

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF THE PARENTAL
RIGHTS AS TO T.L., MINOR CHILD.

TONYA MEREDITH,
Appellant,
vs.
WASHOE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent.

No. 72563

DOCKETING STATEMENT
CIVIL APPEALS

Electronically Filed
Mar 20 2017 11:17 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Second Department 2
County Washoe Judge Hon. Egan Walker
District Ct. Case No. FV15-03927

2. Attorney filing this docketing statement:

Attorney John Reese Petty Telephone (775) 337-4827
Firm Washoe County Public Defender's Office
Address 350 South Center Street 5th Floor, P.O. Box 11130, Reno, Nevada 89520-0027.

Client(s) Tonya Meredith

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Jeffrey Martin Telephone (775) 337-5700
Firm Washoe County District Attorney's Office
Address One South Sierra Street 7th Floor, P.O. Box 11130, Reno, Nevada 89520-0027.

Client(s) Washoe County Department of Social Services

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>placement order</u> |

5. Does this appeal raise issues concerning any of the following?

- ☒ Child Custody
- ☐ Venue
- ☒ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Meredith v. Second Judicial District Court, docket no. 70931 (Order Denying Petition for Writ of Mandamus filed on September 16, 2016).

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:
None.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is a termination of parental rights action. Appellant agreed to termination of her parental rights to her son T.L., but wanted placement of him to be with members of her family. Washoe County Department of Social Services had placed T.L. with an adoptive foster family and the family court judge maintained that placement. That order was challenged by a writ petition, which this Court denied because a right to appeal from the order terminating parental rights existed. This appeal challenges the family court's placement order.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Did the family district court comply with the analytic approach established in Clark Cty. Dist. Att'y. v. Eighth Judicial District Court, 123 Nev. 337, 167 P.3d 922 (2007), when determining T.L.'s placement?

Did the family district court abuse its discretion under NRS 432B.550(5)(b)?

Does the lack of specific written factual findings require reversal?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Unknown.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

The Nevada Supreme Court should decide this appeal. NRAP 17(a)(9) (providing that cases involving termination of parental rights or Chapter 432B shall be heard and decided by the Supreme Court).

14. Trial. If this action proceeded to trial, how many days did the trial last? 2

Was it a bench or jury trial? Bench trial.

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Jan 30, 2017

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Jan 30, 2017

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed Mar 1, 2017

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
This matter was initiated by a petition to terminate parental rights. The final order being appealed is an order terminating parental rights as requested in the petition.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Tonya Meredith (mother);
Eric Lennox (father); and
Washoe County Department of Social Services.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Tonya Meredith is advancing her claim to the placement of her child; Eric Lennox has no interest in that claim. He has not appealed the termination order.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Tonya Meredith wants her son to be placed with family.
Washoe County Department of Social Services wants placement in adoptive foster care.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Tonya Meredith
Name of appellant

John Reese Petty
Name of counsel of record

Mar 20, 2017
Date


Signature of counsel of record

Washoe County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 20th day of March, 2017, I served a copy of this completed docketing statement upon all counsel of record:

- ☒ By personally serving it upon him/her^{*}; or
- ☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

*I served this document via the Master Service list of this Court's electronic filing system.

Dated this 20th day of March, 2017


Signature

ATTACHMENTS

1. Petition to Terminate Parental Rights (filed on October 20, 2015);
2. Stipulation to Relinquish Parental Rights; Convert Trial to Placement Hearing (filed on March 25, 2016);
3. Order After Placement Hearing (filed on May 17, 2016);¹
4. Findings of Fact, Conclusions of Law and Order Terminating Parental Rights of Tonya Meredith, Eric Lennox, and any Unknown Father to Tyler Lennox (filed on January 30, 2017); and
5. Notice of Entry of Order (filed on January 30, 2017).

¹ A notice of entry of this order was not filed concerning the placement order.

1 Code 3637
CHRISTOPHER J. HICKS
2 District Attorney
Jeffrey Martin, Chief DDA
3 Nevada Bar No. 7080
P.O. Box 11130
4 Reno, Nevada 89520-0027
(775) 337-5700
5 Attorneys for Petitioner

6
7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 IN THE MATTER OF THE PARENTAL
RIGHTS AS TO:

11 TYLER LENNOX,

12 MINOR CHILD.

)
)
)
)
) Case No.
)
) Dept. No.

13 PETITION TO TERMINATE PARENTAL RIGHTS

14 The petition of the Social Services Supervisor of the Washoe
15 County Department of Social Services respectfully shows:

16 I

17 Tyler Lennox was born on August 31, 2011. Tyler now resides in
18 family foster care in Washoe County, where he was placed by the Washoe
19 County Department of Social Services (hereinafter "Social Services").
20 The acts complained of herein occurred in Washoe County, Nevada.

21 II

22 The mother of the above-named child is Tonya Meredith, whose date
23 of birth is July 7, 1985, whose current residence is the Washoe County
24 Regional Detention Facility, 911 E. Parr Blvd. Reno, Nevada 89512.

25 ///

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1 The father of the above-named child is Eric Lennox, whose date of
2 birth is April 13, 1967 and whose current address is Washoe County
3 Regional Detention Facility, 911 E. Parr Blvd. Reno, Nevada 89512.

4 III

5 The Washoe County Department of Social Services has custody of
6 Tyler Lennox by virtue of the order of the Court is the juvenile
7 dependency case dated August 5, 2015.

8 IV

9 To the best of petitioner's knowledge, there is no legal guardian
10 appointed for Tyler Lennox in the State of Nevada or elsewhere.

11 V

12 Pursuant to NRS 128.050(2)(g), the child is not known to be an
13 Indian child.

14 VI

15 The facts bringing Tyler Lennox within the purview of Nevada
16 Revised Statutes Chapter 128 are:

17 On August 6, 2014, Tonya Meredith was arrested for domestic
18 battery charges during a physical altercation between her and Eric
19 Lennox. She was found to be the aggressor as according to the police
20 report by Reno Police Department Officers Garnett and Moran, who
21 observed Mr. Lennox with a three-inch laceration on his left forearm.
22 Mr. Lennox informed RPD officers that Ms. Meredith also waved a knife
23 at him the day prior but did not make contact. Their minor child,
24 Tyler and his two full siblings, Maybel Lennox and Tyrone Lennox were
25 in the home during the incident.

26 ///

1 On or about August 6, 2014, Ms. Meredith submitted to a
2 preliminary breath test administered by a booking deputy at the WCRDF
3 which yielded results with an approximate blood alcohol content of
4 .156.

5 On or about August 18, 2014, RPD was contacted due to Mr. Lennox
6 appearing intoxicated and involved in a verbal altercation while
7 accessing resources at the St. Vincent's Resource Center. RPD Officer
8 Waddle administered a PBT test to Mr. Lennox resulting to a BAC of
9 .133. He was actively caring for Tyler at the time. Mr. Lennox was
10 described by responding WCDSS' social worker Jordan Lynch as unsteady
11 on his feet and unable to maintain eye contact. Due to the results
12 of his PBT and inability to safely care for his child, Tyler was
13 immediately removed from Mr. Lennox's care.

14 On or about August 19, 2014, Mr. Lennox admitted to Ms. Cabales
15 that Maybel and Tyrone were only visiting he and Ms. Meredith as they
16 are being cared for by Ms. Lennox and Ms. Slayton, who reside in
17 California, because he and Ms. Meredith are unable to provide for
18 their basic needs.

19 Ms. Meredith and Mr. Lennox have been Court substantiated for
20 neglect as to their older child Tyrone. Tyrone has bene cared for by
21 a relative in Sacramento County and has been in the custody of
22 Sacrament County since 2008.

23 On September 30, 2014, the Court found that Tyler Lennox was a
24 child in need of protection due to neglect my Ms. Meredith. On
25 November 10, 2014, the Court found that Tyler was a child in need of
26 protection from Mr. Lennox due to his neglect of another child.

1 Mr. Lennox failed to engage in his case plan and service
2 agreement and failed to make behavioral changes necessary to safety
3 care for Tyler. Mr. Lennox attended an evaluation with Craig Merrill
4 at Sierra Counseling Services; however, Mr. Lennox appeared under the
5 influence of alcohol at the time of the evaluation and acted
6 inappropriately at that time. Mr. Lennox failed to maintain housing, a
7 consistent form of income or visit with Tyler consistently. On March
8 31, 2015 Mr. Lennox tested positive for methamphetamine. Mr. Lennox
9 failed to attend additional services or valuations for his substance
10 abuse. Mr. Lennox is currently incarcerated at the Washoe County
11 Regional Detention Facility for several felony fraud related charges.

12 While Mr. Lennox has been identified as the father to Tyler,
13 WCDSS has no documentation establishing his paternity to the child.
14 Mr. Lennox is not listed on the birth certificate. Mr. Lennox did
15 refuse to undergo DNA testing to establish his parentage. No other man
16 has come forward claiming paternity of the child, inquiring into the
17 child's welfare, offering child support or requesting visitation.

18 Ms. Meredith failed to engage in services towards reunification
19 with Tyler as well. Ms. Meredith failed to maintain consistent contact
20 with Tyler and the Department. Ms. Meredith has also been arrested for
21 several felony fraud related charges. Ms. Meredith is also currently
22 incarcerated At the Washoe County Regional Detention Facility.

23 Tyler is not placed in a prospective adoptive home however for
24 families of submitted their interest in being a potential adoptive
25 placement for Tyler. These families are being assessed by the
26 Department and a formal matching will be scheduled.

1 Based on the above, as well as evidence to be presented at trial,
2 grounds exist for terminating the parental rights of Tonya Meredith,
3 Eric Lennox and any unknown natural father of Tyler Lennox, pursuant
4 to NRS Chapter 128, to wit:

5 (A) Tyler Lennox' best interests will be served by the
6 termination of the parental rights of Tonya Meredith, Eric Lennox and
7 any unknown natural father to Tyler Lennox pursuant to NRS 128.105(1).

8 (B) That any unknown natural father to Tyler Lennox has
9 conducted himself in a manner that evinces a settled purpose on his
10 behalf to forego all parental custody and relinquish all claims to the
11 child.

12 (C) Tyler Lennox is a neglected child in that Tonya Meredith
13 and Eric Lennox have by reason of their faults or habits, neglected
14 and refused to provide the child with proper parental care. They have
15 neglected or refused to provide proper or necessary subsistence,
16 education, medical or surgical care, or other care necessary for the
17 child's health, morals, or well-being.

18 (D) Tonya Meredith and Eric Lennox are unfit parents in that,
19 by reason of their faults, habits, or conduct toward the child or
20 other persons; they have failed to provide the child with proper care,
21 guidance, and support.

22 (E) There is risk of serious physical, mental, or emotional
23 injury to the child if he is returned to, or remains in, the home of
24 her parents.

25 (F) There have been only token efforts by Tonya Meredith and
26 Eric Lennox:

1 (1) To prevent neglect of the child;
2 (2) To avoid being an unfit parent;
3 (3) To eliminate the risk of serious physical,
4 mental or emotional injury to the child.
5 (G) With respect to this child, Tonya Meredith and Eric Lennox
6 have failed to adjust in that they have been unable or unwilling
7 within a reasonable period of time to remedy substantially conditions
8 which led to the child's out-of-the-home placement, notwithstanding
9 reasonable and appropriate efforts on the part of the State and County
10 and others to return the child.
11 WHEREFORE, petitioner prays that:
12 1. The parental rights of Tonya Meredith, Eric Lennox and any
13 unknown natural father to Tyler Lennox be terminated and Tyler Lennox
14 be declared free from the custody and control of said parents;
15 2. Custody and control of Tyler Lennox be vested in the Washoe
16 County Department of Social Services, and said Department be
17 authorized and empowered to execute all necessary consents to the
18 adoption of Tyler Lennox;
19 3. This court grant to said Washoe County Department of Social
20 Services such other and further relief which the court may deem just
21 and proper in the premises.
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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document
does not contain the social security number of any person.

Dated this 12th day of October, 2015.

CHRISTOPHER J. HICKS
Washoe County District Attorney

By: 

JEFFREY MARTIN
Chief Deputy District Attorney
Washoe County District
Attorney's Office
Attorney for Petitioner

1 CODE 4050
CHRISTOPHER J. HICKS
2 Washoe County District Attorney
Jeffrey Martin
3 Chief Deputy District Attorney
Nevada Bar No. 7080
4 P.O. Box 11130
Reno, Nevada 89520-0027
5 (775) 337-5700
Attorneys for Petitioner

6
7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 IN THE MATTER OF PARENTAL RIGHTS:)

11 as to,)

12 TYLER LENNOX,)

13 MINOR CHILD.)

Case No. FV15-03927

Dept. No. 2

14 STIPULATION TO RELINQUISH PARENTAL RIGHTS; CONVERT TRIAL TO PLACEMENT
15 HEARING

16 IT IS HEREBY STIPULATED by and between Washoe County Department
17 of Social Services (hereinafter "Social Services"), by and through
18 Jeffrey Martin Chief Deputy District Attorney, and Eric Lennox, father
19 to Tyler Lennox, by and through his counsel, William Hart, Deputy
20 Alternate Public Defender and Tonya Meredith, natural mother to Tyler
21 Lennox, by and through her counsel Kristine Riley that the above-
22 entitled matter will be resolved in the manner set forth below.

23 Eric Lennox and Tonya Meredith stipulate that there is a basis
24 to terminate their parental rights to Tyler Lennox as stated in the
25 Petition to Terminate Parental Rights filed on October 21, 2015, and
26 that they will not contest the Petition in this case.

1 Both Mr. Lennox and Ms. Meredith are requesting the placement of Tyler
2 with a relative, Tessa Henderson-Brown who resides in Oakley,
3 California. The Washoe County Department of Social Services has placed
4 Tyler with a flexible family home who desires to adopt him.

5 Pursuant to the above-mentioned facts, the parties hereby
6 stipulate to convert the current trial date, currently scheduled on
7 April 25, 2016 and May 2, 2016, from a contested termination of
8 parental rights trial to a contested placement hearing.

9 Upon the conclusion of the contested placement hearing, Mr.
10 Lennox and Ms. Meredith agree to voluntarily relinquish their parental
11 rights. If Mr. Lennox or Ms. Meredith do not relinquish their parental
12 rights, Social Services will request an Order be entered terminating
13 that parent's parental rights as to Tyler Lennox upon testimony given
14 as to the child's best interest being served by said termination. Mr.
15 Lennox and Ms. Meredith waive their right to cross-examine witnesses
16 and to contest such order.

17 After the parents relinquish their parental rights, Social
18 Services will dismiss the Petition to Terminate Parental Rights filed
19 on October 21, 2015.

20 Counsel for the parties makes this stipulation and agreement with
21 the approval of their clients.

22 The trial currently scheduled on April 25, 2016 and May 2, 2016
23 is hereby converted to a contested placement hearing.

24 ///

25 ///


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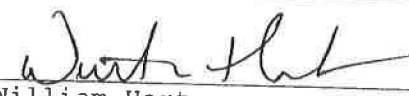
AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATE 3/25/16

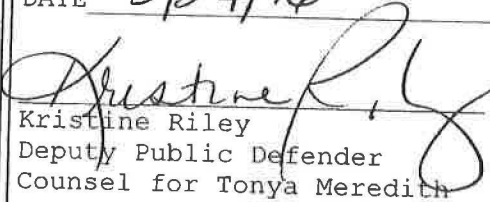
DATE 3/21/16



Jeffrey Martin
Chief Deputy District Attorney
Counsel for the Washoe County
Department of Social Services


William Hart
Deputy Alternate Public Defender
Counsel for Eric Lennox


DATE 3/24/16

DATE 03/18/2016


Kristine Riley
Deputy Public Defender
Counsel for Tonya Meredith


Eric Lennox
Father to Tyler Lennox

IT IS SO ORDERED this 25 day of March, 2016.


DISTRICT JUDGE

1 CODE 2700
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6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 IN THE MATTER OF PARENTAL RIGHTS:)
10 as to,)
11 TYLER LENNOX,) Case No. FV15-03927
12 MINOR CHILD.) Dept. No. 2
13)
14)

14 ORDER AFTER PLACEMENT HEARING

15 This matter came before the Court for a placement hearing on
16 April 25, 2016 and May 2, 2016 before the Honorable Egan Walker and
17 the following persons appeared: Tonya Meredith, mother of the minor
18 child, represented by Kristine Riley, Deputy Public Defender and
19 Emilie Meyer Deputy Public Defender; Eric Lennox, father of said minor
20 child, was present personally on April 25, 2016 and present by
21 telephone on May 2, 2016, represented by William Hart, Deputy
22 Alternate Public Defender and David Gamble, Jr., Deputy Alternate
23 Public Defender; Melissa Ready, Washoe County Department of Social
24 Services, represented by Jeffrey Martin, Chief Deputy District
25 Attorney.

26 ///

1 The Court heard the testimony of Amy Reynolds, Supervisor from
2 the Washoe County Department of Social Services, Tricia Woodliff,
3 former therapist for Tyler Lennox, Christa Kachurak, Children's
4 Behavioral Services Day Treatment Program, Jonathan Abrams-Williams,
5 foster parent for Tyler Lennox, Shelise Abrams-Williams foster parent
6 for Tyler Lennox, Melissa Ready, Social Worker, Washoe County
7 Department of Social Services, Suzy Heinz, Program Coordinator, Washoe
8 County Department of Social Services, Tessa Dovia Henderson Brown,
9 maternal cousin to Tonya Meredith, Dartanious Brown, husband to Ms.
10 Brown, Tom Bolan, investigator, Washoe County Public Defender's
11 Office; and Tonya Meredith, mother to Tyler Lennox. The Court took
12 judicial notice of the findings and orders in JV14-00527A as they
13 pertained to Tyler's foster care placement. The Court admitted
14 Petitioner's Exhibit A and Respondents' Exhibits 1 and 3-8.

15 The Court, having heard the testimony of the aforementioned
16 witnesses and considering the exhibits admitted, hereby approves
17 current physical placement of Tyler Lennox in family foster care with
18 Jonathan Abrams-Williams and Shelise Abrams-Williams as the least
19 restrictive and most appropriate placement.

20 A mediation slot shall be made available to Mr. and Mrs. Abrams-
21 Williams and Mr. and Mrs. Brown should they so choose to discuss Mr.
22 and Mrs. Brown's future contact with Tyler.

23 **NRS 125.510(6) regarding abduction, concealment or detention of a**
24 **child: PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR**
25 **DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A**
26 **CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides**

1 that every person having a limited right of custody to a child or any
2 parent having no right of custody to the child who willfully detains,
3 conceals or removes the child from a parent, guardian or other person
4 having lawful custody or a right of visitation of the child in
5 violation of an order of this court, or removes the child from the
6 jurisdiction of the court without the consent of either the court or
7 all persons who have the right to custody or visitation is subject to
8 being punished for a category D felony as provided in NRS 193.130.

9 Pursuant to NRS 125.510(7) the terms of the Hague Convention of
10 October 25, 1980, adopted by the 14th Session of The Hague Conference
11 on Private International Law, apply if a parent abducts or wrongfully
12 retains a child in a foreign country.

13 IT IS ORDERED.

14 DATED: 5/17/16

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16 _____
17 DISTRICT JUDGE
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26

1 3267

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5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 IN THE MATTER OF PARENTAL RIGHTS:)
10 as to,)
11 TYLER LENNOX,) Case No. FV15-03927
12 MINOR CHILD.) Dept. No. 2
13)

14
15 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TERMINATING PARENTAL RIGHTS
16 OF TONYA MEREDITH, ERIC LENNOX, AND ANY UNKNOWN NATURAL FATHER TO TYLER
17 LENNOX

18 The above-entitled matter came for hearing on January 23, 2017, before
19 the Court. Melissa Ready and Jillian Iacovelli was present on behalf of
20 Washoe County Department of Social Services and represented by Jeffrey
21 Martin, Chief Deputy District Attorney, Washoe County District Attorney's
22 Office; Tonya Meredith, natural mother, represented by Christine Sullivan,
23 Deputy Public Defender; Eric Lennox was not present but represented by
24 Jenna Garcia, Deputy Alternate Public Defender.

25 All notices required by law and order of this Court were given, as
26 shown by the Proof of Publication, filed on December 7, 2015. On March 25,
27 2016, the parties stipulated that Ms. Meredith and Mr. Lennox would not
28 contest the termination action and waived their right to present evidence
and cross-examine witnesses in exchange for an opportunity to voluntarily

1 relinquish their parental rights. Neither Ms. Meredith nor Mr. Lennox have
2 done so.

3 After sworn testimony and evidence was presented on the substantive
4 issues involved in this matter, including testimony of Melissa Ready and
5 judicial notice of the underlying juvenile dependency action JV14-00527A;
6 the matter was submitted to the Court for decision, and the Court, being
7 fully advised in the premises on the facts and the law, makes its findings
8 of fact, conclusions of law, and final order as follows:

9 **FINDINGS OF FACT**

10 It having been proved by clear and convincing evidence, the Court
11 finds:

12 **I**

13 All the allegations of the petition on file herein are true as to
14 Tonya Meredith, Eric Lennox and any unknown natural father of Tyler Lennox
15 and it is in the best interests of Tyler Lennox that the parental rights of
16 Tonya Meredith, Eric Lennox and any unknown natural father of Tyler Lennox
17 be terminated.

18 **II**

19 The court has jurisdiction of the subject matter involved and of the
20 parties.

21 **III**

22 Eric Lennox is the named father to Tyler Lennox. The natural father
23 of Tyler Lennox is unknown.

24 **CONCLUSIONS OF LAW**

25 The Court has jurisdiction of the subject matter involved and of the
26 parties.

27 The parent and child relationship exists between Tyler Lennox and
28

1 Tonya Meredith, Eric Lennox and the unknown natural father of Tyler Lennox.

2 There is clear and convincing evidence that, pursuant to NRS
3 128.105(1), it is in Tyler Lennox's best interest that the parental rights
4 of Tonya Meredith, Eric Lennox and any unknown natural father of Tyler
5 Lennox be terminated.

6 There is clear and convincing evidence that, pursuant to NRS
7 128.105(2) (a), Tyler Lennox has been abandoned by his unknown natural
8 father.

9 There is clear and convincing evidence that Tyler Lennox is a
10 neglected child, pursuant to NRS 128.105(1)(b)(2), as he lacks proper
11 parental care by reason of the faults and habits of Tonya Meredith and Eric
12 Lennox.

13 There is clear and convincing evidence that Tonya Meredith and Eric
14 Lennox are unfit parents pursuant to NRS 128.105(1)(b)(3), as they have,
15 due to their faults or habits or conduct toward the child or other persons,
16 failed to provide the child with proper care, guidance and support.

17 There is clear and convincing evidence that Tonya Meredith and Eric
18 Lennox have failed to adjust, pursuant to NRS 128.105(1)(b)(4), as they
19 have been unable or unwilling within a reasonable time to correct
20 substantially the circumstances, conduct or conditions which led to the
21 placement of the child outside of the home, notwithstanding reasonable and
22 appropriate efforts made by the state to return the child.

23 There is clear and convincing evidence that there is risk of serious
24 physical, mental, or emotional injury to Tyler Lennox if he is returned to,
25 or remains in, the home of his parents, pursuant to NRS 128.105(1)(b)(5).

26 There is clear and convincing evidence that there have been only token
27 efforts by Tonya Meredith and Eric Lennox, pursuant to NRS
28

1 128.105(1)(b)(6), to support or communicate with the child, to prevent
2 neglect of the child, to avoid being an unfit parent and to eliminate the
3 risk of serious physical, mental or emotional injury to the child.

4 The parental rights of Tonya Meredith and Eric Lennox should be
5 terminated, and Tyler Lennox should be declared free from the custody and
6 control of Tonya Meredith and Eric Lennox.

7 The parental rights of Tonya Meredith, Eric Lennox and any unknown
8 natural father of Tyler Lennox should be terminated, and Tyler Lennox
9 should be declared free from the custody and control of Tonya Meredith,
10 Eric Lennox and any unknown natural father of Tyler Lennox.

11 **ORDER AND DECREE**

12 In view of the foregoing findings of fact and conclusions of law, it
13 is hereby,

14 **ORDERED, ADJUDGED, AND DECREED** that the parental rights of Tonya
15 Meredith, Eric Lennox and any unknown natural father of Tyler Lennox are
16 terminated absolutely and forever pursuant to NRS 128.105(1)(a) and
17 128.105(1)(b)(1-7) ; and it is further,

18 **ORDERED, ADJUDGED, AND DECREED** that Tyler Lennox be, and hereby is,
19 declared free from the custody and control of Tonya Meredith, Eric Lennox
20 and the unknown natural father of Tyler Lennox; and it is further,

21 **ORDERED, ADJUDGED, AND DECREED** that the custody and control of Tyler
22 Lennox be vested in Washoe County Department of Social Services with
23 authority to place Tyler Lennox for, and consent to his adoption.

24 DATED this 30 day of January, 2017.

25
26 
27 _____
28 DISTRICT JUDGE

1 2540
CHRISTOPHER J. HICKS
2 District Attorney
Jeffrey Martin, CDDA
3 Bar Number: 7080
P.O. Box 11130
4 Reno, Nevada 89520-0027
(775) 337-5700
5 Attorneys for: Washoe County Department
Of Social Services
6 IN THE FAMILY DIVISION

7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 IN THE MATTER OF PARENTAL RIGHTS)
AS TO:)
10)
TYLER LENNOX,)
11) Case No. FV15-03927
MINOR CHILD.)
12) Dept. No. 2
13)

14 NOTICE OF ENTRY OF ORDER

15 TO: : Tonya Meredith, Eric Lennox, and any unknown natural father to
16 Tyler Lennox:

17 PLEASE TAKE NOTICE that a Findings of Fact, Conclusions of Law
18 and Order Terminating Parental Rights of Tonya Meredith, Eric Lennox,
19 and Any Unknown Natural Father To Tyler Lennox was entered in the
20 above entitled matter on the 30th day of January, 2017, a copy of which
21 is attached hereto.

22 Dated this 30th day of January, 2017.

23 CHRISTOPHER J. HICKS
Washoe County District Attorney

24 By: /s/ Jeffrey Martin
25 Jeffrey Martin
26 Chief Deputy District Attorney
Attorney for Petitioner

1 CERTIFICATE OF SERVICE BY MAIL

2 I certify that I am an employee of the Office of the
3 District Attorney of Washoe County, over the age of 21 years and not a
4 party to nor interested in the within action. On the 30th day of
5 January, 2017, I electronically filed the foregoing with the Clerk of
6 the Court system which will send a notice of electronic filing to
7 following:

8 Kristine Riley, DPD
9 Counsel for Ms. Meredith

10 Jenna Garcia, DAPD
11 Counsel for Mr. Lennox

12 AFFIRMATION PURSUANT TO NRS 239b.030

13 The undersigned does hereby affirm that the preceding document
14 does not contain the social security number of any person.
15

16 /s/ Michelle Johnson
 Michelle Johnson

3267

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF PARENTAL RIGHTS:)
as to,)
TYLER LENNOX,) Case No. FV15-03927
MINOR CHILD.) Dept. No. 2

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TERMINATING PARENTAL RIGHTS
OF TONYA MEREDITH, ERIC LENNOX, AND ANY UNKNOWN NATURAL FATHER TO TYLER
LENNOX

The above-entitled matter came for hearing on January 23, 2017, before the Court. Melissa Ready and Jillian Iacovelli was present on behalf of Washoe County Department of Social Services and represented by Jeffrey Martin, Chief Deputy District Attorney, Washoe County District Attorney's Office; Tonya Meredith, natural mother, represented by Christine Sullivan, Deputy Public Defender; Eric Lennox was not present but represented by Jenna Garcia, Deputy Alternate Public Defender.

All notices required by law and order of this Court were given, as shown by the Proof of Publication, filed on December 7, 2015. On March 23, 2016, the parties stipulated that Ms. Meredith and Mr. Lennox would not contest the termination action and waived their right to present evidence and cross-examine witnesses in exchange for an opportunity to voluntarily

1 relinquish their parental rights. Neither Ms. Meredith nor Mr. Lennox have
2 done so.

3 After sworn testimony and evidence was presented on the substantive
4 issues involved in this matter, including testimony of Melissa Ready and
5 judicial notice of the underlying juvenile dependency action JV14-00527A;
6 the matter was submitted to the Court for decision, and the Court, being
7 fully advised in the premises on the facts and the law, makes its findings
8 of fact, conclusions of law, and final order as follows:

9
10 FINDINGS OF FACT

11 It having been proved by clear and convincing evidence, the Court
12 finds:

13 I

14 All the allegations of the petition on file herein are true as to
15 Tonya Meredith, Eric Lennox and any unknown natural father of Tyler Lennox
16 and it is in the best interests of Tyler Lennox that the parental rights of
17 Tonya Meredith, Eric Lennox and any unknown natural father of Tyler Lennox
18 be terminated.

19 II

20 The court has jurisdiction of the subject matter involved and of the
21 parties.

22 III

23 Eric Lennox is the named father to Tyler Lennox. The natural father
24 of Tyler Lennox is unknown.

25 CONCLUSIONS OF LAW

26 The Court has jurisdiction of the subject matter involved and of the
27 parties.

28 The parent and child relationship exists between Tyler Lennox and

1 Tonya Meredith, Eric Lennox and the unknown natural father of Tyler Lennox.

2 There is clear and convincing evidence that, pursuant to NRS
3 128.105(1), it is in Tyler Lennox's best interest that the parental rights
4 of Tonya Meredith, Eric Lennox and any unknown natural father of Tyler
5 Lennox be terminated.

6 There is clear and convincing evidence that, pursuant to NRS
7 128.105(2) (a), Tyler Lennox has been abandoned by his unknown natural
8 father.

9 There is clear and convincing evidence that Tyler Lennox is a
10 neglected child, pursuant to NRS 128.105(1)(b)(2), as he lacks proper
11 parental care by reason of the faults and habits of Tonya Meredith and Eric
12 Lennox.

13 There is clear and convincing evidence that Tonya Meredith and Eric
14 Lennox are unfit parents pursuant to NRS 128.105(1)(b)(3), as they have,
15 due to their faults or habits or conduct toward the child or other persons,
16 failed to provide the child with proper care, guidance and support.

17 There is clear and convincing evidence that Tonya Meredith and Eric
18 Lennox have failed to adjust, pursuant to NRS 128.105(1)(b)(4), as they
19 have been unable or unwilling within a reasonable time to correct
20 substantially the circumstances, conduct or conditions which led to the
21 placement of the child outside of the home, notwithstanding reasonable and
22 appropriate efforts made by the state to return the child.

23 There is clear and convincing evidence that there is risk of serious
24 physical, mental, or emotional injury to Tyler Lennox if he is returned to,
25 or remains in, the home of his parents, pursuant to NRS 128.105(1)(b)(5).

26 There is clear and convincing evidence that there have been only token
27 efforts by Tonya Meredith and Eric Lennox, pursuant to NRS
28

1 128.105(1)(b)(6), to support or communicate with the child, to prevent
2 neglect of the child, to avoid being an unfit parent and to eliminate the
3 risk of serious physical, mental or emotional injury to the child.

4 The parental rights of Tonya Meredith and Eric Lennox should be
5 terminated, and Tyler Lennox should be declared free from the custody and
6 control of Tonya Meredith and Eric Lennox.

7 The parental rights of Tonya Meredith, Eric Lennox and any unknown
8 natural father of Tyler Lennox should be terminated, and Tyler Lennox
9 should be declared free from the custody and control of Tonya Meredith,
10 Eric Lennox and any unknown natural father of Tyler Lennox.

11 **ORDER AND DECREE**

12 In view of the foregoing findings of fact and conclusions of law, it
13 is hereby,

14 **ORDERED, ADJUDGED, AND DECREED** that the parental rights of Tonya
15 Meredith, Eric Lennox and any unknown natural father of Tyler Lennox are
16 terminated absolutely and forever pursuant to NRS 128.105(1)(a) and
17 128.105(1)(b)(1-7) ; and it is further,

18 **ORDERED, ADJUDGED, AND DECREED** that Tyler Lennox be, and hereby is,
19 declared free from the custody and control of Tonya Meredith, Eric Lennox
20 and the unknown natural father of Tyler Lennox; and it is further,

21 **ORDERED, ADJUDGED, AND DECREED** that the custody and control of Tyler
22 Lennox be vested in Washoe County Department of Social Services with
23 authority to place Tyler Lennox for, and consent to his adoption.

24 DATED this 30 day of January, 2017.

25
26 
27 DISTRICT JUDGE
28