking than the, you know, Post
4 Traumatic Stress --

5 A Uh-huh (affirmative).

6 Q -- so what about the every -- say the removal
7 from the home and placement with strangers? Is that
8 something that could contribute to PTSD as well?

9 A I'm going to just state that it's a trauma.

10 Q How often did you meet with Heidi?

11 A A weekly basis.

12 Q And is it --

13 A Uh-huh (affirmative).

14 Q -- still weekly?

15 A No, it's biweekly.

16 Q Okay. Do you -- did you or do you interview
17 collateral contacts in Heidi's life as part of your
18 treatment?

19 A Yes.

20 Q Who else would you talk to about Heidi?

21 A Foster parents and sometimes there is -- there
22 was another person who would come from -- that was a worker
23 in the home and we would talk with her sometimes, just to
24 do a check-in to see how things were going. Their CASA

1 workers and DFS worker.

2 Q Her CAP attorney?

3 A CAP attorney.

4 Q And did you have treatment team meetings?

5 A Yes, monthly.

6 Q Who -- who would attend those?

7 A Foster parent, CAP attorney, Dr. Harding -- I
8 have to tick them off here -- case manager, myself, all of
9 the other treating therapists at Healthy Minds.

10 Q And does Heidi have a different diagnosis from
11 PTSD today?

12 A Yes.

13 Q What is her diagnosis?

14 A She has unspecified stress disorder and
15 persistent -- persistent depressive disorder.

16 Q And what is unspecified stress disorder?

17 A Well, she no longer meets two of the criteria in
18 the P -- PTSD because she has a willingness to talk about
19 what happened. And no longer -- with the avoidance, so it
20 no longer meets that criteria, but she still has a lot of
21 that -- still has stress disorder.

22 Q I'm sorry, still has a lot of what?

23 A But she still -- she still qualifies for a stress
24 disorder.

1 Q Okay.

2 A So that's --

3 Q Okay.

4 A -- that's --

5 Q Can you tell us what symptoms she still has that

6 are indicative of a stress disorder?

7 A Yeah, she still has the hyper-vigilance where

8 she's -- and par -- kind of like paranoid that everyone's

9 blaming things on her. A sense of hopelessness. A lot of

10 irritability, so.

11 Q And do you know how Heidi feels about being

12 returned home to her parents?

13 A I know that she has stated that she would like to

14 go home, but things have to be different.

15 Q Did she say how they should be different?

16 A That there could be no more yelling, no more

17 hitting, no more fighting.

18 MS. HANRAHAN: Thank you. I have nothing

19 further.

20 THE WITNESS: Okay. Thank you.

21 THE COURT: Okay. Go in the same order?

22 MR. DRASKOVICH: Yes, thank you.

23 THE COURT: Okay.

24 //

CROSS EXAMINATION

1
2 BY MR. DRASKOVICH:

3 Q Ms. Cooley, addressing your attention to your
4 claim that there was domestic violence --

5 A Uh-huh (affirmative).

6 Q -- that was occurring in the home on behalf of
7 Heidi, remember that --

8 MS. HANRAHAN: Objection. Misstates the
9 testimony. She didn't claim there was domestic violence in
10 the home, she said that's what Heidi told her.

11 MR. DRASKOVICH: That's what I -- that's my
12 question. And so --

13 THE COURT: Go ahead.

14 BY MR. DRASKOVICH:

15 Q In reference to that line of questioning, do you
16 recall that?

17 A I recall stating that Heidi said that to me.

18 Q Okay. And it's your choice of words, domestic
19 violence, correct?

20 A Right.

21 Q I'm sorry?

22 A Correct.

23 Q And you'll agree with me that domestic violence
24 is a criminal charge, to your understanding?

1 A Correct.

2 Q And what's your definition of domestic violence,
3 since you chose that word and not Heidi?

4 A When partners, domestic partners, violate
5 personal space of each other, and hurt each other
6 physically, and take it upon themselves to -- basically
7 just violate their -- their personal rights.

8 Q Their personal rights --

9 A Their personal rights and their -- and their --
10 their -- their physical self.

11 Q And when you say personal rights, what do you
12 mean?

13 A I mean, to strike each other.

14 Q Okay.

15 A To scream and yell or one strike another.

16 Q Okay.

17 A To scream and yell at each other. To try to hit
18 a person with an item.

19 Q If I were to tell you the definition in Nevada of
20 domestic violence is unlawful use of force or violence upon
21 the body of another person and there's a dating or
22 otherwise relationship, living together by blood or by
23 marriage, would you have any reason to disagree with that?

24 A (NO AUDIBLE RESPONSE)

1 Q In reference to your characterization of the
2 throwing the plates on the floor, you'd agree with me that
3 there was no indication that she threw the plates or struck
4 Donald Brown, correct?

5 A I didn't make that --

6 Q It was never disclosed to you that that occurred,
7 correct?

8 A No.

9 Q No. In reference to these fights between Mom and
10 Dad that she referred to, she never disclosed any physical
11 fights between the two, correct?

12 A Yes, she did.

13 Q Which time? And describe it for us, please.

14 A The time that I -- I mentioned.

15 Q Where -- where they were throwing the plates on
16 the -- on the floor, or is there another time?

17 A It was that -- it -- no, that whole time was
18 explained to me in one, and she didn't really divide it.

19 Q Okay. And that whole time, so what's a act of
20 physical -- unlawful use of physical force or -- or
21 violence upon the body of another that occurred between Mom
22 and Dad that occurred based upon your sessions with Heidi?

23 A That Mom had struck Dad and he was bleeding from
24 his nose.

1 Q Okay. And when did this allegedly occur?

2 A It was -- she explained it to me in that one

3 session.

4 Q And when did this session occur?

5 A I believe it was in -- it was in the early part

6 of 2015.

7 Q Okay. And you've been seeing since December

8 2014?

9 A No, November.

10 Q November of 2014. And are you still seeing

11 Heidi?

12 A Yes.

13 Q Let's talk about trauma and how it relates to the

14 various diagnoses that have occurred and your involvement

15 in this case.

16 A Okay.

17 Q You had said that certain things can cause trauma

18 which will lead to the various diagnoses related to trauma,

19 correct?

20 A Which can, yes.

21 Q And it's your opinion that -- that whatever was

22 occurring in the home prior to Heidi's removal is what is

23 causing this trauma that she has experienced.

24 A It's not my opinion, it's from the di -- it's

1 from the criteria in the DSM, written in the DSM.

2 Q I see. You'd agree with me that being removed
3 from one's home and being removed from one's family, Mom
4 and Dad specifically, can be very traumatic?

5 A Yeah.

6 Q And ongoing lack of contact with Mom and Dad
7 would be very traumatic for a girl of Heidi's age.

8 A Yes.

9 Q Heidi was removed from the home when she just
10 turned nine years old, correct?

11 A Yes.

12 Q Just days after her ninth birthday --

13 A Uh-huh (affirmative).

14 Q -- were you aware of that? And she's been unable
15 to speak with her parents since that removal; are you aware
16 of that?

17 A (NO AUDIBLE RESPONSE)

18 MS. HANRAHAN: Your -- Your Honor, I --

19 Q For --

20 A No.

21 Q For most of time.

22 A No.

23 Q Or maybe you --

24 MS. HANRAHAN: Yeah, mis --

1 A No. I --
2 MS. HANRAHAN: -- mischaracterizes --
3 A -- I haven't been -- I have not been with the
4 case the entire time, so no.
5 Q During your therapy sessions with Heidi, to your
6 knowledge, she's been unable to speak with Mom or Dad,
7 correct?
8 A Correct.
9 Q And you'd agree with me that would be traumatic.
10 A Correct.
11 Q Are you aware of a District Court imposed no
12 contact order between Heidi and her parents?
13 A Yes.
14 Q And you'll agree with me she's expressed a desire
15 to see her parents.
16 A Yes.
17 Q To visit with her parents.
18 A Yes.
19 Q And to live with her parents.
20 A Yes.
21 Q In reference to this issue of Sam, did Heidi ever
22 discuss with you a period of time that Samantha had braces
23 on?
24 A No.

1 Q And that she, Sam, was required to eat different
2 types of foods while she had braces on in reference -- in
3 relation to the other members of the family?

4 A I've already answered that question. She has not
5 discussed a time when Sam had braces.

6 Q Would you agree with me that you -- don't maybe
7 -- don't have all the information of what may have occurred
8 or not occurred in Heidi's former (sic) -- former home?

9 A I believe nobody has that information.

10 Q Okay. And it may be dangerous to jump to certain
11 conclusions without having all the information that's
12 available?

13 A Are you assuming I'm jumping to a conclusion?

14 Q Oh, I very much so am, yes. And it's your
15 testimony --

16 MS. HANRAHAN: Your Honor --

17 Q -- that you're not?

18 A I feel like you're --

19 MS. HANRAHAN: -- I --

20 A -- kind of being very aggressive towards me --

21 MS. HANRAHAN: I'm going to object.

22 A -- and I don't appreciate --

23 MS. HANRAHAN: Okay, now is this kind of an
24 argument? And he's

1 MR. DRASKOVICH: I -- my pos --

2 MS. HANRAHAN: -- telling the witness that she's
3 -- I mean, attacking the witness as far as jumping to
4 conclusions.

5 THE COURT: She asked him and he responded. And
6 I want to just -- just ask the questions to the witness,
7 let her -- and then in any closing arguments you can tell
8 me your theories of whatever it is that you want the Court
9 to know regarding that statement, because that's more of a
10 closing argument statement. I just want -- just for time
11 reasons, I just want her to be asked a question and her to
12 answer.

13 MR. DRASKOVICH: And I'm not attacking her, I'm
14 questioning her assumptions and her ultimate conclusions.

15 THE COURT: And you asked her if -- if you
16 believe that she's jumping to conclusions and she said no.

17 MR. DRASKOVICH: Okay.

18 BY MR. DRASKOVICH:

19 Q Your role in this case is that of being a
20 therapist for Heidi, correct?

21 A Correct.

22 Q However through the course of your involvement in
23 this case, you have sought to obtain conviction documents
24 concerning Mr. Brown.

1 A I did not seek to get them.

2 Q You are aware of a 1984 conviction that Mr. Brown

3 had.

4 A I am.

5 Q And you did not ask Heidi's attorney for a copy

6 of the conviction data in reference --

7 A I did not ask for it. Was it sent to me?

8 Q Have you gone online and investigated what's

9 occurring the in criminal case --

10 A No, I have not.

11 Q -- in reference to this? You've -- have you

12 discussed court proceedings with Heidi?

13 A No, I have not.

14 Q So you've been seeing her for some time now and

15 you --

16 A What, you mean these court proceedings and how

17 she feels about it?

18 Q Any court proceedings.

19 A For her? Yes.

20 Q You have.

21 A Just how she's feeling and -- yeah.

22 Q So you have discussed court proceedings, her

23 upcoming court proceedings?

24 A Uh-huh (affirmative).

1 Q Is that a yes?

2 A Yes.

3 Q And have you discussed family court proceedings

4 with Heidi?

5 A No.

6 Q Criminal court proceedings --

7 A No.

8 Q -- with Heidi? So you just discuss -- discussed

9 court proceedings in a generic sense?

10 A Yes. How is she feeling about it coming up.

11 That's it.

12 Q Heidi's expressed to you a desire to return home

13 to Mom and Dad.

14 A Yes.

15 Q She's at one point in time disclosed to you that

16 she does not want to be adopted.

17 A No. I mean, I don't really ask her about

18 adoption.

19 Q How many times have you met with Heidi?

20 A I believe it's been around 80 times.

21 Q Eighty times.

22 A Uh-huh (affirmative).

23 Q And what are the various subjects during these 80

24 times that you've discussed with her?

1 A Friendships. Family.

2 Q It's your testimony that -- I'm sorry, I don't
3 want to cut -- cut you off. Go right ahead.

4 A How is she feeling about a trip that was coming
5 up. She was very anxious about getting on the airplane.
6 How was it. What was the trip that she had taken. How is
7 she feeling about the upcoming court. Her relationship
8 with her older sister.

9 Q Let me stop you right there. She's had
10 difficulties in her relationship with her older sister,
11 correct?

12 A Yeah.

13 Q There's been some --

14 A That's been a big part of our -- our work
15 actually.

16 Q Okay.

17 A The bulk.

18 Q Because there's -- I'm -- I'm sorry, ma'am, I
19 don't mean to --

20 A It's been the bulk of our work actually.

21 Q So the relationship with the sister Samantha has
22 been the bulk of your work --

23 A Uh-huh (affirmative).

24 Q -- with Heidi.

1 A Uh-huh (affirmative).

2 Q Is that --

3 A Yes.

4 Q -- a yes? And you'd agree with me that that may
5 be a contributing factor to her diagnosis of PTSD and the
6 subsequent and last diagnosis?

7 A I don't know if it's contributing to the PTSD,
8 but it could be.

9 MR. DRASKOVICH: Thank you. I have no other
10 questions.

11 MR. GOWDEY: I have a few questions, if you don't
12 mind.

13 THE COURT: And then -- we're going that -- okay.

14 CROSS EXAMINATION

15 BY MR. GOWDEY:

16 Q Ms. Hanrahan asked you if being removed from the
17 parents' home -- strike that. I'm going to start with Mr.
18 -- Mr. Draskovich asked you if being removed from your
19 parents' home could be considered to be a very traumatic
20 event and you agreed that it is, correct?

21 A Uh-huh (affirmative).

22 Q Ms. Hanrahan asked you if whether the removal
23 from the home would be a contributing factor in the
24 diagnosis of PTSD and yet you refused to say that it would;

1 isn't that correct?

2 A I don't recall. I don't recall --

3 Q It only --

4 A -- saying that.

5 Q -- occurred about 10 --

6 A I would -- I would --

7 Q -- minutes ago.

8 A -- say yes to that.

9 Q If -- if I told you that you said it's a trauma

10 and I'll leave it at that --

11 A Uh-huh (affirmative).

12 Q -- is that correct?

13 A Yeah.

14 Q But you don't -- you wouldn't consider this, what

15 we would consider to be a very serious trauma, of being

16 pulled out of the parents' home to be a contributing factor

17 to your diagnosis of PTSD?

18 A It's a contributing factor in that it's a trauma.

19 It's one of the traumas and if it's -- if we're looking at

20 trauma --

21 Q So it is a contributing factor in her diagnosis

22 of Post Traumatic Stress Disorder, correct?

23 A It could be.

24 Q You're the one who made the diagnosis.

1 MS. HANRAHAN: Your Honor --
2 Q Is it or --
3 MS. HANRAHAN: -- again, arguing with the
4 witness.
5 MR. GOWDEY: Your Honor, it could be, and I am
6 questioning the person who made the diagnosis. I think
7 I've got a right to --
8 THE WITNESS: It had --
9 MR. GOWDEY: -- question her as --
10 THE WITNESS: It's -- it's --
11 MR. GOWDEY: -- to her diagnosis.
12 MS. HANRAHAN: Well, question would be --
13 THE WITNESS: But that wasn't --
14 MS. HANRAHAN: -- the key -- would be the key
15 word there.
16 MR. GOWDEY: This is cross --
17 MS. HANRAHAN: Making statements --
18 MR. GOWDEY: -- examination.
19 MR. DRASKOVICH: Is there a legal object --
20 objection pending?
21 MS. HANRAHAN: Yes. Arguing with the witness.
22 Badgering the witness.
23 THE COURT: All right. So --
24 MS. HANRAHAN: He asked -- he asked the question,

1 she answered it.

2 THE COURT: She said it could be a contributing
3 factor.

4 BY MR. GOWDEY:

5 Q Do you consider it to be a contributing factor?

6 A I feel like I've already answered the question,
7 sir.

8 Q Could you answer it again?

9 A No.

10 Q You don't consider it to be a contributing
11 factor?

12 A I consider -- I cons -- I consider it to be a
13 trauma.

14 MR. GOWDEY: Objection. Non-responsive.

15 BY MR. GOWDEY:

16 Q It's a yes or no question. Do you consider it to
17 be a contributing factor or not?

18 THE COURT: This is a -- it is a yes or no
19 question, so you can answer it.

20 MS. HANRAHAN: And she did answer it.

21 MS. DORMAN: She answered no. It's been asked
22 and answered.

23 BY MR. GOWDEY:

24 Q Is your answer no?

1 A In the time line of the diagnosis, the initial
2 diagnosis was not PTSD, it was adjustment disorder. And so
3 --

4 Q Did you make the initial diagnosis?

5 A I did not, but I agreed with it for ov -- almost
6 a year.

7 Q Was the trauma of being removed from the home
8 part of the initial diagnosis as to adjustment disorder?

9 A Yes.

10 Q In your subsequent diagnosis of Post Traumatic
11 Stress Disorder, you did not consider tra -- the trauma of
12 being removed from the home as one of the contributing
13 factors to the Post Traumatic -- Post Traumatic Stress
14 Disorder?

15 A I considered all the traumas.

16 Q As being --

17 A Yes.

18 Q -- relevant to the diagnosis.

19 A Yes.

20 Q Thank you. And that would include the no contact
21 order with the parents as well, correct?

22 A I've already answered that yes also, sir.

23 Q Thank you. Let me ask you, was it your
24 understanding that reunification was a goal in this case?

1 A I'm sorry?

2 Q Was it your understanding that family
3 reunification was to be a goal --

4 A Yes.

5 Q -- in this case?

6 A Yes.

7 Q Did your understanding change at any point?

8 A No.

9 Q I'm going to show you now --

10 MR. GOWDEY: The report that you've already
11 referenced.

12 Q I'm showing you your report dated 5/21/2016. Can
13 you --

14 A Uh-huh (affirmative).

15 Q -- take a look at that? Do you see anywhere in
16 that report mention of the trauma of being removed from the
17 home as a contributing factor to any of your diagnoses?

18 A No.

19 Q Do you see any mention of her parents anywhere at
20 all in this report in any way, shape or form? That page is
21 not part of the same --

22 A No, but that's not what this report is --

23 Q What is --

24 A -- indicative of.

1 Q -- this report?

2 A It's just -- it's a diagnostic impression that
3 actually comes from the DSM V with Heidi -- where -- where
4 she -- what it is from that diagnosis that fits -- why she
5 fits that diagnosis and her treatment plan.

6 Q But you've already test --

7 A Individual treatment plan.

8 Q I'm sorry. But you've already testified that
9 removal from the home is a trauma that you considered.
10 You've already testified that not having contact with her
11 parents is a trauma that you considered in making your
12 diagnosis. Isn't that correct?

13 A Uh-huh. Yes.

14 Q So why are neither of those mentioned in your
15 diagnostic report?

16 A I have no answer.

17 MR. GOWDEY: I have no further questions.

18 THE COURT: Okay. Ms. Calvert.

19 MS. CALVERT: Yes. And I'll try and make these
20 quick and hopefully clear up one of the questions.

21 CROSS EXAMINATION

22 BY MS. CALVERT:

23 Q Did I send to you, in response to some of Heidi's
24 questions, some background information on questions she

1 had?

2 A Yes, you did.

3 Q Okay. For therap -- therapeutic process --

4 A Uh-huh (affirmative).

5 Q -- purposes. Okay. In -- I don't know, I guess
6 we're calling it the chart. In your chart, did you ever
7 note or do you recall that you noted any problems Heidi was
8 dealing with that had to do with violent or angry outbursts
9 from Samantha?

10 A Most likely, yeah. Uh-huh.

11 Q Now I lost it. And do you recall addressing or
12 Heidi relating to that she had been the target of Sam's
13 anger?

14 A Yes.

15 Q Did you ever find out, or did Heidi state to you
16 why she thought she was the target of Sam's anger?

17 A Yes.

18 Q And what was that?

19 A That Sam was angry with her because she -- you
20 know, I can't -- I can't recall exactly how she said it, so
21 I don't want to mis -- I don't want to misquote her. It
22 was something about keeping -- saying that Sam did things
23 to keep herself safe.

24 Q Okay.

1 MS. HANRAHAN: I'm sorry, I didn't hear the last
2 part.

3 THE WITNESS: That Sam did things to keep herself
4 safe in the home. Sam blamed her for saying things.

5 BY MS. CALVERT:

6 Q Oh, so Heidi felt Sam was angry with her because
7 of things Heidi had done in the home?

8 A Yes.

9 Q But you don't recall what those were?

10 A No, I can't remember exactly and I don't want to
11 misquote.

12 Q You referenced a couple times the abrupt leaving
13 of Dr. Karmelly.

14 A Uh-huh (affirmative).

15 Q And I just wanted -- are you aware of why he left
16 so abruptly?

17 A No.

18 Q Okay.

19 MS. HANRAHAN: Objection. Relevance.

20 THE COURT: She said no, so.

21 BY MS. CALVERT:

22 Q The pictures that Heidi drew, where are those?

23 A In her chart.

24 Q They're in her chart?

1 A Yes.

2 Q Okay. The specifics that Heidi related to you
3 regarding specific instances of trauma, such as I think the
4 -- the pipe or the plate incident, are those notated in the
5 chart specifically?

6 A The pipe and the knife are.

7 Q And do you notate those after the -- I'm sorry,
8 after your session with her?

9 A Uh-huh. Yes.

10 Q Is it normally within the same day or is it
11 sometime after?

12 A It's within a -- a very short period of time.
13 Usually with a 48 to 72 hour period, yes.

14 Q Did you ever speak with Heidi's -- either of
15 Heidi's parents?

16 A No.

17 Q You were discussing the -- you know, what trauma
18 is in relation to a diagnosis of PTSD. I think you were
19 helping to enlighten us that the trauma doesn't have -- it
20 can be something that is heard. Can that be statements
21 that they have learned about a sibling?

22 A Yes.

23 Q Do those statements have to be true to be trauma?

24 A I don't know.

1 Q So I guess if somebody told me something terrible
2 -- or, I'm sorry, someone told Heidi something terrible had
3 occurred to one of her siblings, could it cause trauma
4 regardless of the truth of that statement, just hearing
5 that something terrible had happened to a sibling?

6 A I don't feel like I can answer that question.

7 Q So the statement has -- the statement that they
8 hear has to be true?

9 MS. HANRAHAN: I believe she just said she
10 couldn't answer that question. It's very vague. How do
11 you --

12 THE COURT: Well, if she can't answer it -- if
13 you don't know, just say no rather than --

14 THE WITNESS: I don't know.

15 THE COURT: -- making something --

16 MS. CALVERT: Okay.

17 THE COURT: -- up --

18 THE WITNESS: Yeah.

19 THE COURT: -- or guessing.

20 THE WITNESS: Yeah.

21 THE COURT: Okay. That's fair.

22 MS. CALVERT: Okay.

23 THE COURT: That's a fair answer.

24 MS. CALVERT: Okay.

1 BY MS. CALVERT:
2 Q Did you ever speak with Samantha about the
3 alleged incidents?
4 A No.
5 Q Are your diagnoses made as part of a consensus
6 with other treatment providers?
7 A Yes.
8 Q And do all the treatment providers have equal
9 input into the diagnoses?
10 A No. When you say all, you mean just --
11 Q So I was asking if the diagnoses is the result of
12 a consensus with other treatment providers --
13 A With --
14 Q -- of Heidi.
15 A With the psychiatrist, yes. Of Heidi, yes. Yes.
16 Q Okay. I think -- oh, did you ever -- did you
17 ever review Heidi's medical records prior to making your
18 diagnoses?
19 A Ment -- medical or --
20 Q Yeah --
21 A -- mental health?
22 Q -- did you ever review any of her medical records
23 prior to making your diagnoses?
24 A I -- I don't know if you're talking about medical

1 as in a MD or you're talking about the mental health
2 records.

3 Q Either.

4 A Mental health records, yes.

5 Q And did you ever review her school records?

6 A No.

7 MS. CALVERT: That's -- that's all I have. Thank
8 you.

9 THE WITNESS: Uh-huh (affirmative).

10 THE COURT: Ms. Honodel?

11 MS. HONODEL: No questions, Your Honor.

12 THE COURT: Okay. Ms. Hanrahan?

13 MS. HANRAHAN: Just a couple.

14 REDIRECT EXAMINATION

15 BY MS. HANRAHAN:

16 Q So the conclusions that you made with regard to
17 Heidi's diagnosis, were they based on any personal
18 knowledge of what happened in the home or were they based
19 on Heidi's symptoms?

20 A Heidi's symptoms.

21 Q And what Heidi talked about with you?

22 A Correct.

23 Q So -- and then I believe you testified, didn't
24 you, that -- well, can you talk about in what context did

1 Ms. Calvert provide the information about Mr. Brown's prior
2 criminal history to you? Do -- I mean, why did she provide
3 it to you, if you know?

4 A Because they wanted me to -- Heidi was asking
5 questions about it and they wanted me to process that with
6 her. And Maryte was going to be there with me when that
7 was processed with her. But because it didn't happen, it
8 never got even opened, so.

9 Q So you never had an opportunity to talk about
10 that with Heidi?

11 A Correct.

12 Q But it was your understanding that it was because
13 Heidi was asking --

14 A Yes, ma'am.

15 Q -- for information. Did somebody ask you to
16 process it with her?

17 A Yes.

18 Q Who was that?

19 A It was Maryte.

20 Q And do you take that as being -- do you make the
21 determination of how and if you should present that
22 information to her?

23 A Yes.

24 Q Now in the report that Mr. Gowdey was asking you

1 about --

2 A Uh-huh (affirmative).

3 Q -- that report doesn't talk about any type of
4 abuse in the home either, does it?

5 A No.

6 Q So it's simply a very general report as to
7 diagnostic criteria that's used --

8 A Uh-huh (affirmative).

9 Q -- in general for PTSD; is that --

10 A Yeah.

11 Q -- was that your testimony?

12 A It wasn't even PTSD. That's the most current --

13 Q The unspecified --

14 A -- diagnosis.

15 Q -- trauma --

16 A Correct.

17 Q -- and stressor related disorder.

18 A And the most current treatment plan for her,
19 right.

20 Q Okay. And so there would have been no reason to
21 have that information in there.

22 A Correct.

23 Q And then as -- as to what Ms. Calvert asked you
24 about false stories from other people and whether that

1 could cause trauma, your testimony was that Heidi said she
2 was present during the events she described --
3 A Correct.
4 Q -- wasn't it?
5 A Correct.
6 MS. HANRAHAN: I have nothing further.
7 THE COURT: Okay. Anyone else?
8 MR. DRASKOVICH: No.
9 THE COURT: No, we're good? All right. Thank
10 you.
11 THE WITNESS: Thank you.
12 THE COURT: All right then. I'm assuming there's
13 no other witnesses out there --
14 MS. HANRAHAN: No --
15 THE COURT: -- till tomorrow?
16 MS. HANRAHAN: -- Your Honor. Yeah.
17 THE COURT: Okay. We start at 10:00 tomorrow, so
18 we can start promptly. I don't -- I believe I only have
19 one or two things at 9:00, so we shouldn't be running late
20 at all unless something changes, which I don't expect it
21 to. All right. So tomorrow we'll see you at 9:00 (sic).
22 MR. GOWDEY: At -- at --
23 MS. HANRAHAN: Oh, yeah --
24 MR. GOWDEY: -- at 10:00?

1 THE COURT: I'm sorry, at 10:00.
2 MR. GOWDEY: Oh, okay.
3 THE COURT: I'll be here at 9:00. You guys --
4 MS. HANRAHAN: Yeah.
5 THE COURT: -- will be here at 10:00.
6 MS. HANRAHAN: Actually there were a couple of
7 things I wanted to just put on the record because I think
8 we have agreed on some things, so -- before tomorrow.
9 THE COURT: Okay.
10 MS. HANRAHAN: I think we've --
11 THE COURT: Listen closely.
12 MS. HANRAHAN: -- agreed -- or at least Mr.
13 Gowdey and Mr. Draskovich have stipulated to admit the
14 testimony from Dr. Settle from the preliminary hearing --
15 THE COURT: Okay.
16 MS. HANRAHAN: -- so that we don't have to call
17 her tomorrow. And also I think they stipulated to admit
18 the Red Rock report.
19 MR. GOWDEY: Actually, no, we stipulated to admit
20 all of the reports or case-by-case basis with the agreement
21 --
22 MS. HANRAHAN: I'm asking about -- I'm mentioning
23 specifically the Red Rock reports because I'm talking about
24 witnesses that we don't have to call tomorrow. I had the

1 therapist from Red Rock scheduled to appear, so since we've
2 stipulated to admit those -- those reports, we won't have
3 to call her, so --

4 THE COURT: Was that --

5 MS. HANRAHAN: -- I just wanted to --

6 THE COURT: -- everyone else's --

7 MS. HANRAHAN: -- make sure --

8 THE COURT: -- understanding too?

9 MS. HANRAHAN: -- before I called them off.

10 MR. GOWDEY: It is our understanding that we've
11 stipulated to rel -- to admit all of the counseling
12 reports, including those from Red Rock, ABC, and Healthy
13 Minds.

14 THE COURT: Okay.

15 MS. HANRAHAN: We've already admitted --

16 THE COURT: Okay.

17 MS. HANRAHAN: -- ABC.

18 THE COURT: So as far as Red Rock, so we're all
19 clear, she's not calling a witness tomorrow or the next
20 day, or the next day from Red Rock because you've agreed to
21 admit the Red Rock report. That's -- is that true?

22 MR. GOWDEY: Yes.

23 MR. DRASKOVICH: Yes.

24 THE COURT: Okay. And then Ms. Calvert and Ms.

1 Honodel, you're okay with that as well?
2 MS. HONODEL: Yes, Your Honor.
3 THE COURT: As well as Dr. Settle?
4 MR. GOWDEY: There --
5 MS. CALVERT: Yes, Your Honor.
6 THE COURT: Okay.
7 MR. GOWDEY: There's one more issue.
8 THE COURT: Okay.
9 MR. GOWDEY: In the J-case --
10 THE COURT: Uh-huh.
11 MR. GOWDEY: -- at the last hearing, the hearing
12 master ordered that Mr. Brown and Ms. Lawrence are not to
13 provide any gifts to any of the kids because the
14 representation was made that they didn't give Samantha a
15 gift on her birthday when they gifted other children things
16 on the 4th of July. That is through testimony --
17 THE COURT: Okay.
18 MR. GOWDEY: -- has been shown not to be the case
19 as testimony has been offered by I think Jackie and by
20 somebody else that --
21 THE COURT: Okay.
22 MR. GOWDEY: -- they didn't. They want to be
23 able to give their kids gifts.
24 THE COURT: Okay.

1 MR. GOWDEY: And we ask that that be -- that that
2 order be rescinded.

3 THE COURT: Okay. So as much as I would love to
4 make a decision, I'm only here for the D-case. I'm only
5 here for the termination case. This is not my case
6 anymore. I was chosen to be the judge for this case
7 through Judge Hoskin, so I don't want to overstep anything
8 that Hearing Master Roys has -- has done, because I'm
9 strictly here for the TPR and nothing else. So I don't
10 want to rule on that because she's already made a ruling.
11 I would be reversing her ruling. So I think that if that's
12 something you want to do, bring it in front of her, get it
13 on, you know, whenever you can, but I'm not apt to make any
14 decisions absent the TPR trial, okay.

15 MS. HANRAHAN: And actually the testimony was
16 that she was given a banner.

17 THE COURT: Okay. So with that being said, still
18 --

19 MR. GOWDEY: The testimony was she was given a
20 bag full of different things.

21 THE COURT: And that would be something in front
22 of Hearing Master Roys. I'm sure she would be happy to get
23 on calendar for you. All right?

24 MR. GOWDEY: Thank you, Your Honor.

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THE COURT: Thank you. See you at 10:00.

MS. CALVERT: Thank you, Your Honor.

(PROCEEDINGS CONCLUDED)

* * * * *

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

1 **TRANS**

FILED

FEB 21 2017

Alvin L. Blum
CLERK OF COURT

2
3 **ORIGINAL**

4
5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

8
9 In the Matter of the)
Parental Rights of:)
10 SAMANTHA LAWRENCE, DOB 07/06/98;)
11 HEIDI BROWN, DOB 01/04/04;)
12 NIKKI BROWN, DOB 01/04/04;)
WYATT BROWN, DOB 07/15/09;)
Minors.)

CASE NO. D-15-510944-R

DEPT. E/K

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14
15
16 BEFORE THE HONORABLE CYNTHIA N. GIULIANI
DISTRICT COURT JUDGE

17
18 TRANSCRIPT RE: TERMINATION OF PARENTAL RIGHTS

19
20 FRIDAY, AUGUST 26, 2016

1 APPEARANCES:

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14 Wyatt Brown: LAUREN CALVERT, ESQ.
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 (702) 507-0092

16 Also present: MARYTE TALLENT, DFS

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I N D E X O F W I T N E S S E S

<u>STATE'S</u> <u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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MARYTE TALLENT	5	106/129/ 150	152	163
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I N D E X O F E X H I B I T S

<u>STATE'S</u> <u>EXHIBITS:</u>	<u>ADMITTED</u>
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16 - Dispositional report	27
17 - Mom's case plan	30
18 - Dad's case plan	30
19 - January 2015 permanency report	45
20 - July 2015 report	67
21 - Mental health evaluation report (Donald Brown)	67
22 - 1/20/16 court report	69
23 - 7/20/16 court report	74
24 - Anger mgt. and impulse control certificate	93

1 LAS VEGAS, NEVADA

FRIDAY, AUGUST 26, 2016

2 P R O C E E D I N G S

3 (PROCEEDINGS BEGAN AT 10:14:31)

4
5 THE COURT: We'll go on the record then. This is
6 case D-510944, In the Matter of Melissa Lawrence and Donald
7 Brown. We should just state our appearances for today's
8 record.

9 MS. CALVERT: Lauren Calvert, CAP attorney for
10 Nikki, Heidi and Wyatt Brown.

11 THE COURT: Thank you.

12 MR. DRASKOVICH: Robert Draskovich on behalf of
13 Donald Brown, who is present.

14 THE COURT: Thank you.

15 MR. GOWDEY: Michael Gowdey on behalf of Melissa
16 Lawrence, who's also present.

17 THE COURT: Terrific.

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

21 THE COURT: Thank you.

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

24 MS. DORMAN: Good morning, Your Honor. Amity

1 Dorman, Chief Deputy District Attorney, bar number 9316.

2 THE COURT: Thank you.

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

5 THE COURT: Okay. So we're still, I believe, on
6 the State's witnesses, so I'll ask for today if you have a
7 witness that you'd like to call.

8 MS. HANRAHAN: Maryte Tallent.

9 THE COURT: All right. We're good, we can start?

10 MR. DRASKOVICH: We'll all set.

11 THE COURT: All right. Come take a seat.

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

15 THE WITNESS: I do.

16 MARYTE TALLENT

17 having been called as a witness by the State and being
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 THE CLERK: State your name for the record.

21 A Maryte Tallent.

22 BY MS. HANRAHAN:

23 Q Good morning, Ms. Tallent.

24 A Good morning. I just want to say something kind

1 of quick. I'm going to have some -- I'm going to need some
2 help with dates and reminding me of stuff, and maybe
3 showing me reports to remind. My grandfather --

4 Q That's --

5 A -- passed away, so I didn't have really have a
6 good time to prep.

7 Q That's okay.

8 MS. CALVERT: I'm sorry.

9 THE WITNESS: That's okay.

10 BY MS. HANRAHAN:

11 Q Ms. Tallent, how are you employed?

12 A Clark County Department of Family Services.

13 Q And how -- how are you -- what's your job title?

14 A As Senior Family Services Specialist.

15 Q And how long have you been working for the
16 Department of Family Services as a Family Services
17 Specialist?

18 A October it's going to be eight years.

19 Q And have you -- and you graduated from college,
20 right?

21 A Yes.

22 Q What kind of degree do you hold?

23 A A bachelor's degree in psychology.

24 Q Now at some point in the course of your duties as

1 a permanency worker for the Department of Family Services,
2 were you assigned to the case of the children Samantha
3 Lawrence, Heidi Brown, Nikki Brown, and Wyatt Brown?

4 A Yes.

5 Q When were you assigned to this case?

6 A January -- January of 2014.

7 Q And who are the parents to these children?

8 A Melissa Lawrence, Donald Brown.

9 Q And as to Mr. Brown, is he on the birth
10 certificates for -- well, you said Melissa Lawrence and
11 Donald Brown. They're -- Donald Brown is not the father to
12 all the children, correct?

13 A No. He's the father of Heidi, Nikki and Wyatt
14 Brown.

15 Q And to your knowledge, is he on the birth
16 certificates for those children?

17 A Yes.

18 Q Have you been the assigned permanency worker on
19 the case ever since that time, January 2014?

20 A Yes.

21 Q And so a little more than two and a half years?

22 A Yes.

23 Q Did you -- when you got this case, did you take
24 over from someone else?

1 A Yes, the CPS investigator.

2 Q And when you take over a case from a CPS
3 investigator or from another worker, are there any steps
4 that you take to familiarize yourself with what's gone on
5 in the case prior to your taking over?

6 A Yes. We do a transitional meeting between
7 supervisors and the CPS investigator and myself. I read
8 case notes, reports, meet the family.

9 Q And would you typically -- so you would look and
10 see what had already been entered in your DFS database?

11 A Yes.

12 Q And that database is the UNITY --

13 A Yes.

14 Q -- file. And did you take all those steps in
15 this case to familiarize yourself with what had happened
16 previously?

17 A Yes.

18 Q Is reviewing the file in that manner a required
19 part of your duties as a Family Services Specialist?

20 A Yes.

21 Q And why do you have to do all that?

22 A In every case that we -- is transferred to us, we
23 have to review it to ensure that we provide the services
24 that the family requires.

1 Q Okay. And after receiving -- or reviewing all
2 that information, what was your understanding of how this
3 case came to open in the first place?

4 A The case came in for allegations of physical
5 abuse on Samantha Lawrence. There were prior history on
6 the family.

7 Q All right. And what did you find with regard to
8 prior history?

9 A There were similar allegations on the same child,
10 injuries to the child on several of the -- well, all the ca
11 -- all the reports.

12 Q All the reports had to do with Samantha?

13 A Samantha Lawrence, yes.

14 Q And were those reports -- do you recall
15 approximately how many prior reports there were?

16 A I believe there -- the reports started in 2008.

17 Q Well, you heard Ms. Parlade's testimony that
18 there were 13 prior reports; does that sound accurate to
19 you?

20 A There were thir -- yes.

21 Q Now can you describe the family situation when
22 you took over in January 2014? Like just tell us where the
23 kids were and where the parents were at that point.

24 A The kids were in foster care. The kids were not

1 placed together at that point. Parents were -- were
2 sitting in their home.

3 Q And at some point did you meet with the parents?

4 A Yes.

5 Q When was that?

6 A It was early in the case.

7 Q And -- or --

8 A If I rec --

9 Q -- under what circumstances did you --

10 A It was -- it was after a court hearing.

11 Q And would -- would it have been in that first
12 month that you took over, January 2014?

13 A It -- towards the end of January, beginning of
14 February.

15 Q Well, did you have a -- you said you usually have
16 a transfer meeting from when the case transfers from CPS to
17 DFS. Did you have that meeting in this case?

18 A Yes, we have the CPS investigator introduce me to
19 the parents and introduce me to the children.

20 Q Okay. Is that commonly referred to as a transfer
21 CFT -- I mean a TCFT?

22 A We meet with the parents and the investigator to
23 address the allegations and what needs to be done on my
24 part as a permanency worker.

1 Q Okay. And you said you attended that meeting?

2 A I don't recall if I attended the meeting, but I
3 met the parents and we went over the petition.

4 Q So your recollection of talking to them is after
5 a court hearing for the --

6 A Yes.

7 Q -- first time.

8 A Yes.

9 Q Okay. And you talked about the petition in what
10 sense? Did you talk about what they would -- what it meant
11 as far as your work, what they would have to do? In what
12 sense did you talk about the petition?

13 A With every ca -- with every case that we receive
14 we talk about what the -- the allegations are. And we
15 start talking about case plan objectives, what needs to
16 kind of be addressed. In some cases parents want referrals
17 right then, even though they haven't gone to a
18 dispositional hearing or a evidentiary trial. So in some
19 cases we do -- we do start moving towards that at that
20 point and they ask for referrals. At this point we were
21 not -- the evidentiary hearing, I believe it was scheduled
22 in February --

23 Q Okay.

24 A -- so we had not moved to anything at that point.

1 Q So did you talk to them though about what might
2 be expected from them if the petition was sustained or did
3 you just not talk about that at all at that point?

4 A I don't recall.

5 Q Did -- were -- did the parents appear willing to
6 discuss the petition with you?

7 A No.

8 Q And did you at that time provide them with your
9 contact information?

10 A A business card, yes.

11 Q And after speaking with the family and
12 familiarizing yourself with the agency history, what were
13 the issues that you believed would have to be addressed by
14 Mr. Brown and Ms. Lawrence if the petition were sustained?

15 A The physical abuse. At that point it was the
16 physical abuse.

17 Q Physical abuse of whom by whom?

18 A The allegations were the physical abuse done by
19 Mr. Brown to Samantha Lawrence.

20 Q And -- and so what would he have to do if that
21 petition were sustained, in your mind back then?

22 A He'll -- we'll refer him to offending parenting
23 classes for physical abuse. Sometimes they are referred
24 directly to an assessment, a risk assessment.

1 Q Okay.

2 A Depending on -- on the case at that point.

3 Q So that's kind of the standard -- one of the
4 standard things that would be on a case plan for someone
5 who -- against whom a petition of physical abuse was
6 sustained?

7 A Yes.

8 Q And then what about Ms. Lawrence?

9 A At that point it was the non-offending parenting
10 for physical abuse.

11 Q Okay. And what is that non-offending parent
12 treatment meant to address?

13 A It -- it addresses when a parent is not aware
14 that the physical abuse was happening in the home, they
15 didn't know this was going on, to make them more aware of
16 maybe signs of it in their home.

17 Q And is it also for parents who were aware but who
18 took no action?

19 A Correct.

20 Q Now did you also speak to all the children early
21 on in the case?

22 A Yes.

23 Q Did -- did you speak to the children about the
24 allegations at that point? Did they speak with you, talk

1 to you at all?

2 A Not early in the case, no.

3 Q Specifically did you talk to Sam? Did she tell
4 you anything about how she came to receive the injuries
5 that were the subject of this petition?

6 A No.

7 Q Did Mr. Brown tell you early on anything about
8 the cause of Samantha's injuries?

9 A I had a -- a few conversations with Mr. Brown
10 early on and we talked about the allegations of physical
11 abuse. He did not -- he mentioned that, you know, Samantha
12 caused the injuries to herself.

13 Q And then as -- Ms. Lawrence, did she talk to you
14 about the cause or her understanding of the cause of those
15 injuries at all?

16 A No.

17 Q Now early in the case did you have the
18 opportunity to observe the siblings all together and
19 interacting with one another?

20 A Yes.

21 Q What was their relationship like at that point?

22 A The children, I saw them -- I saw them separately
23 and there was one occasion where I transported Sam to a
24 dental appointment and she wanted to see her siblings. The

1 children were at the therapy session, so we drove to
2 Healthy Minds and I -- as a therapist said she can see
3 them, and she went inside. And Nikki got up very quickly
4 and hugged Sam. Heidi just --

5 Q I'm sorry, and what?

6 A She was hugging Sam.

7 Q Okay.

8 A She was -- she appeared to be happy to see her.
9 Heidi did not at first. They talked a little bit and once
10 we said goodbye then Heidi did get up and hug Sam. At that
11 point Sam was smiling and appeared to be happy that Heidi
12 was hugging her.

13 Q So --

14 A There were other occasions where -- when they met
15 their current provider, we were -- they were at Child
16 Haven, and so the kids appeared to be kind of separated.
17 Sam was sitting on one side, the girls and Wyatt was
18 sitting in the other side. Wyatt was sitting -- at first
19 Wyatt was sitting on Sam -- on Sam's lap and then Heidi
20 called him and sat on -- on Heidi's lap.

21 Q So overall --

22 A The kids appeared -- I mean, they love each
23 other, they're siblings. There is -- it appears to be a
24 separation at times that they're not sure when to like hug

1 each other, love -- like give physical affection.

2 Q Did they -- so -- and you said that -- you said
3 that when you first took over they were in separate foster
4 homes?

5 A Yes.

6 Q And then did that change at some point?

7 A Yes. We -- as a department, we like to place
8 children with family as much as possible. There was --
9 their children's sister-in-law -- Heidi, Nikki and Wyatt's
10 sister-in-law. So she moved here into the family's home,
11 parents moved out of the home, and were staying at a
12 friend's home, I believe in Boulder City. And the
13 children, all four children were placed with the sister-in-
14 law, Alicia (ph) Brown.

15 Q Okay. And did this case ultimately go to trial?
16 You said it was originally set for July -- or, sorry,
17 February two thousand --

18 A It was continue (sic) --

19 Q -- 14.

20 A -- and it was scheduled for I believe July 30th
21 of 2014. I -- it was -- I was not present. My supervisor
22 was present at that time.

23 Q But July 2014 you think?

24 A 2014.

1 Q And then --

2 A And the parents pled no contest to the
3 allegations and it was scheduled for dispositional hearing
4 August 13 of --

5 Q Okay.

6 A -- 2014.

7 Q So now normally at the dispostional hearing
8 that's -- the Court is -- that's when the Court makes a
9 decision about where the children should be and accepts
10 case plans; does that sound right to you?

11 A Yes.

12 Q All right. And are you, as the case manager, are
13 you required by law to prepare and submit a report to the
14 Court prior to the dispositional hearing?

15 A Yes.

16 Q What kinds of information generally need to go
17 into that, according to your policies and Nevada Revised
18 Statute?

19 A The reports have to -- we attach reports from any
20 service providers that the parents or the children are
21 participating. Any -- the status of the case. What the
22 parents completed. What the children are -- medical
23 appointments. Anything that it's in relation to the
24 family.

1 Q Did you prepare a dispositional report for that
2 hearing in August of 2014?

3 A The Department did.

4 Q What do you mean the Department?

5 A My supervisor.

6 Q Okay. And did she -- normally when your reports
7 are prepared for the Court, do you work together with your
8 supervisor to prepare those?

9 A Yes, we do.

10 Q You put the information together and -- generally
11 you would write the report though, right?

12 A Generally I -- I write the report based on --
13 dispositional is basically from the time that the case come
14 in until the date is set for -- for the hearing. So all
15 that information, as at that point I have been the one
16 working with the children, so yeah, I do write the reports.

17

18 Q Okay.

19 A The six-month reports are writ -- are written by
20 -- by me and my supervisor reviews.

21 Q Okay. So --

22 MS. HANRAHAN: If I may approach the witness.

23 Showing her a copy of -- Paul, where are we now? You guys

24 --

1 MR. DRASKOVICH: We've got it, yeah.
2 THE CLERK: We are on 16. We're at -- we're at
3 15.
4 MS. HANRAHAN: This will be 16?
5 THE CLERK: Right.
6 MS. HANRAHAN: Okay. State's Proposed Exhibit
7 16.
8 BY MS. HANRAHAN:
9 Q Could you tell the Court what that document is?
10 A It's the disposition report for the --
11 Q And --
12 A -- hearing on August 13th.
13 Q All right. And is -- does that appear to be a
14 true and accurate copy of the dispositional report that was
15 submitted by the Department in August 2014.
16 A Yes.
17 Q Now if you recall, Ms. Tallent, could you
18 describe what the report said about the family situation at
19 the time, the time of the hearing in August 2014? If you
20 need to take a moment to refresh your recollection, go
21 ahead and let me know when you're ready to talk about that.
22 A At the time of this hearing the children had been
23 removed about eight months. The -- the children were no
24 longer placed with the sister-in-law, the children --

1 Q Okay.

2 A -- were --

3 Q Can we -- okay, go ahead. Just give me a summary
4 and we'll --

5 A Yeah, the chil -- the children were not placed
6 with a relative, they were placed in a licensed foster
7 home. The -- the parents were -- at one point Mr. Brown
8 was incarcerated. He -- I don't recall if by then he was
9 no longer incarcerated, but part of the -- the -- that time
10 frame he was incarcerated and I know they were residing --
11 at least Ms. Lawrence was residing back in their family
12 home.

13 Q Okay. Now can you talk about why the children
14 were no longer with Alicia -- is that what you said her
15 name is?

16 A Yes. Alicia Brown was the sis -- is the
17 sister-in-law of the children. The children were placed
18 with her from, like I said, February to about April. There
19 were concerns on the children -- on her not being able to
20 manage the children in the home. We had a meeting with CPS
21 supervisor and the investigator in the case and it was
22 stated that she was not able to main -- to keep the
23 children safe in their home.

24 Q And what do you mean by that?

1 A At that point --

2 Q What kind of problems was she having?

3 A She reported at that -- at -- on that meeting
4 that Samantha was causing most of the issues in the home
5 and that if she was in the -- in the home -- when she
6 wasn't in the home, everything would be okay. She also
7 stated that Samantha was physically hurting the children.
8 That Samantha was going outside in the backyard and kicking
9 things and screaming. Some of the things she did not
10 notify me that in my visits to the home, so I was not aware
11 until that day. So she just was not able to take care of
12 the children at that point.

13 Q All right. So was the decision to move the
14 children a mutual decision between DFS and Alicia, or was
15 that your decision?

16 A No, at that point it was explained to her that
17 there were concerns, and if she was not able to ensure the
18 safety of the children that the Department will look for
19 other placement, however she did call and say that she was
20 no longer able to care for the children after she spoke to
21 her husband.

22 Q Did --

23 A And she was returning to California.

24 Q Did any other family come forward or did you

1 attempt to find any other family who could take the .
2 children at that point?

3 A There was other family members. The maternal
4 grandfather came forward. He resides in Texas. But at
5 that point he did not provide any information for the
6 Department to be able to complete the ICPC.

7 Q So maternal grand -- grandfather --

8 A Yes.

9 Q -- was a potential placement but you didn't have
10 the information at that time.

11 A No.

12 Q Anybody else -- what about maternal grandmother?

13 A The maternal grandmother came, however there were
14 some concerns on her protective capacity towards the
15 children as she made negative statements towards Samantha.

16 Q And what about the paternal grandmother?

17 A She as well. I had a conversation with her.
18 Also made negative statements towards Samantha.

19 Q Was there -- so any other relatives other than
20 that you know of at that time that were proposed as
21 placement?

22 A I don't recall if David Brown, the adult sibling,
23 requested placement at that time.

24 Q What, it's David -- David Brown --

1 A He's the adult sibling for Heidi, Nikki and
2 Wyatt.

3 Q And is he married to Alicia?

4 A He was married -- yeah, he's married to Alicia.

5 Q So was there any fictive kin that the family put
6 forth as possible placement?

7 A The Louises (ph), I believe so, however there
8 were concerns with their behaviors and --

9 Q What concerns?

10 A Aligning with the parents and not the children at
11 that point.

12 Q Okay. Were they explored as placement at any
13 point; do you recall?

14 A I don't recall.

15 Q Now at that -- and then at -- by the time of the
16 dispositional hearing, had Sam or any of the children begun
17 to talk about anything that happened in the home?

18 A Yes.

19 Q Who -- which child or --

20 A Sam wrote a letter some time, May, June of that
21 year. She did not talk to me about -- specifically
22 details, but she said what she wrote in that letter was all
23 the truth.

24 Q So she -- she had not spoke -- she didn't speak

1 -- speak to you about anything, but she talked to you about
2 the letter; is that what you're saying?

3 A Yes. She said the letter --

4 Q And what kind of information --

5 A -- that she wrote --

6 Q -- was in that letter? Did you see the letter?

7 A Yes.

8 Q How did you come to see it?

9 A The foster parent email it to me saying that Sam
10 had asked to send it to the Department.

11 Q Okay. And what kinds of things were in that
12 letter?

13 MR. DRASKOVICH: And, Your Honor --

14 Q Just -- just --

15 MR. DRASKOVICH: -- the Court's heard, it's been
16 admitted. We -- I don't --

17 MS. HANRAHAN: All right.

18 MR. DRASKOVICH: -- intend on going into the --

19 MS. HANRAHAN: That's fine.

20 MR. DRASKOVICH: -- contents of the letter.

21 BY MS. HANRAHAN:

22 Q And then what about the other kids? Had they
23 talked to you at that point about anything that happened in
24 the home?

1 A It's been a long time. I don't recall if it was
2 during that period, however they are -- they had been
3 disclosing on and off things in the home. I don't recall
4 if anything started at that time.

5 Q Now had either parent spoken to you personally
6 about the letter that Sam had written?

7 MR. GOWDEY: Objection as to -- to vague as to
8 time. At what point are we talking?

9 BY MS. HANRAHAN:

10 Q Between the letter in the end of May 2014 and the
11 dispositional report in August 2014.

12 A I don't recall.

13 Q You don't recall them speaking to you about
14 anything in the letter. Were they in regular contact with
15 you at that point?

16 A They were in contact with the Department. Not
17 directly with me, but with my supervisor.

18 Q And who is your supervisor?

19 A Heather Richardson.

20 Q And what was the recommendation to the Court from
21 DFS with the dispositional report?

22 A The permanency goal?

23 Q Well --

24 A Is that what you're --

1 Q -- yeah, if -- if you -- if there's a permanency
2 goal identified, what was that?

3 A It's reunification.

4 Q Okay. And then did DFS recommend that the
5 children be made wards of the court?

6 A Yes.

7 Q And did the Court accept your report?

8 A Yes.

9 Q And did the Court make the children wards of the
10 court at that point?

11 A Yes.

12 Q And now that dispositional report you said was
13 filed eight months after the case opened. Was that also
14 accepted by the Court as the first required six-month
15 review hearing --

16 A Yes.

17 Q -- report?

18 A Yes, it was, due to the extend out, the six
19 months had already --

20 Q All right.

21 A -- passed.

22 MS. HANRAHAN: I'm going to ask to admit the
23 certified copy of the dispositional report.

24 MR. DRASKOVICH: We have no objection.

1 THE COURT: It will be admitted.

2 MS. HANRAHAN: That's State's 16.

3 (STATE'S EXHIBIT 16 ADMITTED)

4 THE COURT: Okay.

5 BY MS. HANRAHAN:

6 Q Now generally you said --

7 MR. DRASKOVICH: In fact -- I'm sorry, Ms.

8 Hanrahan, I don't mean to interrupt, but we have no
9 problems with all of the documents that were being filed
10 that were filed in the J-case be made part of this record.

11 MS. HANRAHAN: Why didn't we just do that the
12 first day then?

13 MR. DRASKOVICH: It's --

14 MS. HANRAHAN: That's what I asked for.

15 THE COURT: Okay.

16 MR. DRASKOVICH: It's -- no, it's in the interest
17 of time.

18 MS. HANRAHAN: Okay.

19 THE COURT: Okay.

20 MR. DRASKOVICH: Ease --

21 MS. HANRAHAN: All right.

22 MR. DRASKOVICH: -- let's just --

23 MS. HANRAHAN: Alrighty. Good.

24 BY MS. HANRAHAN:

1 Q And you said that the case plans for parents are
2 normally filed at the disposition -- or presented to the
3 Court at the dispositional hearing, correct?

4 A Yes.

5 Q Were the case plans for both Ms. Lawrence and Mr.
6 Brown presented to the Court at that time, that
7 dispositional/six-month hearing?

8 A Yes.

9 Q And did both parents get copies of their case
10 plans?

11 A Yes.

12 Q This was -- and so August 2014, have you amended
13 these case plans at any point since that time?

14 A We do file them at the six-month review with just
15 update of if it's still active objective or has been met.
16 So it will say in -- every report will have -- if it's
17 attached to the report it will have just if it's still
18 active or not, or it's been met.

19 Q But the objectives themselves --

20 A The --

21 Q -- don't change.

22 A No, the objectives are not amended, no. And they
23 have not been.

24 Q All right. So could you just briefly summarize

1 the objectives in each of the case plans. First off, were
2 they different? Did each parent have different objectives?
3 Do you need to --

4 A Yes, please.

5 Q -- refresh your recollection?

6 MS. HANRAHAN: Sorry. I can wait for her to say
7 she doesn't recall, but I could see that she doesn't.

8 BY MS. HANRAHAN:

9 Q Just take a look and see if they have different
10 or the same objectives on their case plan.

11 A When the -- when it comes to meeting the needs of
12 the children, it's the same objective. To resolve the
13 legal matters, however, based on the allegations, Mr.
14 Lawren -- Ms. -- Mr. Brown had to complete the offending
15 parenting classes and follow recommendations.

16 Q Okay. So -- but the -- the overall objective was
17 the same. Can you --

18 A Yes.

19 Q -- tell me what those were?

20 A Provide a home free from physical abuse. Resolve
21 legal matters. And meet the emotional, educational,
22 physical and developmental needs of the children. So those
23 were the three objectives for both.

24 Q And were both of those case plans accepted by the

1 Court?

2 A Yes, they were.

3 Q Could I take those back?

4 MS. HANRAHAN: And we'll be admitting these as
5 State's Exhibits 17 and 18. Mom 17, Dad 18.

6 (STATE'S EXHIBITS 17 AND 18 ADMITTED)

7 BY MS. HANRAHAN:

8 Q Now did the Court then hold a one-year hearing on
9 this matter in January 2015?

10 A Yes.

11 Q And did you prepare a report for the Court as
12 required by law at that time?

13 A Yes.

14 Q And in this -- well, take a look at it, tell me
15 if this is the report that you prepared for January 2015.

16 A Yes.

17 Q And does that report recommend a permanency goal
18 for this family?

19 A Yes.

20 Q What is the permanency goal that's recommended?

21 A The Department requested for the goal to be
22 changed from reunification to termination of parental
23 rights and with a concurring goal of reunification.

24 Q And when you prepare your reports, you're

1 required by law to make that recommendation; are you not?
2 To make a recommendation as to permanency in general.

3 A Yes.

4 Q Every report.

5 A Yes.

6 Q And then why did you change the goal to -- from
7 reunification to termination at this point, January 2015?

8 A With most cases, if the children are not home or
9 they're not in the process of going home, the Department
10 requests to change the goal at that point, if there hasn't
11 been any --

12 Q At what point?

13 A -- progress on the parents or --

14 Q You said at that point. At what point?

15 A At the -- at the one-year hearings.

16 Q And that is a -- a requirement of statute as
17 well; is it not?

18 A Yes.

19 Q So at that point, January 2015, were the children
20 engaged in therapy?

21 A Yes.

22 Q And each child has their own therapist?

23 A Yes.

24 Q At that stage, January 2015, were the children's

1 therapists recommending contact with the parents? If you
2 need to refresh your recollection, go ahead --

3 A Yes.

4 Q -- and do that.

5 A Thank you. (PAUSE) Sorry, can you repeat the
6 question?

7 Q At that point, were the children's therapists
8 recommending contact with the parents?

9 A At that time there was a no contact order so the
10 contact order was lifted. The therapists were recommending
11 to have family sessions, therapy sessions with the children
12 and the parents prior to any other type of visitation.

13 Q But did they make a specific recommendation that
14 the shouldn't be contact at that time?

15 A What they requested is that -- the therapeutic
16 contact with the children.

17 Q Now you testified that at the time of that
18 dispositional hearing Sam had written a letter and was
19 talking about the abuse, or had at least in the letter
20 talked about some abuse that happened to her in the home.
21 By the time of this January report -- and you said the
22 other children talked to you at some point but you didn't
23 remember. Had they talked to you at all by this point, the
24 other children, about anything that happened in the home?

1 A Yes.

2 Q And do you recall what they said? Let me know
3 when you've refreshed your recollection.

4 (PAUSE)

5 Q I'll just -- in the interest of time, direct your
6 attention to Pages 11 and 12 where you --

7 Q Yes.

8 A -- talk about the children.

9 Q Yeah. At that time the children were disclosing
10 that there were -- that Samantha was treated differently.
11 That there was arguments between the parents.

12 A All right. Had they talked to you about whether
13 they had been told what to say to CPS or whether to act
14 differently in certain situations?

15 MR. GOWDEY: Objection. Compound question.

16 THE COURT: Sustained. Just --

17 BY MS. HANRAHAN:

18 Q Had they -- had they talked to you at that point
19 about whether they were told how to act in certain
20 situations?

21 A Heidi reported that there were instances where
22 CPS was coming into the home, so they have, what she called
23 them, drills where the -- Mr. Brown will knock on the door
24 and the children will be sitting and he will ask them

1 questions similar to what CPS will ask them. And they have
2 to know the answers for CPS. So kind of like rehearsing
3 what to say.

4 Q Now I just want to go back for a second.
5 Directing your attention to Page 12, Line -- approximately
6 9 of the report. Could you take a look at that paragraph
7 and let the Court know if that refreshes your recollection
8 a little better about the no contact order and the
9 recommendations from the therapist.

10 MR. GOWDEY: I'm sorry, Counsel, what page?

11 MS. HANRAHAN: 12, about Line 9.

12 MR. GOWDEY: Thank you.

13 BY MS. HANRAHAN:

14 Q The last paragraph in that section.

15 A The therapist recommending that the children have
16 no contact with the parents at this time. And then when
17 the contact order is lifted that any contact be in a
18 therapeutic setting with all the parties -- when all
19 parties are ready to address the history of abuse in order
20 for all parties to move forward. That's what the
21 recommendation was.

22 Q All right. So had the parents done any of the
23 things that were listed on their case plan in the actions
24 steps at that point?