

1 A It's unfortunate.

2 Q So it wouldn't be abnormal to hear a phone call from  
3 Georgia or a family from -- family members from Georgia  
4 calling into Nevada so...

5 A Say it again. It's not unusual?

6 Q It -- it would not be unusual to have a...

7 A Oh no.

8 Q ...phone call from Georgia over to Nevada?

9 A No. Not at all.

10 Q But it would be unusual for us to pass the ICPC...

11 A Yeah.

12 Q ...in your opinion?

13 A It is. And it's not anything to do with you. It's  
14 just we do have a lot of relatives that are denied.

15 Q Okay.

16 A And so there can be a million different reasons for  
17 that. Great relatives with good intentions, but they aren't  
18 approved through the ICPC process. And that's out of my  
19 hands. It's Clark County.

20 Q I understand. And based on your expertise, what do  
21 you -- how does the state of Nevada feel about Esther's  
22 siblings?

23 A I don't have -- at this point, we don't have an  
24 opinion of Esther's siblings. There was a child that was  
25 removed and is under the custody of another state that we did

1 not assume. We have two jurisdictions (indiscernible) time  
2 right now. So we don't have one case. I don't know anything  
3 about that sibling.

4 Q Okay.

5 A And we don't have a third sibling at this time.  
6 I've heard that Esther had other children prior removed. But  
7 I don't know where those were at. We only knew of Esther and  
8 have only known of Esther for our case until California  
9 contacted us. I mean, people have come in at -- later in the  
10 case. But we did not know Nel- Nellie had other children.

11 Q Would you find that alarming that we were told that  
12 Esther does not have blood relatives?

13 A No. That wouldn't be alarming.

14 Q That -- that -- that the state of Nevada doesn't  
15 consider her to have blood relatives and that she is a child  
16 of the State on paper?

17 MR. SHARP: Your Honor, again, I'm going to object.  
18 That's more argument.

19 THE COURT: He's...

20 MR. SHARP: Again, they can certainly...

21 THE COURT: He's...

22 MR. SHARP: ...make this...

23 THE COURT: He's -- he's asking if that statement was  
24 made.

25 THE WITNESS: I can tell you.

1 THE COURT: I -- I'm sure...  
2 THE WITNESS: I -- I mean, I...  
3 THE COURT: ...Ms. Lamaison can...  
4 THE WITNESS: I...  
5 THE COURT: ...answer that.  
6 THE WITNESS: I can tell you, when I open the screen...  
7 Q BY MR. ROZIER: Right.  
8 A ...and I look at Nellie...  
9 Q Right.  
10 A ...(indiscernible) my -- my case opens. I look at  
11 her. I look in her file. What I see, is I see Nellie's name.  
12 I see there was a putative or potential father. And I...  
13 Q Right.  
14 A ...see Esther. There is no mention or have any  
15 history of other children in the case, like, that she had  
16 other children in Clark County, that we had siblings. So  
17 cases change and evolve. But, yes. The other thing is, is  
18 now she's a legally free child. So technically...  
19 Q Okay.  
20 A ...legally, there are no other relatives right now  
21 because her parents' rights were terminated, which kind of  
22 terminates those relatives also.  
23 Q Right. And going back to what Mr. McKay said, do  
24 you find it important for Esther to be around her siblings?  
25 Yes or no?

1           A     It could be a benefit to her. It depends on what  
2 she considers siblings. I definitely think it could be a  
3 benefit to the -- if a new child came into the system being  
4 placed or be with their -- their siblings. If we're aware of  
5 siblings, we always want children to be with siblings.

6           Q     Okay. All right. Thank you.

7           MS. ROZIER: I have one more question.

8           THE COURT: Yes.

9                               FURTHER CROSS-EXAMINATION

10          BY MS. ROZIER:

11           Q     Based on your experience and expertise, if Esther  
12 was placed with the Riveras and, you know, she gets older,  
13 learns about the case and finds out that there was family who  
14 came forward and fought very hard for her, how would that  
15 affect her then?

16           A     Oh I don't really know. But I know that she will  
17 know because all children are given what's called a social  
18 summary. They have all that information of their families of  
19 origin. Adoptive families here in Clark County, foster and  
20 adoptive families, including the Rivier- Riveras were brought  
21 through a training program to understand the importance of  
22 those birth family connections and helping a child understand  
23 their sense of learning and their -- and their families of  
24 origin. It helps them with their own identity.

25                   So my understanding from my interactions with this



1 family is that they do understand birth family connections are  
2 important; that they want to maintain those for the child so  
3 she really understands who she was, who she came from and who  
4 were the important people that were out there at the time that  
5 we removed her. And so they're gonna have that story. She  
6 gets that story, you know, because we give it to the family so  
7 that she has all of that information.

8           And it's really up to that child on how they want to  
9 have their relationship. You know, studies around adoption  
10 are adults that have been adopted. Some seek out birth family  
11 connections and some do not. Right? And then that's a  
12 personal choice on the adoptive child. But that family  
13 information is usually stored for those children to access if  
14 they choose to. So that's -- they should have that ability to  
15 access it.

16       MS. ROZIER: That's all I have.

17       THE COURT: Did you have follow-up?

18       MR. SHARP: Nothing further, Your Honor.

19       THE COURT: And did you have any follow-up?

20       MR. MCKAY: Nothing further.

21       THE COURT: Thank you.

22           Thank you.

23       THE WITNESS: Okay. Thank you.

24       MR. SHARP: The State will call Ms. Regina Rivera.

25       THE COURT: Hi, Ms. Rivera.

1 MS. RIVERA: Hi.

2 THE COURT: I'm gonna give you the same -- well, you've  
3 -- you've been through this a few times so you know about the  
4 microphone and about speaking up and about all how the whole  
5 thing works; right?

6 MS. RIVERA: Yes, Yes.

7 THE COURT: Okay.

8 Can you swear her in, please.

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

12 MS. RIVERA: I do.

13 THE CLERK: Thank you. Please state and spell your name  
14 for the record.

15 MS. RIVERA: Regina, R-E-G-I-N-A, Rivera, R-I-V-E-R-A.

16 THE CLERK: Thank you.

17 REGINA RIVERA,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SHARP:

21 Q Ms. Rivera, you are currently Esther Rodriguez's  
22 foster mom.

23 A Yes. I am.

24 Q Is that correct? Very good. When did Esther come  
25 into your care?

1 A September 9th of 2016.

2 Q So approximately how old was she at that time?

3 A I believe 15 months.

4 Q Okay. Before we get into Esther's life with you,

5 you are married; correct?

6 A That is correct.

7 Q And is that to Philip Rivera?

8 A Yes. It is.

9 Q And how long have you been married?

10 A For six-and-a-half years.

11 Q And do you have any other children?

12 A We do not.

13 Q Okay. When Esther came into your home, can you

14 describe Esther for us when she first arrived? Where was she

15 at? Or how was she emotionally?

16 A Esther was very clingy to her foster family -- her

17 -- the previous foster family...

18 Q Okay.

19 A ...in the beginning. They came over to our house.

20 I had purchased toys for her to see if maybe that would peak

21 her interest or break the ice, in a sense, of -- of being in a

22 -- a -- a different territory for her. I remember that we had

23 breakfast and that she was very clingy to -- to Brandy (ph)

24 and Abraham (ph), who were her foster parents at that time.

25 Q Okay. How long of a process -- or how long of a

1 trial period did you have for the -- the transition over to  
2 your home?

3 A It was, I would guess, about three to four weeks.  
4 It was visits at their home.

5 Q Okay.

6 A They would visit us at our home, as well.

7 Q How long did it take for Esther to -- to warm up to  
8 you?

9 A I don't know. I love that child. But about a  
10 couple days maybe.

11 Q Okay. Where was -- where was Esther at  
12 developmentally? I understand that at that point she would  
13 have been around 15 months. So was she initially verbal when  
14 she came into the home at all?

15 A She said two words that we could recognize.

16 Q Okay.

17 A One was, more...

18 Q Okay.

19 A ...when she wanted more food. And the second one  
20 was, uh-oh, when she would drop something.

21 Q Okay.

22 A Other than that, she would babble.

23 Q Okay.

24 A And we would try to interpret what she was asking  
25 for or trying to communicate.

1 Q Did she have any developmental delays?

2 A I was just concerned that she wasn't speaking more.  
3 I mean, you know, we would try to say, you know, short words,  
4 like, yes, no, please, thank you, you know, or something. And  
5 she -- she wouldn't necessarily respond. So I was concerned  
6 that maybe she was developmentally delayed in -- in speaking.

7 Q Okay.

8 A So that was just my concern. And I -- I noted that  
9 to Kristi when she came over for a visit.

10 Q And you have had Esther in your home since that  
11 time. Is that correct?

12 A That is correct.

13 Q Okay. So walk -- walk us through. What is --  
14 what's a day like with -- with Esther? What are your  
15 routines? What do you generally do?

16 A Esther -- I have a monitor. And so I can see her  
17 when she wakes up. And I see her standing in her crib. I  
18 walk over to her crib. And she usually is standing there  
19 waiting for us to come in. And she'll jump up and down. And  
20 she'll open her arms to me. And I will take her out of her  
21 crib.

22 We have our morning hugs and our morning kisses. I  
23 give her, her teddy bear because I take it out when she's  
24 asleep and I give her teddy bear to soothe her. I remove her  
25 pajamas. We go and we have breakfast, you know, oatmeal,

1 pancakes, toast, any carbs is -- is her favorite. And -- and  
2 then we brush our teeth.

3 We get her ready for school. I change her clothes.  
4 I brush her hair. And then she helps me get ready in the  
5 morning. So she's in the bathroom with me and playing in my  
6 makeup case and in our closet. And she's -- and then when --  
7 when I'm ready, then we -- I take her to day care. And then  
8 she's there having her second breakfast when she arrives  
9 there. And Philip picks her up when he's done for his day.

10 Q Okay.

11 A Then we come home. She gets a bath because at day  
12 cares there's a lot of germs.

13 Q Mm-hm.

14 A So we give her a bath immediately. Then we have  
15 dinner as a family. And then after dinner, it's -- it's  
16 playtime. Then after playtime, it is evening prayer. We read  
17 a book to her. And then we rock her to sleep.

18 Q Okay. Is -- you spoke a little bit before about  
19 when she initially came in, you -- you were worried that she  
20 may have been a little delayed as far as her speech. And you  
21 spoke with Kristi. Were you able to have her assessed for  
22 that?

23 A Kristi said that she submitted the paperwork. I'm  
24 not sure what had transpired with that. I hadn't even told  
25 her two teachers at school that I didn't -- you know, that

1 they -- I didn't feel that she was speaking as I think she  
2 should have.

3 Q Okay.

4 A And I think they had had us fill out a paper, as  
5 well, for them to have someone from the State, as well, to  
6 come in and try to help her with that.

7 Q Help her with that. Now at 22 months, does she  
8 appear to have a speech delay?

9 A No. She does not.

10 Q Okay.

11 A So she fooled us.

12 Q Very good. In her -- in her actions with you and  
13 with Philip, does she call you mom?

14 A She does. She calls me momma.

15 Q Momma. And does she call Philip, dad?

16 A She calls him dad-da.

17 Q Dad-da. Okay. You talked about the -- the hugging  
18 and kissing that you and -- you and Esther have. Does she  
19 have that same kind of relationship with Philip?

20 A She's daddy's girl. Absolutely. She does.

21 Q Okay. Are you consistent in taking Esther to her  
22 medical appointments?

23 A Absolutely. She -- when she initially came into our  
24 care, we had ten days to take her for her wellness checkup,  
25 which we had done, and then subsequent appointments. When she

1 reached 18 months in January, I took her. In between that  
2 time, as well as the present, she has had ear infections, eye  
3 infections. She hit her head at day care once -- one times.  
4 We have taken her to doctors appointments thereafter, as well.

5 Q Okay. And is she meeting her current milestones?

6 A I believe so. I think she's excelling...

7 Q Okay.

8 A ...in her current milestones.

9 Q Excellent. So aside from you and -- and your  
10 husband, does she have relationships with -- with your family  
11 members?

12 A My mother lives here. And she -- we see my mother  
13 every weekend. So we go to grandma's house on the weekend.  
14 We also have close friends and family who she sees. We keep  
15 in touch with the foster family before, Brandy and Abraham and  
16 their boys...

17 Q Okay.

18 A ...because, you know, they were part of her life, so  
19 we see...

20 Q So I'm gonna back up just a little bit. And let's  
21 talk about your mom.

22 A Yes.

23 Q What's her first name, just so I have a point of  
24 reference?

25 A It's Teresita, T-E-R-E-S-I-T-A.



1 Q Okay. And what kind of relationship -- you said  
2 that Teresita's grandma.

3 A Yes.

4 Q What kind of a relationship does -- does Esther  
5 have? Do you see that emotional bond with her, as well?

6 A Absolutely. She walks in. She hugs her, of course,  
7 because my mother has candy and toys and books. And she knows  
8 that she's spoiled when she walks into grandma's house. She  
9 knows that she'll be fed because that's what my mother does.  
10 And, you know, there's just a lot of hugs and kisses. And  
11 there is that bond there.

12 Q Okay.

13 A Absolutely.

14 Q And does -- does Teresita contact -- contact Esther  
15 during the week? Does she make contact with her?

16 A She does. She calls.

17 Q Okay.

18 A Asks for Esther, doesn't ask for us. She would  
19 rather talk to her than us. But she calls every day, just to  
20 check on her and make sure she's fed, of course. It's an  
21 Asian mom thing, I think.

22 Q Okay. Does Esther know Philip's mom?

23 A She has met her once. Esther's mom -- excuse me.  
24 Philip's mom lives in Oregon.

25 Q Okay.

1           A     So she had visited. She met her once.

2           Q     Very good. Now, has Esther met any of your other

3 relatives?

4           A     I had some family from Hawaii fly in. And she had

5 met my aunts and uncles.

6           Q     Okay.

7           A     She had met my siblings and -- and their children.

8           Q     At that time?

9           A     No. At -- at different times.

10          Q     Okay. So let's talk about the -- the visits with

11 the aunts -- the aunts and uncles. When did that occur?

12          A     In March.

13          Q     In March of this year?

14          A     Yes.

15          Q     Okay. And how did that visit go?

16          A     It -- it went very well. I think she was

17 apprehensive of my aunt. I don't know why.

18          Q     Mm-hm.

19          A     But my uncle, she -- she took to him. He stands 6

20 foot 3. And he's this big Hawaiian guy with a beard and

21 stuff. And she -- she was a bit leery of him. But then when

22 he wanted to carry her, she -- she was receptive to it.

23          Q     Very good. Now, I know it's -- it's a little hard

24 to tell at this -- this age. But based on your observations,

25 did she appear to bond well with your family?

1 A She did. Yes.

2 Q Okay. You talked a little bit about she met some of

3 your siblings. When did that happen?

4 A She met my brother and my sister in October.

5 Q Okay. And what are their first names?

6 A Richard is my brother, R-I-C-H-A-R-D.

7 Q Okay.

8 A And my sister's name is Rose, R-O-S-E.

9 Q Okay. And do they live here locally or out of

10 state?

11 A My sister lives in Tennessee. My brother lives in

12 California.

13 Q Okay. Very good. And did they come here to visit?

14 A Yes.

15 Q Okay. And how did that visit go?

16 A Very well. Of course, they bought toys and food.

17 So it went very well.

18 Q Okay. Have they kept any kind of consistent contact

19 with Esther?

20 A They have not...

21 Q Oh.

22 A ...since visiting.

23 Q Since that visit?

24 A Yes.

25 Q Okay. Let's talk a little bit about you stated that

1 -- that you got Esther into a day care. Is that correct?

2 A That is correct.

3 Q Okay. And why did you do that?

4 A We felt it was necessary. The family that she was  
5 with before had three boys, which she interacted all the time.  
6 And we felt being in -- in a single parent household that we  
7 felt that we didn't want her socialization skills to regress  
8 but rather we wanted it to progress.

9 Q Mm-hm.

10 A So that was our decision to have her into day care  
11 where she would be around children her own age, as well as, we  
12 wanted to take advantage of the opportunities of her early  
13 development stages. Philip and I -- I don't know if she'll  
14 learn a lot from us. But we wanted her to -- to learn from  
15 those who had the expertise in that field to teach her. And  
16 -- and further educate her. So we felt that that was best for  
17 her.

18 Q Okay. And what have -- I believe you submitted  
19 several letters. Is that correct?

20 A Yes. I have.

21 Q Okay. And we have those letters ad- admitted as  
22 Exhibit 4. What were some of the statements remarks that --  
23 that some of the faculty made about Esther?

24 A Esther has shown progress with social and emotional  
25 development at is -- in -- as it is typical that her peers --

) )  
1 as -- as it is typical that of her peers. She is always happy  
2 and content. Emotional development involves toddlers feeling  
3 safe in their environment. They will establish a strong bond  
4 with their teachers and experience a wide variety of emotions.  
5 These behavioral signs are good indicators that she is  
6 currently in a stable environment in our care and in a home  
7 that is conducive to both her physical and emotional  
8 development.

9 Q Very good. And just for a point of reference,  
10 what's the name of the faculty member that wrote that?

11 A Michelle Wennerberg. She's the director of the...

12 Q Okay.

13 A ...day care. Another teacher also stated that  
14 Esther's learning experience has been progressive. She now  
15 recognizes colors, shapes and numbers. She easily follows  
16 one, two, three steps with verbal directions. This is my  
17 favorite line. Esther's a sweet girl and is usually the first  
18 one to give hugs to friends who are sad or if they get hurt.

19 Q Okay.

20 A Everyone here at Kiddie Academy loves her and are so  
21 proud of how much she has blossomed.

22 Q And for reference, who -- what faculty member wrote  
23 that letter?

24 A Lindsay Busch, she's a lead teacher.

25 Q Have you observed Esther interacting with -- with

1 the other children at the day care?

2 A Yes. Her best friend's name is Paisley (ph).

3 Q Okay.

4 A I walk in and they're all having breakfast. She  
5 gives Paisley a high five.

6 Q Mm-hm.

7 A Then she sits next to Paisley for breakfast. We  
8 also think that there's a boy named Kaleb (ph) who has a crush  
9 on her because he follows her everywhere.

10 Q Okay. Understood. All right. Does she appear  
11 well-bonded to these friends?

12 A Absolutely.

13 Q Very good. Now, are you active in any kind of a  
14 religious organization?

15 A Yes. Philip and I are involved in the Saint Francis  
16 of Assisi Roman Catholic Church in Henderson, Nevada.

17 Q Okay. And do you participate with Esther in that  
18 faith community?

19 A Every weekend, she goes to Mass with us.

20 Q Okay. And does -- does Esther have a relationship  
21 with -- with anyone in that church?

22 A She has relationships with the other families. We  
23 usually sit in the same area. So she has relationships with  
24 the other families. She has relationships with other families  
25 we are close to outside of being in that Mass. And she's also

1 very close to Father John, who's the pastor of that Parish.

2 Q Okay. And was he -- is it Father John that wrote  
3 the -- the letter that's also in that exhibit?

4 A Yes. He did.

5 Q Okay. Without reading it, if you can just summarize  
6 for the Court, what -- what was it that Father John wrote?

7 A He attested to the fact that Philip and I are very  
8 involved in her spiritual development, which is important. He  
9 oversees over 7000 families. And he felt it was important  
10 that, you know, we provide her with that foundation and  
11 spirituality. He sees Esther as being happy. After Mass, he  
12 sees her. And she runs up to him and gives him a big hug.

13 Q I believe there was testimony yesterday. Was it  
14 Father John that -- that you guys had dinner with and  
15 Esther...

16 A Yes. Thanksgiving...

17 Q ...did well?

18 A ...Day. Yes.

19 Q Was it Thanksgiving dinner?

20 A Yes.

21 Q And how can you -- and from what -- what have you  
22 observed in regards to Esther's communications with Father  
23 John that let you know that she -- she is well-bonded with  
24 him, as well?

25 A I think when -- when we see him, she runs to him and

1 she hugs him. She doesn't do that with a lot of people. I  
2 think, you know, he -- again, he buys her toys. And she --  
3 she likes it.

4 Q Mm-hm. That helps. Okay. And does she appear to  
5 have good relationships with the -- the other members of the  
6 congregation?

7 A Yes.

8 Q Okay.

9 A Absolutely.

10 Q Does she socially interact with them?

11 A As much as -- as she can.

12 Q I understand this.

13 A Yeah.

14 Q We are talking...

15 A Like, she'll walk in.

16 Q ...about a 2-year-old, so.

17 A She'll walk in. And she'll -- she'll waive.

18 Q Okay.

19 A And they like that. And they waive back. And we  
20 always receive compliments after Mass. You know, she did so  
21 well. You're such -- such a good girl. So, yeah.

22 Q Excellent. Okay. Now, aside from -- from family  
23 members and your -- your faith, do you -- do you interact with  
24 -- with family friends?

25 A Yes. My friends, as well as, Philip's friends who



1 have children close in age to Esther.

2 Q Okay. And does Esther interact with them often?

3 A We usually try to meet up at least once a month.

4 Q Once a month. Okay. And what -- what is Esther's  
5 relationship like with those family friends and -- and their  
6 children?

7 A She -- she likes the -- the children part. I think  
8 she interacts well with the little children.

9 Q Okay.

10 A But as far as the adults, she's still kind of a bit  
11 -- a bit leery. As long as Philip and I are -- are in the  
12 room, she's -- she's fine.

13 Q Let's go back just a little bit about talking about  
14 how -- how you and -- and Philip would be able to provide for  
15 Esther. Are you employed?

16 A Yes. I am.

17 Q Okay. And is Philip employed?

18 A Yes. He is.

19 Q Okay. Without going into specifics, once this  
20 adoption -- or should the adoption occur, would -- will you  
21 and -- and Philip be able to continue caring for -- for  
22 Esther?

23 A Yes. We will.

24 Q Okay. Now, I believe that when we spoke earlier,  
25 you had indicated that when Esther came into your home, you

1 made a change in your occupation. Is that right?

2 A Yes.

3 Q What was that?

4 A I used to be the director of human resources at  
5 Green Valley Ranch, which is one of the resort properties for  
6 Station Casinos. With Esther coming into our care, I made a  
7 decision to step down in my position. And I am currently the  
8 human resources manager for the corporate office.

9 Q And why did you step down?

10 A I needed to alleviate the demands and the pressures  
11 of being a director over a department, especially over -- over  
12 1700 team members that we had at that property. I needed to  
13 focus on Esther, which was my first priority. Having a family  
14 was a dream of ours. And I needed to make that sacrifice for  
15 Esther.

16 Q Okay. I believe we've -- we talked a lot about --  
17 about the -- Mr. Raymond's involvement as far as -- as what he  
18 knew and -- and what Esther's wishes were. Did you allow Mr.  
19 McKay into your home?

20 A He visited in September when we first...

21 Q Okay. So he saw Esther in September. Did he --  
22 what other visits did he make with Esther?

23 A Other than seeing him at the hearing here, other --  
24 he has never visited our home thereafter.

25 Q Okay.

1 MR. SHARP: Court's indulgence.

2 THE COURT: No problem.

3 Q BY MR. SHARP: So in getting to know Esther over the

4 last several months -- well, actually -- I'm sorry. Let's

5 first talk about what the -- the foster family. You stated

6 that -- that you still have an ongoing relationship with the

7 -- the last foster family. Is that correct?

8 A That is correct.

9 Q Okay. And so you allow -- and that foster family

10 lives here in Las Vegas. Is that correct?

11 A That is correct.

12 Q Okay. And so you allow them to -- to occasionally

13 see Esther. Is that right?

14 A Yes. We schedule visits.

15 Q Okay.

16 A Well, we try to get together as much as possible.

17 Q Very good.

18 A They have since then been placed with another child.

19 So it's kind of difficult for them to be mobile.

20 Q So if -- if the adoption goes through and you are

21 able to adopt Esther, would you be willing to have the Roziers

22 to have similar visitation.

23 A Absolutely. I was born and raised in Hawaii. And

24 family's always welcome.

25 Q Now, with your -- with your experience with -- you

1 know what? Let me back up just a little bit. We -- we talked  
2 a little bit about the weekly routines or the daily routines  
3 that you have with -- with Esther. Do you -- have you  
4 celebrated holidays, vacations, anything like that?

5 A We did trick-or-treating. So we took her around our  
6 neighborhood.

7 Q Okay.

8 A Which was fun. And then we celebrated Thanksgiving  
9 at Father John's house. We had Christmas at our house. And  
10 then with the Easter weekend coming up, she has three Easter  
11 baskets, one from us, one from my mother and then one from the  
12 school.

13 Q Very good. We've talked a little bit about the  
14 potential of -- of trauma should Esther be removed. Based on  
15 your experience and your knowledge of -- of Esther, do you  
16 believe that it would cause long-term trauma for her to be  
17 removed from your care?

18 A Yes. It would.

19 Q Okay. Do you believe that it would -- is in the  
20 best interest of Esther to be removed from your care?

21 A No. She needs to stay with us. We are her family.  
22 I'm her mother. She knows nothing but love in our family.  
23 She knows nothing but playtime. And we've provided her with  
24 an environment where she's thriving now. I mean, it's evident  
25 in her -- in her learning abilities at school. I mean, you

1 know, she -- she's -- she's growing herself, which is  
2 remarkable. And Philip and I want nothing but the best for  
3 her.

4 Q Do you have anything else that you would like the  
5 Court to know?

6 A I -- I just feel that, you know, being a woman, you  
7 know, if -- if I may just be personal here, where I had  
8 struggled with -- with fertility, as a result, Philip and I  
9 struggled with that. Unfortunately, I got sick and it  
10 resulted in me having surgery, which I can't have children.  
11 Okay. Plan A didn't work.

12 And now we have plan B where we went through  
13 Catholic Charities to hopefully assist with the adoption  
14 process, with their training, the -- their extensive  
15 application process and a hefty fee, that they had wanted,  
16 that (indiscernible) was futile as they only had contacted us  
17 a few times for placements that we felt -- actually once,  
18 excuse me, for a placement that we did- didn't felt met our  
19 needs. So, okay. Plan B didn't work.

20 Then we go to plan C where we go to the Department  
21 of Family Services for assistance. And -- because I -- I've  
22 known several people who had adopted through the system. And  
23 within us being approved for -- after the ten weeks of  
24 training and the extensive application process from the  
25 Department, you know, we had -- we were -- we were approved

1 for a home study. We opened our (indiscernible) and lo and  
2 behold, we had a resource.

3 We had a -- a placement, where it was an adoptive  
4 resource. And we're like, oh my gosh. How -- how beautiful  
5 is that? Where we have tried all these avenues, Philip and I  
6 over -- over all these years for -- for this family. And then  
7 we have her in our lives. And, you know, and -- and I -- I  
8 understand your plight where you stated that, you know, you --  
9 you love her. And -- and -- and I understand that.

10 I've prayed for a child for years. Every day, I've  
11 prayed for a child to be in my life. And now I have Esther.  
12 We give everything to her. Our focus is to her. Our  
13 decisions -- we don't -- we don't even go to date nights  
14 because we wanna be with her. To -- to touch her cheek in the  
15 morning, for her to hug my leg when -- when I'm leaving, for  
16 me to step out of my position as a sacrifice for her, it's all  
17 worth it.

18 It was all worth it to see her smile, to see her --  
19 she's a daddy's girl, to see her interacting with Philip and  
20 imitating everything that he does and I get a chuckle. To  
21 play Ring Around the Rosie over and over and over again  
22 because that's her favorite, it's worth it.

23 She's bonded with us. She's bonded with her  
24 teachers at school. She has friends. She's happy and  
25 healthy, you know. I just want what's best for her. Sorry.

1 THE COURT: No. There's no need to apologize.  
2 MR. SHARP: I have no further questions at this time.  
3 THE COURT: Do you folks have questions for her?  
4 MR. ROZIER: I don't.  
5 THE COURT: Mr. McKay?  
6 MR. MCKAY: No questions, Your Honor.  
7 THE COURT: All right.  
8 Your next witness, please.  
9 MR. SHARP: The State will call Philip Rivera.  
10 THE COURT: It is 20 till 12. I want you guys as a group  
11 to make a decision. Do you want to just push through and try  
12 to finish? Or do you want to...  
13 MR. SHARP: So...  
14 THE COURT: ...take a lunch break? I don't know how many  
15 more witnesses we're going to have. I don't know how much  
16 rebuttal time you're gonna wanna take. I hate to push  
17 everyone out until say, 2:00, for lunch if we're gonna go that  
18 long. On the other hand, if we're a half hour away from  
19 finishing, we might as well push through. I just don't have a  
20 feel for how much more time we're gonna need.  
21 MR. SHARP: And, Your Honor, I can't speak for the other  
22 parties. But I do know -- my understanding is that Mr. Rivera  
23 has a statement that he would like to read. My plan was just  
24 to have him -- allow him to read that statement. And then the  
25 -- the State will rest, so.

1 THE COURT: Okay. And then -- and then, I don't know how  
2 much time you folks want.  
3 MR. ROZIER: Very little.  
4 THE COURT: A little bit.  
5 MR. ROZIER: Very little.  
6 THE COURT: So is it everyone's desire to just push  
7 through and finish this and then go to lunch afterwards?  
8 MR. MCKAY: Yes, Your Honor, on my end.  
9 MR. ROZIER: Yes.  
10 THE COURT: Okay. All right. I just -- I wanted to make  
11 sure everyone was on board. And I wasn't, you know, gonna  
12 mess with anybody's lunch today. And...  
13 MR. SHARP: If we're good to go through then we'll...  
14 THE COURT: Rivera.  
15 MR. SHARP: ...call Mr. Rivera.  
16 THE COURT: And the same sort of thing. I'm gonna have  
17 you sworn in.  
18 THE CLERK: You do solemnly swear the testimony you're  
19 about to give in this action shall be the truth, the whole  
20 truth and nothing but the truth, so help you God?  
21 MR. RIVERA: I do.  
22 THE CLERK: Thank you. Please state and spell your name  
23 for the record.  
24 MR. RIVERA: Philip Rivera, P-H-I-L-I-P, R-I-V-E-R-A.  
25 THE CLERK: Thank you.



1 THE COURT: Go ahead and have a seat. And you wanted to  
2 read a statement under oath?

3 MR. RIVERA: Yes. If I may.

4 THE COURT: Certainly.

5 MR. RIVERA: I apologize, in -- in advance.

6 THE COURT: Not a problem.

7 PHILIP RIVERA,

8 having been duly sworn, testified as follows:

9 STATEMENT BY MR. RIVERA:

10 At 8:20 -- at 8:29 tonight -- or tonight, Esther  
11 sleeps, feet fa- facing towards the floor, the body protected  
12 from the cool, windy night by the double-insulated pajamas  
13 that we have come to refer as her space suit. Esther's tiny  
14 hands clinching to the stuffed white bear that she has come to  
15 refer to as my baby. Esther sleeps tonight, approximately 45  
16 days from a bright uncertain future, 45 days from an absolute  
17 new beginning, 45 days from making the first spark of her  
18 chaotic start to life mostly irrelevant.

19 She sleeps tonight, intentionally unaware that she  
20 was the topic of the day and that her life and her future and  
21 her happiness were being discussed by those mostly unfamiliar  
22 with her, unfamiliar with her funny ways of hiding food in her  
23 high chair that she does not want to eat, unfamiliar with her  
24 new or unique mannerisms and behaviors when excited and when  
25 happy and when sad, unfamiliar with her likes and her

1 dislikes, her favorite restaurants, her favorite types of  
2 food, her favorite toys.

3           We, the family, the -- the foster parents, are more  
4 than just a little familiar with all those things and every  
5 other part of Esther's life. In fact, we are the experts in  
6 the field of Es- of Esther's life.

7           We sat quiet and helpless in court as the protection  
8 and the certainty we built around Esther for the last 216 days  
9 started to be chipped away. We remembered our obligation to  
10 Esther and knew she was depending on us to step up for her,  
11 like the other 260 days -- -16 days before, when we changed  
12 her and cleaned her nose and washed her face, the 216 days  
13 before when we would bathe her and feed her and cover her up  
14 at night, the 216 days before when we would sit with her and  
15 nurse her to health and provide her drops and medicine and  
16 ointments as she awoke in the middle of the night sick and  
17 congested and coughing, like the 216 days before when we were  
18 there for Esther day after day and night after night when no  
19 one else was.

20           We did this out of our love and our commitment to  
21 Esther and to ensure her safety in a bright uncertain future  
22 where all her needs would be met and where she would be  
23 provided a path to unlocking her real potential.

24           Esther is now 45 days away from that future we  
25 strived to create, 45 days from 100-percent permanency, 45

1 days from 100-percent certainty. Esther is 45 days away from  
2 a forever, loving home.

3 We have turned our home into Esther's home, a home  
4 that she recognizes, a home that she knows as her own, a home  
5 that is always there for her and welcomes her in every room on  
6 every day. Esther's home is filled with laughter and joy and  
7 love as she playfully screams and dances from room to room by  
8 pushing her Frozen bike, like a shopping cart. This is  
9 Esther's home. It is her safety and her security and is void  
10 of any trauma. And this is not just our account. We have  
11 letters supporting this.

12 We have turned our lives into the lives of parents  
13 where Esther's needs come first, where every decision we make  
14 is centered on Esther's well-being and growth. We wince when  
15 Esther bumps her head while playing. We scramble and rush her  
16 to the doctor when she feels sick. We sit with her and rock  
17 her when she cannot sleep. We have been there for her again  
18 and again and again. She is the center of our life. And we  
19 love her. And we would not change it for anything. But we  
20 would surrender everything.

21 As for the su- as for the subject of trauma, we  
22 speak -- we speak as if there is an acceptable level of trauma  
23 for this child. We contend that when the safety and the well-  
24 being of the child are not in question, that there is no  
25 acceptable level. And this is unreasonable, in this case, not

1 necessary and should be avoided.

2           We also believe that trauma can be cumulative and  
3 detrimental to Esther long term. For this child, it's not  
4 worth the risk. Esther is speaking now and is aware and would  
5 certainly know that the absence of the people she has grown to  
6 know as her mommy and daddy would certainly know that her home  
7 and her room has changed and the places that she keeps all her  
8 toys has changed.

9           She would know that her daily routine that she has  
10 come to depend on has changed, that her school where she  
11 stands out amongst all others and her teachers who are always  
12 praising her -- praising her has changed, that her weekend  
13 trips to the park and to the mall and to the church with the  
14 people she loves has changed and when she awakes in the middle  
15 of the night after having a nightmare, the people that she has  
16 come -- that has -- that has come to her with 100-percent  
17 certainty night after night has changed, that her friends and  
18 those she has known as relatives has changed.

19           It is not just one small trauma to remove Esther  
20 from her home now as there is no small trauma. Trauma by its  
21 very definition is catastrophic. And this is a complete  
22 uprooting of a life and she is familiar with and comfortable  
23 in. It is an avoidable trauma. And we have the ability and  
24 authority to eliminate the need for this trauma to Esther.  
25 And we must do it.

1 We are entrusted -- we were entrusted during  
2 placement to protect Esther and to provide her safety and  
3 protection and well-being -- and well-being short term and  
4 long. And this is non-negotiable.

5 Our plans for Esther are grand. We see much  
6 potential in her. She is in school now. And the thought was  
7 to ensure that she was socialized and prepared for magnet  
8 school at age 4. She would be there for -- we would be there  
9 for her when she struggled to assist her with all means  
10 possible, to allow her to continue to flourish. Esther would  
11 be encouraged to pursue her dreams and her passions, whether  
12 it be in academics or sports or in arts or in music. And we  
13 will be there to provide whatever support was needed.

14 We are raising Esther as a respectable lady with  
15 good character and who is proper and kind and humble. We are  
16 raising Esther to be gracious, to work hard and to care about  
17 others. We are raising Esther to contribute every day.

18 As for our connection to Esther, she is part of our  
19 family. She gets so happy and excited when she wakes up in  
20 the morning and we walk into her room. She smiles and screams  
21 and claps her hands in -- in excitement. And she dances on  
22 her bed. She runs to us and grabs our legs when we return  
23 home. She reaches over -- reaches over and gives us kisses  
24 after kisses and hugs with her arms and her legs after her  
25 bath. She calls us momma and dadada. And she reaches out to

1 be held. She lays between us on the weekend mornings,  
2 clinging to us. When we go out, she reaches to hold our hands  
3 for safety. She identifies with us and is comfortable with us  
4 in every way. We are that constant in her life that she is --  
5 that she has connected to.

6 We have nothing but respect for the family. We know  
7 that this is hard. And we are committed to an open adoption  
8 where Esther can get to know them and connect with them and  
9 learn from them. But we contend that there are still unknowns  
10 that we cannot chance. The uncertainty in this scenario is  
11 unnecessary uncertainty -- or the -- the certainty in this  
12 scenario is an unnecessary uncertainty. What happens in the  
13 event that she is uprooted and it does not work out for a  
14 dozen of reasons? What is Esther's future then? We are not  
15 an unknown, but proven resource committed to Esther, a family  
16 that has cared for Esther and provided her with an amazing  
17 life and one that she is thriving in.

18 We are 100-percent -- we are the 100-percent  
19 certainty, have been monitored and checked and endorsed by the  
20 State, that once found in Esther's best interest to remove her  
21 from her birth mother. Had the State not made that decision,  
22 we would not be here today. And the result would have been,  
23 at best, horrific.

24 We ask today that we be permitted to fulfill our  
25 commitment to Esther, that we be permitted to continue to

) )  
1 protect Esther and that we be -- be permitted to look out for  
2 Esther and her best interest and to keep her in our family.  
3 We have demonstrated on a daily basis, our bond and our  
4 commitment and our love for Esther and her forever -- and her  
5 forever, as we have embraced her as our own. And she is part  
6 of our family. She is 45 days away now, 45 days from forever.

7 THE COURT: Mr. Sharp, did you have any follow-up?

8 MR. SHARP: I have no further questions.

9 THE COURT: Any questions?

10 Mr. McKay any questions?

11 MR. MCKAY: No questions.

12 THE COURT: Thank you very -- thank you very much, sir.

13 MR. SHARP: The State has no further witnesses at this  
14 time.

15 THE COURT: All right.

16 I told you I would give you each an opportunity.  
17 You remain under oath. Whether you want to stay there or come  
18 back up to the witness stand. There were things that were  
19 testified to today that you wanted to comment on. I -- I -- I  
20 -- I know that because we were talking about them during the  
21 -- the questioning. But this is your opportunity now to make  
22 any further statements you wanna make under oath or to give  
23 some evidence of testimony of your own to contradict anything  
24 that you might have heard today.

25 MS. ROZIER: Do you wanna go?

1 MR. ROZIER: I'll go first. You want me to come up  
2 there?

3 THE COURT: What -- whatever makes you -- you're under  
4 oath either way.

5 MR. ROZIER: I'll come up.

6 THE COURT: It -- it -- whatever makes you comfortable.

7 JOEY ROZIER,

8 having been previously duly sworn, testified as follows:

9 STATEMENT BY MR. ROZIER:

10 That was tough. What's unfortunate is I don't think  
11 it was necessary for the Riveras to go through what they've  
12 been going through. I just wanna state in the record, that  
13 had they known that the Roziers were in the wings, it would've  
14 been a lot easier to deal with than at the last minute. Okay?

15 Now I'm bringing this home to you. We have a seven-  
16 month-old nephew. He has been visiting with us. We have  
17 bonded with him. We -- we feel your pain River- the Riveras.  
18 I've actually rocked him to sleep. And when you go through a  
19 few months, a few months is a lifetime it seems like because  
20 it just seems like yesterday the child was born. But then  
21 he's our nephew. And he's around. And we're bonded. And he  
22 comes sees us. And we understand.

23 But it's unfortunate that people have to have their  
24 hearts broken because the system did not work and it failed  
25 them on a -- a notification stage of it. And with us, okay,



1 because we don't fly all the way out here and -- and -- and do  
2 what we're doin' for nothin'.

3           You gotta understand, my wife has a Latin  
4 background. Okay? Riveras have an Asian background. Their  
5 -- that -- that's about the two most family-oriented ethnics  
6 that you're gonna find. And I can assure you they will fight  
7 to the death for -- for kids and family and -- and whatever  
8 comes across with -- with the -- with the issues that are --  
9 that are laid in front of 'em.

10           I can't help the west coast that do nothin'. But  
11 I'm tellin' you the east coast has just as much to offer the  
12 child as they do here. And it's heartbreakin'. And I don't  
13 wanna see it. But at the end of the day, we're tryin' to keep  
14 siblin's together. And it's about Esther. And it's about  
15 Destiny. And it's about the child that's unborn. And that's  
16 what we're tryin' to do. And it's unfair to have three  
17 children in foster care when there's somethin' that can be  
18 done.

19           But somebody's heart's gonna get broke today. And I  
20 -- I -- prayers for everyone sittin' in this room. It's not  
21 fun. But it -- it shouldn't have been this tough to begin  
22 with had the information been distributed the way it was  
23 supposed to be. And I apologize for that. And -- and -- and  
24 -- and it's -- I wish it could've been different. But it's  
25 not. But it's not fair for -- for what we're all gonna havin'

1 to sit through and go through in the next few minutes.  
2 If the child stays with the Riveras, God bless 'em.  
3 Prayers with ya. Hopefully, we can be a part of the life. If  
4 the child is chosen to come to us, you're more than welcome to  
5 come. We'll come out and visit. We'll do what we need to do  
6 to keep that bond there as much as possible. Okay? At the  
7 end of the day, we're not cold-hearted folks. It's just about  
8 the kids. And we're all grown adults and what's right for  
9 them. And I just hate the decision has to be made. And  
10 that's it. Thank you.

11 THE COURT: Did anyone have any questions of him while  
12 he...

13 MR. SHARP: No.

14 MR. MCKAY: No, Your Honor.

15 THE COURT: Ms. Rozier, did you wanna comment on any of  
16 these things? Did you want to comment on any -- again, on any  
17 of the testimony that was made earlier?

18 MS. ROZIER: I'll try to keep it together.

19 THE COURT: I understand.

20 STEPHANIE ROZIER,  
21 having been previously duly sworn, testified as follows:

22 STATEMENT BY MS. ROZIER:

23 Those 216 days, that I long for, for Esther and her  
24 siblings. Like I said before, I have no doubt that they would  
25 be good parents. They've been good parents to her now leading

1 up to this. But since October 18th, we've been loving her  
2 from Georgia. We've been praying for her. Every decision  
3 that I make, although Esther's not there with us, has been for  
4 her. I'll wake up thinking of her. I go to sleep thinking of  
5 her.

6 Like my husband said, it's not fair to either one of  
7 us, my husband and I or the Riveras. It's not fair to Esther.  
8 I have peace knowing what -- which -- however the outcome is.  
9 Whatever the outcome is that Esther will be loved and taken  
10 care of. I'm very glad that she's with a Christian family.  
11 That's very important to us. I know that's very important to  
12 God.

13 We can -- we can stand here all day and say what was  
14 done wrong, what could've been done right and all of what was  
15 not done and should've been done, how it's affecting us.

16 And we're willing to do anything to make the  
17 transition easy for Esther. We've talked about relocating  
18 here for a short period for that bonding. It's just very  
19 hard.

20 I don't know what else to say. So I'll end there.

21 THE COURT: Did you have any witnesses or anybody you  
22 would like me to talk to or -- no.

23 Mr. McKay, did you have any witnesses or anybody  
24 that you wanted...

25 MR. MCKAY: No, Your Honor.

1 THE COURT: ...to call?

2 So we're done as far as evidence is concerned today.  
3 Those actually sounded like closing arguments. But I'm still  
4 going to give you an opportunity to do closing arguments.

5 Mr. Sharp, would you like to start us out with  
6 closing arguments?

7 MR. SHARP: Sure.

8 CLOSING ARGUMENT

9 BY MR. SHARP:

10 So, Your Honor, I think -- I think everybody's in  
11 agreement that this isn't an issue of -- I don't think the  
12 Roziers are bad people. I don't think that they're trying to  
13 do anything malicious here. I -- I think we -- we could all  
14 agree with that.

15 I -- I think there's an issue here if you had a mom,  
16 a family member who has some serious issues, she's off and in  
17 the wind, you don't quite know where the kids are, and I  
18 think, I know at least in my family, that, I think, we -- we  
19 all have those family members that you know are out there and  
20 you know that there's trouble, but you -- you don't know  
21 exactly what's goin' on. And -- and I fear that.

22 In this case, obviously, if the Roziers had come  
23 forward in the first year, I -- I -- there wouldn't be any  
24 question. And certainly, I think that -- that is the  
25 (indiscernible)...

1 THE COURT: There'd be no hearing today. You're right.

2 MR. SHARP: Exactly. There -- there wouldn't even be a  
3 hearing today.

4 A couple of things that I want to begin with and  
5 first of all, when -- I need to preface -- preface this with,  
6 I'm not saying that the Roziers are not related. But one of  
7 the issues, depending on how this proceeds, is that we don't  
8 have a pr- any proof of that relationship as far as...

9 THE COURT: Well, we have testimony by Ms. Rozier of the  
10 relationship.

11 MR. SHARP: We do. And that's all we have. Now...

12 THE COURT: That -- that's evidence. So to say we have  
13 no evidence would be inaccurate.

14 MR. SHARP: Okay. So let me -- let me...

15 THE COURT: We don't have evidence...

16 MR. SHARP: ...rephrase that.

17 THE COURT: ...that the DFS finds sufficient. How's  
18 that?

19 MR. SHARP: Aside -- that would be good.

20 So and that's exactly right. And again, we're not  
21 saying that they're not related. However, I think before --  
22 especially for an adoption or before the Court looks at  
23 placing, we would have to verify that. So that's just  
24 something we -- we need to get out of the way. Again, I'm not  
25 saying they're not related. I think everybody agrees they

1 are. They're not likely going to show up if they're not  
2 related.

3           The other issue I want to get to before my -- my  
4 main argument is I think it's important to recognize there's  
5 -- there's been a lot of talk back and forth as to what  
6 happened in October and why wasn't placement made then? Well,  
7 we need to keep in mind that the Rozier family was in Georgia.  
8 And so, no matter what, in October when we started that ICPC,  
9 we were not going to move the child. We were not going to  
10 place the child with the Roziers until that ICPC was completed  
11 at that time.

12       THE COURT: We can't by law.

13       MR. SHARP: Yes.

14       THE COURT: Correct.

15       MR. SHARP: And that was not completed until March. So  
16 this isn't something where the Department could have placed  
17 the child with them and simply did not do it. It's a matter,  
18 because of the law that we have, we could not have placed  
19 either way. It just was not -- not an option.

20           We talked a little bit yesterday. And I know the  
21 Court's spew on this. I'd just kind of like to reiterate a  
22 couple of points. That the first hurdle in this is obvious  
23 that -- obviously that the family members must provide a  
24 reasonable excuse for the -- the delay if they do not come  
25 forward within that first year and they have a duty to come

1 forward.

2           We know that the Rozier family knew of the birth.  
3 We knew that the Rozier family was aware that mom was  
4 unstable, had mental-health issues, had drug issues. She had  
5 another sibling. We had two children that were removed from  
6 care. And so with that, coupled with the fact that Ms. Roz-  
7 Rozier stated that they're a close family, in addition to the  
8 fact that Ms. -- Ms. Rozier clearly demonstrated that she is  
9 able to make contact with her family -- back in October, she  
10 stated that it was an Uncle Tony (ph) that called her and said  
11 that the children had been removed. Well, the children had  
12 been removed for 16 months. And she'd been in contact with  
13 him. And so, if they're a close family why it took 16 months  
14 to get that information, I don't know.

15           But as soon as Ms. Rozier found out, she was able  
16 to, that same day, know exactly who to call. I understand she  
17 claims that she had a friend at the DA's office. But if mom's  
18 in the wind, certainly I have concerns as to, well, how did  
19 you know to call the Nevada Department of Family Services that  
20 day. That -- that would be one of the questions that I have.

21           In addition to that, when asking Ms. Rozier, well,  
22 how are you able to find mom last week? She's able to track  
23 mom down. She's able to get in touch with her. And so the  
24 thought in mind is -- is, if you were wondering how this child  
25 was doing, and if you had thought, well, I know this child is

1 in trouble. And I know if the child is in trouble, I want  
2 placement. She knows how to track mom down. And she had done  
3 that previously.

4 In addition to that, while the ICPC was going on, I  
5 know that there was some -- some statements made that, I  
6 believe, in February is when the Rozier family was told that,  
7 you know, we're not even going to allow visitation at this  
8 point. However, from October to February, they could have  
9 visited. And in fact, Ms. Rozier stated that she needed to  
10 complete -- or she wanted to complete the ICPC courses, I  
11 believe, before that visitation. However, that is an  
12 opportunity for her to bond. That is an opportunity to kinda  
13 get to know the -- the child. And she did not. She did not  
14 come forward and make those efforts.

15 And certainly, our argument is -- our argument in  
16 this case, based on what Ms. Quinlan has testified to, is that  
17 they had told Ms. Rozier that this child was in an adoptive  
18 home, that you are going to be the contingency plan at this  
19 time. And they -- they were not told that they could not come  
20 to court, that they could not intervene or anything like that.  
21 But it's not Ms. Quinlan's duty to give them legal advice as  
22 to what they need to do at that point. And so, that they have  
23 that (indiscernible) duty, as it states in the supreme court  
24 to come forward. And like I say, as -- as you -- as we kind  
25 of talked about yesterday, I understand the Court's feeling on



1 this.

2           Getting to the child's best interest argument, and I  
3 know that this is the crux of what's going to happen today,  
4 obviously we know that supreme court has said that the  
5 analysis should center in the child's best interest and that  
6 family placet- placement is a preference, not a presumption.

7           What I'd like to start off with is the trauma, the  
8 trauma that will likely occur to this child. Ms. Quinlan and  
9 especially Ms. Lamaison testified today of the serious  
10 potential for trauma that this child is going to have. It may  
11 affect her brain development. It may affect her other  
12 developmental areas. It may cause her anxiety, long-term  
13 anxiety. It may cause her to -- to have a reactive attachment  
14 disorder. It may cause her to have issues in bonding. And  
15 this is especially true when in this time, this is when Esther  
16 is beginning to form those bonds. And we have to remember  
17 that if the child were to be removed, this would be the fourth  
18 removal for this child.

19           And so up to this point, the child has made it to  
20 the Riveras. The Riveras have been able to begin to create  
21 those bonds. This child has been able to build that trust to  
22 begin to build those relationships and to overcome the trauma  
23 in her past. And so, it's not -- it's not fair to this child  
24 to re-traumatize the child. And it's not in her best  
25 interest, especially when we don't know what's going to happen

1 in -- in the future. And I'll get to that in -- in a minute.

2           The second issue is, the Court has decided that  
3 permanency in this case is termination of parental rights and  
4 adoption. And that is in the best interest of the child.  
5 Right now we have a certain adoptive home that is due to adopt  
6 this child in 30 days. If the best interest of this child is  
7 adoption, we have that option. And we have it now. And we  
8 know that it's going to happen.

9           Again, I'm sure the Rozier family would be able to  
10 take Esther. I'm sure that -- I'm not saying that if they  
11 were placed with her anything bad would happen. But the truth  
12 is, is we don't know. And as Ms. Quinlan stated in her  
13 testimony, it's going to take at least a year. The child has  
14 to be in her home for six months -- or in the Roziers' home  
15 for six months. You have to go through the ICPC, the adoptive  
16 ICPC, as well as all of the other checks. And so we're  
17 looking at delaying permanency for a year.

18           As the Court has already ord- ordered that adoption  
19 is in the best interest of this child, we -- we have that  
20 option now. And it's here.

21           As for the siblings, I know that this has been one  
22 of the major arguments for the Rozier family. There's --  
23 there's several issues here. And I appreciate the fact -- I  
24 -- I wish we had more family members that were coming forward  
25 fighting for all the siblings.

1 But the truth of the matter is, is we have Destiny,  
2 a 12-year-old. She is in -- under the California  
3 jurisdiction. She is in an adoptive resource. Mom's rights  
4 have not been terminated. And the Rozier family does not have  
5 custody of her yet. And so to argue that, well, if we place  
6 Esther with them, Destiny will be with them, as well. That's  
7 -- that's not accurate because we don't know what's going to  
8 happen there.

9 As for the unborn child, as we stated before,  
10 unfortunately, Ms. Saez has -- has been Legal 2000'd.  
11 Apparently, she's still on drugs. We don't know if this child  
12 is going to be born. We don't know if the child is going to  
13 be taken into custody. And this -- this may be a situation  
14 that if the child does come into our custody, I'm certain that  
15 the Rozier's will be the first family that -- that we're going  
16 to look at contacting in a case like this. However, the child  
17 is not in our custody yet. So to argue that it's in the best  
18 interest of Esther based on her siblings, well, the siblings  
19 aren't in their care yet. And so that is a -- that's a great  
20 unknown that we can't answer at this point.

21 I think the other issue that we have is, the  
22 standard is the best interest of the child. One of the issues  
23 that we would potentially have in this case is obviously we're  
24 looking for our children to have permanency in their lives.  
25 If we begin to remove children when they're 30 days away from

1 adoption from foster families, it is going to affect the best  
2 interest of all children in this situation because they're  
3 going to have families like the Riveras who aren't going to be  
4 willing to do this again.

5 I -- I understand that, you know, come the first  
6 year, foster parents understand this. When they get into the  
7 system they know, you know, family members come in early on  
8 and if mom and dad get everything together, then they  
9 understand that that's part of the -- the bargain. However,  
10 there comes a point when mom's rights have been terminated,  
11 when they've created this bond with the child, when they're  
12 set for adoption in 30 days, that it's simply -- it's going to  
13 affect what the foster parents do. And in the end, it's going  
14 to affect the -- the best interest of -- of all children in  
15 this situation.

16 And I think the -- the final point is just, it comes  
17 down to the best interest of the -- of Esther. The -- I -- I  
18 believe -- I believe it was Mr. Rivera that -- that stated  
19 something to the effect of that Esther is -- is in a certain  
20 home, that she has certainty in her situation where she's at.  
21 We don't know what's going to happen with the Roziers. And to  
22 say we're willing to risk long-term trauma to Esther because  
23 this other situation may not work out is not in her best  
24 interest.

25 We know that right now for all intents and purposes,

1 Esther has a mom and dad. Mr. and Mrs. Rivera is -- are her  
2 parents at this point. That is who she looks to. We know  
3 that she has a stable home. We know that they have stable  
4 income. We know that they're a loving home. We know that she  
5 has emotional bonds and friends in the community, in her day  
6 care, in her church. We know that the Riveras are willing to  
7 sacrifice everything for this child. We know that Ms. Rivera  
8 stepped down from her position at work in order to care for  
9 this child. In addition to that, we know that they are bonded  
10 to their own family members and that they are committed to  
11 Esther.

12 And in looking at this analysis when -- when you  
13 boil it down to the best interest of the child, it's clear  
14 that -- it's clear that Esther is in a good place. And to  
15 change that situation, A, it's very certain to cause trauma,  
16 and B, we don't know what the future is.

17 And so I would ask that, A, that Esther remain with  
18 the Riveras and that they -- the adoption proceed. Thanks.

19 THE COURT: I'm not sure who wants to go next.

20 MS. ROZIER: I'll stand.

21 THE COURT: Whatever makes you comfortable.

22 CLOSING ARGUMENT

23 BY MS. ROZIER:

24 With all due respect, he doesn't know our daily  
25 life. And our home study would not have been approved if the

1 -- the County, DFS, did not see that -- or did not feel that  
2 we were capable of caring for any child.

3 And I do wanna make a point that we -- before any of  
4 this came up, Joey and I were lookin' to be foster parents.  
5 We knew what to expect. We went through the training as he  
6 stated that to be foster parents, things like this come up.  
7 And you have to be able to let go.

8 One of my best friends, she is a foster parent in  
9 Utah. And she has two siblings right now. And she is  
10 somewhat in the same situation as we are. But as hard as --  
11 as it is for her to be able to let go, she is doing so because  
12 it is for the best interest for the siblings to be back with  
13 family.

14 Back in October, yes, I have my aunt who worked for  
15 the DA in Augusta. But with the world that we live in now, it  
16 doesn't take much to figure out where to look for a child  
17 who's been removed from a home. So even if my aunt was not --  
18 you know, had that history of working with the DA, it would be  
19 common sense to look, you know, at the Department of Family  
20 Services. How did I know to look in Clark County? Well,  
21 because according to her Facebook page, this is where she was  
22 at the time she gave birth. I did ask in California,  
23 Riverside County, if she was there. They cannot locate her.

24 I wanna make sure that I say everything that I need  
25 to say.

1 THE COURT: All right.

2 MS. ROZIER: There was one thing that was said yesterday  
3 that would never, and never has, come out of my mouth, that  
4 Esther would get over it. I simply stated that she's 2 years  
5 old. And she would not remember it. Getting over it, people  
6 really never get over stuff. Okay? I lost my mom when I was  
7 14, to cancer. You get by. But you don't get over it. So  
8 for someone to put those words in my mouth, I take offense to  
9 it because I know -- you get over a fall. You know, you trip.  
10 You get over it. There's things -- you don't get over a move  
11 or death. So I don't appreciate that being said.

12 My husband picks that I'm like 50 First Dates  
13 sometimes with my memory, that I choose to remember the things  
14 that are important to me. And from what my aunt told me that  
15 I need to document everything from the very beginning. And  
16 that's exactly what I did. Every conversation that I had, I  
17 hung up the phone. And I documented because I knew that that  
18 was gonna be the only thing that would protect us and to help  
19 us. My phone records do not lie. I cannot fabricate that.  
20 That there shows the efforts that we made to keep in contact,  
21 to keep up with Esther and the process.

22 I didn't know we could come to court. If every- if  
23 things were confidential, I should not have known that there  
24 was a TPR hearing on January the 12th. I should not have  
25 received Mr. McKay's name. The day -- the weekend we were

1 ready to fly out to visit with Esther and we were told we  
2 weren't, that's when we -- we took the trip to Florida instead  
3 for six hours alone in the car.

4 I've called so many people. I've talked -- I've  
5 spoken with the ICPC incoming for Nevada, with Ms. English.  
6 You know, she reached out to me. I've spoken with Paula  
7 Hammack's office, Erik Pappa's. I don't know who these people  
8 are. But I've called everyone that I know that I can call  
9 that can direct me. One person directed me to another.  
10 Twenty calls just to get to the right person.

11 We've made all efforts from the time that I've  
12 called Kristi, she told me what we needed to do. And that's  
13 exactly what we did. And today, it seems like it hasn't been  
14 enough, for them at least. If they knew...

15 THE COURT: You are aware that I did make the finding  
16 yesterday already.

17 MS. ROZIER: Yes. But if...

18 THE COURT: Okay.

19 MS. ROZIER: ...if they knew that -- we'll just forget  
20 about that part but...

21 THE COURT: Well, no. I -- I didn't mean to cut you off.  
22 I just...

23 MS. ROZIER: It -- it's okay.

24 THE COURT: I -- I...

25 MS. ROZIER: It's -- it's done.



1 THE COURT: I -- I understand Mr. Sharp made that  
2 argument on his side. He's -- he's making a record. But I  
3 did make a finding on this yesterday. And you -- but you're  
4 welcome to make...

5 MS. ROZIER: We should not have been led...

6 THE COURT: ...any record you wanna make.

7 MS. ROZIER: ...on in both ways, when it seems like they  
8 have their minds set from the beginning. When Taryn spoke and  
9 said that most of the ICPCs were not approved, was she just  
10 assuming that ours wasn't? So we -- they just, you know threw  
11 us back there and said, well, they're not gonna get approved?  
12 So we're not even gonna entertain it? That -- that hurt  
13 everyone, Esther the most because Esther was placed in  
14 September, September the 9th. We called October the 18th. So  
15 much could have been done to avoid the hurt, the heartache,  
16 that both of the families are goin' through.

17 I was told that Esther was gonna be adopted the  
18 first weeks of April. I don't know if that's just another  
19 ploy to make us back down or to lose hope and say, well, let's  
20 just let Esther be adopted. But there was so much that was  
21 told to us and was not true. And I just want you to know that  
22 we've done everything when we found out.

23 Yes. I do keep in touch with family. But we all  
24 have our own lives. And if I want someone to know where I'm  
25 at, I'm gonna make that available to them. If I'm homeless,

1 it's gonna be very hard for someone to find me. If I'm an  
2 addict, it's gonna be very hard for someone to find me  
3 especially if I'm homeless. Nobody in her state of mind wants  
4 to hear what she's doin' is wrong.

5 And as easy as it may seem to everyone else that I  
6 found her, it wasn't that easy. And just as quick as I found  
7 her, as everyone says, that's how quick I lost touch with her.  
8 If it's been reported that she's abusing drugs and she's  
9 pregnant, there's only so much that I can do.

10 We'll respect your decision either way.

11 THE COURT: Thank you.

12 Mr. Rozier?

13 MR. ROZIER: I'll be short, sir.

14 THE COURT: I -- I don't want to pressure you.

15 MR. ROZIER: Nah.

16 THE COURT: You take as much...

17 MR. ROZIER: It's okay.

18 THE COURT: ...time as you want.

19 MR. ROZIER: I know.

20 THE COURT: This is an incredibly serious hearing today.

21 MR. ROZIER: It is. It is. It is.

22 THE COURT: And -- and -- and I would never cut you off  
23 at all. Please take as much time as you want.

24 ////

25 ////

CLOSING ARGUMENT

BY MR. ROZIER:

I have not been in a family court ever, I believe. And I can tell you, I appreciate the generosity and the graciousness from everybody, Ray, the DA, Kristi, everybody, the Riveras. We just wanted to be heard. That's all. And we felt we were, you know? I think we proved our reasonable delay and then some. I think we've proven our best interest for the child and then some.

No. We do not have the 12-year-old. But I can assure ya. We're on that one just like we're on this one. And we'll be on the unborn just like we're on this one today.

I'm doin' my best to keep her -- to keep the unborn child here in this county so we can immediately jump in and -- and -- and -- and -- and get baby Isaiah. As far as baby Esther goes, we have a great home. We have great family ties. We're willing to work it out if -- if -- with the one year with the -- with the six months with the foster and then the adoption study has to -- has to go through and -- and what we have to do. We'll still make trips out here. We'll -- we'll be as -- as part of the Riveras' lives as much as possible if you rule our way. And if it goes their way, we'll -- we expect the same. And I -- and I don't think that's an issue.

The issue on the table is, reasonable delay. Do we have best interest for Esther? I think we do. We got great

1 people in this room. And it's a tough decision. And we'll  
2 respect whatever you -- whatever you give us.

3 THE COURT: Thank you.

4 MR. ROZIER: Okay. Thank you.

5 THE COURT: Mr. McKay?

6 MR. MCKAY: Thank you, Your Honor.

7 CLOSING ARGUMENT

8 BY MR. MCKAY:

9 This is a tough decision. I know you talked  
10 earlier. I think the first thing you said yesterday was,  
11 you'd think that a termination of parental rights is the  
12 hardest thing. But this is. I see that.

13 As I -- as you know, this is my first and only CAP  
14 case. I -- I actually did a termination of parental rights  
15 early in my legal career. And I was sick from it. I  
16 represented mom. And I actually said, I will never do that  
17 again. So I understand that. And I can see how this is even  
18 worse. I didn't sleep last night.

19 And I'm here, not representing either party. I'm  
20 looking for Esther...

21 THE COURT: Right.

22 MR. MCKAY: ...and wondering what is in her best  
23 interest. And as I look that, you know, as a volunteer, as a  
24 CAP attorney, you know, just give you a little bit of  
25 background on me. I -- I've been active in this le- legal

1 field here quite a long time. I've won several pro bono  
2 awards, the lead award for most pro bono hours. I -- my -- my  
3 firm a couple years later won pro bono case of the year. I  
4 can't remember whose award that was for a pro -- a case I  
5 worked on. I've got 100-hour club, 50-hour club. I -- I  
6 volunteer on this -- on this ask a lawyer program. I've  
7 probably done it a dozen times over the last two years. Pro  
8 bono work and volunteer work's a big part of what I do. My  
9 goal was al- always give back.

10 And I bring this up in my closure, Your Honor, for a  
11 couple of reasons. One, is accepting this CAP case wasn't  
12 something I was comfortable doing. But we do it. We had -- I  
13 had one of the judges come in, speak, ask we'd take these  
14 cases. My group that I'm involved in, we decided to try to  
15 take some of these CAP cases. And I volunteered and -- and  
16 was honored to represent Esther in this one. They actually  
17 sent me a list of children. I got to look at them. And I  
18 sat. I prayed about these children. Didn't know -- and --  
19 and something touched my heart for Esther. And -- and that --  
20 that brought me to be a CAP attorney.

21 Again, I -- I don't know the system very well. And  
22 -- and maybe a couple times that has cause a failure. And I  
23 apologize to the families if in any way I was not the best  
24 advocate for Esther. But I worked hard on it. I -- I could  
25 -- I could not sleep last night, Your Honor. I read -- I read

1 those case studies. I read studies on siblings. I read -- I  
2 -- I looked at my e-mails from way back when. I tried to even  
3 check my voice mails. My voice mails only went back 90 days.  
4 But I was up all night. From midnight now, I've been up.

5 I could not -- there's no e-mails. I have no  
6 documentation ever of being -- written -- that -- of being  
7 advised of -- of the Roziers. I could've been -- there was  
8 some discussion about may- that I was maybe the -- advised or  
9 a call was given to me and not returned in December.

10 And just to clarify for the record, just in case  
11 that's an issue in any sort of way. My family is a partial  
12 caregiver to my father-in-law who had ALS. He died December  
13 25th. For about the three weeks prior, my heck -- my life was  
14 -- was pretty crazy trying to juggle the death of my father-  
15 in-law. And then we buried him on January 4th. And January  
16 7th, I was in a two-week trial, Your Honor. So my life was  
17 crazy until coming into this meeting and first hearing about  
18 in Jan- I think it was January 26th or January 28th when I was  
19 advised by -- by the Family Services that the -- the minimum  
20 information I -- I was provided about the Roziers.

21 And at that point, again, based on the limited  
22 information I was given, at that point, that's -- I signed the  
23 termination of parental rights at that -- at -- at that day,  
24 based on, again, nobody's really come out. There's no reason.  
25 It's so minimum.

1 And while we're here for best interest, I -- I've  
2 been to the Rozier's home. I went there the first time. I've  
3 talked to them several...

4 MR. ROZIER: The Riveras.

5 MR. MCKAY: ...occasions. I -- they are a great family,  
6 Your Honor. And I don't -- I don't want Esther to be taken  
7 away from them. Same deal here, though. How do I argue with  
8 the -- that the Roziers shouldn't have had an opportunity?  
9 It's -- and -- and to me, I've -- I truly believe -- and --  
10 and -- and I say this because I think something's gotta  
11 change. And if this is my opportunity, I've gotta do it.

12 I don't know if I'll ever take another CAP case  
13 again. And not because -- I -- I -- the part that it tore me  
14 up, listening to both families, I can live with that. That's,  
15 you know, as much as hard as it is and as hard it is for me to  
16 be here right now going over all of this, but for me, I -- to  
17 me, the system fails when Family Services is not cooperating.  
18 And they -- if they're following the law, Your Honor, and the  
19 lack of cooperation, something has to change because these  
20 families, and my ch- my client, Esther, shouldn't be put up  
21 with that.

22 And again, I know -- I know this isn't my arena.  
23 But I can tell you... I know when there's an injustice, being  
24 an attorney for 15 years. And we could've been here, talked  
25 about it in October.

1 THE COURT: Right.

2 MR. MCKAY: To be honest, I wouldn't have signed the  
3 termination rights because that might have affected the family  
4 process had I know active family members were -- were  
5 participating at that time. And at that January hearing, I  
6 would've said, Judge, I don't know what the -- what we're  
7 supposed to do but -- but there's a problem.

8 THE COURT: Right.

9 MR. MCKAY: And, you know, maybe we're not here at this  
10 point in time. Or and maybe we could've been there earlier in  
11 this process.

12 You -- you have your work cut out. Again, I'm -- I  
13 -- I -- I like both families very much. And I've been to  
14 their home. Both families have tore my heart. And you've got  
15 -- you've got your work cut out for ya. I -- I would've loved  
16 to have had the opportunity to argue that -- to build -- to  
17 have Esther with siblings had I known, you know, had I had  
18 that opportunity many month's ago. And I think I would've  
19 acted differently had I -- had I had information I didn't have  
20 today. And if that -- my argument there, if -- if that's any  
21 part of your ruling is looking at the family and then there  
22 not be -- I -- I -- I think it's unfair the system to hold  
23 that against the parties or -- or -- or Esther at that -- for  
24 that - for those reasons, Your Honor.

25 THE COURT: All right.



1           This is an incredibly difficult decision. On one  
2 hand, no matter what decision gets made today, Esther is going  
3 to grow up in a fabulous home.

4           Let me -- let me talk about some findings that are  
5 going to get made today and some findings that are gonna get  
6 made at -- with -- first I'm gonna talk about findings that  
7 are common to both parties, to both the Roziers and the  
8 Riveras.

9           Both are extremely good, dedicated parents, world  
10 class. I sit here. And I do this every day of the week. And  
11 you are both in the upper one-tenth of one percent in terms of  
12 -- of your -- of what I see every day of people coming into  
13 court.

14           The Riveras are -- you're among the best foster  
15 family I've ever seen. You're spectacularly good. I get  
16 family members coming in here asking for placement. And I  
17 almost never see anyone as qualified as the Roziers. I mean,  
18 I -- I can't actually remember anything in the last few years,  
19 any family being as qualified as you are to -- to -- to raise  
20 a child. I -- I'm -- I'm -- I'm -- both of you are incredible  
21 and -- and -- and -- and way beyond minimums. I mean,  
22 absolute rock star parents.

23           Both of you have good strong family connections.  
24 You're family oriented people. Both the Roziers and the  
25 Riveras would give Esther the opportunity to have a great

1 extended, large, involved family. That's gonna happen in  
2 either placement.

3 Both families have well-thought out plans for how  
4 Esther's education's going to go, how her moral upbringing is  
5 going to be addressed, how her social interaction is going to  
6 be addressed. Both sets of -- of parents have thought all  
7 this through and have great plans for taking care of Esther.  
8 Almost no one even comes in with those plans. Both of you  
9 came in with -- with well-thought out, great plans.

10 Both families have good community involvement.  
11 That's a substantial benefit to Esther. Both are -- are very  
12 involved in church and other organizations that would have  
13 tremendous positive influence on -- on Esther and her moral  
14 upbringing. Both of you have more than adequate resources to  
15 be able to take care of Esther's needs. Those are -- those  
16 are what's common.

17 Here's what's different. Here's what the Riveras  
18 bring to the table and here's what the Roziers bring to the  
19 table.

20 What the Riveras bring to the table is the bonding,  
21 is that time period from September 9th to today and the  
22 incredible bonding that has taken place and how difficult that  
23 transition would be, the four -- it would be the fourth  
24 transition for Esther in the event of -- of a move. They also  
25 bring to the table a proven ability to care for Esther. I

1 know for a fact that they can take care of Esther. They've  
2 been doing it and doing remarkably well.

3           What do the Roziers bring to the table that the  
4 Riveras do not? That biological family connection. And I  
5 believe it's highly likely that you will end up with one or  
6 both of the siblings. Certainly the DA has conceded that if  
7 Isaiah is born here in Clark County, you're going to be the  
8 first call. And under our one family, one judge rule, I would  
9 immediately initiate the placement process on your behalf. So  
10 I -- I think that that's likely. I don't wanna comment on  
11 what California is or is not gonna do with a 12-year-old,  
12 who's in an adoptive placement. But I suspect they're going  
13 to see very similar information to what I saw here today,  
14 which means you've gotta very good chance down in California.

15           Here's where this is incredibly tough because  
16 someone's gonna walk out of here really, really, really upset.  
17 And -- and -- and I -- and I -- before I -- I believe the  
18 system has failed Esther. And I believe that DFS should have  
19 located you earlier.

20           It's funny how you sit here today, Ms. Rozier, and  
21 you defend yourself for being skilled at finding people and  
22 getting things done. And I think that that's sad that you  
23 feel it necessary to defend how skilled you are at taking care  
24 of these problems and -- and finding solutions and -- and --  
25 and doing what's best for Esther. I think that if DFS had

1 done one-tenth of what you did to try to locate people, we  
2 would've tracked you down in a month.

3 And I think that -- I'll connect the dots a little  
4 bit. DFS knew about the siblings. The siblings knew about  
5 you.

6 So you knew about -- I can't remember whether it was  
7 Carolina (ph) or Karissa (ph). But one of the adult siblings  
8 is listed on your -- in your -- in your system in -- in UNITY.

9 So, DFS knew about them. And they know about you.  
10 So it's just one level of connection for DFS to have gotten to  
11 you.

12 Or, from what I understand from your testimony,  
13 would be a huge number of also qualified family members on the  
14 east coast. I don't believe you're the lone member of your  
15 family that was willing to come forward and take placement of  
16 Esther. I suspect that if we manage to reach out to the rest  
17 of the family, we would have had a lot of volunteers. And  
18 this should have happened in the first few weeks of this case.  
19 It shouldn't have happened a year later.

20 The -- DFS fails Esther.

21 And DFS fails you by not getting a hold of you early  
22 on. And to somehow blame it on to you, I think is  
23 inappropriate.

24 The system's also failed the Riveras. The Riveras  
25 were led to believe when they got placement that this is it.

1 This is permanency. This is what's gonna happen. Don't wor-  
2 need to worry about this family in Georgia. Most people fail  
3 ICPC. And so don't worry about it.

4 They knew about you, what five weeks, six weeks  
5 after placement? They should have been honest. Placement was  
6 the...

7 I'm sorry. Mr. Sharp is looking at me funny.

8 Placement is September 9th. They knew about you on  
9 October 18th. So I'm sorry. Seven weeks. So at that point,  
10 there should have been a serious talk with the Riveras about  
11 -- about what was going on and -- and -- and -- and -- and  
12 temper their expectations with -- with a bit of reality.

13 I -- I know that this is gonna be incredibly  
14 emotionally hard for me. But legally, I think this is  
15 actually a fairly easy decision. When we're comparing bonding  
16 versus family connection, United States Congress, our state  
17 legislature, courts around -- appellate courts around the  
18 country have recognized that family placement is where we're  
19 supposed to go.

20 I understand the trauma associated with the fourth  
21 move. I don't understand why DFS wasn't as concerned about  
22 moves two and three which were completely within their control  
23 and suddenly four is the deal breaker.

24 But I am sick about this. I will -- you indicated  
25 you didn't sleep last night. I probably won't sleep all

1 weekend. I'm -- I'm sick about this.

2           The Riveras are phenomenal people. And I'm about to  
3 make a recommendation to take Esther away from them. And that  
4 is horrible for me to do. I don't wanna do this. I -- I -- I  
5 -- I -- I -- I pray that this will not discourage the Riveras  
6 from getting the child that they deserve and need and -- and  
7 -- and I -- I'm -- again, I'm just -- I'm -- I'm sick about  
8 this.

9           There are going to be two things that are going to  
10 have to happen with this recommendation. I will need you to  
11 provide actual proof of the relationships. I think I'm  
12 certain you're capable of doing. And you testified that you  
13 were in agreement with a full trauma-free or trauma  
14 minimalization transition, which will be expensive and  
15 difficult and time-consuming.

16           Ms. Lamaison set out what that process really should  
17 be. I don't know if we're capable of doing it completely. I  
18 did write it all down. But -- but -- but she testified as to  
19 the -- the -- the stages that you would go through. And I  
20 expect you to do that. If you cannot do that, then the  
21 recommendation will not be to place with you. I need to  
22 minimize the trauma. And so I need you to do what you  
23 promised me that you would do and that is to -- to -- to go  
24 through these steps and -- and -- and to transition her in a  
25 way that will minimize the trauma. It will be -- I -- I

1 couldn't just put her on a plane and send her back to Georgia  
2 today.

3 MR. ROZIER: Yeah.

4 THE COURT: That would be -- I would cause irreparable  
5 damage to her if I did that. So you're going to have to hang  
6 tough here for weeks, if not months, to get this right. So  
7 I'm gonna...

8 I believe there will be an objection to this hearing  
9 today, which means you're not done with the court system yet.  
10 I do not know who will handle the next stage of this process.  
11 It will be one of three district court judges who supervises  
12 in this area. It will be assigned randomly based on when the  
13 -- when the Department files their objection. But that will  
14 be the next stage in this process.

15 Were there any findings that you felt were -- needed  
16 to be made based on the evidence today that the Court didn't,  
17 or any issues, that you felt the Court didn't address, Mr.  
18 Sharp?

19 MR. SHARP: I think the Court needs to make credibility  
20 findings. That is part of the -- in reading the supreme court  
21 case...

22 THE COURT: Oh I'm sorry.

23 MR. SHARP: ...point.

24 THE COURT: I -- I do find that -- I do find the  
25 testimony -- I -- actually, I -- I didn't get a single untrue

1 statement from any party in this case. I believe -- I believe  
2 all of the statements made by both the Roziers and the Riveras  
3 were completely credible and accurate.

4 MR. SHARP: And is that accurate for all of the witnesses  
5 then, as well?

6 THE COURT: Some of the DFS stuff contradicted each  
7 other. So I'm not gonna necessarily be able to make that  
8 finding with regard to the DFS testimonies...

9 MR. SHARP: Okay.

10 THE COURT: ...today.

11 MR. SHARP: And is that for Ms. Quinlan and Ms. Lamaison?

12 THE COURT: Those were the people whose testimonies...

13 MR. SHARP: Okay. I just want to make sure...

14 THE COURT: ...were inconsistent with...

15 MR. SHARP: Okay.

16 THE COURT: ...each other. Yes.

17 MR. SHARP: And then were you going to do the order? Or  
18 did you want me to draw up that order?

19 THE COURT: I'm gonna have you prepare...

20 MR. SHARP: Or recommendation. I'm sorry.

21 THE COURT: ...a recommendation.

22 MR. SHARP: Yes.

23 THE COURT: You'll get notice of the -- of the hearing  
24 date on that after he prepares it. He's probably going to  
25 wanna brief it. I don't know. It -- it's...



1 MR. SHARP: Yes. Yeah.

2 THE COURT: It won't be required. But he -- he may want  
3 to do that.

4 MR. SHARP: Yes.

5 THE COURT: Yes, sir?

6 MR. ROZIER: Can I say one thing?

7 THE COURT: Yes, sir.

8 MR. ROZIER: I just want every- the Court to know, please  
9 on future cases, that when we went to California and saw the  
10 list of the family that was listed, there were -- they were  
11 not even family on that side. And over here in Nevada, it's  
12 just important to make sure that that -- that web of  
13 connections gets spread out so we don't have to endure this  
14 ever again.

15 THE COURT: I understand.

16 MR. ROZIER: And that's -- I'm -- I'm just -- just FYI.  
17 California, same way. And that's why we're having to deal  
18 with what we're dealin' with. We did make it through to the  
19 TPR. We stopped that. We've got new caseworkers. And we're  
20 workin' on that. But as far as Nevada goes, I'm -- I'm  
21 probably pretty sure it's the same because when these mothers  
22 come in and give -- give people, they're not gonna -- if  
23 they're estranged, they're not gonna give who they really need  
24 to be givin'.

25 THE COURT: I go through this every single day...

1 MR. ROZIER: Yes, sir.

2 THE COURT: ...trying to draw information out of  
3 reluctant parents. So I -- I -- I understand what California  
4 goes through, as well...

5 MR. ROZIER: Yes, sir.

6 THE COURT: ...on...

7 MR. ROZIER: I'm not blaming anybody.

8 THE COURT: I -- I...

9 MR. ROZIER: I'm just sayin'.

10 THE COURT: It's -- but we should take a lesson from your  
11 wife.

12 MR. ROZIER: Yeah.

13 THE COURT: Diligence, perseverance and hard work and we  
14 perhaps find more of these people

15 MR. ROZIER: She did do that. We drove that entire trip.  
16 It was an entire afternoon. This is no lie. And I'm tellin'  
17 you, she called and she called. She got -- she started  
18 cryin'. And I said, hang on. Keep callin'. And keep  
19 findin' 'em. And finally she got to the correct people.

20 THE COURT: Mr. McKay, are there any findings that you  
21 think need to be made on behalf of Esther that were not made?

22 MR. MCKAY: I think you've done them all, Your Honor, so,  
23 my understanding.

24 THE COURT: All right. Mr. Sharp is still looking  
25 through his notes making sure that I...

1 MR. SHARP: No. I just want to make sure. I know you  
2 made the...

3 THE COURT: ...making sure I...

4 MR. SHARP: ...findings yesterday. And so I think we're  
5 good on -- on both prongs, so.

6 THE COURT: He's -- he's the one who has to draft the  
7 order. So it's very important that he understands what needs  
8 to be in that.

9 So I'll take as much time as you need. Is there  
10 anything else you think that...

11 MR. SHARP: No. I'll -- I'll get a copy of the hearing,  
12 as well, just to make sure I got everything down, so.

13 THE COURT: Okay.

14 MR. SHARP: We're good.

15 THE COURT: Thank you folks very much.

16 MR. ROZIER: Thank you.

17 MR. SHARP: Thank you.

18 MR. MCKAY: Thank you, Your Honor.

19 MR. ROZIER: Thank you.


20 (THE PROCEEDING ENDED AT 12:44:56.)

21

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

24

25

  
SHERRY JUSTICE  
Transcriber II

1 needless to say she would be around family.

2 Um, like I said before, Nellie lives a different  
3 lifestyle. She's the only one in our family who has that  
4 issue. Um, and I do not plan for her to be -- I plan to keep  
5 up with her, have contact with her from a distance. Ah, it's  
6 not like I'm going to pack her up, move her to Georgia and let  
7 her disrupt our lives. Ah, she's an adult. She knows what she  
8 has to do to change her life, so, um.

9 Other than that, we do not have any children, Joey --  
10 together. Joey has two older sons who have their own lives.  
11 One has a child already. Um, the other one, he works at the  
12 medical center locally to us. And his granddaughter is -- she  
13 is two-years-old.

14 Um, when we found out about Esther and Destiny, we  
15 were, at that time, trying to have children for ourselves. And  
16 we put that on hold to be able to provide them the life that  
17 they deserve.

18 Um, We made all efforts -- I'm emotional (cries).

19 THE COURT: It's okay.

20 THE WITNESS: Vegas is different (chuckle) than Georgia.  
21 Um, you know, we live in a great town. We have great schools.  
22 I'm sure there's great schools around here. I've enrolled her  
23 in a 2K program already, ah, because I was given the impression  
24 that she would be coming home with us. And that was mostly

1 from Bibb County. She says that there's no reason for her not  
2 to be able to come home, based on what we've done, the efforts  
3 that we've made.

4 We have her room ready. Now I have to get a little  
5 boy's room ready, and twelve-year-old's room ready. So, but  
6 we're prepared for all that. We knew going in that it wasn't  
7 going to be easy. Didn't know it was going to be this hard,  
8 but we knew that it was going to be an emotional roller  
9 coaster.

10 I've made efforts to visit with Esther. And back in  
11 November I asked if we could visit, and Kristi did tell me that  
12 we could. But I knew that our paperwork was in process, so I  
13 just assumed that it would probably be best that we had our  
14 ICPC completed. And after -- I have it on here, November, I  
15 said I like to crochet. Um, I sent Esther a blanket and a hat  
16 and a scarf. I wasn't sure how cold it got around here, but I  
17 know it gets windy, from my experience in the last two weeks.  
18 And Kristi did deliver that. She sent pictures. She said she  
19 loved the hat, put that one on immediately. (Indiscernible)  
20 sit still long enough to take a picture.

21 We've -- on the last hearing we brought a recordable  
22 book. It's a nighttime prayer we recorded for her so she would  
23 at least have a familiar voice when that time came that we got  
24 to visit with her. Um, she would probably think we sound

) )  
1 funny, too. My cousin's son said, Mom, they sound so funny,  
2 they talk weird. But we did that, and I just got her a little  
3 souvenir from the Atlanta Airport, a little purple monkey. So  
4 we gave that to Kristi last week when we were here. We put a  
5 lot of stuff on hold. I would do it all over again, a hundred  
6 times if I have to.

7           We actually didn't rent a car this time around, so  
8 we've been catching Uber and Lyft to dinner from where we're  
9 staying. And everybody asks, oh, you're here on vacation, no,  
10 oh, you're here for work, no. And so we tell them we're here  
11 to pursue an adoption of a family member, three family members.  
12 And everyone has their own story. And the one that stuck with  
13 me was, our last driver last night, um, from dinner, he's  
14 Korean. And his parents left him at a police station in Korea.  
15 They took him to an orphanage and an American family in  
16 California adopted him. And he thanked us for what we were  
17 doing (cries).

18           Of course he has no desire. We kind of try to pick a  
19 (indiscernible) a little bit to know his family. Because it is  
20 a big sea of people over there and it would be very hard. So  
21 it wouldn't be like the movie *Lion* where he tracks them down  
22 with Google Earth.

23           Um, I don't want Esther to have to wonder why nobody  
24 fought for her (cries). Destiny is twelve-years-old, and I can

1 only imagine the life experiences she's had. And I heard of  
2 some things that she had to experience. And I'm glad in a way  
3 that Esther was removed early for her not to have those  
4 experiences her sister has. She was diagnosed with RADD, and  
5 she's overcome that. And I think that's a very big thing. And  
6 I know that Esther's only two. She's not going to remember her  
7 move from the foster -- the adoptive family to us. That's one  
8 of the things I asked our Lyft driver, so, well, do you  
9 remember --at three-years-old he was adopted -- and he says  
10 that he doesn't. And I know that's a big thing of moving from  
11 one home to another. But this would be her last move, and she  
12 wouldn't have to move again.

13 And I joke around, I have several pets to help with  
14 the process. Georgia -- she's welcoming everybody and my cats  
15 --

16 MR. SHARP: And, Your Honor, at this point, I understand  
17 that this is pro per, but I would move to object and strike  
18 this as all calling for speculation as far as the effect of a  
19 two-year-old. I understand the Uber driver experience, but I  
20 don't believe that that is --

21 THE COURT: I'm going to overrule the objection because I  
22 think it's important for her to understand that -- the  
23 potential trauma and --

24 MR. SHARP: Um-hmm (in the affirmative).

1 THE COURT: -- and for her to show The Court that she  
2 understands that moving is a trauma and what she thinks the  
3 effect of the move would be on Esther and how she thinks she  
4 could overcome that effect on Esther. I think those are very  
5 relevant topics. I know she not -- may not be saying it in the  
6 clinical terms that you might have -- if you were asking her  
7 the questions you might have presented it. But that's  
8 effectively what she's doing, she's recognizing that there's  
9 trauma associated with the move and telling me what it is that  
10 she would do to overcome that trauma and why she thinks that  
11 this move -- that this move is worth the trauma of the move.  
12 At least that's what I'm getting out of it.

13 THE WITNESS: And that's what I'm presenting.

14 MR. SHARP: (Indiscernible.)

15 THE WITNESS: Um, so with that, um...

16 THE COURT: Well, tell me a little bit about what do you  
17 guys do for a living, how often are you home, how often would  
18 you need childcare, who would provide that childcare. Sorry, I  
19 don't mean to --

20 THE WITNESS: No, it's okay.

21 THE COURT: -- I don't mean to lead you, but I need to  
22 find out answers to these questions, so.

23 THE WITNESS: No, it's perfectly fine.

24 Um, we are business owners, so our schedules are very



flexible. Um, when we -- when I told my husband and -- about the whole situation with Esther and her sister Destiny, he didn't hesitate. He said, let's do this. Um, and, we work five minutes from home. Our plan is that I take a couple of months off from work, um, which would be the summer months. And her 2K program would start after that.

Um, we also have her set up for Mother's Morning Out for a few hours a day. I imagine she may get tired of seeing me twenty-four hours. There may be some things I need to get done, ah, so we do have her set up with that as well.

Childcare would be the 2K program, which is from eight to twelve, for her age group. And from there I would be the one to pick her up. And once we transition me getting back into work, we do plan on daycare or having a nanny, which would be my sister. She has great experience with children. Um, so those are our plans. We -- everything is one step at a time.

But we do have, you know, things in place for Esther. As far as -- we don't work weekends. We're off Saturday, church on Sunday. Ah, a lot of times on Sundays after church we do spend time with his family, um, only because I'm the only one in Macon besides my sister. Um, so we go to dinner, we play games, we spend a lot of time together, not just because it's Sunday after church. We get together sometimes. They'll drop in, we drop in at their house. We plan game nights and

1 things like that. And his cousin actually is expecting, well,  
2 his wife. She's due in May with a little girl. I know that's  
3 an age difference, but once they get older that doesn't matter.

4 THE COURT: Um-hmm (in the affirmative).

5 THE WITNESS: Um, so those are our plans with her as far  
6 as daycare, nanny, education. And it is at the -- the 2K  
7 program is at the church. We're believers, so I think it's  
8 very important for her to, um, learn academically and the Bible  
9 at the same time. Um, her morals.

10 What was your other question?

11 I think that was the questions. I think you actually hit  
12 on all of them. I asked about --

13 Ah, okay.

14 -- I asked about family, I asked about what you guys did,  
15 I've asked you about how much time you'd have to take care of  
16 the child, I asked you what you do when you weren't taking care  
17 of the child, who was going to take care of Esther.

18 THE WITNESS: Yes.

19 THE COURT: And I think you went through all that.

20 THE WITNESS: We like to vacation. Um, with our schedule  
21 we're allowed to do that. We have a good support system at  
22 work. Theresa, our office manager, bless her heart through  
23 these last three weeks.

24 MR. ROZIER: Since October.

THE WITNESS: Well, October, yes. So, yeah, she deserves a raise.

But --

THE COURT: You said that under oath. You've got to be careful (chuckle).

THE WITNESS: (Chuckle.) Yeah, well, she -- she texted that to us the other day. Actually yesterday.

There's a little sign -- I know we're getting off-track -- but a little sign says unattended children will be given energy drinks and a puppy. So we sent that to her as a joke and an energy drink and a puppy, (makes noise), so.

And -- but, you know, we've -- we plan on, you know, taking the time for Esther to bond, because we know, like I said, it's not a easy transition. We were trained for this in our adoption/foster classes to recognize different disorders. And, um, they've provided us with a list of therapists and thing -- if she ever needed that. So we have that information, ah, if she needed.

And we've talked about, you know, if it ever -- if Esther ever found out that I'm not Mom, I'm really cousin, and how we would address that. We want -- we're an open book. Um, we don't lie. We're very honest, so I think she deserves the truth. And, as I said before, I don't -- she doesn't deserve to -- to feel what Destiny feels and wonder why her Mom didn't

1 fight, her sisters didn't fight, nobody, um, and have to go  
2 through that emotionally. I think that would be very  
3 difficult. At least for me it would, so.

4 And I do want to say again, I don't doubt that they  
5 can love her. They've done that already. And I feel really  
6 bad (cries). I'm not a cold person. My fight is not against  
7 them. My fight is for Esther.

8 THE COURT: I understand.

9 THE WITNESS: And if you've ruled that you thought it was  
10 for the best interest for Esther to be with that family, I  
11 would -- in my heart I know she would be safe, and I would hope  
12 that they would want us as a part of her life, and -- at least  
13 the stable part of our family. There wouldn't be any worries  
14 of, is Mom going to show up. We have pictures. They don't  
15 know what -- she doesn't know what she looks like. I've  
16 thought about that. I don't put anything on Facebook. I don't  
17 want her to run into you and know that -- who Esther is. You  
18 know, we want to protect her. And I know that's what they're  
19 doing, too.

20 So, like I said, our fight is not against them. It's  
21 with them, because we're doing it for Esther. And although I  
22 haven't had the opportunity to hug her, to hold her, to read to  
23 her like they have, I have a love for her so grand it's -- I  
24 don't if everybody here are believers, but it's almost the

) )  
1 feeling of God when he knew you before he formed you. And  
2 that's the feeling that I have, that I love her that much  
3 (cries).

4 THE COURT: I'm going to turn you over to Mr. Sharp in  
5 just a second. I do want to ask you one more question.

6 If The Court were to determine that it's in Esther's  
7 best interest to be placed with you, how do you envision a  
8 transition taking place to minimize the trauma on Esther?

9 THE WITNESS: Oh, that question's for me?

10 THE COURT: That's for you.

11 THE WITNESS: Oh. I'm sorry.

12 THE COURT: If we were going -- if we end up placing with  
13 you guys, you've recognized when we were talking a few moments  
14 ago that that will be a traumatic thing for Esther, because she  
15 doesn't have that relationship with you yet. How would you  
16 envision being able to accomplish this to minimize the trauma?

17 THE WITNESS: Well, actually, my husband and I, we spoke  
18 about that this morning. And, you know, the what if's and --

19 THE COURT: Well, let me direct you a little bit.

20 Are you in a position to be able to come out and make  
21 regular visits so that she can get to know you before we move  
22 her across country, if we were going to head in that direction?

23 THE WITNESS: Yes and yes. That's actually what we talked  
24 about. We didn't know how this process really works. You

1 know, walking out of here with us or -- wouldn't be ideal for  
2 us only because of the trauma for her.

3 THE COURT: We're not going to traumatize Esther.

4 THE WITNESS: I --

5 THE COURT: That's not going to happen.

6 THE WITNESS: -- I know that. I know that. I'm saying,  
7 you know --

8 THE COURT: Right.

9 THE WITNESS: -- we would want her to stay where she's at  
10 and let us -- let her get used to us, um, phone calls, voice,  
11 visiting, um, taking time.

12 THE COURT: And you would be comfortable --

13 THE WITNESS: And also for the --

14 THE COURT: -- you would be comfortable doing something  
15 like that, despite the fact it would be very inconvenient and  
16 very expensive? I mean --

17 THE WITNESS: Absolutely.

18 THE COURT: -- coming out here two or three times before  
19 and doing regular -- Esther would be slightly verbal at this  
20 point -- I'm sorry.

21 UNIDENTIFIED SPEAKER: She's talking.

22 THE COURT: Okay. So you might be able to -- you know, to  
23 Facetime or Skype with her, but it's -- and are you committed  
24 to doing something like that?

1 THE WITNESS: Absolutely.

2 A lot of this was last minute for us, and so planned  
3 trips are a whole better than trying to find a flight.

4 THE COURT: Right.

5 THE WITNESS: We actually got stuck at the airport for  
6 seventeen hours when we left the last time, so -- because of  
7 the short notice and the storms that happened in Georgia. But  
8 coming back was a whole lot easier, besides gas trouble with  
9 the plane. Thank goodness they switched us.

10 So like I said, having a plan -- because we don't  
11 want to disrupt their lives either, just to say we want to come  
12 now. That's why I always ask Kristi, when is a good time for  
13 the family. We -- if they had plans with Esther or being out  
14 of town or with family, birthday, things, you know, life, we  
15 wanted to make sure it was okay with them first before we  
16 scheduled a date to work with their schedule.

17 So, yes, it would not be an issue to come back. As  
18 long as we're both on the same page of when, if a weekend is  
19 better or if a weekday, a week is better, um, how long do we  
20 need to stay, where do we need to go, do we need to go to a  
21 park or do we need to go to the Department of Family Services  
22 office, are they comfortable with us in their home. I -- I  
23 don't know. Those are things that I think communication is  
24 key. Um, and we didn't expect for us to disrupt her life and

1 -- a two-year-old who we've -- she's never met, on an airplane  
2 for four-and-a-half hours is not ideal. So, um, yes, that's  
3 our plan.

4 THE COURT: Mr. Sharp, I'm going to give you an  
5 opportunity to follow-up with any questions that you might  
6 have.

7 MR. SHARP: Just one quick question.

8 STEPHANIE ROZIER

9 testifies as follows:

10 REDIRECT EXAMINATION

11 BY MR. SHARP:

12 Q You stated, then, that part of your preparation is  
13 you're aware that they're -- that Esther would experience some  
14 trauma, is that correct, in the separation?

15 A Ah, yes. Ah, I imagine we would all do the same.  
16 Ah, my nephew, he's seven months old, and we've gone to church  
17 with his aunt several times and his uncle, and they've held him  
18 and held him, and then a few weeks went by --

19 MR. SHARP: So I'm going to --

20 THE WITNESS: -- he's grown --

21 MR. SHARP: -- I --

22 THE WITNESS: -- and he cried. He --

23 MR. SHARP: I'm going to interject --

24 THE WITNESS: -- was separated.



1 MR. SHARP: -- because at this point, unless we're going  
2 to continue this tomorrow, which we may need to, we probably  
3 ought to continue. Because we've got --  
4 THE COURT: We are very unlikely to finish today.  
5 MR. SHARP: That's --  
6 THE COURT: I'm going to give the --  
7 MR. SHARP: -- my thought.  
8 THE COURT: -- same amount of time to the foster parents  
9 --  
10 MR. SHARP: I understand.  
11 THE COURT: -- to let them say whatever they want to say.  
12 So I believe your trial tomorrow has settled or resolved or  
13 continued or something?  
14 MR. SHARP: I don't believe that is my trial.  
15 Is there another trial on for tomorrow?  
16 THE CLERK: (Indiscernible) trial at (indiscernible).  
17 THE COURT: Oh, I'm sorry. It's not your trial.  
18 MR. SHARP: Okay.  
19 THE COURT: It's Mr. Cordes' trial.  
20 MR. SHARP: So --  
21 THE CLERK: But it's going to come off.  
22 THE COURT: It's --  
23 MR. SHARP: -- it is going to come off?  
24 THE CLERK: Um-hmm (in the affirmative).

1 MR. SHARP: Perfect.

2 THE COURT: There's some --

3 MR. SHARP: Okay.

4 THE COURT: -- sort of stipulation sitting over here that  
5 takes it off.

6 MR. SHARP: Very good. Okay.

7 THE COURT: I'm not sure what that is. I haven't read it  
8 yet.

9 MR. SHARP: That's perfect.

10 THE COURT: Yes, sir?

11 MR. ROZIER: Am I allowed to speak?

12 THE COURT: You will be.

13 MR. ROZIER: Okay.

14 THE WITNESS: Okay.

15 MR. ROZIER: I will only be two minutes when everybody's  
16 finished.

17 THE COURT: You will be. You're going to have the same  
18 opportunity to come up, get sworn in, and say whatever you wish  
19 to say, sir.

20 THE WITNESS: Okay.

21 MR. ROZIER: All right. Thank you.

22 THE WITNESS: And another thing is, to what you said, I've  
23 dropped his granddaughter off at daycare. I've dropped our  
24 employee's kids at daycare. And they've been going for years.

1 And every time it's a traumatic -- and I know it's not  
2 comparable to an extent -- but we go -- life happens and  
3 there's traumatic experiences that we all go through. And a  
4 child's -- you drop them off at daycare, they cry and they are  
5 okay.

6 And with the time that they spent with Esther, I  
7 don't see why she couldn't bond with us as well.

8 THE COURT: Is that your --

9 MR. SHARP: I have no further questions.

10 THE COURT: -- only question?

11 MR. SHARP: That was my only question.

12 THE COURT: Okay.

13 MR. SHARP: Thank you.

14 THE COURT: On -- all right.

15 We're going to -- do you want to move onto Mr. Rozier

16 --

17 MR. SHARP: I --

18 THE COURT: -- or you want to --

19 MR. SHARP: Oh, actually yes --

20 THE COURT: -- do you want to get --

21 MR. SHARP: -- we'd like to do --

22 THE COURT: -- or --

23 MR. SHARP: -- Mr. Rozier.

24 THE COURT: Okay.

1 MR. SHARP: That's just fine.

2 THE COURT: I'm going --

3 THE WITNESS: Do you have any questions?

4 THE COURT: -- to have you and your husband trade places.

5 THE WITNESS: Okay.

6 MR. ROZIER: Okay.

7 THE COURT: Sir, I'm going to have you come up.

8 THE WITNESS: Should I leave this here for him if he needs

9 the records?

10 THE COURT: If it is helpful for -- if it'll help him

11 recall what he needs to call, dates and times and things like

12 that, that's fine.

13 Yeah, if I could have you remain standing, the

14 clerk's going to swear you in first.

15 THE CLERK: Do you solemnly swear the testimony you're

16 about to give in this action shall be the truth, the whole

17 truth and nothing but the truth so help you God?

18 THE WITNESS: Yeah.

19 THE COURT: The same sort of thing, I'm going to have you

20 either speak loudly or speak into the microphone --

21 THE CLERK: Can you please state and spell --

22 THE COURT: -- whatever your preference is.

23 THE CLERK: -- your name for the record.

24 THE COURT: And, I'm sorry.

1 Please state and spell your name for the record,  
2 please.

3 THE WITNESS: Joey Rozier, J-o-e-y, R-o-z-i-e-r.

4 THE COURT: Mr. Sharp.

5 MR. SHARP: Thank you.

6 JOEY ROZIER

7 having been called as a witness by the State and being first  
8 duly sworn, testifies as follows:

9 DIRECT EXAMINATION

10 BY MR. SHARP:

11 Q Actually, Mr. Rozier, I apologize, I don't have any  
12 questions for you. But do you have anything that you would  
13 like to add to your wife's testimony?

14 A I will.

15 JOEY ROZIER

16 having been called as a witness by the State and being first  
17 duly sworn, testifies as follows:

18 CROSS EXAMINATION

19 THE WITNESS: Um, one thing you guys need to know, we've  
20 -- I've listen -- and it's hard to watch your wife cry on -- in  
21 --

22 THE COURT: Yeah.

23 THE WITNESS: -- with all the things that we've been  
24 through. And it's not against, like we said, anybody in here.

1 And that's important.

2 And we're talking years from now. We're talking  
3 year, month, the birthdays, whatever, all the things that she  
4 would go to. And it's heartbreaking, because one of us is  
5 going to cry when we leave in the next couple of days. And  
6 it's not cool. It's not fair. Really isn't.

7 And we're not a bunch of crybabies. I'm just telling  
8 you, it's a bigger picture with the siblings. And what -- and  
9 I know we don't count siblings, I understand that. But at the  
10 end of the day, we're trying to keep a whole -- we're trying to  
11 keep brothers and sisters in one -- in one house. And that's  
12 important. And I was having fun trying to make a baby, too,  
13 let me tell you.

14 (LAUGHTER.)

15 Okay? But we didn't have a -- but we did put things  
16 on hold, and I know you guys have put things on hold, too. We  
17 all have, and we all pay the price. Okay? But at the end of  
18 the day, you get -- and I'd hate to have -- I don't want your  
19 job. I really don't. And I feel for you. And I mean that  
20 from the bottom of my heart.

21 THE COURT: Today is not a good --

22 THE WITNESS: It is not.

23 THE COURT: -- day to have my job.

24 THE WITNESS: I understand that.

1 But just know we'll be back. We can bond with  
2 Esther. If it takes four months, five months, whatever it  
3 takes for us to feel comfortable when she can go, that's fine,  
4 we understand that. Okay?

5 And I know we're coming out of left field and  
6 everybody's saying, well, who are these people. We understand  
7 that. Okay? We're human beings. We just -- I can't help  
8 things did not get streamlined when we -- when the baby was  
9 born.

10 Like I said, it's hard to keep up with an addict.  
11 And if I had LoJack I'd probably be better. Okay? But I  
12 don't. So we're having to make contact with everybody across  
13 the country to keep up with one woman, and that's just nuts,  
14 and it's not fair. It's not fair for everybody sitting in  
15 here.

16 But we do have a good stable home. My family's from  
17 Georgia. I grew up in Georgia. She's got family in Augusta  
18 that -- the family part of the fit -- of the family is on the  
19 east coast with all the sisters, and we're trying to include  
20 the west coast people, too. And we've made that. So we've  
21 done nothing else. We win. And we might not get Esther, but  
22 we've got everybody together. And I've an unborn to go fight  
23 for. And that's the difference. (Indiscernible) --

24 THE COURT: Mr. Sharp --

1           Oops, I'm sorry. I didn't mean to interrupt you.

2           MR. SHARP: I have no further questions at this time, Your

3 Honor.

4           THE COURT: Mr. McKay, did you have any questions of --

5           MR. MCKAY: No questions, Your Honor.

6           THE WITNESS: Okay.

7           THE COURT: Thank you very much.

8           THE WITNESS: Thank you.

9           THE COURT: Are we going to -- we've got an hour. We can

10 get Ms. Quinlan done.

11           MR. SHARP: I think that -- let's do Ms. Quinlan and then

12 we can continue till tomorrow, if --

13           Will you guys be available tomorrow?

14           FOSTER PARENTS: (No audible response.)

15           MR. SHARP: Okay.

16           UNIDENTIFIED SPEAKER: Yes.

17           MR. SHARP: Very good.

18           MR. MCKAY: Do you know -- before we get started, if I

19 may, Your Honor, for -- since we may be meeting tomorrow, do

20 you know what time we would meet tomorrow?

21           THE COURT: That depends on you guys. I'm free --

22           MR. MCKAY: You're free all day?

23           THE COURT: -- I had a -- I had a TPR trial scheduled all

24 day firm.



1 UNIDENTIFIED SPEAKER: Okay.

2 MR. MCKAY: Okay.

3 THE COURT: Apparently firm isn't what firm used to be.

4 MR. MCKAY: If The Court doesn't mind --

5 (LAUGHTER.)

6 I'm going to -- I'm going to make a couple messages

7 on my phone to check --

8 THE COURT: Sure. That's --

9 MR. MCKAY: -- my schedule for tomorrow.

10 THE COURT: -- that's not a problem.

11 MR. SHARP: And if we can just get like a --

12 THE COURT: And I'll work with everybody's schedule in

13 terms of timing tomorrow.

14 MR. SHARP: Can we just take like a five-minute recess?

15 THE COURT: Sure.

16 MR. SHARP: Okay. Thank you.

17 (RECORDING STOPPED AT 16:00:55.)

18 (RECORDING BEGAN AT 16:11:46.)

19 THE CLERK: Okay. We're on.

20 THE COURT: Oh, I'm sorry. We're back on the record on

21 Case No. J337398, Nellie Saez.

22 Can I get Ms. Quinlan sworn in, please?

23 THE CLERK: Do you solemnly swear the testimony

24 you're about to give in this action shall be the truth, the

1 whole truth and nothing but the truth so help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Thank you.

4 Please state and spell your name for the record.

5 THE WITNESS: Kristina Quinlan, K-r-i-s-t-i-n-a,  
6 Q-u-i-n-l-a-n.

7 THE CLERK: Thank you.

8 THE COURT: Thank you.

9 MR. SHARP: Thank you.

10 KRISTINA QUINLAN

11 having been called as a witness by the State and being first  
12 duly sworn, testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. SHARP:

15 Q Ms. Quinlan, how are you employed?

16 A I am a permanency specialist, Family Services  
17 Specialist II, with the Department of Family Services.

18 Q Very good.

19 And how long have you been with the Department?

20 A For almost two-and-a-half years.

21 Q Okay. And were you assigned to the case involving  
22 Esther Rodriguez?

23 A Yes.

24 Q And when were you assigned that case?

1           A     To the best of my recollection, towards the end of  
2     September, 2015.

3           Q     Okay.  Would October 25th, 2015 sound accurate?

4           A     Yes.

5           Q     Very good.

6                     Now just reviewing the history of the case, Esther  
7     was removed on July 29th, 2015; is that correct?

8           A     I thought it was the twenty-seventh, but, yes.

9           Q     Okay.  So it was at --

10          A     End of --

11          Q     -- least July --

12          A     Yes.

13          Q     -- of 2015?

14          A     End of July, 2015.

15          Q     Very good.

16                    Now during the initial stages of the case, who was  
17     the original investigator that was assigned to this case?

18          A     Martha Cardiel.

19          Q     And did Martha Cardiel perform a diligent search for  
20     relatives of Esther?

21          A     Yes.

22          Q     And in that diligent search, it just identifies the  
23     first degree of relation, is that what it is?

24          A     Yes.

1 Q Okay. Very good.

2 And, in doing so, the name of Carolina came up. In  
3 fact, I believe that was provided by Nellie herself; is that  
4 correct?

5 A Yes.

6 Q Okay. And, in fact, natural mom provided the names  
7 of some of the older adult siblings as well; is that correct?

8 A Um, I -- you mean to Martha?

9 Q I'm sorry, to Martha.

10 Do you recall -- have you had a chance to review the  
11 notes?

12 A I reviewed, um, some of the notes, and I was also  
13 told by Martha that she wasn't able to identify any relatives  
14 at that time --

15 Q Okay.

16 A -- for placement.

17 Q So when you say, wasn't able to identify, she did a  
18 diligent search; is that correct?

19 A Yes.

20 Q Okay. And so did she seek to notify those relatives?

21 A To my knowledge, when a diligent search is done, the  
22 diligent search sends -- their office sends letters to the  
23 relatives asking them to contact the Department.

24 Q Very good.

1           And then in October when you were assigned to the  
2 case, did you perform a diligent search?

3           A     I don't recall if I performed one at that time.

4           Q     Okay. During the course of your time with the case,  
5 have you done a diligent search --

6           A     Yes.

7           Q     -- and sent out the notifications?

8                 Very good.

9           And, to the best of your knowledge, the notifications  
10 would have been sent to the half-siblings, Esther's adult half-  
11 siblings; is that correct?

12          A     Correct.

13          Q     Okay. Now in April of 2016, Carolina contacted you;  
14 is that correct?

15          A     Yes.

16          Q     Okay. And did you discuss with her being a potential  
17 adoptive placement?

18          A     Yes.

19          Q     How did that go?

20          A     She informed me that she was not able to be a  
21 placement for Esther, as she was working, going to school, and  
22 had her own children. And I did inform her at that time that  
23 we were looking for an adoptive placement for Esther.

24          Q     Okay. And, aside from that, that was the only

1 relative of Esther that made contact with the Department that  
2 you're aware of?

3 A There was a -- who we believed to be a paternal --

4 Q Oh --

5 A -- aunt of -- of Esther, who --

6 Q And that's correct. Let me correct that.

7 The -- that was the only maternal relative; is that  
8 correct?

9 A Yes.

10 Q Okay. Because the paternal -- the punitive father in  
11 this case was later determined not to be the father; is that  
12 right?

13 A Correct.

14 Q Okay. Very good.

15 And so on October 20th, 2016, is that when you  
16 contacted Ms. Rozier?

17 A Yes.

18 Q Okay. Now how did that conversation go when you  
19 contacted her, when you spoke with her?

20 A She -- Ms. Rozier informed me that she had, um,  
21 learned that Esther was in care. I informed her that Esther  
22 had been in care almost sixteen months at that point, that she  
23 was in an adoptive placement. Um, we discussed possible ICPC.

24 Q Did you ask Ms. Rozier why she had not come forward

1 earlier?

2 A I did, and the -- I didn't receive a clear answer. I  
3 can't remember the exact words of the conversation, but, um, at  
4 that time the answer wasn't really clear to me.

5 Q Okay. And you stated at that time as you said that  
6 Esther had been in care for sixteen months and that she was in  
7 an adoptive resource?

8 A Yes.

9 Q Did you advise them at that time or around that time  
10 that they would -- that they could have visits with Esther?

11 A I had -- around that time I had staffed with my  
12 supervisor, who, at the time, was Darryl Glover, who had -- and  
13 I believe that may have been in November --

14 Q Okay.

15 A -- of 2016. Um, and he had informed me he thought it  
16 was possible.

17 Q Okay. And so you advised them that they could do  
18 visitations; is that --

19 A Yes.

20 Q -- correct --

21 A Yes.

22 Q -- as pursuant to Ms. Rozier's testimony as well?

23 And then in February of this year, that's when the  
24 decision for visitations changed; is that correct?

1           A     That's when they asked if they could visit. I  
2     staffed with my supervisor at that time, who was Taryn  
3     LaMaison, who informed me that visits could not take place  
4     until the ICPC was approved.

5           Q     Okay. Very good.

6                     Did you explain to Ms. Rozier at that time that, as  
7     the child was in an adoptive placement, that -- that the  
8     Department's goal was to have that child adopted by the foster  
9     parents by the placement?

10          A     Yes.

11          Q     And that would have been October or November of last  
12     year; is that right?

13          A     Yes.

14          Q     Okay. Did you ever tell Ms. Rozier that they could  
15     not attend a court hearings or petition The Court to have the  
16     child placed with her?

17          A     I was told by Taryn that as they weren't parties to  
18     the case --

19          Q     Um-hmm (in the affirmative).

20          A     -- they could not attend the court hearing.

21          Q     Okay. Now that was back in February, though, is that  
22     correct?

23          A     I believe so.

24          Q     Okay. So from October to February there was no



1 mention that they couldn't attend the court hearings; is that  
2 right?

3 A I don't -- I don't recall.

4 Q Okay. Let's talk about Esther for just a minute.

5 So Esther was initially placed in a temporary foster  
6 home for about the first six weeks of her life and then was  
7 moved to a second foster home; is that correct?

8 A Yes.

9 Q Okay. Now that second foster home was not an  
10 adoptive placement; is that right?

11 A The second foster home was hopeful that Mom would  
12 reunify with Esther. They're typically a foster home just to  
13 foster.

14 Q Okay.

15 A Um, as Esther was in their home for a longer period  
16 of time, they seriously considered if they could be an adoptive  
17 placement, and they finally, yes, came to the decision that  
18 they could not.

19 Q So approximately from July, 2015 until September 9th  
20 of 2016, the child was in the second adoptive home; is that  
21 correct -- or, I'm sorry, second --

22 A Foster home.

23 Q -- foster home?

24 A Yes.

1 Q Thank you.

2 And then in September of that year is when the child  
3 was moved to the third foster home, the current foster home,  
4 correct?

5 A Correct.

6 Q Very good.

7 Now going back to Ms. Saez. I know that there has  
8 been some reference made to a couple of other siblings in care.  
9 Let's talk first about Destiny. Destiny is a twelve-year-old;  
10 is that correct?

11 A Yes.

12 Q And she is currently in an adoptive home; is that  
13 right?

14 A Yes, it's my understanding that she has been in that  
15 adoptive home for approximately nine months.

16 Q Okay. So she's been in an adoptive home.

17 Do you know if Ms. Saez' parental rights have been  
18 terminated?

19 A It's my understanding that she still has her parental  
20 rights.

21 Q Okay. Now is it your understanding as well that Ms.  
22 Saez is again pregnant?

23 A Yes. Ms. Rozier first made me aware of Ms. Saez  
24 being pregnant. I believe that was in October during their

1 first conversation. I put out -- I called in a hospital alert.  
2 And then she -- as she's got more information about the  
3 pregnancy she provided that.

4 I was then informed, um, last week, that several  
5 calls came in about Ms. Saez being pregnant, possible dangers  
6 to the unborn child.

7 Q And what were those dangers?

8 A That she's still actively using methamphetamine while  
9 pregnant. And that her mental health, um, was unstable to the  
10 point where she was Legal 2000, I believe, last week.

11 Q So she was Legal 2000 last week.

12 Do we have a due date for this child?

13 A I was told by Ms. Rozier that it was approximately  
14 around Mother's Day.

15 Q But at this time we obviously don't know if this  
16 child will be -- will come into our custody or even if the  
17 child is going to survive given Mom's actions; is that right?

18 A Correct.

19 Q Okay. Just to get the Department's representation on  
20 this, I believe Ms. Rozier said that when she initially called  
21 and spoke with you, you said that the child had been out of  
22 care for ten months; is that right?

23 A That is what Ms. Rozier stated.

24 Q Okay. And -- but October of 2016 the child would

1 have been in care for sixteen months, correct?

2 A Fifteen, almost sixteen months.

3 Q Almost sixteen, okay.

4 Now did you inform Ms. Rozier about a requirement to  
5 attend any classes?

6 A I -- when I speak with people about the ICPC process  
7 I always advise them, wait to hear from the ICPC workers,  
8 because I'm -- I'm not familiar with each state's ICPC process  
9 and can't speak for that process.

10 Q How -- I assume you've had the opportunity to observe  
11 the child with the Rivera's, correct?

12 A Yes.

13 Q Okay. How was that relationship?

14 A If you didn't know that Esther was in fostercare you  
15 wouldn't know. She is extremely bonded to them. She is what I  
16 would describe as clingy to them. Um, she's very comfortable  
17 with them. She -- every time I visit she usually wants to be  
18 held by one of them, or if they're both there, by both of them.  
19 Um, she -- when she's showing me her toys or when she's playing  
20 with something, she wants one of them to play with her. She,  
21 um, says, you know, mom and -- and dad. She -- she adores  
22 them. And they adore her.

23 Q Has Esther been meeting her developmental milestones?

24 A Yes, they're -- I did do another referral to, um,

1 NEIS, because she was a little slow in her speech. But now she  
2 seems to be catching.

3 Q Okay.

4 MR. SHARP: Court's indulgence?

5 THE COURT: No problem.

6 (PAUSE.)

7 BY MR. SHARP:

8 Q During -- or have you received any kind of education,  
9 through your work or otherwise, as to trauma that children of a  
10 young age may experience with multiple removals?

11 A Yes, both in my graduate school at UNLV and my  
12 training -- my four-and-a-half month training with the  
13 Department of Family Services.

14 Q And at graduate school, what was that?

15 A The program -- at that time I was pursuing dual  
16 degree in school in mental-health counseling, so I took all of  
17 mental-health courses except for the last two, which were not  
18 being offered again that year, and I graduated with my Master's  
19 of Education in School Counseling.

20 Q Very good.

21 A In 2014.

22 Q And then when did you complete your training with the  
23 Department?

24 A My training with the Department started in December

1 of 2014 and ended April 17th of 2015.

2 Q During that -- those classes, were you educated on  
3 the effects -- I'm sorry, I already asked you that question.

4 So let's talk about what -- what did you learn as to  
5 the effects on young children as to removal such as what we're  
6 looking at today?

7 A I learned that the effects can be long-term, that the  
8 con -- every removal can set back a child's development  
9 approximately four to six months, and that multiple removals  
10 can even possibly, um -- can possibly cause the development of  
11 Reactive Attachment Disorder in children.

12 Q And would this apply to children as young as one or  
13 two, as Esther is?

14 A Yes.

15 Q Okay. Are there any other effects that you were made  
16 aware of?

17 A Um, behaviors can develop, um, obviously with  
18 Reactive Attachment Disorder, trouble forming bonds in the  
19 future, um...

20 Q Very good.

21 MR. SHARP: Court's indulgence just a moment?

22 THE COURT: No problem.

23 (PAUSE.)

24 BY MR. SHARP:

1 Q And so if Esther was again placed in another home,  
2 this would then be the fourth home; is that correct?

3 A Correct.

4 Q Ms. Quinlan, do you believe it would be in Esther's  
5 best interest for her to be placed with the Roziers --

6 A No.

7 Q -- at this time?

8 Why is that?

9 A Well, first it would, um, delay permanency for Esther  
10 for possibly up to a year. We are potentially within, ah,  
11 thirty to forty-five days of achieving permanency for Esther,  
12 which is within our ASPA timeline, which is, I believe,  
13 achieving permanency with adoption in two years.

14 Um, Esther would have to live in that home for six  
15 months before we could even request the adoption home study.  
16 At that point, the adoption home study itself could take  
17 several months. And then once that's approved, adoption  
18 finalization could take another several months. At that time  
19 we're looking at a year if, that's if placement works out,  
20 which is never guaranteed. Um, so for that reason I would say  
21 it's not in her best interest.

22 Additionally, she's been with the Rivera's for a  
23 little over seven months now, which although for an adult that  
24 is not a significant amount of time. For Esther, it's

) )  
1 approximately one-third of her life, which is a significant  
2 amount of time for a child of that age.

3 She is extremely bonded to them. When we  
4 transitioned from the last foster home to the Rivera's, it was  
5 approximately a three- to four-week transition in which the  
6 Rivera's went to that foster home, they brought Esther to their  
7 foster -- to the Rivera's home. They took their time with the  
8 transition, getting Esther comfortable. And they've maintained  
9 a relationship with the family. So Esther still has a  
10 relationship. She still sees them occasionally. She still has  
11 that bond as well. Um, and she thinks of -- by her -- by my  
12 observations of her behavior it appears that she thinks of the  
13 Riveras as her mom and dad.

14 She, um, is -- like I said, she's very bonded to  
15 them. Um, she's very clingy with them. She doesn't come even  
16 to me easily, and I've known her a significant amount of time  
17 of her life. She always wants to be held by them, be doing  
18 something with them.

19 She's, um -- she's got a wonderful daycare which is  
20 very academically oriented. She has friends there. She's very  
21 involved. They go to church, um, regularly. They're very  
22 friendly with their pastor. She's even -- she's so comfortable  
23 with him. They've had dinner in his home. Um, she -- they  
24 have family that she considers grandparents, aunt, uncles.



1 She's got a bond not only with them, but with others in their  
2 family and in the community.

3 Q So based on your training experience, do you think  
4 that a gradual processes, as was indicated earlier, where maybe  
5 the Roziers could come out two or three times and do visits and  
6 then make a transition then, do you think that would minimize  
7 the trauma at all?

8 A I -- I think it would have to be in a -- such an  
9 extremely gradual process that would continue to delay  
10 permanency for her. And we don't know if it would minimize the  
11 trauma. We can't -- we can't say that. She's not needed any  
12 kind of therapy yet to this point. I think it could cause her  
13 to need therapy depending on the trauma, um, which at this time  
14 is, um, an unknown.

15 I also know that in my conversations with the Riveras  
16 about the ICPC, which I've made them aware of, that they are  
17 open, they had expressed to me that they were open to Esther  
18 knowing her biological family, that they wanted her to know her  
19 biological family and know that there was family out there that  
20 loved her.

21 Q And have you expressed your worries as far as  
22 potential trauma to Esther to Ms. Rozier?

23 A I had spoken several times to Ms. Rozier. Most  
24 recently it was, I believe, March 31st about the trauma to

1 Esther. And the response that I received was that Esther was  
2 only almost two and she would get over it.

3 Q So based on your training and experience, this is  
4 something that she may not get over?

5 A Correct.

6 Q And Ms. -- aside from the Roziers coming forward, the  
7 Department actually does not have any proof of family relation  
8 to the child; is that correct?

9 A Correct.

10 Q Okay.

11 MR. SHARP: Thank you, Your Honor. Nothing further at  
12 this time.

13 THE COURT: Do you folks have any questions for Ms.  
14 Quinlan?

15 MS. ROZIER: Um, in -- well, it's more of statements  
16 regarding what she said.

17 THE COURT: I'm going to give you an opportunity --

18 MS. ROZIER: All right.

19 THE COURT: -- to make statements, but right now I just  
20 want to see if there's any questions.

21 MS. ROZIER: Okay.

22 THE COURT: If you have them, great. If not, I'm going to  
23 ask Mr. McKay if has some questions. And --

24 Is there anything you want to know from her?

1 MS. ROZIER: Ah, no.

2 MR. MCKAY: I've got some questions.

3 THE WITNESS: Okay.

4 KRISTINA QUINLAN

5 testifies as follows:

6 CROSS EXAMINATION

7 BY MR. MCKAY:

8 Q When -- how old was Esther when she was taken from  
9 her mother?

10 A I believe -- let's see, she was born June 15th. I  
11 believe the date of removal was end of July, so maybe  
12 approximately six weeks.

13 Q All right. An approximate --- what I'm going to ask  
14 you I just need some approximates, all right.

15 So she's about six weeks old.

16 Do you -- when she was separated from her mom, based  
17 on your experience, did she face -- was there trauma in her  
18 life at that point? Did she face trauma?

19 A Every removal or every change would be a trauma.

20 Q Okay. So you'll admit that the three times so far  
21 there has been trauma and at this point she's overcome it; is  
22 that correct?

23 A Yes.

24 Q Okay. I know you briefly talked about your

1 education.

2 Did you say you have a Master's Degree in School --

3 A Counseling.

4 Q -- Counseling?

5 You're not a licensed psychologist; is that correct?

6 A I am not.

7 Q All right.

8 Or a psychiatrist?

9 A No.

10 Q You talked about her potential -- Esther's potential

11 for having some problems in the future. You've based that on

12 some courses that you took?

13 A Yes.

14 Q What courses were -- can you -- how many courses did

15 you take that dealt with child separation and trauma and that

16 anxiety?

17 A Um, I had courses in, um, mental-health counseling,

18 introductory and advanced courses, um, family therapy. Um,

19 honestly, at this time I can't remember how many courses --

20 Q Do you know how many --

21 A -- on that.

22 Q -- studies you've read on that issue, on that

23 specific issue?

24 A Over the -- over the last three years?

1 Q Clinical studies.

2 A I can't recall an exact number. I would say maybe  
3 ten to twenty over the last three years.

4 Q Let me ask you this -- and I -- this isn't my normal  
5 arena.

6 A Um-hmm (in the affirmative).

7 Q I do a lot of -- my cases are civil. We -- like we  
8 might have different standards, so I'm going to -- I may be  
9 going above and beyond, but let me ask you this.

10 So in my arena, when I ask a doctor about somebody's  
11 future problems, they have to tell The Court within a  
12 reasonable degree of medical probability or a reasonable degree  
13 of psychological probability. Have you ever heard of that  
14 before?

15 A I have.

16 Q All right. And pretty much that means more than  
17 fifty percent, if that's your -- maybe that's your  
18 understanding. That's my understanding of what that rule is.

19 Are you testifying here today, should Esther go  
20 through a process of transitioning and be with the Roziers,  
21 that you believe it's the -- I think you talked about a couple  
22 different anxieties she could have (indiscernible) -- and are  
23 you saying within a reasonable degree of like psychological  
24 probability she will have those things if she's transferred?

1           A     I'm not a clinician so I can't state that. I can  
2 only say what --  
3           Q     It's just --  
4           A     -- it's a possibility. But, no, I'm not going to --  
5 I can't say --  
6           Q     Do you -- in your opinion do you think it's a  
7 possibility those things occurring would be greater than fifty  
8 percent?  
9           A     You know, every child is different. Every case is  
10 different. So I -- I can't --  
11          Q     So as you sit here today --  
12          A     -- I can't give a percentage.  
13          Q     -- you're just speculating --  
14          A     I could say that it's possible.  
15          Q     -- on that issue?  
16                It's possible?  
17          A     It's possible.  
18          Q     You're not saying it's probable?  
19          A     No, because every child is different.  
20          Q     When -- as Esther's CAP Attorney, when did you advise  
21 me of the Roziers' existence?  
22          A     (Sigh.) I can't remember. I know that I had emailed  
23 and called several times, um, and not gotten -- not heard back  
24 from you. I may have -- to the best of my recollection it

1 might have been at the -- around the time of the Permanency  
2 Review.

3 Q Was that in the January --

4 A Yes.

5 Q -- court at the end of January?

6 A Um-hmm (in the affirmative).

7 Q Do you recall what you told me at that point in time  
8 about the Roziers?

9 A Um, I can't recall exactly. I believe it was about  
10 the ICPC, that they had asked about visits, but not asked again  
11 about scheduling a visit. But I can't recall exactly.

12 Q Do you recall that you let me know that they sent a  
13 present?

14 A (No audible response.)

15 Q Do you recall that?

16 A Yes, and I gave that to Esther, um --

17 Q Yeah, and I understand that. I'm just -- I'm trying  
18 -- if you remember --

19 A Yes.

20 Q -- what you told me.

21 A I remember some things but not the entirety of the  
22 conversation.

23 Q All right.

24 Did you ever provide me with contact information for

1 the Roziers?

2 A I don't believe so because I don't believe you had  
3 asked for it.

4 Q All right. Did you ever deny the Roziers my contact  
5 information?

6 A If I recall correctly, my supervisor Taryn had  
7 advised me, because they weren't a party to the case, they  
8 couldn't have that.

9 Q Did they ask for it?

10 A I believe once in February or March.

11 MR. MCKAY: Okay. I don't have any further questions.

12 THE COURT: Do you want to do some oollow-up?

13 MR. SHARP: Just one quick follow-up.

14 **KRISTINA QUINLAN**

15 testifies as follows:

16 **REDIRECT EXAMINATION**

17 BY MR. SHARP:

18 Q I understand that you're not a psychologist and I  
19 understand that each -- the case with each child is different.

20 You had talked before that Esther appears to be very  
21 bonded to the point of being clingy. You talked about that --  
22 this -- actually, I'm sorry, I believe this would be the fourth  
23 removal, if you count Mom.

24 Given your experience with Esther, do you believe



1 that it would be probable that she would experience trauma due  
2 to this, due to another --

3 A I think --

4 Q -- placement?

5 A -- she will experience trauma. As to the effects of  
6 the trauma, I can't speak exactly to that. But --

7 Q You can't say whether it's going to be long-term or  
8 not, but long-term is possible?

9 A It's possible.

10 Q Okay.

11 MR. SHARP: Nothing further.

12 THE COURT: I do want to clear one thing up, because I  
13 think it was a misstatement.

14 You said that it was Department policy to do a  
15 diligent search on one degree of consanguinity. You really  
16 mean two degrees of consanguinity, correct?

17 THE WITNESS: I...

18 THE COURT: One degree of consanguinity is only parents  
19 and children.

20 MR. SHARP: You know what --

21 THE COURT: Siblings are --

22 MR. SHARP: -- you're right.

23 THE COURT: -- siblings are --

24 MR. SHARP: I apologize.

1 THE COURT: -- two degrees of consanguinity. I --  
2 THE WITNESS: I believe they're called first-degree  
3 relatives.  
4 MR. SHARP: And that's where I was getting it from. I  
5 apologize. If I misspoke, I meant first-degree relatives, not  
6 first-degree of consanguinity.  
7 THE COURT: Okay.  
8 MR. SHARP: Which would be the siblings were not, so.  
9 THE COURT: Siblings are two degrees of consanguinity.  
10 MR. SHARP: Yes.  
11 THE COURT: Which is why --  
12 MR. SHARP: If I misspoke I apologize.  
13 THE COURT: Okay. I thought the Department's policy was  
14 two degrees of consanguinity.  
15 MR. SHARP: Yes.  
16 THE COURT: Okay.  
17 MR. SHARP: That would be right.  
18 THE COURT: But, nevertheless, Roziers are not within two  
19 degrees of consanguinity, so the Department wasn't even looking  
20 for them.  
21 MR. SHARP: Yes, that's correct.  
22 THE COURT: Right.  
23 Okay. Are we done with -- well, it's quarter till.  
24 What do you guys want to do today. Do you want to try to --

1 MR. SHARP: I think at this point --  
2 THE COURT: -- get a little bit of testimony in or?  
3 MR. SHARP: -- we should just rest and we can go full  
4 scale tomorrow.  
5 THE COURT: Okay.  
6 MR. SHARP: (Indiscernible) tomorrow morning.  
7 THE COURT: What works out -- we do have two PC's on  
8 tomorrow.  
9 MR. SHARP: Okay.  
10 THE COURT: So --  
11 MR. SHARP: I think --  
12 THE COURT: -- I could start as early as when those PC's  
13 are done.  
14 MR. SHARP: If we just go ten o'clock? I ca -- I don't  
15 know what the PC's look like. But --  
16 THE COURT: I haven't read them yet.  
17 MR. SHARP: -- I think we schedule it for ten and then we  
18 can have a chance to talk, so.  
19 THE COURT: Does ten o'clock work for everyone?  
20 UNIDENTIFIED SPEAKER: Just a minute.  
21 THE CLERK: They're both (indiscernible).  
22 THE COURT: They are? Okay. I -- okay. See Lilly is way  
23 ahead of me.  
24 MR. SHARP: Okay. And --

1 THE COURT: Does that work for the foster family? Is that  
2 okay for tomorrow?

3 UNIDENTIFIED SPEAKER: (No audible response.)

4 THE COURT: All right. So we'll start back up at ten  
5 o'clock tomorrow and we'll go until we finish.

6 MR. SHARP: Very good. Thank you.

7 MR. MCKAY: Thank you, Your Honor.

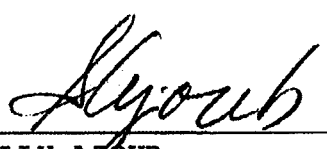
8 MR. ROZIER: Thank you, Your Honor.

9 MS. ROZIER: Thank you.

10 (THE PROCEEDING ENDED AT 16:44:27.)

11  
12 \* \* \* \* \*

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

17  
18   
19 \_\_\_\_\_  
SHELLY AJOUB,  
20 Transcriber II  
21  
22  
23  
24

1 PTRAN

FILED

JUN 27 2017

*John D. Sullivan*  
CLERK OF COURT

COPY

5 EIGHTH JUDICIAL DISTRICT COURT

6 JUVENILE DIVISION

7 CLARK COUNTY, NEVADA

8  
9 In the Matter of: ) CASE NO. J-15-337398-P1  
10 ESTHER RODRIGUEZ, ) DEPT. NO. 1  
Date of Birth: 06-15-2015, ) COURTROOM NO. 14  
11 A Minor(s). ) APPEAL NO. 73272  
12 ) SEALED

13  
14 BEFORE THE HONORABLE JON NORHEIM, HEARING MASTER

15  
16 TRANSCRIPT RE: PLACEMENT HEARING - DAY TWO  
17 FRIDAY, APRIL 14, 2017  
18  
19  
20  
21  
22  
23  
24  
25

1 APPEARANCES:

2  
3 For the State: TANNER L. SHARP, ESQ.  
4 Deputy DA - Juvenile  
601 North Pecos Rd.  
Las Vegas, Nevada 89101

5  
6 For the Minor: RAYMOND E. MCKAY  
7 Children's Attorney Project  
7201 West Lake Mead Blvd., Ste. 250  
8 Las Vegas, Nevada 89128

9 Also present:

10 KRISTINA QUINLAN  
11 Department of Family Services

12 JOEY and STEPHANIE ROZIER  
Maternal Relatives

13 PHILIP and REGINA RIVERA  
14 Foster Parents

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1 LAS VEGAS, NEVADA

FRIDAY, APRIL 14, 2017

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

3 (THE PROCEEDING BEGAN AT 10:17:10.)

4 THE COURT: All right. Case Number J337398, Nellie Saez.  
5 This is day two of our placement trial. I have the exact same  
6 people who were here yesterday. So I probably don't need to  
7 take appearances again.

8 Mr. Sharp, you indicated you had a preliminary  
9 matter you wanted to discuss.

10 MR. SHARP: I do. The Riveras have submitted several  
11 letters. They are, essentially, letters of recommendation  
12 from different persons in the community. We have agreed and  
13 stipulated to have these admitted as State's Exhibit 4. And  
14 so I would like to present -- actually you'll have the -- the  
15 exhibit there. And so you're certainly entitled to that copy.

16 THE COURT: They already up there?

17 MR. SHARP: I've provided copies of the exhibits to the  
18 other parties, as well.

19 (Whereupon State's Exhibit 4 was admitted.)

20 MR. SHARP: And then the State will call Ms. Lamaison as  
21 my next witness.

22 THE COURT: Thank you.

23 And if you could remain standing...

24 MS. LAMAIISON: Sure.

25 THE COURT: ...the clerk will swear you in.

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

4 MS. LAMAIISON: I do.

5 THE CLERK: Thank you. Please state and spell your name  
6 for the record.

7 MS. LAMAIISON: Taryn, T-A-R-Y-N, Lamaison,  
8 L-A-M-A-I-S-O-N.

9 THE COURT: Are we ready?

10 TARYN LAMAIISON,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SHARP:

14 Q Ms. Lamaison, how are you employed?

15 A I'm employed with the Department of Family Services  
16 in Clark County.

17 Q And what's your position with the Department?

18 A I'm currently a supervisor of Family Services.

19 Q And how long have you been working for the  
20 Department?

21 A I've worked for the Department for 11 years in  
22 different capacities.

23 Q Very good. You stated that currently you are a  
24 supervisor. Is that right?

25 A I am.

1 Q Okay. Have you had any training or experience in  
2 the effects that removals have on -- on subject minors in  
3 care?

4 A Absolutely. Starting my career here 11 years ago,  
5 all employees are sent through a training curriculum that kind  
6 of addresses the general overall assumptions of the Adoptions  
7 and Safe Families Act around kind of moving of children,  
8 preferences in placement, as well as timeliness for permanency  
9 for children and the effects on their -- on their psyche,  
10 essentially, or their well-being -- emotional well-being.

11 From there, as I've kind of changed and flexed in my  
12 positions, I have been trained and -- and went through a  
13 program on 3-5-7, which is a grief and loss model here our  
14 Department kind of was advocating for, for years. It kind of  
15 looked on how we do adoption par- papra- preparedness and  
16 readiness activities for children, as well as caregivers, to  
17 ensure that we have successful adoptions and successful  
18 attachment and bonding with them.

19 From there, I've taken many courses in everything  
20 from reactive attachment disruption, as well as how to kind of  
21 minimize the trauma and the effects of children who are  
22 brought into foster care.

23 From there, I moved on to being a trainer. I was a  
24 management analyst initially. And then I was a training  
25 coordinator here at the Department of Family Services from

1 two-thousand -- let's see, probably '07 till about 2012.  
2 During that time, I became the certified trainer in the foster  
3 parent curriculum that we brought here to Clark County, which  
4 is the MAPPs program. I'm one of 13 certified master trainers  
5 in the nation regarding that.

6 And much of what we teach in those foster and  
7 adoptive parents is how to prepare families for the trauma  
8 children experience and how they perceive coming into foster  
9 care, whether it be foster care adoptive homes and the  
10 importance of successful attachment, bonding, minimizing  
11 trauma and how we help support children through their grief  
12 and loss.

13 Q And it's my understanding, did you also work in the  
14 juvenile system, as well?

15 A I did. Prior to coming to Clark County, I was a  
16 juvenile probation officer for nine years in the state of  
17 Oregon. I worked both in closed-custody facilities with  
18 children who -- mainly, I worked with violent offenders,  
19 children who were sentenced to Measure 11 offenses.

20 Then from there, I moved on to working with kind of  
21 first-time offenders in the juvenile justice system to kinda  
22 help them. And through that, I also have, probably -- I would  
23 say my academy was six weeks, so 40 hours a week. But from  
24 there, we also did about 150 different hours, kind of  
25 understanding the abnormal psychology and development of

1 children who didn't have kind of normal and consistent  
2 relationships. It seems to be a contributing factor to  
3 criminal behavior in ju- in youth.

4 Q So can you describe for the Court throughout your  
5 training and experience, what you have learned as far as the  
6 effects of -- of multiple removals on a child who is around  
7 the age of 2?

8 A So our understanding of children who are removed  
9 from care, the basic building blocks are the first two years  
10 of a child's life, is really where they're setting the  
11 foundation for their secure attachments to caregivers.

12 It is imperative that we at all costs try to keep  
13 those relationships with their birth parents, which is really  
14 kind of why we have our current safety models here, that they  
15 can stay at home as much as possible and that we put in the  
16 services we can so they can build that attachment to their  
17 parent.

18 A lot of the studies that were done were really  
19 looking at kind of children and their parents and how do they  
20 reunify children with parents after maybe two years of being  
21 removed. They kind of expand that and kind of looking at now,  
22 my understanding and through studies that we've -- and in  
23 trainings that I've been in, is that we've looked at kind of  
24 how do we transition children? And what's in the best  
25 interest of children?

1           We talk about moving them and how really those first  
2 two years is their foundation for being able to build their  
3 loving, securing relationships, being able to have some self-  
4 efficacy and understanding, reducing behaviors in the  
5 children.

6           And actually we've seen that early tra- trauma --  
7 and trauma is considered movements of children, is -- is an  
8 example of trauma, it actually changes their brain development  
9 overall. And it kind of since enforced kind of the way they  
10 use their brain from being kind of set in the now and then  
11 their short-term versus their long-term memory ability. So at  
12 all costs, the general consensus in -- in child welfare in  
13 this -- in this study is that children shouldn't be moved.  
14 Really, we need to reduce it down to no movement.

15           And children have the right to have, you know,  
16 immediate permanency, as well as having at least one and  
17 consistent loving caregiver who can meet their regular needs  
18 as they're building those building blocks. The first two  
19 years is probably the most essential for children.

20           Q     You stated before that when you worked in the  
21 juvenile system that there was some correlation between  
22 removal and -- and later, criminal activity. Is that correct?

23           A     Absolutely. When children are taken away, their --  
24 their ability to have, like, power or control over their  
25 situations -- and a lot of children are forced into changes,



1 movements. They're exposed to environments that are beyond  
2 their control. But as they are placed into a place where  
3 things are outside of their control, they begin to have some  
4 kind of abnormal or a negative coping mechanisms that come  
5 into place.

6 We see a lot of changes in their, like I said, brain  
7 development that they can't really get back. But we see a lot  
8 of impulse control, increased anxiety disorders. We see  
9 children who start having maladaptive behaviors that are maybe  
10 not necessarily socially normal. And so that can lead  
11 children into criminal activities with the increase in numbers  
12 of moves on children.

13 So we see that most of the ch- juveniles I worked  
14 with, it -- it didn't necessarily mean they had absolutely  
15 been in foster care. But they had at least, when you got  
16 talking to them, lived with their parents, lived with their  
17 father, their older sisters, their aunts and uncles, their  
18 grandparents. They just had to move around a lot and lived  
19 with different types of people throughout their lives. Those  
20 inconsistent caregivers for them did contribute to a lot of  
21 their control issues and their aggression.

22 Q So coming to the present case, have you met Esther?

23 A I have.

24 Q Okay. How long have you been familiar with -- with  
25 Esther?

1           A     I have only been familiar with Esther for  
2 approximately six months when Kristi had to come under my  
3 supervision.

4           Q     And have you observed Esther with the -- the  
5 Riveras?

6           A     I have. And...

7           Q     And what was your...

8           A     Oh sorry.

9           Q     That's okay.

10          A     Go ahead.

11          Q     What was your -- your observation with those --  
12 those visitations that you had.

13          A     Well, what I noticed when I first met -- it's always  
14 hard when you haven't met a child before. So this was my  
15 first interaction with Esther. I had to go out and do a -- a  
16 child visit for Kristi. So although the family knew I was  
17 coming, Esther didn't know me as a person.

18                 So what I really observed probably first and  
19 foremost when I entered the house, no matter how friendly they  
20 were to me and greeted me and invited me into the house,  
21 Esther was kind of scared of my presence. I don't know if --  
22 I don't know what that was exactly about.

23                 But what I noticed about Esther is Esther ran and  
24 hid behind her caregivers. I didn't force the -- the -- the  
25 issue. I tried to come down on her level. I said hello to

1 her. I smiled. I waved. It took a very long time. And I  
2 would say I was probably at the house for approximately an  
3 hour. And really, Esther never really warmed up to me, which  
4 is probably a normal, to some degree, experience with children  
5 in foster care. You know, she might show me things in her  
6 house. She showed me her bedroom. She showed me the toy she  
7 likes to play with, her dogs.

8 I tried to interact with her on her level. She  
9 doesn't have very strong verbal skills. But really, she  
10 wanted nothing to do with me. She wouldn't come over to me  
11 when I asked her. You know, if I brought my hand down, she  
12 was really much more attached and clinging to the caregivers  
13 and appeared to be just scared of me overall.

14 Q Okay. And what did you observe as far as the  
15 Rivera's interaction with -- with Esther?

16 A Oh I felt they were very appropriate. They did a  
17 lot of the -- the things you would see in -- in natural  
18 families. They -- you know, they comforted her by putting  
19 hands on her shoulder. They, you know, put their hand on her  
20 back. They held her hand. They showed her that I was their  
21 friend.

22 I also noticed that they had a lot to share about  
23 Esther. When I sat there with them, they had a tablet full of  
24 just photos of things that they had done with Esther. They  
25 had taught her to swim, that they -- where she went to her

1 child care. They showed me pictures of the day care and how  
2 they're able to watch her kind of online. And they get  
3 updates throughout the day while she's in day care.

4           They told me about her new little best friends.  
5 They told me about the toy she likes to use, which actually  
6 they taught me that she prefers just kind of like little  
7 things like bags with wash cloths in 'em and she likes to  
8 pound them. They knew a lot about her normal routines. They  
9 told me about her and the dogs. And were very close to her  
10 and very protective to her most of the time. Like, she never  
11 wondered off, nor did they let her wonder off out of our  
12 sight.

13           Q     So based on your interactions with Esther and with  
14 the -- the knowledge that you have, do you feel that moving  
15 Esther a fourth time and placing her with the Roziers would --  
16 would be traumatic on her?

17           A     Absolutely.

18           Q     And are you talking about potential short-term  
19 trauma or long-term trauma?

20           A     I believe it would impact her long-term trauma. She  
21 already has what appears to be some sorts of trauma when she  
22 has to interact with our agency. I think she sees us as the  
23 people movers in her life, that we just come and take her and  
24 move her, even though the transition prior to the -- the  
25 family that she is currently with, was to the best of our

1 ability a thoughtful transition with overlapping caregivers,  
2 we did it in the best practice model that we could. She even  
3 still has interactions with her previous caregivers.

4 I think she has a lot of fear about the agency, in  
5 general, and what we mean to her, which is really kind of, I  
6 feel, further impacted by her inability to really have much --  
7 very strong verbal skills since she's still under the age of  
8 2.

9 They do say in studies that, you know, basically,  
10 this child's still in her bonding period with the family. You  
11 know, she's been there seven months. I guess more than a  
12 third of her life she's actually spent there. But it's still  
13 in her normal bonding period. To disrupt that and put her  
14 into a new caregiving home would cause her a lot of trauma.  
15 Again, (indiscernible) issues.

16 I would expect her to regress. She may no longer be  
17 potty trained. She probably will lose her verbal skills that  
18 she currently has. Her behaviors overall will probably  
19 increase to kind of long-term traumatic, like, kind of  
20 tantrums that are hard to soothe, really normal things that we  
21 see in -- in toddlers when we have to transition them.

22 Q Very good.

23 MR. SHARP: Court's indulgence.

24 Q BY MR. SHARP: It was mentioned yesterday that one  
25 of the potential options is to do a long-term transition where

1 the Roziers would be able to come and visit Esther and get to  
2 know her over a period of -- of maybe a couple of weeks or a  
3 month or longer. Would that do anything to minimize that  
4 trauma?

5 A Yeah, I mean, I think it could. What they say best  
6 practice for children that are kind of this, you know, maybe a  
7 year-and-a-half to two-and-a-half-year-old range, this young  
8 toddler range, is what they -- basically, best practice states  
9 that we should have children meet -- the new caregiver should  
10 meet in the current caregivers home...

11 Q Mm-hm.

12 A ...for a period of 60 minutes every single day for  
13 about six to nine days. From there, they should begin to go  
14 outside of the home where they would then go with the  
15 caregivers, the two sets of caregivers, out into the community  
16 areas. They would spend longer periods of time, three to four  
17 hours, so they begin that relationship.

18 As we get into maybe about the third week, they say  
19 about three to four nights. So they would do one each night,  
20 like, one caregiver, then the other caregiver. They would be  
21 getting to spend the night and so that they could kind of see  
22 some of the same routines in both houses with that permission  
23 given from both families.

24 And then we would begin to do maybe two nights in a  
25 row and eventually transition. They say it takes between four

1 and six weeks to do that kind of process with the child and  
2 child transitioning into her new home, which could be a little  
3 problematic in this case because we have an out-of-state  
4 caregiver.

5 Q Given that long-term transition would you still  
6 expect to see some of the -- the long-term trauma that you  
7 were referring to earlier...

8 A Yes.

9 Q ...in Esther? Okay.

10 A I would say it would probably need to be coupled  
11 with a -- a therapist that -- that specializes in early  
12 childhood mental health.

13 Q Okay. Based on your review of -- or your  
14 interaction with -- with the Riveras and Esther and your --  
15 your experience and training, do you believe that it is in the  
16 best interest of -- of Esther to be removed and placed with  
17 the Roziers at this time?

18 A No. I do not.

19 Q What do you believe is in her best interest?

20 A I believe that Esther deserves the opportunity to  
21 have permanency with the family that she is with, that we can  
22 reduce her time in foster care, that we reduce the numbers of  
23 changes to her, that she doesn't have to restart how to  
24 communicate and get her needs met with the new family, which  
25 she already had to do. You know, in her short life, she's

1 already had to do that twice, actually, that I know of, prior  
2 to being placed with her current family. That we can help her  
3 with her emotional ability to attach to caregivers and build  
4 some bonding attachment and make sure that her brain  
5 development is appropriate for her age.

6 Q Very good.

7 MR. SHARP: Court's indulgence.

8 Q BY MR. SHARP: It's my understanding from Ms.  
9 Quinlan that the adoption with the Riveras is set to finalize  
10 in approximately 30 days. Is that correct?

11 A Yes. That's my understanding.

12 Q And in regards to the ASFA deadlines, do you know  
13 when -- when that deadline would run?

14 A Well, all children should have the opportunity to  
15 have permanency within -- within probably 15 to 22 months of  
16 being removed from their parents' care. I think right now  
17 we're right about 18 months for this child. So we are right  
18 within the guidelines if we allow her to be adopted by the  
19 current caregivers.

20 Q Okay.

21 A My concern would be, also, the transition into  
22 Georgia. Although, we do have an approved home study, we can  
23 begin that, we can't even request an adoptive home study for  
24 six months after placement. So not only do we move through  
25 the transition, then six months of placement, then we would



1 need to have another home study done on the family before we  
2 could finalize, which would probably prolong Esther's time in  
3 foster care by about a year.

4 Q Okay. Have you had a chance to talk to the -- the  
5 Rozier family?

6 A Yeah. I -- I -- well, not the family  
7 (indiscernible) say.

8 Q I...

9 A I spoke to the -- the -- the cousin, Stephanie. I  
10 believe this is Stephanie. Yes. I spoke to her on the phone  
11 on two occasions.

12 Q Okay.

13 A One with my manager and one without.

14 Q What did you indicate to her was the plan as to --  
15 to Esther, the (indiscernible)?

16 A When I spoke to her, I think I didn't speak to her  
17 until probably March of this year. I don't have the exact  
18 date in front of me. At that time, I think she had been  
19 communicating primarily with the initial -- or Kristi, the  
20 actual caseworker assigned to the case.

21 When I talked to her about -- she had expressed some  
22 concerns that she didn't understand the permanency plan and --  
23 and felt that maybe she was a -- maybe a little misguided by  
24 our agency about what we were -- our plan was for Esther.

25 I explained very clearly that our plan and the

) )  
1 Court's plan was to have the child adopted by the current  
2 caregiver. That was the current order in place. It was what  
3 was written in the recommendations of the Court report that we  
4 had initially submitted, most recently, even January, that the  
5 Court was aware that they existed and that we had sent the  
6 ICPC. But that, at this point, the permanency -- the primary  
7 permanency goal for this child was to be adopted by her  
8 current caregivers, the foster parents that she resides with.

9 Q Thank you.

10 MR. SHARP: Just a moment. Your Honor, I have no further  
11 questions at this time.

12 THE COURT: Do you folks have any questions for Ms.  
13 Lamaison?

14 MR. ROZIER: We do. We do, Your Honor.

15 THE COURT: All right.

16 CROSS-EXAMINATION

17 BY MS. ROZIER:

18 Q Do you recall telling me that it wasn't your job to  
19 tell Ray how to do his job as far as contacting me?

20 A Who's Ray?

21 Q The CAP attorney.

22 UNIDENTIFIED SPEAKER: (Indiscernible) Ray McKay.

23 THE WITNESS: Oh yeah.

24 Q BY MS. ROZIER: Raymond.

25 A I -- I -- it is not my job to direct the CAP

1 attorney. They don't work for our agency. I'm not his  
2 supervisor. And I don't really have much control over his  
3 relationship with the child. His role in the court is -- for  
4 this child is to represent the child's wishes and desires.  
5 And that can be independent of what we are there to represent.

6 Q Were you...

7 A We all have different roles in the courtroom.

8 Q Were you aware that he did not have our contact  
9 information?

10 A No. I've never spoke to the -- the CAP attorney.

11 Q Did you deny me his contact information?

12 A I did. Yes.

13 Q And tell me I would have to get a subpoena from the  
14 Court to pursue that?

15 A I told you, you needed to join because you are not a  
16 party to the case. So you would have to join our court to  
17 become a part of the case, which is where I could give out  
18 information. You had told me you already knew that -- the CAP  
19 attorney's name. And so that's what you had informed me.

20 Q And that conversation took place on March 2nd. And  
21 you told me the only reas- the only way that we would be able  
22 to adopt Esther is if the foster family backs out, the foster  
23 family dies, or if they change their mind and...

24 A Mm-hm.

25 Q ...none of that was gonna happen.

1           A     Yeah. That is what I told you at this time because  
2 that's the primary goal for the child.

3           Q     And that we didn't matter as a family anymore.

4           A     I didn't say you didn't matter as a family anymore.

5           Q     And you hate- you hated to be the bearer of bad news  
6 and some people just couldn't take that well.

7           A     I did tell you I hate to be the bearer of bad news.  
8 It's hard to tell families that the goal is different than  
9 what they would like to see it to be.

10          Q     Do you think that Kristi took that role and told us  
11 the truth?

12          A     I can't comment on what Kristi said to you. I  
13 really can't. I'm sorry. But what I do know is that Kristi  
14 has had more than one supervisor in the last eight, nine  
15 months. And so as supervisors change, we do a lot of the  
16 direction over what the decision making is for a child. And  
17 so she may have gotten different information. The Court  
18 changes information. Even when we went into court, we had a  
19 Court order that says that the permanency goal for the child  
20 is adoption by foster parents. So things change throughout  
21 the court time. I don't know if Kristi told you every change.  
22 I don't know that because I wasn't there during those  
23 conversations.

24          Q     Once our ICPC was approved, what should we have  
25 gotten -- or able to visit with Esther?

1       A     When I last talked to you -- because as I told you,  
2 I -- I was a supervisor for a period of time. And I'm not the  
3 current supervisor of Tris- Kristi. I told you that we needed  
4 to have an approved ICPC and I was gonna talk to the foster  
5 parents because they are our primary goal right now, if they  
6 wanted to have a visit with you because right now they're  
7 their caregiver and the person that's acting in the capacity  
8 of the parent of the child. And so that's where I left it.

9       MR. SHARP: And, Your Honor, if I can interject. Can I  
10 just get a date as to approximately when that conversation  
11 took place?

12       MS. ROZIER: March 2nd.

13       THE WITNESS: So that conversation...

14       MR. SHARP: Okay.

15       THE WITNESS: ...would have been from...

16       MR. SHARP: Very good.

17       THE WITNESS: ...March.

18       THE COURT: Thank you.

19       MR. SHARP: Thank you.

20       Q     BY MS. ROZIER: Should I have been told that no one  
21 would be able to adopt Esther once our ICPC process has begun.

22       A     I don't believe so. That -- I don't know where  
23 that's coming from, the content of that statement. That I --  
24 I don't think that seems a good statement. I don't know. I  
25 don't have much to say. I -- I don't know where that

1 statement came from.

2 Q Well, it came from Kristi. It was told to me...

3 MR. SHARP: And, Your Honor, I'm going to object...

4 Q BY MS. ROZIER: ...early on...

5 MR. SHARP: ...at this time.

6 Q BY MS. ROZIER: ...that...

7 MR. SHARP: This is more argument as opposed to asking...

8 MS. ROZIER: Well, no. I was asking her if...

9 MR. SHARP: ...Ms. Lamaison questions.

10 MS. ROZIER: ...that should have been told to me.

11 THE COURT: The prob- the problem is that the response

12 was a question, which then yielded a...

13 MR. SHARP: I -- I understand.

14 THE COURT: ...a -- an -- an argumentative interaction as

15 opposed to a question, answer. But that's just as much Ms.

16 Lamaison's fault for asking the question rather than

17 responding...

18 THE WITNESS: That's fine.

19 THE COURT: ...as best as she could.

20 MR. SHARP: I'll object to...

21 THE COURT: So...

22 MR. SHARP: ...both then...

23 THE COURT: So we're...

24 MR. SHARP: ...if that's...

25 THE COURT: We're...

1 THE WITNESS: You can...  
2 THE COURT: I'm just trying to get you back on track...  
3 MR. ROZIER: That's fine.  
4 MS. ROZIER: Okay.  
5 THE COURT: ...a little bit.  
6 MR. ROZIER: That's fine.  
7 THE COURT: So you ask questions. She gives you answers.  
8 MR. ROZIER: Yeah.  
9 THE COURT: She doesn't give you questions. It -- it  
10 feels somewhat informal here today. But we -- we do have to  
11 kind of impose the rules...  
12 MR. ROZIER: We do.  
13 MS. ROZIER: Right.  
14 THE COURT: So...  
15 MS. ROZIER: Of course.  
16 THE COURT: I'm sorry. Did you get an answer to your  
17 question?  
18 MS. ROZIER: Yes.  
19 THE COURT: Or do you -- did you want to follow up a  
20 little on that?  
21 THE WITNESS: If-- if I remember the question was, should  
22 someone say that if an ICPC was initiated that -- that the  
23 child's adoption cannot go forward? Was that what your  
24 question for me?  
25 Q BY MS. ROZIER: Should I have been...

1 THE COURT: Yeah.

2 Q BY MS. ROZIER: ...told that?

3 A I'm gonna say, no, because you weren't a party to

4 the case. That would be my answer to that.

5 Q If our ICPC process had been done, that does not

6 make us a part of the case?

7 A A party to the case?

8 Q A party to the...

9 A No.

10 Q ...case?

11 A It doesn't.

12 Q Okay.

13 A The Court would have to recognize you as a person

14 with special interest.

15 MS. ROZIER: That's all the questions that I have.

16 THE WITNESS: Okay.

17 THE COURT: Mr. McKay.

18 MR. MCKAY: Yeah. I just have a couple.

19 THE WITNESS: Sure.

20 CROSS-EXAMINATION

21 BY MR. MCKAY:

22 Q I'm Ray McKay, the CAP attorney.

23 A Nice to meet you.

24 Q You had a chance to review this file in this case?

25 A I have.



1 Q Okay.

2 A I have.

3 Q Good. And in the file, does -- does it indicate

4 when I was advised of the Rozier family as a potential party

5 and interest?

6 A Oh gosh. I could only comment when I feel that you

7 would have been informed, which I know for a fact would have

8 at least been at the court hearing in January of 2017.

9 Q Okay. And -- and I...

10 A It was in the...

11 Q ...and I...

12 A ...Court report.

13 Q And I'll stipulate at the end of January at the -- I

14 don't remember the January -- end of January date. But I was

15 advised at that time.

16 A Yeah.

17 Q Is it -- is -- is there a comp- is the -- is -- is

18 the -- do you -- do you know -- you -- you weren't at that

19 hearing. Is there -- did you -- was it -- do you...

20 A I was at the January hearing.

21 Q You were at the January...

22 A Yeah.

23 Q ...hearing. Do you know -- let -- let me ask you,

24 were you -- I can't remember if you were part of the

25 conversation.

1 A I wa- I don't believe I was standing at the table...  
2 Q Okay.  
3 A ...of (indiscernible).  
4 Q All right. So you -- you didn't hear the  
5 conversation. Is that fair?  
6 A I was in the courtroom. Yes.  
7 Q Okay. Did you hear the conversation that Kristi and  
8 I had?  
9 A No.  
10 Q Okay. When -- when -- under the Department of  
11 Family Services, is there a policy in place when a par- a  
12 party of interest -- is that -- is that what you call them?  
13 And I'm sorry. This is my first CAP...  
14 A That's okay.  
15 Q ...case.  
16 A No, no.  
17 Q So I may get the names and the terms wrong. But  
18 we'll call them a party of interest or -- or -- when -- when  
19 -- when somebody of that -- of nature -- a fa- a family member  
20 at that time comes and -- and expresses a desire for adoption,  
21 is there policy in place as to when the CAP attorney should be  
22 notified of that information?  
23 A No. My understanding from the CAP order is that we  
24 notify the CAP attorney of any placement changes.  
25 Q Okay.

) )

1       A     Like, so we have, like, a three-day rule. Like, on  
2 the actual orders themselves, they talk about discovery of  
3 information, like, so we are -- we give you information as you  
4 request it. Typically, those requests go through our kind of  
5 records department. They don't come directly to the  
6 caseworker or supervisor. As well as, it talks about  
7 notification of placement changes; changes on, like, school  
8 settings; those types of very specific.

9           It doesn't have anything in our policies nor on our  
10 orders that state if another party comes forward seeking  
11 placement of a child, we need to notify CAP within a certain  
12 amount of days. That doesn't exist.

13       Q     Okay. Okay. Is it -- is -- for -- is -- is --  
14 is -- I mean, for -- is a CAP attorney -- I mean, how does a  
15 CAP attorney become aware of -- of a -- of a -- of a new -- of  
16 a potential party of interest to come into the case if not  
17 through your department? Is there a way?

18       A     I guess they would make contact with a CAP attorney.

19       Q     Okay.

20       A     I think that people who are diligently trying to  
21 seek out placement of children, regardless of who they are,  
22 they seem to have ways of contacting people. I -- I -- I  
23 can't say because I haven't been in that position, how these  
24 people search out CAP attorneys, DAs. But they have the  
25 ability. I think all that is public information when it comes

) )  
1 to, like, how to Google your name, for example, and get your  
2 contact information. Our job, you know, is -- is to give them  
3 information. We are not their attorneys. We don't  
4 necessarily represent them. We're there to look out kind of  
5 for the best -- safety and well-being and interest of a child.

6 Q Sure.

7 A So in general, we will just tell them what we know,  
8 which is, if you're not a party to the case, everything's  
9 confidential. And we can't really give you that information.

10 Q If -- if -- at that end of January when I was  
11 advised of the potential family, of the Roziers -- and I don't  
12 even think I was given their name. And I wasn't...

13 A (Indiscernible).

14 Q ...at that time.

15 A Okay.

16 Q Well, but at that point in time, when I'm advised of  
17 the information, do -- is the information that your department  
18 provides the CAP attorney, do you agree with me that that  
19 information should be accurate and truthful?

20 A Sure.

21 Q All right. Is -- would you agree with me that when  
22 talking at that -- I -- at that point, I should get -- have  
23 been provided a full -- for lack of a better term, full, just  
24 rundown of -- of -- of what Family Services was aware about  
25 with the Rozier family?

1       A     Sure.  If you had asked questions, then I'm sure  
2 that we would answer your questions about who we have out  
3 there and what we know about the permanency goals of this  
4 child.  In general, my experience has been, CAP attorneys will  
5 call within a few -- at least a few weeks before court if they  
6 feel like they are missing out and they ask for any new  
7 information.  And we're pretty open.  And we'll tell whatever  
8 they ask.

9       Q     Let me ask you a hypothetical.  At the end of  
10 January of this year, if -- if your department advised me that  
11 -- that a -- a -- like a cousin from out of state made contact  
12 with -- with your department and they sent a gift...

13      A     Yeah.

14      Q     ...and didn't tell me anything else, do you think  
15 that was enough information that -- that the Department  
16 provided me as the CAP attorney?

17      A     Well, I know for a fact that the Court re- report  
18 that I reviewed not only talked about the gift but that we had  
19 already referred the ICPC for the relative.  And then that was  
20 our concurrent goal if -- if she couldn't be adopted by her  
21 caregiver.  So to me there was more than just information  
22 about a gift in the Court report.  So I -- I don't know how  
23 conversations between you and Kristi are because I wasn't  
24 there.  I -- I've never spoke to you.  If you called me, I can  
25 only tell you what I would tell you.

1 Q And...

2 A But we didn't...

3 Q I tried...

4 A ...have a conversation.

5 Q to get this company policy...

6 A Uh-huh.

7 Q If I spoke to your department...

8 A Uh-huh.

9 Q ...on that day, your representative, and I said,  
10 well, if they've not -- if they -- if they've not done  
11 anything else, at...

12 A Okay.

13 Q Okay. If they've not done anything else, then --  
14 other than make a phone call and provide -- provide a  
15 Christmas present, or something, and I said, well, that to me  
16 is not substantial enough to -- to warrant today's hearing...

17 A Okay.

18 Q I -- I didn't feel it compelled me enough that a --  
19 a -- an oddball phone call and -- and maybe a -- a little gift  
20 -- and -- and I expressed that to your department, do -- do  
21 you feel that they were compelled at that time to tell me,  
22 well, actually, they have done more?

23 MR. SHARP: Your -- Your Honor, I apologize. I'm a  
24 little confused as to the -- the question.

25 THE COURT: I know what he's getting at.

1 MR. SHARP: What are we getting to?

2 THE COURT: And what he's -- what he's -- what's he's  
3 concerned about is that DFS is basically not giving him any  
4 information on this at all. And they're saying, well, we  
5 don't have to. He can read it in the report months later when  
6 it's too late for him to actually do anything about it. If  
7 Krystal Dixon were here right now, her head would be  
8 exploding.

9 MR. MCKAY: It's a hypothetical.

10 THE COURT: I'm -- I'm gonna have -- I'm gonna have --  
11 I'll have you streamline the question down a little bit more.

12 Q BY MR. MCKAY: You heard his -- you heard his  
13 explanation. You understand a hypothetical, correct? Do you  
14 -- do you agree that that was enough information at that point  
15 when I specifically said, if that's all they've done, is there  
16 anything more...

17 A If you said to me...

18 MR. SHARP: Your...

19 THE WITNESS: So if you'd asked -- if you'd called me on  
20 the phone and said, hey, I have a quick question. Taryn's the  
21 supervisor. If this family's only sent a gift and made a  
22 phone call, should we warrant a placement hearing? I would  
23 tell you, no, it doesn't sound like it warrants a placement  
24 hearing. If that's all you had as- had to give me.

25 MR. SHARP: And Your...

1 THE WITNESS: Does that answer your question?  
2 Q BY MR. MCKAY: No. So...  
3 MR. SHARP: Your Honor, I would...  
4 Q BY MR. MCKAY: ...the -- the question is, under this  
5 hypothetical...  
6 THE COURT: The...  
7 MR. SHARP: Okay.  
8 THE COURT: Okay.  
9 Q BY MR. MCKAY: I...  
10 THE COURT: Go ahead.  
11 MR. MCKAY: Is he -- okay. So you (indiscernible)...  
12 THE COURT: No, no.  
13 MR. MCKAY: I -- I'll let him make an...  
14 THE COURT: Go ahead.  
15 MR. MCKAY: ...objection or whatever...  
16 THE COURT: He's not -- he's not objecting...  
17 MR. MCKAY: ...he needs to do.  
18 THE COURT: ...to your question. It's not out of your  
19 mouth yet. So when he -- so if you finish -- finish asking  
20 the question. Then -- then he'll decide whether he wishes to  
21 object.  
22 Q BY MR. MCKAY: I'm told a phone call -- this is a  
23 hypothetical. Family Services fails the CAP attorney. Phone  
24 calls been made by a cousin out of state. They sent a gift.  
25 That's all that's been done. They've told no more



1 information. I say, well, if that's all that's been done, I  
2 don't care. That -- that's not enough for me, and you even  
3 agree...

4 A Yeah.

5 Q ...to warrant having a hearing here, like, for  
6 today.

7 A Yeah.

8 Q At that moment, when I'm talking to Family Services,  
9 do you believe in your role as a super, is -- does that  
10 caseworker have a duty to actually tell me, well, no, they are  
11 -- they -- since October, they've been actively wanting to  
12 adopt.

13 MR. SHARP: So, Your...

14 Q BY MR. MCKAY: Since...

15 MR. SHARP: Your Honor, I am going to object at this  
16 period. My recollection, and we can certainly go back and --  
17 and review it, is I believe Ms. Quinlan testified that during  
18 November and December, she did contact Mr. McKay. She  
19 attempted to call him. And she sent him e-mails notifying him  
20 of the Rozier family. That is my...

21 THE COURT: I thought...

22 MR. SHARP: ...recollection of occurring yesterday.

23 THE COURT: ...she testified -- my notes indicate she  
24 testified that the first time she knowed for sure that he was  
25 aware of the Roziers was at the January hearing.

1 MR. SHARP: And the -- the reason for that is because he  
2 did not respond to her. If you'll recall, she stated that she  
3 had sent e-mails and called and that he did not respond. And  
4 so the first time that I believe she actually met Mr. McKay  
5 was at that hearing. I believe that was her testimony. That  
6 is my -- my recollection of the testimony yesterday.

7 MR. MCKAY: That isn't an accurate representation of the  
8 testimony, Your Honor.

9 MR. SHARP: And we can certainly, if we want, go back and  
10 take a look at that. I'd be -- I'd be happy to do so.

11 THE COURT: All right. I -- that part of it didn't make  
12 it into my notes.

13 MR. SHARP: Okay.

14 THE COURT: So that doesn't mean she didn't testify to  
15 that. But it didn't make it into my notes.

16 MR. SHARP: Okay.

17 THE COURT: What I -- what I got from her testimony was  
18 that she wasn't sure when he would have been aware. But she  
19 knows that she put it in her report and that on the day of  
20 that hearing, he would have been aware. But as far as she  
21 knew, she had not conveyed that information to him prior to  
22 the creation of the report and sending the report to him.

23 MR. SHARP: And again, the -- the testimony...

24 THE COURT: I don't recall...

25 MR. SHARP: ...of Ms. Quinlan...

1 THE COURT: ...her saying that she was trying...  
2 MR. SHARP: ...was that she e-mailed...  
3 THE COURT: ...to tell Mr. McKay...  
4 MR. SHARP: ...and called.  
5 THE COURT: ...about the Roziers...  
6 MR. SHARP: And -- and that's why I...  
7 THE COURT: ...but she couldn't get...  
8 MR. SHARP: ...say, I don't know if we have that  
9 capability of...  
10 THE COURT: I don't think she said anything along those  
11 lines.  
12 MR. SHARP: If we can pull that up...  
13 THE COURT: She...  
14 MR. SHARP: ...we can certainly...  
15 THE COURT: She did -- she did talk about trying to reach  
16 him. But she didn't talk about, I was re- trying to reach him  
17 because I wanted to tell him about the Roziers. I -- I'm  
18 pretty sure she didn't say that. That would have made it in  
19 my notes.  
20 Q BY MR. MCKAY: Well, and -- and my argument here is  
21 we're in January and I'm speaking -- my hypothetical is it's  
22 January twenty-something. And I'm specifically talking to...  
23 A Yeah.  
24 Q ...Family Services regarding these people.  
25 A Sure.

1 Q And -- and I'm given very limited information at  
2 that time. And I ask, well, if that's it, then I'm not gonna  
3 do any more. And they know there's way more than that, more  
4 than -- than that's it. And I'm not provided that  
5 information. Do you -- do you believe that's a violation of  
6 your -- of the policies of Family Services?

7 A I don't know. I -- I can't comment if -- if  
8 information was withheld from you. I wonder if people  
9 understand a lot of the terminology by, you know, saying  
10 things like an ICPC was sent, if people who that information's  
11 going to understand that that means the family is doing things  
12 like meeting with licensing workers. They're allowing home  
13 studies to happen. They're fingerprinting. For people who  
14 are within the agency, anybody who hears, oh that we submitted  
15 an ICPC, knows there's a process and that the family on the  
16 other end is doing things in -- in their state.

17 And so I don't know if it was a withholding of  
18 information or a lack of understanding about what that means  
19 to us. And maybe the language wasn't the same or around that  
20 conversation.

21 Q I...

22 A Saying if her family's doing an ICPC means they are  
23 taking steps and actions...

24 Q I...

25 A ...to take placement of a child.

1 Q Okay.

2 A I -- I...

3 Q And I understand that. My -- my hypothetical didn't

4 include that they were doing an IPCP [sic].

5 A Okay.

6 Q My hypothetical was, they reached out. They made a

7 phone call to -- to your department. And they -- and they

8 sent a -- sent a gift.

9 A Yes. Okay. That would not warrant a placement

10 hearing...

11 Q You -- you -- you would...

12 A ...at that time.

13 Q ...agree with me that the -- would you agree with me

14 then, if that's a hypothetical, they should have told me, at

15 least, that there was an IPCP [sic]...

16 A Yeah. And...

17 Q ...or...

18 A ...that it was referred or -- okay.

19 Q I mean, if I'm -- if I need to know what that means,

20 I can ask them what that means (indiscernible).

21 A Sure.

22 Q But you would agree that they should -- something

23 more should have been said than just that at that point in

24 time.

25 A Yes.

1 Q You agree?

2 A We -- we are in a weird position in the Department  
3 of Family Services of -- because we have an attorney that  
4 represents us also, there is -- you know, there is some  
5 conversations about what do we say and what don't we say  
6 without attorney representation.

7 There's different trainings that we've had around  
8 what are we allowed to share? We kind of -- with CAP  
9 attorneys, try to stay within the parameters of our Court  
10 order. And we -- caseworkers are directed, like Kristi or  
11 anybody, that at any point a conversation starts becoming a  
12 little uncomfortable for our caseworkers, that's when they  
13 need to end the conversation with other attorney privileged  
14 people and kind of refer it back over to the DA. So I -- I --  
15 there's many different ways that conversation could've gone.  
16 I don't have -- I wasn't there. I wish I was.

17 What I do know about the family is that after  
18 January is when a lot more things were happening. That's when  
19 we started getting more phone calls from the family. We  
20 started to hear that they are almost done with classes.  
21 They've got rooms ready. They got fingerprinted. Some more  
22 action. That's when the vi- the visits they started to ask  
23 for visits. It started to happen after the first of January.

24 And so in the beginning months when the referral  
25 started, they maybe made some phone -- I don't know -- maybe

1 made some phone call to Kristi. But then more action started  
2 happening around the first of the year because they were  
3 starting to complete some of the things that they were asked  
4 to do with the Georgia ICPC worker. So I know more action  
5 started happening from January until today.

6 Q Okay. The Department of Family Services, they've  
7 been involved in -- what -- what did you -- do we call it a --  
8 when it goes from one family to another, what do you call  
9 that?

10 A Transition.

11 Q A transition.

12 A A transition.

13 Q The Depar-...

14 A A move of placements.

15 Q ...Department's been involved in tran- in cases that  
16 have multiple transitions. You -- you agree...

17 A Yeah.

18 Q ...with that, right? Is -- is -- is -- is it  
19 uncommon to have three to four transitions in a case?

20 A Yes.

21 Q It's uncommon?

22 A Yeah.

23 Q How -- but -- but what percentage?

24 A In general, children are moved -- well, I would say  
25 there could be three because sometimes they're on campus or at

1 a hospital for the first few days of, you know, depending if  
2 they need medical care. From there, we place them into foster  
3 homes and usually the transition is back home. If it can't go  
4 back home, then they go to an adoptive home of the caregiver.  
5 So we would like to have it be one, possibly two placements...

6 Q Okay.

7 A ...of a child. That -- that is really best  
8 practice. That is what the majority of our children have the  
9 opportunity to have.

10 Q Okay.

11 A Especially our single children or younger children.

12 Q So the majority of cases that it -- that occurs.

13 The majority, they go back to the -- the natural parents.

14 A Yes.

15 Q Is that fair?

16 A More than half.

17 Q So -- so let's -- let's remove them out of the  
18 equation. And let's go to -- to the issue here where parents  
19 aren't being -- they're not able to go back to the parents.  
20 Are you telling me more than 50 percent of the time it's only  
21 a one transition?

22 A Yeah. So basically we have about 3500 children in  
23 foster care in Clark County. Of those children, half of them  
24 will go home, which brings us down to about 1700. Of the kids  
25 that go -- don't go home, the initial placement is with



1 relatives here in the state of Nevada. Those relatives make  
2 up about 20 percent of our kids. So we're kind of breaking it  
3 down.

4 We're down to our last 40 percent. Of those 40  
5 percent, about 20 percent of children will age out because of  
6 their age when they came into care. They might have been 17  
7 when we met them. And self-sufficiency is a more appropriate  
8 goal for them.

9 What we find is about 20 percent of our kids are  
10 adopted in Clark County. And of those children that are  
11 adopted, 70 percent are adopted by their current caregiver,  
12 they're foster parent. They are the people who've been  
13 providing the care and love and -- and nurturing for these  
14 children, have been able to build a bond and attachment with  
15 them. And they'll step up and be the foster parent.

16 Really when we look at our general recruitment,  
17 we're trying to find children to have un -- other adoptive  
18 homes. We only actually see about 32 kids at any given time  
19 that we're looking for adoptive homes for. And most of those  
20 are large sibling groups, older children or kids with special  
21 needs or abil- or disabilities.

22 Q Perfect. The -- the -- as it relates to transitions  
23 to three to four times, that does happen in your office. Is  
24 that correct?

25 A I can think of -- I oversee -- right now, currently,

1 on my case that I have 128 children that I oversee. I can  
2 think of two children who have been in more than two  
3 placements. And a lot of it, they are older and have some  
4 significant amount of health needs. And so they'd had a hard  
5 time staying in a home placement.

6 Q I spent some time last night reading some of the  
7 case studies...

8 A Yeah.

9 Q ...about this transitional thing. It's -- again,  
10 it's very new to me. You -- you did mention earlier in your  
11 testimony, there are steps...

12 A Yeah.

13 Q ...to -- to limit any trauma. Is that correct?

14 A Yes.

15 Q And one of them, we talked about that transitioning  
16 phase. And the studies show that that's pretty successful.  
17 Is that correct?

18 A It can be. Although, like I said, it depends on the  
19 age of the child and kind of where they are in their bonding  
20 and attachment with their current caregiver. She's -- for  
21 this particular child, I have significant concerns about  
22 moving her again. She's still in her bonding and attachment  
23 phase with her current caregiver. She was not allowed the  
24 opportunity to stay with one ch- one family since removal.  
25 And she's only 18 months old. So I am really concerned about

1 her ability to transition yet to another home because she's  
2 still bonding and attaching in the home she's at. She's  
3 learning how to get her cues met, her needs met, you know, and  
4 especially in a nonverbal way.

5 Q Sure.

6 A I -- I -- I'm very concerned about her moving again.

7 Q Well, you know, and you'll agree with me that the  
8 first transition, there was hope that they were a permanent.  
9 But -- but -- but, you know, there was never expected that  
10 that was going to be the -- the end all spot. Is that  
11 correct?

12 A No. We ask our foster parents to come forward as  
13 foster parents first.

14 Q Yeah.

15 A And many of them will make the decision to adopt  
16 after they build that relationship with children.

17 Q The -- in this instance there -- there's been some  
18 discussions of potential issues raised that the biological  
19 mother is pregnant. She's about ready to have the baby, I  
20 believe. Are you aware of that?

21 A I have heard that. I haven't been able to confirm  
22 that. I've never seen Nellie.

23 Q I -- I believe even the testimony yesterday  
24 indicated that this was big. She may lose it pr- pretty much  
25 immediately and that the Roziers have -- are -- are a

1 potential adoptive resource for that child.

2 A Okay.

3 Q With that being said, let me ask you this. Some of  
4 those studies you've read about, some of these traumas -- and  
5 I know Esther doesn't have a bond with a -- with a sibling,  
6 but would you agree with those -- with -- that the studies  
7 suggest that if Esther is with siblings during this transition  
8 period, that that would be -- also be -- help to -- to reduce  
9 any potential trauma?

10 A I think that it would reduce the potential trauma  
11 for a unborn or new child if they were placed with a sibling  
12 who -- but Esther -- neither of these children would have a  
13 relationship with each other until they've met. That  
14 biological connection might be there. I don't know who the  
15 father of this unborn child is and some other things. But I  
16 think it would reduce the impact of trauma on the new child  
17 coming into the system if they could be placed with their  
18 sibling, yes.

19 Q And you don't think it would have any effect -- you  
20 don't -- if you -- you found...

21 A I -- I -- I don't know at this point. I don't -- my  
22 understanding is Esther does not have a relationship with her  
23 siblings. And so she has -- I don't know if I had to weigh  
24 out to a relationship to her best friend down the street or  
25 her cousin more important than her relationship with the

1 biological sibling she just met.

2 We do know children who come into foster care  
3 together -- siblings that come in together, should be placed  
4 together because they need that connection. It's one thing  
5 that they have that's consistent and reliable. So it gets a  
6 little murky when children are born after already placed in  
7 the system. And it -- it -- the stays are a little more murky  
8 when children are coming in at different times with...

9 Q Would you agree...

10 A ...different (indiscernible).

11 Q ...with me, it's potentially helpful...

12 A Yeah.

13 Q ...if there's another child?

14 A Sure.

15 MR. MCKAY: I have no further questions.

16 THE WITNESS: Okay.

17 THE COURT: Did you -- follow-up?

18 MR. SHARP: Your Honor, no. I have no further questions  
19 at this time.

20 THE COURT: Do you folks have some follow-up questions?

21 MS. ROZIER: Yes, we do.

22 **FURTHER CROSS-EXAMINATION**

23 BY MS. ROZIER:

24 Q You said that since we are not a party of the case,  
25 everything is confidential.

1 A Yes.

2 Q Should we have been given Ray's name if it was  
3 confidential?

4 MR. SHARP: Your Honor, I'm going to object. I think at  
5 this point, we're kind of getting into a legal area. They --  
6 they may be considered by the Court at some point to be a  
7 special person of -- of interest in this case. However, as to  
8 whether Ms. Lamaison knows whether the Department should have  
9 provided her that information, I don't think she can talk to  
10 the legal side of things.

11 THE COURT: It does -- they are -- and Mr. McKay, are  
12 raising an important issue. And when we're dealing with  
13 trauma for Esther, could potentially that trauma have been  
14 alleviated had Mr. McKay known actually what was going on back  
15 in October and set a placement hearing and brought these  
16 people in and we could have started a transition at that  
17 point. That -- that's the point that I believe they're trying  
18 to make is that DFS had an opportunity to set this all in  
19 motion beginning in late October at a time when Esther had  
20 only just been placed with the foster family.

21 MR. SHARP: Mm-hm.

22 THE COURT: That...

23 MR. SHARP: And...

24 THE COURT: That ship has now sailed. We -- we -- we now  
25 -- that opportunity isn't there anymore. And I...

1 MR. SHARP: And, Your Honor, I certainly think there is  
2 an argument, as I stated my -- based on Ms. Quinlan's  
3 testimony. And I -- we can certainly put her back up on the  
4 stand. But she did attempt to contact Mr. McKay. But as far  
5 as whether the Department has a legal responsibility or any  
6 such thing to provide Mr. McKay with that information, I think  
7 that's more of a legal argument as -- as...

8 THE COURT: Well...

9 MR. SHARP: ...Ms. Lamaison stated.

10 THE COURT: It's a risky position to take if -- if -- if  
11 you decide that you're not going to involve everyone. You're  
12 not gonna involve -- you're not gonna let the Court know.  
13 You're not gonna let the CAP know.

14 MR. SHARP: I understand.

15 THE COURT: You're not gonna let the family know that  
16 they could potentially come to court and start a transition  
17 process. I -- I'm -- I'm not sure it necessarily affects a  
18 best interest determination today. But it's disturbing.

19 MS. ROZIER: I have another question.

20 THE COURT: I -- I'm gonna go ahead and let you ask the  
21 questions. If the -- the objection at this point is  
22 relevance. And -- and I'm willing to stretch on a relevance  
23 objection. And we'll talk about later whether it should come  
24 into play in terms of a decision.

25 MS. ROZIER: Okay.

1 THE COURT: How's that?

2 Q BY MS. ROZIER: We're all here for the best interest  
3 of Esther. Do you believe that it would have been in the best  
4 interest for Esther, for her CAP attorney to know about us  
5 coming forward when we came forward?

6 A Possibly. I don't have a definite answer on that.  
7 I have seen CAP attorneys not change. The CAP attorney is  
8 there to look out -- my -- this is my understanding of their  
9 job. And the only other person who could really attest to  
10 this would be them. But they're -- they're out there to look  
11 out for the wishes and the desires of the child.

12 The only way we can measure Esther's wishes and  
13 desires right now, because she's a nonverbal child and we  
14 can't ask her, is for -- observing her and seeing how she's  
15 attaching and bonding.

16 I don't know if by telling the CAP attorney there's  
17 another relative that has sought out placement and we've  
18 submitted an ICPC, would it change his observations or that --  
19 that -- I don't know if it would've changed his opinion, if it  
20 would've put a placement hearing in -- in -- in order. I  
21 can't tell you that. I'm not the CAP attorney. So I just  
22 don't know if it would have changed any piece of that income  
23 -- or outcome for this child. I -- I just don't.

24 I -- I've seen it go a lot of different ways in 11  
25 years. Sometimes CAP attorneys really fight hard and say they



1 believe the children should be with, you know, cousins.  
2 Sometimes they don't. Sometimes they say it's better for them  
3 to stay where they're at. Just, you know, I've seen many,  
4 many different arguments come out. They have a different role  
5 than I do.

6 Q Do you think had he known about us coming forward,  
7 he would've had that opportunity to fight for Esther and her  
8 best interests and...

9 A He always has...

10 Q ...present it to the Court?

11 A He always has the opportunity to f- to fight for  
12 her, not best interest, 'cause that would be a CASA worker.  
13 But her wishes and desires. And that's becomes a very  
14 difficult thing when a child's nonverbal. That's a -- it's a  
15 hard place for a CAP attorney to be in. Best interest is  
16 actually argued by CAP attorney -- by CASA workers. And she  
17 doesn't have one of those. So at this point, we have to, as  
18 the agency, take over that role, also.

19 Q Were you aware that I called 26 times in October?

20 A No. You didn't call me.

21 Q And I've called every month since October?

22 A I do know that you've called us at least once a  
23 month. That part I do know. I know that I talked to you  
24 once. And then I called you back. And then we ended up  
25 talking with my supervisor.

1 Q Were you aware that Ms. English, while you were  
2 in the room, we were on speaker phone, that she was under the  
3 impression I'd only spoken with Kristi a few times based on  
4 what she stated?

5 A She may have had that impression. Managers do not  
6 really get involved with the day-to-day case management of  
7 their -- 'cause it's kind of a lot of levels. Ms. English  
8 oversees approximately 70 different workers with all of their  
9 caseloads. So they don't really get involved with the day-to-  
10 day case management of their workers.

11 Q And Esther was placed with the Riveras in September?

12 A I believe it was September...

13 Q September 9th?

14 A ...2016. Yeah.

15 Q Were you aware that I was told in October that  
16 Esther was placed with the Riveras three months before then?

17 A I don't know what date she...

18 Q And that she had -- was extremely bonded?

19 A No.

20 Q And Ms. English, in our conversation on speaker  
21 phone, stated that there -- that was impossible.

22 A I -- I...

23 MR. SHARP: And, Your Honor...

24 THE WITNESS: I'm not aware...

25 MR. SHARP: I would object.

1 THE WITNESS: ...of what...

2 MR. SHARP: I'm not sure what the question is there. I  
3 mean, there's part of a question. But there's part of more  
4 argument than...

5 THE COURT: Well, she -- I mean, there's a question. Are  
6 you aware that Ms. English said this in a conversation you  
7 were -- you were party to?

8 THE WITNESS: There...

9 THE COURT: So that -- that's a question. I mean...

10 THE WITNESS: I don't recall Ms. English saying that that  
11 would be impossible for the child to bond in three months or  
12 that that conversation could occur. So I'm not aware. Re-  
13 reiterating what I heard you say just now.

14 MS. ROZIER: Okay. Well, I just want to make the Court  
15 aware that she was there in that conversation. They called  
16 me.

17 THE WITNESS: Which is...

18 MS. ROZIER: Ms. English called me and both Kristina...

19 THE COURT: That -- that -- that's actually not a  
20 question. So...

21 MS. ROZIER: No, I was just making aware that...

22 THE COURT: So...

23 MS. ROZIER: ...she was there...

24 THE COURT: I understand.

25 MS. ROZIER: ...and that took place, so.

1 THE COURT: And you can make me aware of that on...

2 MS. ROZIER: Okay.

3 THE COURT: You're gonna have more opportunity to talk  
4 and tell me what you wanna tell me. But for now I'm just  
5 gonna have you ask Ms. Lamaison questions. And then you can  
6 clarify through testimony or through argument. It will be  
7 your choice as to any other thing that you need to follow  
8 through on. Okay?

9 MS. ROZIER: I'm done with my questions.

10 MR. ROZIER: I -- I have two.

11 THE COURT: And I didn't mean to rush you through.

12 MS. ROZIER: Oh no. That actually was my last question.

13 THE COURT: Okay.

14 MR. ROZIER: I have two.

15 CROSS-EXAMINATION

16 BY MR. ROZIER:

17 Q How much effort do you need to see from an extended  
18 family to consider them placement and the best interest of a  
19 child?

20 A Well, unfortunately the guiding principles of our  
21 agency say that relatives need to step forward within the  
22 first 12 months. And they need to make the efforts to have an  
23 attachment or bond with the child or maintain the one that  
24 they have.

25 So that in general, relatives that I see who will

1 request placement, A, they come to visit the child. They ask  
2 to talk to the child on the phone. They send gifts and -- and  
3 -- and little presents to the kids. Usually, they are asking  
4 for visits 'cause they're local. So it makes it a little more  
5 difficult when you're out of state. But, you know, local  
6 ones, it's a little bit easier to define that active effort.  
7 So that's first.

8           Our -- our obligations as a child welfare agency is  
9 to really look especially at the first degree of consanguinity  
10 relatives, which are like grandparents, first adult brothers  
11 and sisters. Then we kind of move into aunts. So we get  
12 further past the third degree, which you guys are the fourth  
13 degree of consanguinity. You're outside of that.

14           Our obligation is to kind of -- kind of find you,  
15 actively pursue you for placement. It just becomes a little  
16 more murky or a lot harder for us to find through diligent  
17 searches because those connections sometimes get severed as  
18 marriages happen. And so it's harder for us to find it  
19 through diligent search efforts.

20           My understanding is you guys never came forward on  
21 -- on our diligent search efforts because we have sought for  
22 relatives of Esther on a number of occasions, especially  
23 during the time when we thought she wasn't going to be -- be  
24 able to maintain in her first placement. So we -- we've never  
25 been able to know you existed. And the only other way we

1 could find out about you is if you find us or if Nellie tells  
2 us about you guys. And we had already lost contact with  
3 Nellie at this point.

4 Q Okay. And would you agree that when the family  
5 steps forward and tries to make contact with the office that  
6 there's a reason why we're -- we're calling?

7 A Sure.

8 Q Okay. Would there be any reason why we would not  
9 receive any phone calls back after 26 calls in October?

10 A We have -- we have policies in place...

11 Q Mm-hm.

12 A ...that require that our workers call everybody  
13 back. We have to do that within 48 hours here at the agency.  
14 The one thing is though, is as a child welfare agency as a  
15 worker, we get a lot of people who...

16 Q I'm sure you do.

17 A ...call us on the phone and tell us they're  
18 relatives especially. We get, this is my cousin. This is my  
19 nephew. This is my uncle. This is -- even parents will  
20 identify people who are not relatives. And so it's very  
21 difficult for us to maintain the confidentiality of our case  
22 and also try to sort out who are even relatives to children.

23 So sometimes when we get those initial phone calls,  
24 we're not even sure what these are about. And there can be a  
25 little bit more that has to go into calling you back because

1 we need to know more about -- is this even a patent message?

2 So workers sometimes need to talk to supervisors and  
3 managers...

4 Q Mm-hm.

5 A ...before calling back.

6 Q Do you -- do you have any idea of the percentage of  
7 when you do receive those phone calls how many are from out of  
8 state?

9 A Actually we get a lot.

10 Q Okay.

11 A Clark County is a very transient...

12 Q Right.

13 A ...community.

14 Q Okay.

15 A So most of our relatives are out of state. And in  
16 my experience, unfortunately, most of my relatives don't get  
17 approved on ICPCs. And so we do send them. We submit them.  
18 We try to be honest with families for -- right up front that,  
19 you know, we'll do this. We're gonna pursue this placement.  
20 But sometimes this doesn't work out.

21 Q What percentage don't get approved?

22 A I would say the majority of 'em, unfortunately. It  
23 can be everything from physical homes to backgrounds and  
24 families. It's...

25 Q So...

1  
2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 PHILLIP R.; AND REGINA R.

4 Petitioners,

5 vs.

6 THE EIGHTH JUDICIAL DISTRICT  
7 COURT OF THE STATE OF NEVADA,  
8 IN AND FOR THE COUNTY OF  
9 CLARK; AND THE HONORABLE  
10 CYNTHIA N. GIULIANI, DISTRICT  
11 JUDGE,

12 Respondents,

13 and

14 STEPHANIE R.; JOEY R.; CLARK  
15 COUNTY DEPARTMENT OF FAMILY  
16 SERVICES; AND E.R., A MINOR,  
17 Real Parties in Interest.

18 In the Matter of: E. R., A MINOR.

19 CLARK COUNTY DEPARTMENT OF  
20 FAMILY SERVICES; AND CLARK  
21 COUNTY DISTRICT ATTORNEY'S  
22 OFFICE

23 Petitioners,

24 vs.

25 THE EIGHTH JUDICIAL DISTRICT  
26 COURT OF THE STATE OF  
27 NEVADA, IN AND FOR THE  
28 COUNTY OF CLARK; AND THE  
HONORABLE CYNTHIA N. GIULIANI,  
DISTRICT JUDGE,

Respondents,

and

PHILLIP R.; REGINA R.; STEPHANIE  
R.; JOEY R.; AND E.R., A MINOR  
Real Parties in Interest.

Supreme Court No. 73198

District Court No. J-15-337398-P1  
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Elizabeth A. Brown

Clerk of Supreme Court

Supreme Court No. 73272

District Court No. J-15-337398-P1



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2  
3 **PETITIONER'S SUPPLEMENT TO APPENDIX<sup>1</sup>**  
4

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27  
28 <sup>1</sup> The State hereby provides the Court and the parties with the supplement to its  
appendix to include the transcripts as ordered by the Court.

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Transcript RE: Objection May 23, 2017

0103-0143

Transcript RE: Placement Hearing April 13 – April 14, 2017

0144-0384

**CERTIFICATE OF MAILING**


I hereby certify that service of the **PETITIONER'S SUPPLEMENT TO APPENDIX** was made this 17<sup>th</sup> day of July, 2017, by electronic mailing and/or depositing a copy in the U.S. Mail, postage pre-paid, and addressed to the following:

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HONORABLE JUDGE CYNTHIA GIULIANI  
Department K  
601 North Pecos Road  
Las Vegas, Nevada 89101

  
Clark County District Attorney's Office,  
Juvenile Division

FILED

JUN 27 2017

*Ann L. Blum*  
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

In the Matter of:	)	CASE NO. J-15-337398-P1
	)	
ESTHER BELLA RODRIGUEZ,	)	DEPT. K
DOB 06/15/2015	)	
	)	
<u>A Minor.</u>	)	SUPREME COURT APPEAL 73272

BEFORE THE HONORABLE CYNTHIA N. GIULIANI,  
DISTRICT COURT JUDGE

TRANSCRIPT RE: OBJECTION

TUESDAY, MAY 23, 2017

1 APPEARANCES:

2 FOR THE STATE:

TANNER L. SHARP, ESQ.  
Deputy District Attorney  
601 North Pecos Road  
Las Vegas, Nevada 89101

4  
5 FOR THE MINOR:

AMY B. HONODEL, ESQ.  
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6  
7 ALSO PRESENT:

KRISTINA QUINLAN  
Department of Family Services

8  
9 JOE & ESTEPHANY ROZIER  
Maternal Relatives  
JOHN R. BLACKMON III, ESQ.  
Ford & Friedman  
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10  
11  
12 PHILIP & REGINA RIVERA  
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14 703 South Eighth Street  
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15  
16  
17  
18  
19  
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21  
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24  
GINA PEARL

1 LAS VEGAS, NEVADA

TUESDAY, MAY 23, 2017

2  
3 P R O C E E D I N G S  
4

5 (THE PROCEEDING BEGAN AT 02:31:56.)

6 (AREAS INDISCERNIBLE DUE TO SIMULTANEOUS SPEAKING.)

7 MR. BLACKMON: ...on behalf of the Rozier family.

8 THE COURT: Okay.

9 And we have --

10 MR. MILLS: Byron Mills, 6745, for Gregory Mills, who  
11 represents the current placement foster parents.

12 THE COURT: Okay.

13 And we have Ms. Honodel who is the CAP Attorney for  
14 today.

15 MS. HONODEL: Right. I'm standing in for Raymond McKay.  
16 My Bar No. is 7755.

17 THE COURT: Okay.

18 And do you want to just -- just because I don't  
19 think we were on the record quite, do you just want to state  
20 your appearance again, Mr. Blackmon?

21 MR. BLACKMON: Sure.

22 THE COURT: Just --

23 MR. BLACKMON: John Blackmon, Bar No. 13665, counsel for  
24 the Roziers, who were awarded placement --

1 THE COURT: Okay.

2 MR. BLACKMON: -- (indiscernible).

3 THE COURT: Gotcha.

4 All right. Are we ready to proceed?

5 MR. SHARP: I believe so.

6 THE COURT: All right.

7 So this is on -- this is the -- and you can all have  
8 a seat. There's a lot of people here and -- and we'll just  
9 begin.

10 This is the Department of Family Services Objection  
11 to the Hearing Master's findings and recommendations.

12 The Objection was mailed to the Department of Family  
13 Services and the Roziers on May 1st, 2017. We did receive  
14 CAP's response.

15 I know that there was a -- I just want us to put on  
16 the record how it was worded -- Mr. Mills filed, for the  
17 record --

18 MR. MILLS: A joinder.

19 THE COURT: -- a joinder, and it is titled as -- Joinder  
20 -- specifically it is titled as, Joinder of Philip Rivera and  
21 Regina Rivera and Clark County Department of Family Services  
22 Objection to Hearing Master's Findings of Facts, Conclusions  
23 of Law and Recommendations.

24 Okay. So I think we have everyone's paperwork that

)  
1 was -- hopefully everyone got that.

2 All right. So let me just, on the record, this  
3 wasn't my -- okay, so let's start off. This is an Objection.  
4 So it's not my case. I didn't make the initial ruling. So my  
5 job is to determine Hearing Master Norheim's ruling.

6 So the Department's Objection states that DFS is  
7 arguing that the Hearing Master did not apply the correct  
8 standard for determining placement under NRS 432B.550.

9 DFS argues that since Mom's rights were terminated,  
10 the familiar relationship between Esther and the Roziers is  
11 severed, therefore, the familiar preference does not exist.  
12 Was -- the Roziers who allege -- who allege that she is Mom's  
13 first cousin did not contact DFS until 2016. Rozier nees --  
14 is Saez, Siaz?

15 MS. ROZIER: Saez.

16 THE COURT: Saez -- has substance abuse and mental-health  
17 issues. She knew that Saez had several children in the system  
18 and had been homeless at times. However, Rozier, according to  
19 her testimony, did not attempt to contact Saez about the  
20 child. Even that her family is close, as her family had  
21 information as to the removals, it is unreasonable to believe  
22 that she was not advised of the removal till sixteen months  
23 there.

24 Furthermore, it's noted in the DFS records on the



1 date of the call, and pursuant to Ms. Quinlan's testimony --

2 That's you?

3 MS. QUINLAN: (Raises hand.)

4 THE COURT: Okay -- Ms. Saez not able to provide a clear  
5 response as to why she had waited to contact the Department  
6 she was aware -- sorry -- Rozier, as she was aware of or  
7 should have been aware of Esther's removal. Therefore, Saez  
8 did not provide a reasonable excuse for the delay.

9 Finally, after the Roziers made contact with  
10 Department, she failed to petition The Court, did not attend  
11 the TPR Review Hearing, did not visit Esther, as -- and has  
12 never filed a motion with The Court seeking placement. As  
13 such, Rozier failed to provide a reasonable excuse for the  
14 delay.

15 The Hearing Master found that DFS should have  
16 located Rozier, as DFS had contact with Ms. Tellez, who had  
17 contact with the Roziers.

18 And, by the way, I did review the tape. There was  
19 like two days of tape. So all the witnesses that were  
20 testifying, I saw the tape.

21 However, as Ms. Tellez did not disclose information  
22 about Rozier to DFS, DFS could not have known about Roziers'  
23 existence. Furthermore, this does not negate Rozier's duty to  
24 come forward in a timely manner. The Hearing Master found

1 that Ms. Quinlan and Ms. -- LaMaison?

2 MS. PEARL: Uh-huh. That was Ms. Quinlan's previous  
3 supervisor.

4 THE COURT: Okay. Okay.

5 Were inconsistent in their testimony with regard to  
6 the information relayed to Rozier regarding placement of  
7 Esther. As such, The Court did not find the Department's  
8 testimony credible as to that issue alone.

9 However, both the testimony of Ms. Quinlan --  
10 however, testimony of Ms. Quinlan and -- well, and Ms.  
11 LaMaison and the DFS records make it clear that both DFS  
12 employees informed Rozier that the plan was for Riveras to  
13 adopt Esther. Rozier was to be a second option should the  
14 adoption not occur. This was not consistent.

15 The Hearing Master found that the Roziers are likely  
16 to getting custody of one or -- of Esther's siblings.  
17 However, at the time the Roziers did not have custody of  
18 either siblings. The older sibling is currently in an  
19 adoptive resource -- and that's Desiree?

20 MS. ROZIER: Destiny.

21 THE COURT: Destiny, sorry. I just remembered watching  
22 that. And she's twelve, that lives in California, right?

23 (NO AUDIBLE RESPONSE.)

24 THE COURT: Okay. I apologize.

1 MR. BLACKMON: I think it's -- it is Wisconsin, Your  
2 Honor.

3 THE COURT: Wisconsin? Okay. I don't know why I thought  
4 California.

5 MS. PEARL: The jurisdiction --

6 MR. SHARP: The CPS Case is out of California.

7 THE COURT: Okay.

8 MR. SHARP: However --

9 THE COURT: Sorry.

10 MR. SHARP: -- Destiny lives in --

11 THE COURT: -- It's not my case.

12 MR. SHARP: -- Wisconsin.

13 THE COURT: I'm just reviewing what I re -- what I  
14 watched. And have about a thousand cases in my head.

15 So, okay. So California does have some tie.

16 The older sibling is currently in an adoptive home  
17 and Saez' parental rights are intact. Since the time of the  
18 hearing, Saezes gave birth -- Saez gave birth. That child was  
19 taken into Protective Custody, is currently residing with the  
20 Riveras, although an ICPC is pending to Rozier.

21 Wasn't the lo -- wasn't she supposed to have a  
22 little boy?

23 UNIDENTIFIED SPEAKER: (Indiscernible.)

24 THE COURT: But it's a girl, right, Olivia?

1 MR. SHARP: It is a girl.

2 MS. ROZIER: We were under the impression --

3 THE COURT: Right.

4 MR. SHARP: Yes.

5 THE COURT: Okay.

6 MS. ROZIER: -- it was a boy.

7 THE COURT: Right.

8 However, wardship was not taken of that child and  
9 Saez' rights have not been terminated.

10 DFS argues that it's not in the child's best  
11 interest to place with Rozier. To Esther, the foster parents,  
12 Riveras, are her parents. She refers to them as Mama and  
13 Dada. The Hearing Master found that Esther is incredibly  
14 bonded to the Riveras, severing the relationship would not be  
15 in Esther's best interest.

16 All right. So then we have the CAP's response,  
17 which is Ms. Honodel who is filling in today. And he argues  
18 that DFS waited over five months to notify The Court of the  
19 Roziers. CAP argues that it was DFS that is at fault in this  
20 case. The Roziers inquired about visitation with the child,  
21 but DFS ignored the requests. DFS continually just played a  
22 preference for the foster family and failed to make an effort  
23 to place the child with the Roziers.

24 The Roziers contacted DFS as soon as they became

) )  
1 aware that the child was in protective custody. The minor  
2 sibling, Olivia, who is not the boy but a girl, who was just  
3 born, is going to be placed with the Roziers. Is that true?

4 MR. SHARP: Your Honor, there has been an update to that.  
5 Ms. Saez has come forward again and has stated that she wants  
6 the opportunity to raise this child. So apparently she's  
7 currently with the sibling in California and so --

8 MR. BLACKMON: That's not true. That's just not true.

9 THE COURT: Okay.

10 MR. BLACKMON: She -- we have text --

11 MR. SHARP: Miss -- Your --

12 MR. BLACKMON: -- messages from today --

13 MR. SHARP: -- Your Honor, if I may, I have spoke with  
14 Ms. Quinlan. Ms. Quinlan spoke with Ms. Saez earlier. Ms.  
15 Saez stated that she wishes to reunify, and so that is the  
16 goal as of now.

17 THE COURT: Okay. The baby was born where?

18 MR. SHARP: The -- the child --

19 MS. PEARL: Here.

20 MR. SHARP: -- born here in Nevada and was removed. The  
21 child is currently with the Riveras with her half sibling.

22 In addition to that, as to Destiny, who is the child  
23 in California, her rights were recently terminated. But Ms.  
24 Quinlan was informed there as well that because Destiny is in

) )  
1 an adoptive home, Destiny has no desire to reunify with the  
2 Roziers. And the California Court has informed the worker out  
3 of California that The Court will not consider the Roziers as  
4 a placement.

5 THE COURT: Okay. All right.

6 And then it says NRS -- and this is according to the  
7 CAP -- 432B.3905 provides that DFS shall make all reasonable  
8 efforts to place siblings in the same location.

9 All right. So, let me ask this. So you're -- this  
10 -- let's just start by saying this, these are, I think --  
11 Hearing Master Norheim said on the record that in his case,  
12 when he heard the trial -- I'm just hearing the Objection --  
13 that these are harder than TPR cases, because, he said that  
14 these are two very good families, and he doesn't have anything  
15 bad to say about either family.

16 And so reviewing the tape, that this baby's going to  
17 be lucky wherever -- she's not a baby -- this two-year-old's  
18 going to be lucky wherever she is. And this is a situation  
19 that the adults in this case never asked for nor did the baby.  
20 This is just -- this happens, unfortunately, more frequently  
21 than not. And these are -- these are hard cases.

22 Now, Mr. Mills, on behalf of the Riveras, filed a  
23 joinder in this case. But they're not parties to this case.  
24 They're not parties as far as that goes, they're the foster

1 placement. But I -- you can't join a non-party.

2 MR. MILLS: Well, they're interested persons in that they  
3 are placement, an adoptive placement, so.

4 THE COURT: So that would be a special interest?

5 MR. SHARP: Yes.

6 THE COURT: Okay. So -- but that's -- I'm just going  
7 over the -- my job is just to determine if the Hearing Master  
8 was incorrect.

9 MR. SHARP: Um-hmm (in the affirmative).

10 THE COURT: So I think what I need to do is this, I've  
11 read -- I've read everything. I'm thoroughly prepared. My  
12 job is to determine if the Hearing Master, who decided this  
13 case -- that it's his case, it's not assigned to me -- I'm  
14 just the person on objection duty this week. Next week I  
15 won't be on objection duty and the week after that I won't be,  
16 and then I'm on again.

17 Okay. So it appears that the Roziers -- I should  
18 say Roziers because it's husband and wife -- contacted the  
19 Department in October of 2016. Ms. Rozier, who resides in  
20 Georgia, alleges that she is Mom's first cousin. Ms. Rozier  
21 testified that she's not aware that Esther was placed into  
22 foster care until maternal Uncle Tony told her in October of  
23 2016. She immediately contacted DFS. An ICPC replacement of  
24 the child with Ms. Rozier was approved in March.

) )

1           The Court has to agree with Hearing Master Gibs --  
2       Hearing Master Norheim in that he didn't make the mistake. He  
3       listened to the testimony. This, again, this is a case where  
4       you can't -- Supreme Court -- there's two issues, the issue of  
5       siblings together -- now you're saying the siblings aren't  
6       together. I don't know. But it's the Department's  
7       responsibility to have children stay with family. That's a  
8       preference of the Supreme Court. It's not my preference. I  
9       mean, I don't make the law, I interpret the law. It's the  
10      preference that we go by.

11           This is a hard case. The Roziers had a reasonable  
12      excuse for not coming forward. They don't have the obligation  
13      to go find the child's (sic). It's the Department's job to try  
14      to find and ask the adult sibling, hey, do you have any other  
15      family out there -- I think his name was Tony -- and then go  
16      from there.

17           The Department should have located the Roziers  
18      earlier since the Department had contact with the child's half  
19      sibling. And I think that's -- is that the Tony person?

20           (NO AUDIBLE RESPONSE.)

21           THE COURT: The Tony person.

22           So The Court can't find that Hearing Master was  
23      erroneous. He made a hard call on this. He looked in to best  
24      interests. He said they were both great people. These are



) )  
1 not easy cases. But there's clearly nothing erroneous about  
2 his decision. I think he was basically -- had a decision that  
3 was tough to make, but he had to make it based on the fact  
4 that -- and I think he took into consideration that the child  
5 was placed in September of 2016 and the Roziers came a month  
6 later, which is October, and were given, you know -- whether  
7 they were given visitation or not, that -- I guess that  
8 doesn't matter at this point.

9 But the Roziers -- the Supreme Court -- I'm just  
10 going to go by what it states, because I think this was a -- I  
11 think Mr. Sharp's argument -- or, no, maybe it was Mr. Mills'  
12 --

13 MR. SHARP: No, Your Honor, it was my argument.

14 THE COURT: Okay. Was that -- and I don't think there's  
15 in -- there's definitely no -- this was a hard case -- as far  
16 as the facts -- well, it's a straight-forward case. It's just  
17 a hard -- it's a hard ending, because the trial was -- doesn't  
18 -- he's with people that love him, they're good people,  
19 they're a good placement.

20 But I need to make sure that we all understand that  
21 the law says -- and I just want to put it on the record -- I  
22 think it was in Mr. Mills' --

23 MR. MILLS: I do have it in mine, if you look on page --

24 THE COURT: Thank you.

1 MR. MILLS: -- eleven.  
2 THE COURT: Thank you.  
3 MR. MILLS: It's the law.  
4 THE COURT: It states that, once -- the whole-year issue  
5 --  
6 MR. MILLS: Well --  
7 THE COURT: -- is -- I don't know if we're talking about  
8 the same thing, but it says part of the argument, in the DFS  
9 argument, was that you have a year to come in.  
10 MR. MILLS: Correct. That's --  
11 MR. SHARP: Yes, Judge. The Supreme Court -- and I can  
12 --  
13 MR. MILLS: Clark County District Attorney verse District  
14 Court --  
15 THE COURT: Um-hmm (in the affirmative).  
16 MR. MILLS: -- 167 P.3d --  
17 MR. SHARP: Yes.  
18 MR. MILLS: -- 922, that argument of mine in my brief was  
19 page nine -- eight, nine, ten, that aspect of it.  
20 THE COURT: So --  
21 MR. BLACKMON: I'm not sure if, Your Honor --  
22 MR. SHARP: That argument is also in mine --  
23 MR. BLACKMON: -- first off, I'm not sure that Mr. Mills  
24 has --

1 MR. SHARP: -- it is in twelve.

2 MR. BLACKMON: -- has the right to file any type of  
3 response in this case. So I would ask that that be stricken  
4 or ask one of these attorneys that is actually a party in this  
5 case, ask that that be stricken. It's improper and I don't  
6 think that it should be considered.

7 MR. SHARP: And, Your Honor, I do not believe this  
8 gentleman has actually filed a notice of attorney in this  
9 case, so I don't know that he actually has the right to  
10 approach the bar.

11 THE COURT: Okay. So what I can say is this, the parties  
12 in this case are State of Nevada through the Depart -- DA's  
13 Office as well as the child, Esther. And, at this point,  
14 there's no -- you have to file a motion to get status as  
15 (indiscernible) best sole interest. But the joinder, they  
16 can't be joined because they can't be par -- they're not  
17 joining into as parties. It does state, though, it says, If a  
18 family member with knowledge that a child's been placed in  
19 protective custody, delay seeking custody of the child for  
20 more than one year, after the child's initial placement, the  
21 family members must demonstrate a reasonable excuse. That's  
22 assuming that the child -- that they had knowledge, which is  
23 the Department's -- you can't shift the burden on a family  
24 member to find out that there's kids out there that may or may

1 not be in care. That's the whole point of the comprehensive  
2 diligent search at the beginning of a case. The --

3 MR. SHARP: So, Your Honor -- and I apologize for  
4 interrupting -- the actual language of the case states that  
5 the family members have a concomitant duty, meaning a co-equal  
6 duty with the Department --

7 THE COURT: Where does it say that?

8 MR. SHARP: Just one moment and I'll give you the  
9 citation. It is in that case that we were just referring to,  
10 and that would be --

11 THE COURT: That's in your motion?

12 MR. SHARP: It is in my motion. It should be on page  
13 fourteen. Let's see, let me make sure.

14 Yes, fourteen, line -- lines three through five,  
15 Additionally, The Court found that despite DFS's duty to  
16 locate familial placements, the family member has a  
17 concomitant duty to step forward and request custody. And in  
18 looking in that case, Your Honor, it is similar to this case  
19 in that The Court did have questions as far as, well, did the  
20 Department do enough. In the --

21 THE COURT: I'm sorry, say that -- page fourteen -- what  
22 was it?

23 MR. SHARP: So page fourteen of my motion, and it would  
24 be lines three through five, it's the first paragraph.

) )

1 THE COURT: Okay. Page fourteen on mine is the -- so --  
2 okay. So, page fourteen, I don't think that's a -- I'm  
3 looking at the same page fourteen. So -- well, wait, maybe I  
4 am. Hold on. Page fourteen lines three through -- oh, no,  
5 this is --

6 MR. SHARP: Of my Objection.

7 THE COURT: Your Objection on 5/1, okay.

8 MR. SHARP: Um-hmm (in the affirmative).

9 THE COURT: Okay. Page fourteen.

10 MS. HONODEL: And, Your Honor, while you're looking at  
11 that, I'm actually looking at Clark County District Attorney  
12 versus the Eighth Judicial District, the case --

13 THE COURT: Um-hmm (in the affirmative).

14 MS. HONODEL: -- cited in Mr. Tanner's Objection, and it  
15 does refer to a concomitant duty to set forth. But that is  
16 provided that the relatives had notice. So Your Honor was on  
17 the right track with this.

18 THE COURT: Right.

19 So we've had cases like this where you have to get  
20 -- they don't -- they don't --

21 MR. SHARP: However, Your Honor, our argument is that  
22 they knew or they should have known. Mrs. Rozier's testimony  
23 was that they knew that Mom was homeless, she knew she that  
24 she had prior kids in the system, she knew that there was drug

1 issues. And when she found out the kids were in care, she'd  
2 said well that wasn't really a surprise to us --

3 THE COURT: Right. I re --

4 MR. SHARP: -- knowing her lifestyle.

5 THE COURT: -- I saw her say that. But that's not an  
6 affirmative duty. She -- you can't pass the duty that she has  
7 to go out there and search fifty states to find out where this  
8 child was.

9 MR. SHARP: But she knew where the child was. As soon as  
10 she wanted to look for the child, she was able to find the  
11 child in Clark County within --

12 THE COURT: I think --

13 MR. SHARP: -- a day.

14 THE COURT: -- yeah, but I don't -- that is absolutely  
15 not what this -- the Supreme Court is saying, is that that  
16 they have to go out and do a diligence search to find out  
17 where family members are.

18 MR. SHARP: But, Your Honor, they didn't know. They had  
19 to do was contact the family member who knew where Mom was at.

20 THE COURT: Yeah, but that's -- there's no law that says  
21 that they have to do that.

22 MR. SHARP: There isn't a law, but The Court case says  
23 that there's a co-equal or concomitant duty for the family  
24 members to step forward. Concomitant --

1 THE COURT: Okay. But it says The Court found --

2 MR. SHARP: -- duty meaning co-equal.

3 THE COURT: -- that despite the (indiscernible) to locate  
4 at familiar placement, the family members has a concomitant  
5 duty to step forward and request custody.

6 MR. SHARP: And if I can describe for The Court, in that  
7 case that's cited --

8 THE COURT: Um-hmm (in the affirmative).

9 MR. SHARP: -- basically what happened is, there was a  
10 father who was in prison who advised the Department that there  
11 was a mother and a sister who might be able to take placement.  
12 The Department contacted the mother. The mother said that she  
13 would not be able to take placement of the child and she said  
14 that the daughter, she did not believe the daughter would not  
15 be able to take placement of the child. The Department did  
16 not take the extra step of contacting the daughter. However,  
17 when the daughter came forward and then stopped placement, The  
18 Court said, well, we can't same -- basically The Court said  
19 that the Department should have contacted that daughter that  
20 they knew was out there. However, the daughter actually --  
21 had a co-equal duty to step forward and indicate their desire  
22 to take the child.

23 THE COURT: Okay.

24 So the Objection has UNITY notes --

1 MR. SHARP: It does.

2 THE COURT: -- attached to it?

3 The UNITY notes don't say that DFS asked the adult  
4 sibling if there were other family placement options.

5 MR. SHARP: Your Honor, I have Ms. Quinlan here. If The  
6 Court would --

7 THE COURT: I'm not -- I'm not retrying the case, that's  
8 the thing.

9 The issue is is that Hearing Master Norheim looked  
10 into -- he basically said there was two good sets of families,  
11 parents, the placement as well as the cousin, that would be  
12 able to take care of this children (sic). What Hearing Master  
13 Gibson (sic) stated was that he believed that the Department  
14 basically didn't follow through with finding out other  
15 relatives, and that at that time when they knew about the  
16 child in October they came forward, so as soon as they knew  
17 about it. Had they waited a year or thirteen months after  
18 they knew about it, then you kind of, you snooze, you lose.  
19 But they came forward as soon as they knew, according --

20 MR. SHARP: However, that was --

21 THE COURT: -- to the testimony.

22 MR. SHARP: -- after the year period. And, again, our  
23 argument is that they should have known.

24 But, Your Honor, other than that, there's still two



1 more obstacles. First of all --

2 THE COURT: Um-hmm (in the affirmative).

3 MR. SHARP: -- you have to determine whether the familial

4 presumption exists. As I stated in my motion, once that TPR

5 happened, once the termination of parental rights happened,

6 that cut off all familial rights to the family members, as it

7 stated --

8 THE COURT: They came forward before the TPR was --

9 MR. BLACKMON: Yes, Your Honor.

10 MR. SHARP: Once the TPR is --

11 MS. HONODEL: Well --

12 MR. SHARP: -- ordered that is final.

13 MS. HONODEL: -- well, Your Honor --

14 MR. SHARP: And so -- and hold on.

15 MS. HONODEL: Okay.

16 MR. SHARP: -- Your Honor, as I stated in my brief, the

17 Supreme Court cited to -- I was -- I believe it was Lippo

18 (sic), where they essentially stated that the parental rights

19 -- or, I'm sorry, the familial rights extend through the

20 parents, and once that right is cut-off then the rights to the

21 relatives are cut-off. And unless there's a specific statute

22 that provides an exception to the -- to that, then all

23 familial rights are cut-off. And the exception that the

24 Supreme Court notes is grandparents and siblings can ask for

1     visitation rights if they do so before adoption.

2             However, in this case there -- there is no such  
3     exception by statute. In addition to that, the other step and  
4     what's stated in the case is that the overarching -- the  
5     overarching goal of The Court must be to determine the best  
6     interest of the child.

7             When you look at Hearing Master Norheim's decisions,  
8     he did not make the best interest decision. This was clearly  
9     erroneous. He said that the child is extremely bonded to the  
10    Riveras but the child has biological ties to the Roziers and  
11    that The Courts and that the Legislature have stated that we  
12    have to look at the biological bonds first. And that just is  
13    not the case when you look at the Clark County versus Eighth  
14    Judicial District Court, it's the best interest of the child.  
15    And so he did not apply the correct standard in this case.

16            THE COURT: All right.

17            Ms. Honodel.

18            MS. HONODEL: I can assist The Court with this part.

19            NRS 128.110, at the end of the TPR statutes, still  
20    provides a preference for placement of child with relatives  
21    and siblings.

22            THE COURT: Um-hmm (in the affirmative).

23            MS. HONODEL: So, you know, I think -- and I agree with  
24    what Mr. McKay set out. This is a dangerous precedent that

1 we're going to set. And the purpose of doing -- you know, of  
2 cutting his office to find them permanent homes, but we still  
3 have the familial preference even after termination of  
4 parental rights is granted.

5 THE COURT: And just for the record -- Ms. Honodel, I  
6 don't mean to cut you off -- is that the TPR was granted  
7 January 12th 2017.

8 MR. SHARP: Um-hmm (in the affirmative).

9 THE COURT: And the --

10 MS. HONODEL: In making --

11 THE COURT: -- Roziers came in for October of 2016.

12 MR. SHARP: But, Your Honor, those rights were still  
13 terminated. But not only that, when you look at the statute,  
14 it states that the best interest of the child overrides that  
15 familial preference. It's not the familial preference first,  
16 and then the best interest later. The overarching concern  
17 must be the best interest.

18 In fact, let me direct The Court --

19 THE COURT: Okay. I don't wa -- I think we're getting  
20 (indiscernible). The parents' rights were terminated after  
21 the Roziers came forward. They came forward, said, hi, I'm  
22 the -- I'm family, I didn't know my --

23 MR. SHARP: Um-hmm (in the affirmative).

24 THE COURT: -- this child was in care. And then January

1 of 2017 is when the rights were -- their rights were  
2 terminated. So they came --

3 MR. SHARP: Um-hmm (in the affirmative).

4 THE COURT: -- they came in before. So let that's --

5 MR. SHARP: And they did not file anything. They've --  
6 they did not ask to intervene in that TPR. They did not do  
7 anything to stop that termination of parental rights.

8 THE COURT: They don't --

9 MR. SHARP: And I can represent to The Court, even in the  
10 issues wherein the analogous case where you have a grandparent  
11 who has sought visitation rights after an adoption is made,  
12 that right it cut-off because that statute has to --

13 THE COURT: Okay.

14 MR. SHARP: -- be very specific. There is no statute on  
15 point that once a TPR Order is granted that family members can  
16 then come in and ask for the --

17 THE COURT: I'm just going to make this --

18 MR. SHARP: -- presumption to apply.

19 THE COURT: -- as simple as I can, because, again, I'm  
20 just the Objection person here.

21 NRS 542B, I told you about the facts provides that  
22 in determining the placement of a child it must be presumed to  
23 be in the best interest of the child to be placed together  
24 with siblings of the child. Here the child's adult sibling

) )  
1 indicated that she was not a placement option for the child.  
2 Ms. Rozier -- or the Roziers are seeking placement of the  
3 child's other sibling who is presently in fostercare.

4           Whether or not Mom reunifies with this child, I have  
5 no idea. All I know is that right now they're probably  
6 looking into ICPC because they're not going to keep -- she has  
7 some work to be done.

8           MR. SHARP: So, Your Honor, as to that I can -- I can --  
9 advise The Court that if Ms. Saez is looking at reunifying,  
10 which she is --

11           THE COURT: Um-hmm (in the affirmative).

12           MR. SHARP: -- then we're not going to be able to move  
13 this kid to Georgia because Mom's not going to be able to  
14 reunify if the child is in Georgia.

15           In addition to that, if The Court wants to look at  
16 the sibling presumption --

17           THE COURT: Um-hmm (in the affirmative).

18           MR. SHARP: -- the older sibling -- I'm sorry, Esther is  
19 currently with the Riveras and so is Olivia, the youngest  
20 child. So currently those siblings are placed together. If  
21 you move Esther, her sibling will then remain with the Riveras  
22 at this time. So if we're going to go off the presumption,  
23 then let's go with the presumption, and they're -- they're  
24 currently together.

) )  
1 THE COURT: Okay.

2 Any search for relative with whom to place a child  
3 must be from within one year after placement of the child  
4 outside the home. Here the child Esther was placed outside  
5 the home in July of 2015. The Department had contact with the  
6 child's adult sibling, but it doesn't appear the Department  
7 asked the child's adult sibling whether there were other  
8 relatives who could take placement of the child.

9 This Court agrees with Hearing Master's -- Norheim's  
10 finding that the Department should have located Ms. Rozier  
11 earlier since he had contact with the child's adult sibling.  
12 This Court finds that the familial preference does apply in  
13 this case. The Hearing Master appropriately found that Ms.  
14 Rozier has -- had a reasonable excuse for the delay in seeking  
15 placement of the child.

16 This is not a case where -- for a ye -- over a year,  
17 thirteen or more months, decided at that time to come forward.  
18 Further, he appropriately found that both the foster parents  
19 and the Roziers are good and dedicated parents. And I agree  
20 with that, both have good community involvement and both have  
21 more than adequate resources to care for the child. The  
22 Hearing Master appropriately determined suitability of the  
23 Roziers and considered the best interest of the child when  
24 making the decision.

MR. SHARP: And, Your Honor, I would --

THE COURT: The Court finds -- wait -- the Hearing Master's findings are clearly not erroneous.

MR. SHARP: -- I would ask The Court where did he make that best-interest finding? Show me in that Recommendation where he made a best-interest finding.

THE COURT: Basically, he listened to a day-and-a-half of testimony -- because I think there was two days I watched or part of one day and part of another day -- and stated that both -- that at this point the child's been with the Rozier --

What he did find is this, this is what he said, he said: The Roziers came back or they came and -- they became involved a month after this child was placed within the fostercare and that they were basically, at that point, told to -- they'd be getting an ICPC and that they'd be getting something, some visitation, and they basically got nothing. And so time lapsed from October till the time of this hearing, and that he believed, that based on the time that the child was in care with the foster placement, that reunification -- or uni -- or unification with the Roziers could have happened, but the Departments didn't let that, for whatever reason, happen and that he believed that both parents were -- or both sets of families were equally dedicated to the child.

MR. SHARP: So --

) )  
1 THE COURT: Okay. So that's his -- that's his best  
2 interest.

3 MR. SHARP: But he didn't make that recommendation. He  
4 stated --

5 THE COURT: The -- the Objection's denied. He didn't --  
6 he was not erroneous. He made a hard call on this. He heard  
7 the trial. He put into place what he believed was -- was  
8 right, and he basically said the Department should have gotten  
9 in contact with the Roziers much sooner. And they did not ask  
10 the adult sibling anyone -- about anyone else that could have  
11 taken preference.

12 MR. SHARP: Okay. So I would ask for a stay of that  
13 Order until we --

14 THE COURT: I'm not staying that Order.

15 MR. SHARP: -- until we're able to --

16 THE COURT: The child needs to go --

17 MR. BLACKMON: Thank you, Your Honor.

18 THE COURT: -- the child needs --

19 MR. SHARP: -- to appeal.

20 THE COURT: -- the child -- you need to follow the  
21 Judge's Order -- or the Hearing Master's Order. And you need  
22 to make sure that -- that -- I think his Order was the Roziers  
23 need some visitation with this little girl so that they can  
24 start a bond that the Department hadn't let them start.



1 MR. MILLS: So, Your Honor, you're making a specific  
2 finding that a familial preference -- a familial preference  
3 exists? Because that's the first thing that had to happen and  
4 the Judge didn't do that -- the Hearing Master didn't do that.

5 So I'm asking, are you making that preference?  
6 Because contrary to the statutes, both 125C.050 and 127 --

7 THE COURT: Um-hmm (in the affirmative).

8 MR. MILLS: -- which both say the moment the term --  
9 Counsel's right, the moment the termination happened --

10 THE COURT: Um-hmm (in the affirmative).

11 MR. MILLS: -- and her parental rights are gone, then so  
12 does the family -- there's no other family. So I need --

13 THE COURT: There is because --

14 MR. MILLS: -- that would be the issue on --

15 THE COURT: -- they filed it --

16 MR. MILLS: -- appeal would --

17 THE COURT: Right.

18 MR. MILLS: -- be --

19 THE COURT: Right.

20 MR. MILLS: -- that issue, so.

21 THE COURT: And the Supreme Court's going to say that the  
22 Department should have found the family, should have gone out  
23 of their way to find, through a comprehensive diligent search,  
24 family for this child. Because the child got into a good

1 foster home recently, but was bumped around a couple times for  
2 the first year before they found the family, which is the  
3 Riveras, who'd done a extremely good job raising this child  
4 since they've had her.

5           What they're going to say is this, is they're going  
6 to say that the family, the Roziers, they're not obligated to  
7 come into a TPR case on their own and get an attorney and sit  
8 in a pub -- in a private hearing that, because they asked for  
9 placement with the Department in October and the TPR didn't  
10 happen until January, that their rights were still intact when  
11 they asked the Department for family placement. They don't  
12 have to hire an attorney to go do that. All they have to do  
13 is request placement, which they did.

14           It's the Department's job to put it on calendar,  
15 which they did do, because that's how you had this  
16 Adjudicatory -- or this Evidentiary Hearing on placement. But  
17 they're -- it's not -- you can't shift the burden to a non-  
18 party to go -- come to a TPR trial and say, halt, halt, don't  
19 let the trial go forward. They went and they talked to the  
20 Department of Family Services in October, and that's pretty  
21 much all that their obligation was. It's the Department's job  
22 to make sure that they notify any and all family to let this  
23 -- the family know that there's a child out there.

24           And as far as the -- the child and siblings. Mom

1 already has a TPR against her. The Department, according to  
2 Hearing Master Norheim, there ha -- there is -- should be an  
3 ICPC to Georgia --

4 MR. BLACKMON: It is completed.

5 THE COURT: -- with that baby.

6 MR. BLACKMON: It's completed.

7 THE COURT: Okay. Whether or not they don't -- they  
8 don't do it, that's up to Hearing Master Norheim as far as how  
9 he wants to handle that.

10 But right now, they're not going to have a child in  
11 fostercare when the child can be with -- with family, and  
12 especially not after all this. Because you can't keep  
13 children in fostercare. Whether or not Mom's reunifying,  
14 she's already lost her rights to one child. There's -- if the  
15 mom reunifies, then I think that's great, but they're not  
16 going to keep a child in fostercare if there's an ICPC that's  
17 granted.

18 MR. MILLS: So it's your findings the fact that they  
19 verbally requested to a caseworker that is sufficient to  
20 protect their rights and their --

21 THE COURT: Absolutely.

22 MR. MILLS: -- parental preference --

23 THE COURT: Absolutely.

24 MR. MILLS: -- contrary to 125C.050 --

1 THE COURT: Absolutely.

2 MR. MILLS: -- and 127.171?

3 THE COURT: It's up to the Department of Family Services.

4 They're given -- that's their burden. It's up to them to find

5 family. It's not up to family to find them.

6 MR. MILLS: Well, I'm not asking about finding.

7 THE COURT: Right.

8 MR. MILLS: They were found well before the termination

9 occurred --

10 THE COURT: Right.

11 MR. MILLS: -- in February.

12 THE COURT: Correct.

13 MR. MILLS: But they didn't file any formal petition

14 that's stach -- like -- rel -- you know --

15 THE COURT: Yeah. And I don't think --

16 MR. MILLS: -- statutes like --

17 THE COURT: -- I don't think --

18 MR. MILLS: -- 125 --

19 THE COURT: -- I don't --

20 MR. MILLS: -- 2050.

21 THE COURT: -- I don't believe that's necessary.

22 Instead, Hearing Master Norheim had a hearing on it and they

23 -- he decided at the April Evidentiary Hearing on April 13th

24 and April 14th.

Hearing Master Norheim found that the Department should have located Ms. Rozier earlier. He further found that Ms. Rozier demonstrated a reasonable excuse for the delay in coming forward, requesting placement of the child. It's highly likely that Ms. Rozier will end up with one of the siblings of the minor child, because the other baby's in protective custody, and we always go to family rather than straight fostercare.

The Hearing Master recommended the child be placed with Ms. Rozier so long as she provides proof of the relationship and complies with the trauma minimization transition as outlined by the Department.

The Court is not required to rely on the hearing -- on the Master's findings. But if it chooses to rely on the Master's findings, it may only do so if the findings are supported by the evidence and not clearly erroneous.

I'll go backwards. The minor child is placed in protective custody on July 27th, 2015. That's when a comprehensive diligent search should have been done. An Order to (indiscernible) the Parental Rights of the Natural Parents was filed February 18th. The minor child Esther is residing in a current foster placement since September 9th. The current foster placement is an adoptive resource. The natural mother's cousin Stephanie Rozier contacted the Department

1 October of 2016 when she became aware the child was placed in  
2 protective custody. An ICPC replacement of the child with Ms.  
3 Rozier and her husband was approved in March.

4 At the Status Check Hearing on April 4th the Hearing  
5 Master set a Placement Hearing since the Department objected  
6 to the placement with Ms. Rozier. And it could have turned  
7 out -- it could have turned out differently based on the  
8 evidence. I don't see the evidence as being wrong.

9 MR. MILLS: The problem is that's what he hung his hat  
10 on. He ignored best interest. In fact, if you look at his  
11 report, he doesn't even mention those two words in his entire  
12 decision. In fact, he finds that it would be detrimental to  
13 the child to remove him -- remove her from the Riveras and  
14 send, because of the (indiscernible). There's no best  
15 interest finding, and that is clearly required under the case  
16 law and the statute.

17 THE COURT: Okay. I read -- how I -- when I read the rep  
18 -- watched the tapes and -- and reviewed the Motion or the  
19 Objection as well as the CAP's -- the CAP pretty much laid out  
20 how -- what was -- what didn't happen in this case is that he  
21 stated that the child's young and that both placements are  
22 good placements, and he did not say it was not in the best  
23 interest or it wasn't -- he didn't say it was not in the best  
24 interest of the child to go to --

1 MR. MILLS: I can quote you where he says it's  
2 detrimental to the child's --

3 THE COURT: And that's why he's having the -- having the  
4 men -- he wants a trauma minimization --

5 MR. BLACKMON: Despite the trauma that would --

6 THE COURT: Yeah, he wants --

7 MR. BLACKMON: -- despite the trauma it's in the best --  
8 and he didn't say best interest, but all the analysis is  
9 saying that both -- both families are good, all that, despite  
10 there possibly being trauma. This is what he wants, so.

11 THE COURT: He took into consideration the best  
12 interests. I don't think this was a --

13 MR. SHARP: So, Your Honor, because I -- I wasn't clear  
14 on Norheim -- or I'm sorry, Hearing Master Norheim's --

15 THE COURT: Um-hmm (in the affirmative).

16 MR. SHARP: -- articulation of what -- what facts lead  
17 him to believe that it was in the best interest of the child  
18 be placed with the Rozier family.

19 Would The Court be able to articulate why it's in  
20 her best interest? Because Hearing Master Norheim said, well,  
21 when you take the family bond versus --

22 THE COURT: No, because my job is just to go -- to do the  
23 Objection. My job is to see if he was erroneous in making his  
24 findings. And based on the testimony of what he did, he made

1 his best-interest finding implicitly. He said both were good  
2 families, but due to the family preference he found that that  
3 prevailed.

4 MR. SHARP: So essentially it's not a best-interest  
5 analysis, it is a family-presumption analysis?

6 THE COURT: No. I think he --

7 MR. MILLS: Correct, that's what he --

8 MR. BLACKMON: No.

9 MR. MILLS: -- decided.

10 THE COURT: -- I think he tied them both together.

11 MR. BLACKMON: That's not what he said.

12 THE COURT: He said that it was that the child should  
13 have gone -- that should have been noticed in the beginning.  
14 It wasn't done. He was not happy with how this -- it -- what  
15 happened with not finding the Roziers, that nobody asked the  
16 adult sibling about any family members, wasn't in the UNITY  
17 notes, and that the CAP, as well, argued that when he  
18 questioned the Department as to placement, that the Roziers  
19 basically got ignored throughout the period of this case when  
20 they became parties. And --

21 MR. SHARP: So --

22 THE COURT: -- he --

23 MR. SHARP: -- so --

24 THE COURT: -- believed that, based on family and based



1 on the fact that -- hold on -- that there's another newborn  
2 child that will ha -- that should be an ICPC -- now you're  
3 saying that's not happening -- but I believe --

4 MR. BLACKMON: It is.

5 THE COURT: -- under the law there has to be an ICPC  
6 because you ha -- you can't keep kids in fostercare if there's  
7 family that are able and ready to take care of them. The  
8 ICPC, and that the little baby Olivia will be going to Georgia  
9 as well.

10 MR. SHARP: And, Your Honor, the plan is to actually have  
11 that child go to a half sibling. It's my understanding that  
12 one of Mom's adult siblings is willing to help Mom and take in  
13 the -- the newborn child.

14 THE COURT: And that may or may not --

15 MR. BLACKMON: And, again --

16 THE COURT: -- be true.

17 MR. BLACKMON: -- I'm sorry.

18 THE COURT: I don't know.

19 MR. SHARP: But we don't actually --

20 MR. BLACKMON: I hate --

21 MR. SHARP: -- have that child yet.

22 THE COURT: But that's not what we heard and --

23 MR. BLACKMON: I know.

24 THE COURT: -- that's not what was --

1 MR. BLACKMON: It's not.

2 THE COURT: -- heard at the -- on the record. This is

3 all afterwards. This is all new information. I'm going --

4 MR. SHARP: But, again, that's all speculation --

5 THE COURT: -- but I'm going by --

6 MR. SHARP: -- as to whether they're going --

7 THE COURT: -- but I'm going by --

8 MR. SHARP: -- be together.

9 THE COURT: -- by what -- he was the Hearing Master that

10 heard the removal for the -- Olivia?

11 MR. SHARP: Yes.

12 MS. PEARL: Yeah.

13 MR. SHARP: Uh-huh.

14 THE COURT: All right. So obviously he knew about that

15 at the time he made his decision as well as -- or that the

16 child was being born and that Mom had a TPR and that whether

17 or not there's Motions (indiscernible) which should be

18 interesting to see if that happens, that that child was going

19 into the system at some point. Maybe the child won't stay in

20 the system because Mom will reunify, and that's possible. But

21 right now the child's not with Mom. He's -- she's in

22 fostercare.

23 MR. SHARP: She's with her sibling.

24 THE COURT: Okay. Who's -- Mr. -- who Hearing Master

) )

1 Norheim is having sent to Georgia. So I believe Hearing  
2 Master Norheim, from reviewing that Evidentiary Hearing, is  
3 that he wants minimization as to the trauma to the child so  
4 she can go to Georgia as well as that new baby in ICPC to  
5 Georgia as well, where both siblings will be, at that point --  
6 unless Mom reunifies with the younger child, whose rights are  
7 still intact.

8 I'm not disputing her rights are not still intact.  
9 But at this point I don't see how these were erroneous. I  
10 think --

11 MR. MILLS: And, again, Your Honor, I would request a  
12 stay on any reunification --

13 THE COURT: But you don't --

14 MR. MILLS: -- pending the appeal.

15 THE COURT: -- you don't ha -- I mean, at this point,  
16 there's no -- you're not a special-interest person. You can't  
17 join in.

18 MR. SHARP: Well, and I would ask --

19 MR. MILLS: I'm definitely --

20 MR. SHARP: -- a stay.

21 MR. MILLS: -- special interest. But --

22 THE COURT: Well, you ha -- no one's -- both parties  
23 haven't filed special interest.

24 MR. SHARP: That's true, too, neither party --

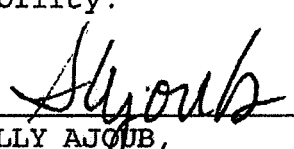
1 THE COURT: Parties --  
2 MR. SHARP: -- has filed a --  
3 THE COURT: Right.  
4 MR. SHARP: -- special interest.  
5 THE COURT: So it's just you and -- I mean, it's just  
6 your mosh --  
7 MR. SHARP: Um-hmm (in the affirmative).  
8 THE COURT: -- your Objection and CAP, Mr. Raymo?  
9 MR. SHARP: McKay.  
10 MS. HONODEL: Mr. McKay.  
11 THE COURT: Mr. McKay, his Opposition to that Objection.  
12 And that's where we're going.  
13 UNIDENTIFIED SPEAKER: Okay.  
14 THE COURT: So from here on out, I guess you go in front  
15 of Hearing Master Norheim and follow whatever Orders he has.  
16 MR. BLACKMON: Thank you.  
17 UNIDENTIFIED SPEAKER: Thank you.

18  
19  
20  
21  
22  
23  
24

(THE RECORDING ENDED AT 03:10:09.)

\* \* \* \* \*

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.

  
\_\_\_\_\_  
SHELLY AJOUB,  
Transcriber II

FILED

JUN 27 2017

*John J. Williams*  
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

In the Matter of:	)	CASE NO. J-15-337398-P1
	)	
ESTHER BELLA RODRIGUEZ,	)	DEPT. Dependency 1
DOB 06/15/2015	)	
	)	
<u>A Minor.</u>	)	SUPREME COURT APPEAL 73272

BEFORE THE HONORABLE JON NORHEIM,  
HEARING MASTER

TRANSCRIPT RE: PLACEMENT HEARING - DAY 1

THURSDAY, APRIL 13, 2017

1 APPEARANCES:

2 FOR THE STATE:

TANNER L. SHARP, ESQ.  
Deputy District Attorney  
601 North Pecos Road  
Las Vegas, Nevada 89101

4  
5 FOR THE MINOR:

RAYMOND E. MCKAY, ESQ.  
CHILDREN'S ATTORNEY PROJECT  
Legal Aid Center of So. Nevada  
725 East Charleston Boulevard  
Las Vegas, Nevada 89104

7  
8 ALSO PRESENT:

KRISTINA QUINLAN  
Department of Family Services

9  
10 JOE & ESTEPHANY ROZIER  
Maternal Relatives

11  
12 PHILIP & REGINA RIVERA  
Foster Parents

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I N D E X O F W I T N E S S E S

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ADMITTED

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2  
3 P R O C E E D I N G S  
4

5 (THE PROCEEDING BEGAN AT 14:14:56.)

6 THE COURT: All right. Case No. J337398, Nellie Saez.

7 Can I get appearances, please?

8 MS. QUINLAN: Kristi Quinlan, Department of Family  
9 Services.

10 MR. SHARP: Tanner Sharp with the District Attorney's  
11 Office here on behalf of The Department.

12 MR. MCKAY: Ray McKay, Your Honor, I'm the CAP Attorney.

13 THE COURT: All right, Sir.

14 And we have current placement present and we have  
15 family who is seeking placement present.

16 This is post-termination of parental rights. This is  
17 about where Esther's going to live for the rest of her life.

18 UNIDENTIFIED SPEAKER: Yes, sir.

19 THE COURT: Is the State taking a position on this or is  
20 the State just going to present evidence or?

21 MR. SHARP: The State is taking a position on this. We  
22 believe that it is in the child's best interest for the child  
23 to remain with the foster parents, with the Riveras.

24 Given the fact that The Court -- or, I'm sorry, the

1 Supreme Court requires that the parents -- I'm sorry, that the  
2 relatives show reasonable delay within the first -- or if it's  
3 after the first year of removal and given the bonding that this  
4 child has had with the foster parents, we would argue that it's  
5 in her best interest to remain with the Riveras. That adoption  
6 is set to be finalized in about thirty days.

7 THE COURT: All right.

8 Mr. McKay, are you taking a position on behalf of  
9 your client today?

10 MR. MCKAY: Your Honor, my position -- at this point I  
11 wasn't. My purpose here today was a couple-fold. When we had  
12 the meeting last week I did feel, based on the things that were  
13 presented by the potential family, the cousins in Georgia, when  
14 they came in, that there were some discussions about when they  
15 did start getting active and that sort of thing. I felt that  
16 it was important for me to have The Court be allowed to hear  
17 from both parties.

18 THE COURT: Right.

19 MR. MCKAY: I don't really know the others. I haven't  
20 taken --

21 THE COURT: You're in my position. We have to hear what  
22 they have to say and try to make the --

23 MR. MCKAY: Correct, Your Honor.

24 THE COURT: -- best decision.

1           Okay. I completely understand.

2           I actually didn't think the State was going to take a  
3 position today either, but -- but legally, just so the family  
4 understands, it -- our Supreme Court has ruled on this issue.  
5 And they have told me that because of the time period that has  
6 elapsed, you will have to show good-faith reason for the delay  
7 and beyond that I would have to -- it would have to show that  
8 it's in the child's best interest to be placed with you. So  
9 that's what would have to happen. So you'd have to explain the  
10 delay in a way that is excusable, and then -- and you'd also  
11 have to show that this is the better placement for Esther.

12           So how did you want to proceed? They're not  
13 represented. Did you want to present all the evidence today?  
14 How do you want to run these people through?

15       MR. SHARP: I think that's probably the best way to do it.

16       THE COURT: Okay.

17       MR. SHARP: What I'd like to do to start off is, I have  
18 spoken with Ms. Rodriguez --

19           And, I'm sorry, do you go by Rodriguez or Rozier?

20       MR. ROZIER: Rozier.

21       MS. ROZIER: Rozier.

22       MR. SHARP: Rozier.

23           And I'm -- do you go by Rozier then, Ms. Rozier?

24       MS. ROZIER: Yes.

1 MR. SHARP: Okay. I apologize.

2 So Ms. Rozier and Mr. McKay and myself had an  
3 opportunity to vis -- to go through the different exhibits that  
4 I had as well as that Ms. Rozier has, and so we would -- we've  
5 agreed to have those admitted.

6 THE COURT: Okay.

7 MR. SHARP: And so just --

8 THE COURT: Have you presented those to the clerk already?

9 MR. SHARP: I have not.

10 Just going through them quickly, and I can give her a  
11 copy of it. I have a GoFundMe page that I believe it is Ms.  
12 Rozier's sister -- set up for her for the purpose of adopting  
13 the siblings. I have a Facebook posting that was dated -- I  
14 apologize -- that was retrieved today, and this is in regards  
15 to simply Ms. Rozier posting at the GoFundMe page for the  
16 adoption, as well as a post back near the time of Esther's  
17 birth on June 18, 2015, just when Ms. Rozier likes a comment --  
18 or likes the posting made by Mom, in this case, Nellie Saez, or  
19 previously was Mom, indicating that Esther had been born.

20 In addition to that, Ms. Rozier has provided several  
21 documents. She's provided a letter from Bibb County DHS, a  
22 letter from Kerry Kitchen's Impact Training, that my  
23 understanding is that this is a letter from basically the  
24 training that they take for the foster classes.

1 MS. ROZIER: Foster/adoptive classes.

2 MR. SHARP: Okay. The adoptive classes.

3 MS. ROZIER: And it's foster/adoptive.

4 MR. SHARP: Foster/adoptive classes.

5 A certificate of completion for both herself and her  
6 husband. A timeline of conversations with Clark County and  
7 some phone records from October 14th of last year to March 9,  
8 2017, of this year.

9 MR. MCKAY: And, Your Honor, if I can just interject  
10 really quick.

11 I don't know if the courtroom has the capabilities.  
12 The District Attorney's exhibits, I -- do you know how many  
13 pages that is?

14 MR. SHARP: So, I do not know how many exhibits it is  
15 total -- or, I'm sorry, how many pages there are total.

16 MR. MCKAY: I know that --

17 THE COURT: Well, do you want to see if --

18 MR. MCKAY: -- the Rozier family did provide copies for --

19 THE COURT: -- do you want to see if we can get --

20 MR. MCKAY: -- their exhibits, but I haven't --

21 THE COURT: -- some copies for you real quick?

22 MR. MCKAY: I've briefly seen them, but I'd like to get a  
23 -- I think they should have a set and I should be able to have  
24 a set.

1 THE COURT: Mike, can you make them a --  
2 MR. MCKAY: If we can do that.  
3 THE COURT: -- copy of that.  
4 MR. SHARP: And I do not have --  
5 THE COURT: I'm hoping there's no staples --  
6 MR. SHARP: -- there's not a large amount --  
7 THE COURT: -- in anything.  
8 MR. SHARP: -- of pages to them, so.  
9 MR. MCKAY: Yeah, I don't -- it didn't seem like it was  
10 too many documents. But I think just so I'm looking at it --  
11 THE COURT: It's actually not the number of pages, it's  
12 the number of staples that have to be removed.  
13 MR. MCKAY: Yeah.  
14 (LAUGHTER.)  
15 THE MARSHAL: It's not going to be any taller.  
16 MR. MCKAY: That's fine.  
17 THE COURT: And we don't have color copier down here.  
18 MR. MCKAY: That's fine.  
19 THE COURT: Sorry.  
20 MR. MCKAY: I think --  
21 THE MARSHAL: Do you want three copies?  
22 MR. SHARP: If you'd like to make three that's fine.  
23 MR. MCKAY: I presume the clerk needs one, they would want  
24 one, I know I'd like a set for my records.

1 MR. SHARP: Okay.

2 MR. MCKAY: And to look through during kwe...

3 (RECORDING STOPPED AT 14:21:03.)

4 (RECORDING BEGAN AT 14:29:22.)

5 THE COURT: All right. We're back on the record on --

6 Did anyone wish to make an opening statement?

7 OPENING STATEMENT BY MR. SHARP

8 Your Honor, at this point in time I think I've already  
9 made a sufficient amount of opening. Again, the child was  
10 removed back in July. The goal was changed -- I'm sorry, in  
11 July of 2015 the goal was changed in August, 2016.

12 Ms. Rozier contacted the Department on October the  
13 20th, 2016. That is well over a year past the removal date.  
14 Since that time she has not come forward through The Court.  
15 We're at adoption. This child is very bonded to her adoptive  
16 parents, and so we do not believe that they've overcome the  
17 requirements of -- or that they'll be able to meet the burden  
18 of showing that there's no reasonable excuse for the delay or  
19 that it's in the child's best interest at this time.

20 THE COURT: Okay. Just so -- I want to make sure that the  
21 dates are not in dispute, because I got them out of Ms.  
22 Quinlan's report from back in -- whenever the last review was.

23 MR. SHARP: Um-hmm (in the affirmative).

24 THE COURT: So the removal is July 25th, 2015.

1 MR. SHARP: July --

2 THE COURT: The family comes forward on October 20th,  
3 2016.

4 MR. SHARP: Um-hmm (in the affirmative).

5 THE COURT: Current placement has been in effect since  
6 September 6th, 2016.

7 MR. SHARP: I believe it's September 9th.

8 MS. QUINLAN: September 9th.

9 THE COURT: September -- September 9th?

10 MR. SHARP: Yes.

11 THE COURT: Oop. Okay. I'm sorry. September 9th, 2016.

12 Okay. All right.

13 And you folks wanted to make an opening statement?

14 MR. ROZIER: Should I go first?

15 MS. ROZIER: Yeah.

16 MR. ROZIER: Okay.

17 **OPENING STATEMENT BY MR. ROZIER**

18 Your Honor, we have, ever since October, is when we  
19 found out about Esther. We do stay in contact with family, but  
20 we have family from one side of the coast to the other side of  
21 the coast.

22 With that being said, we have been through seven  
23 months of trying to contact, trying to stay in touch. We've  
24 asked for visitations. No, we didn't have representation and



1 we don't have representation here today. And the reason why is  
2 because all we're here to do is tell the truth --

3 THE COURT: Right.

4 MR. ROZIER: -- and lay our case out from why we should  
5 have Esther.

6 At the heart of the issue, it's not one child, it's  
7 three children. We have one in California that's in  
8 fostercare. We have Esther who's in fostercare. And the  
9 mother is pregnant and will have the little boy in two weeks.  
10 Okay? We have --

11 THE COURT: If I can ask you a question.

12 MR. ROZIER: Sure.

13 THE COURT: Are you -- is your intention to try to gain  
14 custody of the child that's in fostercare in California now?

15 MS. ROZIER: Yes.

16 MR. ROZIER: Yes.

17 MS. ROZIER: We're currently in ICPC with --

18 THE COURT: So you have an --

19 MS. ROZIER: -- (indiscernible).

20 THE COURT: -- ICPC pending from California?

21 MR. ROZIER: Yes.

22 THE COURT: And is it also your intention to get custody  
23 of the new son when that child is born?

24 MR. ROZIER: As long as we can keep up with the mother,

1 and that's been the problem the entire time.

2 THE COURT: Okay.

3 MR. ROZIER: We have --

4 MS. ROZIER: And she's agreed to it.

5 THE COURT: It's actually a very important piece of  
6 information.

7 MR. ROZIER: That's exactly right.

8 THE COURT: Thank you.

9 Okay.

10 MR. ROZIER: So I could go zero to three children in a  
11 matter of three months.

12 OPENING STATEMENT BY MR. ROZIER (Continued)

13 Um, with that being said, I have no ill-will towards  
14 The Court, towards Nevada, with CPS, or even the foster family,  
15 because it takes a heart to do what we do. And we all  
16 understand that and we are thankful for these people behind us.

17 THE COURT: I will tell you that this is the absolute  
18 hardest thing that I do.

19 MR. ROZIER: I know.

20 THE COURT: You would think that the hardest thing I would  
21 do --

22 MR. ROZIER: Yeah.

23 THE COURT: -- would be terminating parental rights or --

24 MR. ROZIER: Right.

1 THE COURT: The hardest thing I do is face a room full of  
2 really good people all trying to do the right thing, all  
3 wanting -- all good people. I'm not going to hear anything bad  
4 about anybody today.

5 MR. ROZIER: (Indiscernible.)

6 THE COURT: No one's going to say anything disparaging  
7 about anybody.

8 MR. ROZIER: No.

9 THE COURT: We're going to have, you know, four fantastic  
10 people here who all have the best interest of Esther at heart.  
11 And it becomes very tough to tell one group of people that --  
12 because you can't both have Esther, so something --

13 MR. ROZIER: That's right.

14 THE COURT: -- is going to have to give today.

15 So the Supreme Court gives me some guidelines. There  
16 is a presumption that works against you at this point --

17 MR. ROZIER: There is.

18 THE COURT: -- but there are two presumptions that work in  
19 favor of you at this point.

20 MR. ROZIER: Yes, sir.

21 THE COURT: So the presumption that works against you is  
22 the time that you will have to overcome. So the period of time  
23 between July 25th, 2015, and October 20th, 2016, you are going  
24 to have to explain that delay in a reasonable way.

1 But what works in favor of your is we have a  
2 presumption for sibling placement and we have presumption for  
3 family placement. Both of those are part of our statutory  
4 scheme. Frankly, they're part of every state's statutory  
5 scheme --

6 MR. ROZIER: Yes, sir.

7 THE COURT: -- because, you know, it make sense and it's  
8 the right thing to do. But --

9 So we're going to spend a lot of time focusing on why  
10 -- on why you weren't aware or why you didn't come forward  
11 between July 25th, 2015, and October 20, 2016.

12 MR. ROZIER: I understand.

13 THE COURT: I don't want you to feel that -- that there's  
14 criticism coming from the Department or the DA because they are  
15 advocating for the foster family. They have been working with  
16 this foster family and know what a spectacular job this foster  
17 family has done, whereas you're the unknown --

18 MR. ROZIER: Um-hmm (in the affirmative).

19 THE COURT: -- and they're the known.

20 MR. ROZIER: Right.

21 THE COURT: They're the situation which they know is a  
22 great situation for Esther. You they don't know about yet.

23 So I'm going to have the State -- I'm sorry, were you  
24 done with your opening? I didn't mean to cut you off.

1 MR. ROZIER: I'm -- I'm almost.

2 THE COURT: I'm sorry.

3 MR. ROZIER: I'm almost. It's okay. It's okay.

4 I know, um, I know that you -- even when you had the  
5 mom in the court, I know The Court, they're -- it's like any  
6 other state, they want the child to stay with the mother.

7 THE COURT: Right.

8 MR. ROZIER: And sometimes the mother just doesn't get it.

9 THE COURT: Yeah.

10 MR. ROZIER: This is one of those cases where the mom just  
11 doesn't get it. And, trust me, we had the mother in the car  
12 for five hours last week. We drove -- we flew out to Vegas, we  
13 grabbed the mother up, we go all the way to California, and  
14 we've talked with that woman for ten days. And, as family,  
15 when we're talking and we're talking and we're listening and  
16 getting through the communication with her, all the way back  
17 here to Vegas, and at the end of the day some people have to  
18 help themselves. And that's the case here.

19 THE COURT: Right.

20 MR. ROZIER: And it's hard to keep up with an addict,  
21 especially when I'm on the other side of the -- other side of  
22 the country.

23 THE COURT: Yeah.

24 MR. ROZIER: Although we have family.

1 Now, the good news is, we reconnected with a lot of  
2 people in the last two states -- on these two states in the  
3 last seven days and now we got tabs. I'm almost got GPS on the  
4 (indiscernible). Okay? And I'm doing my best to save the  
5 child that's coming from entering into the system, so we can  
6 corral -- and his name's going to be Isaiah -- and corral him  
7 to put with Esther and get Destiny from -- from California and  
8 put all the children together. And we're doing our best.

9 THE COURT: All right.

10 Mr. McKay, did you want to make an opening statement?

11 MR. MCKAY: No, Your Honor, I don't need to.

12 THE COURT: Okay. All right.

13 Mr. Sharp, who would you like to call first?

14 MR. SHARP: The State will call Ms. Hosier (sic) first.

15 MS. ROZIER: Rozier.

16 THE COURT: Rozier.

17 MR. SHARP: Rozier. I'm sorry, what did I say?

18 MS. ROZIER: Hosier.

19 MR. SHARP: Hosier? I'm sorry. That's the name of a  
20 band.

21 MS. ROZIER: It is not a very common name so I understand.

22 MR. SHARP: (Indiscernible) I apologize (indiscernible).

23 MR. ROZIER: It's actually French.

24 THE COURT: I'm going to have you come up to the witness

1 stand.

2 MS. ROZIER: Okay.

3 THE COURT: Before you sit down, I'm going to have you  
4 raise your right hand and the clerk is going to swear you in.

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

8 THE WITNESS: Yes, I do.

9 THE CLERK: Thank you.

10 Please state and spell your name for the record.

11 THE WITNESS: S-t-e-p-h-a-n-i-e, Rozier, R-o-z-i-e-r.

12 THE COURT: And you can go ahead and have seat.

13 There is a microphone in front of you. I need you to  
14 do one of two things to preserve our record. That is, either  
15 speak loudly or lean forward into the microphone.

16 THE WITNESS: Okay.

17 THE COURT: Whichever makes you more comfortable.

18 Mr. Sharp, whenever you're ready.

19 MR. SHARP: Thank you.

20 /

21 /

22 /

23 /

24 /

1                                    STEPHANIE ROZIER

2    having been called as a witness by the State and being first  
3    duly sworn, testifies as follows:

4                                    DIRECT EXAMINATION

5    BY MR. SHARP:

6            Q    Ms. Rozier, how are you related to Nellie Saez?

7            A    We are first cousins. Our mothers are sisters.

8            Q    And so what is your mother's name?

9            A    Mildred Vega.

10          Q    And what is Ms. Saez' mother's name?

11          A    Nancy Vega. They're both deceased.

12          Q    Okay. This question is going to seem a little  
13    strange, but part of this hearing is to show that a family  
14    member's coming forward.

15                    Do you have any proof to show that you are actually  
16    related to Ms. Saez and to Esther?

17          A    No.

18          Q    Okay.

19                    Okay. So let's talk about Ms. Saez a little bit.

20                    How long have you been familiar with her? I know  
21    you're related to her, but have you been -- known her for her  
22    whole life?

23          A    For my whole life? She's --

24          Q    Or for your whole life?



1           A     -- she's older than I am. Ah, we never really got to  
2 see each other because we lived in Georgia, she lived in  
3 California. The last time that I saw Nellie before now, um,  
4 was at her mom's funeral.

5           Q     And when would that have been?

6           A     I -- what is -- I'm going to say five years ago. And  
7 before then, I do not recall.

8           Q     Okay. Do you know how many children Nellie has?

9           A     Ah, from what I've counted, ten.

10          Q     Okay.

11          A     Ah, including the unborn.

12          Q     Okay. And have you maintained any kind of contact  
13 with them?

14          A     Ah, I only know two --

15          Q     Okay.

16          A     -- of the daughters.

17          Q     Okay.

18          A     They're the older daughters. Um --

19          Q     And what are their names?

20          A     Carissa, C-a-r-i-s-s-a --

21          Q     Okay.

22          A     -- Saez and Carolina Tellez, T-e-l-l-e-z.

23                 And we recently, ah, connected on Facebook with the  
24 two.

1       A     They're --  
2       Q     -- how old are you?  
3       A     I'm thirty-one.  
4       Q     Thirty-one. Okay.  
5       A     Oh, yeah. Well, I'm saying compared to the children  
6 we're --  
7       Q     Okay.  
8       A     -- here for.  
9       Q     Very good. I understand. I was going to say.  
10      A     Yes.  
11      Q     That was my understanding, so --  
12      A     Yes.  
13      Q     -- I want to make --  
14      A     They are the oldest --  
15      Q     -- sure I had that correct. Okay.  
16      A     -- of the ten.  
17      Q     Okay.  
18      A     And I think they're (indiscernible) a year apart.  
19 Ah, Kristine -- Kristi has all that information.  
20      Q     So during that five-year period did you have any  
21 telephone contact with either Carissa or Carolina?  
22      A     No.  
23      Q     No? Okay.  
24             So it was all through Facebook with -- with Carolina;

1 is that correct?

2 A Ah, with both of them.

3 Q Okay.

4 A We live different lifestyles, so I'm not quite sure  
5 that -- you know, with busy lives, that they were --

6 Q I understand.

7 A -- in the age difference.

8 Q Now I showed you before court a couple of the  
9 exhibits. One was a Facebook page and then the other was a  
10 GoFundMe page that's been set up for you, correct?

11 A Yes.

12 Q Okay.

13 MR. SHARP: May I approach?

14 THE COURT: Yes.

15 MR. SHARP: I'm showing Ms. Rozier State's Exhibit B.

16 BY MR. SHARP:

17 Q So it's my understanding, based on what you stated,  
18 that you were at least informed of Esther's birth on Facebook  
19 when Mom posted something up, is that correct?

20 A Right.

21 Q Okay.

22 A Yes. And that is around the time that I liked it.

23 Q Okay.

24 A And then if you can see on her Facebook page that she

1 is not active on it and her last posting was in 2015.

2 Q That's just what I was --

3 A On the day of her birth.

4 Q So at the time of Esther's birth you knew that she  
5 had been born.

6 Did you have any further contact with Mom after that?

7 A No.

8 Q Okay.

9 A No.

10 Q When was --

11 A We -- ah, we never had contact since her mother's  
12 funeral.

13 Q Okay. And that was --

14 A That was (indiscernible) --

15 Q -- about five years ago?

16 A Roughly.

17 Q So then how did you make contact again with Mom to  
18 make the visit to California a week or so ago?

19 A Ah, well that wasn't very easy. Um, she does not  
20 have a home. She's actually registered homeless.

21 Q Okay.

22 A Um, we -- her daughter -- she pops in to see her  
23 daughter every so often.

24 Q Okay.

1           A     Nellie's brother that lives --

2           Q     And when you say her daughter, which daughter would

3     that be?

4           A     Um, Carolina.

5           Q     Carolina, okay.

6           A     Her brother Tony lives in Florida.

7           Q     Okay.

8           A     And he's the one -- we're pretty close.

9           Q     Okay.

10          A     Ah, we talk a lot. Ah, I actually visit him a lot,

11     too. And he called me. We were just in casual conversation on

12     my way to work, and that's -- it lead into conversation about

13     his sister and Esther and that's how we became aware.

14          Q     Okay.

15          A     I'm not quite sure how he became aware of her

16     removal.

17          Q     So let's -- let me go back just a little bit.

18                 So --

19          A     But I tracked her down through her brother --

20          Q     Through Tony, okay.

21          A     Through Tony.

22                 Um, her daughter Carolina lives with one of Tony's

23     friends here --

24          Q     Okay.

1 A -- in Las Vegas.

2 Q And Carolina knew where her mom was at?

3 A And she didn't know where she lived. She -- her mom  
4 would just pop in because her mom knew where she was at.

5 Q Okay.

6 A Ah, they -- apparently she got what she calls an  
7 Obama phone.

8 Q Okay.

9 A So, ah, they did -- they gave me her number --

10 Q Okay.

11 A -- and I reached out to her then and I told her that  
12 we had a court hearing in -- well, she had a court hearing in  
13 California and that I would be flying out to take her.

14 Q Okay. So this would have been approximately three  
15 weeks ago that you began this investigation; is that right?

16 A Um, well, no. I had Kristi from the Department here  
17 in Clark County, she asked if I knew her whereabouts. And I  
18 did not. At that time we tried to track her down.

19 Q Okay.

20 A We didn't have an address or a phone number, and I  
21 did all I could at that time. And through the seven weeks of  
22 training for our -- for the adoption --

23 Q Um-hmm (in the affirmative).

24 A -- that kind of was not priority, juggling training.

1 So towards the end of our training is when we found out exactly  
2 where she was.

3 Q Okay. And that was through you contacting Tony and  
4 Tony lead you to Caroline --

5 A (Nodding in the affirmative).

6 Q -- and then through her, that's where you were able  
7 to get Mom's phone number and make contact with her.

8 And so when you were able to make contact with Tony  
9 and call Mom, eventually, would that have been about three  
10 weeks ago? How long ago would that have been?

11 A I first spoke with Mom -- I believe it was a few days  
12 before we flew out here --

13 Q Okay.

14 A -- last week. I think it was a -- we came out on the  
15 twenty-eighth. It was a Tuesday.

16 Q Okay.

17 A Court was on the thirtieth. So it was a few days  
18 before we flew out --

19 Q Okay.

20 A -- is when I called.

21 Q How were you made aware of the court hearing in  
22 California?

23 A Ah, they sent a letter to Tony.

24 Q Okay.

1           A     Um, and we just happened -- we're supposed to have  
2 come to visit Esther that weekend.

3           Q     Um-hmm (in the affirmative).

4           A     And then things changed. Um, and on our way there  
5 his wife called me and said that there's a letter there for  
6 Nellie stating that she had to appear in court.

7           Q     Okay.

8           A     That was the first letter he had received ever in the  
9 six years that he lived in Florida.

10          Q     Okay. So let me go back and talk a little bit about  
11 Tony.

12                     So this is one of Esther's half siblings, one of the  
13 adult siblings that lives in California?

14          A     No, that's her uncle.

15          Q     Oh, I'm sorry. Her uncle. Okay.

16          A     Um-hmm (in the affirmative).

17          Q     Nellie's uncle, correct?

18          A     Yes.

19          Q     Just want to make sure that --

20          A     Ah, Nellie's brother, Esther's uncle.

21          Q     Okay. So Esther's uncle.

22          A     Yes.

23          Q     I understand. Okay.

24                     And so you said that you've had a good relationship



1 with him.

2 How long have you had a good relationship with Tony?

3 A Ah, let's see...well, he's lived in Florida for six  
4 years, and before then he was in California. Seems like it's  
5 pretty had to keep in touch with the people that are family --

6 Q Sure.

7 A -- that lives in California. But it's -- when he  
8 moved to Florida is when our relationship, you know --

9 Q Okay.

10 A -- we got a lot closer.

11 Q About how long ago was that?

12 A Six years.

13 Q Six years. Okay.

14 A Um-hmm (in the affirmative). Right. Six years. He  
15 came to our wedding five years ago last Friday.

16 Q And it sounds like he keeps in touch, at least with  
17 some of his nieces and nephews that are Nellie's kids if he's  
18 keeping in touch with Carolina; is that right?

19 A Ah, he -- I'm not sure. I can't speak for him.

20 Q Okay.

21 A He has a lot of friends that, you know, have  
22 relationships with her children, so I imagine that maybe one of  
23 the reasons why he's able to keep up with his nieces. I've  
24 learned a lot about my family --

1 Q Okay.

2 A -- since October, how scattered we are.

3 Q So let's go back. In the State's Exhibit A, the

4 GoFundMe page that was set up. I know that it was your sister

5 that wrote it; is that correct?

6 A That's correct.

7 Q So one of the things that she puts in there is that

8 she is aware that your mom has had -- I'm sorry, I apologize,

9 not your mom -- that your cousin, Ms. Saez, natural mom in this

10 case, has had a drug use and mental health issues for several

11 years and that she's had several children in the system,

12 correct?

13 A What's your question?

14 Q So that is what she put in the GoFundMe page,

15 correct?

16 A Yes.

17 Q Okay. So if you have that information as well, that

18 Ms. Saez had a pretty consistent substance abuse --

19 A That's been her --

20 Q -- issue --

21 A -- lifestyle since I was old enough to know, off and

22 on, you know, I don't -- never kept up with her, so.

23 Q Okay.

24 A It was news to me that her were removed.

1 Q Okay.

2 A When Esther was born, I thought at that time she may  
3 have been stable.

4 Q Okay.

5 A And then when they told me she was removed, I mean, I  
6 have to be honest, it wasn't surprising, considering what we  
7 know about her.

8 Q Now when you say they told you that she had been  
9 removed, who ended up telling you that she was removed?

10 A Ah, my cousin.

11 Q Your cousin?

12 A Tony.

13 Q Tony. Okay.

14 And when did Tony tell you that Esther had been  
15 removed?

16 A On October 18th, my phone records show timeline of  
17 all the conversations that I've had with him. On October 18th  
18 I called -- on the very same day that I found out that Esther  
19 was removed, he did tell me that Destiny was in fostercare as  
20 well. Destiny is Esther's sister. She's twelve years old.

21 At the time I thought she was still living with  
22 Carissa in California --

23 Q Okay.

24 A -- her sister. And at -- on that day, very same day,

1 I called the eight hundred number for Clark County Department  
2 of Family Services to, ah, find out who the caseworker was to  
3 see what we needed to do to adopt the children, both for  
4 Destiny and Esther.

5 So when I made initial contact, that was our  
6 intentions from the very beginning.

7 Q Um-hmm (in the affirmative).

8 A I've spoken with both -- well, her previous  
9 supervisor, Taryn LaMaison --

10 Q Um-hmm (in the affirmative).

11 A -- and her supervisor Kechia English.

12 Q So I'm going to have you back up just a little bit.

13 A Sure.

14 Q Did you -- now Destiny is about twelve years old,  
15 correct?

16 A She is twelve years old.

17 Q And she is Esther's half sibling?

18 A Yes.

19 Q Okay. And do you know when she was removed from  
20 care?

21 A Um --

22 Q If you could give that information.

23 A -- I believe -- she was removed from her sister's  
24 care.

1 Q Okay.

2 A I'm not sure. I can't really tell you a date, but --

3 Q Are you aware that she is --

4 A -- I believe it was around the same time that Ester  
5 was removed.

6 Q Okay. Very good.

7 And are you aware that Destiny is currently in an  
8 adoptive placement in Wisconsin?

9 A I'm aware of that.

10 Q Okay.

11 A She has a new caseworker. They've reached out to me  
12 and they are pursuing the ICPC.

13 Q Okay.

14 A And I have all the court dockets for her case.

15 Q So let's go back.

16 You were aware of Esther's birth and you were aware  
17 of some of the issues that Mom has been going through. Were  
18 you aware that three prior children have been removed from the  
19 older siblings had had issues in the past as far as being  
20 placed in custody?

21 A Which siblings?

22 Q Some of the older siblings. I'm sorry. That's  
23 second guessing.

24 A No, we're -- not so close in age, but were close

1 enough in age that things like that we didn't know about.

2 Q Okay. But you were aware of the mental-health issues  
3 and the drug issues.

4 So did you ever try and reach out and contact Nellie  
5 from the time that you found out about the birth until you  
6 contacted Tony or Tony contacted you back on October 18th?

7 A Actually, no, Bonnie had contact with her. There's  
8 no way to get in touch with her.

9 As I stated before, she is homeless. And keeping up  
10 with her is pretty hard. She actually lost her cell phone in  
11 the back of a cab after her daughter's appointment last Friday,  
12 so --

13 Q Okay.

14 A -- that, um, kind of threw me for a loop there. It's  
15 like we lost her again. But luckily the cab driver, um, called  
16 me and was trying to reach her. So he held her cell phone.  
17 I'm not sure if she has it back, but she did use someone's  
18 phone to call me.

19 Q Okay. So she did make contact with you then?

20 A (No audible response.)

21 Q Now, it's my understanding that you had previously  
22 told Ms. LaMaison that you were a fairly close family; is that  
23 right?

24 A Yes.

1 Q Okay.

2 A Nellie lives a different lifestyle -- I've expressed  
3 that several times -- as any addict would. They don't have a  
4 stable life, especially being homeless. We come from a family  
5 of strong people, especially women. And a lot of times, you  
6 know, people's pride gets the best of them and...

7 Q I understand.

8 A -- they don't reach out.

9 Q So Tony contacted you on October the 18th, correct?

10 A Correct.

11 Q Told you that he had gotten a letter about --

12 A No.

13 Q Or, I'm sorry, that --

14 A He told me on October the 18th --

15 Q Uh-huh.

16 A -- that, ah, both children were removed from where  
17 they were at. So Destiny --

18 Q And what do you mean by --

19 A -- Destiny was removed from her sister's care --

20 Q Okay.

21 A -- in California. Carissa. And Esther was removed  
22 from her care, from Nellie's care, the mother's care here in  
23 Las Vegas.

24 I found out about the court hearing for Destiny in

1 March, around March 25th or...

2 Q So did Tony tell you how he found out about Esther  
3 being removed from Nellie's care back in October?

4 A He did not -- or I cannot recall.

5 Q Okay. So how did you -- you then contacted Ms.  
6 Quinlan, correct?

7 A Yes.

8 Q Okay. And I believe it was immediately thereafter,  
9 right?

10 A I called this very same day to the eight hundred  
11 number.

12 Q Okay.

13 A And the lady there, she passed on the information to  
14 Kristi, and Kristi called me on October the 20th.

15 Q And how did you know to contact Ms. Quinlan? Who  
16 gave you that information -- or the --

17 A No, I did not --

18 Q -- Nevada DFS?

19 A -- I didn't -- they -- when I called into the eight  
20 hundred number --

21 Q Um-hmm (in the affirmative).

22 A -- I was trying to see where Esther was.

23 Q Okay. So let me back up --

24 A So they gave her my contact information and she



1 called me back.

2 Q Oh, she called you. That's --

3 A Yes.

4 Q -- that's fine.

5 So how did you know that Esther was in Nevada in  
6 custody here?

7 A The -- because she lived here in Las Vegas when she  
8 gave birth.

9 Q Okay.

10 A And my aunt, she gave me -- she used to work for the  
11 DA in Augusta --

12 Q Uh-huh.

13 A -- Georgia, so she, um, kind of guided me along the  
14 way of people I may need to get in contact with.

15 Q Okay. So I -- just to make sure I've got the  
16 timeline down. October 18th Tony tells you that Esther had  
17 been removed from Nellie's care. Your thought is is that a  
18 year-and-a-half prior Nellie had given birth here and so it  
19 must be the Department of Family Services here in Nevada,  
20 correct?

21 A Right.

22 Q Okay.

23 A And at that time, ah, when I did find out she had the  
24 baby, I did go on her Facebook page and I did like, um, the

1 photo of Ester.

2 Q Um-hmm (in the affirmative).

3 A And as you can see, everyone else can see from her  
4 Facebook page, ah, she said she was married, so I assumed that,  
5 you know, she had a home, she was with the father of Esther,  
6 which we all know now that was not the father.

7 Q Um-hmm (in the affirmative).

8 A And that she was living a stable life.

9 Q So you testified earlier that Mom lives a different  
10 lifestyle that she's -- she's often homeless, she goes back and  
11 forth, she has these mental health and drug issues. Why would  
12 you assume that she was stable?

13 A Well, with the photos, ah, she looked health.

14 Q Do you mean the photos at the time of birth?

15 A The photos of Nellie on Facebook.

16 Q And --

17 A And --

18 Q -- I'm sorry, would this be at the time of birth?

19 A At the time -- at the time of birth is when --

20 Q Okay.

21 A -- I saw the photos on Facebook.

22 Q Okay.

23 I'll withdraw that question. It wasn't even asked.

24 So Ms. Quinlan contacted you in October of last year;

1 is that correct?

2 A October 20th.

3 Q And did she advise you that Nellie's rights had  
4 already been terminated?

5 A No, she told me that her rights have not been  
6 terminated and she told me that I came in at ten months and  
7 that I came in just in time, ah, to be considered and that I  
8 would need to start the ICPC process.

9 And we -- she submitted the paperwork. And I did my  
10 research on the timeline of how long it would take for the  
11 paperwork to receive, ah, for the receiving state to get that.  
12 And on -- in January -- I believe January the 6th, which you  
13 have all the timeline there, I received a call from our local  
14 Department that they received the ICPC paperwork. And at the  
15 time when I first made contact with Ms. Quinlan, I asked her if  
16 we needed to take foster classes or to prepare, and she told  
17 me, no, it wasn't necessary. And when we received the  
18 paperwork, it listed that it was mandatory, um, that we do take  
19 those classes.

20 And I just want to make a statement that had we known  
21 --

22 Q So --

23 A -- we would have had those classes taken and been --  
24 all this would not be taking place right now.

1 Q So when Christy spoke to you in October, did she tell  
2 you that the goal change -- I'm sorry, the goal for Esther's  
3 permanency placement had been changed to a termination of  
4 parental rights and the plan was going to be to have her  
5 adopted?

6 A Ah, she told me that, um, that they were looking for  
7 permanent placement and that she was in an adoptive home.

8 Q Um-hmm (in the affirmative).

9 A So I was aware of that. And that her -- actually,  
10 did not find out about the TPR Hearing until, I would say, a  
11 couple weeks before, which was on January the 12th.

12 Q So when you spoke of Ms. Quinlan, did she explain to  
13 you that because the child was in an adoptive home that the  
14 plan was to have the current foster parents adopt her and if  
15 that fell through you could then be an adoptive resource?

16 A Actually, that was never said.

17 Q Okay.

18 A Kristi did not say, um, that I was -- it was never  
19 told to me that I was the concurrent plan.

20 Q Okay.

21 A And, which I've learned a lot of this, too, in our  
22 training --

23 Q Um-hmm (in the affirmative).

24 A -- for several weeks. So, um, Taryn, her previous

1 supervisor, at the time that I spoke with her, she's the one  
2 who told me, after my several weeks of training, that I was  
3 never the primary plan for Esther, that --

4 Q And when did --

5 A -- I was --

6 Q -- Taryn tell you this?

7 A Ah, I have that in my timeline.

8 Q In your timeline?

9 A Um-hmm (in the affirmative).

10 THE COURT: We're not sure how relevant it is what the  
11 Department told her and when.

12 MR. SHARP: Okay.

13 THE COURT: What we need to focus on are two things today  
14 -- and you've been doing a really good job focusing on the  
15 first -- and that is whether or not the delay in coming forward  
16 was reasonable. And the next part of this is going to be about  
17 best interest.

18 But what the Department's plan was in terms of what  
19 they thought was the primary way we were going to handle this  
20 versus the secondary, I'm not sure that relates to either best  
21 interest or the delay.

22 MR. SHARP: Okay. I'll move along then.

23 BY MR. SHARP:

24 Q So after talking to Ms. Quinlan, did you ever inquire

1 of Ms. Quinlan as to any of the court dates here or court  
2 hearings here?

3 A Ah, no. They told me that I -- she told me about the  
4 TPR Hearing and that there would be a follow-up hearing  
5 afterwards --

6 Q Um-hmm (in the affirmative).

7 A -- and that those were the only two hearings that  
8 were coming up. So I was not aware of anything else.

9 Now had I known, ah -- I don't know that it's  
10 different in California, but in California, um, the regional  
11 director there told me that if I brought, um, Nellie with me  
12 and she was in agreement for me to adopt her children, Destiny,  
13 that that could happen. Ah, had I known that before, I  
14 probably would have made more time, ah, an effort to track her  
15 down during the time of my training, ah, to be here for the TPR  
16 Hearing.

17 I was not aware that I can come to court for -- show  
18 up for anything. I was told --

19 MR. SHARP: Okay.

20 THE WITNESS: -- that I wasn't.

21 Ah, in the beginning I was told that I could visit  
22 Esther. And then when I asked, they told me I could not, that  
23 they needed my approved home study --

24 Q So let me --

1 A -- and then when my approved home study --  
2 Q -- let me slow you down just a little bit.  
3 So when you -- you were initially told you could  
4 visit. When was that, was that around October when you inishi  
5 --  
6 A October.  
7 Q Okay.  
8 A I've spoken with Kristi every month --  
9 Q And then when did they tell you you couldn't have  
10 visits?  
11 A Ah, on the very -- on the last day of our, um,  
12 classes, our training I told her we were ready to book our  
13 flight --  
14 Q And when would that have been approximately?  
15 A That was -- it's in the timeline -- it's February is  
16 the --  
17 Q Okay. So about February of this year?  
18 A It was towards the last -- it was a Tuesday --  
19 Q Okay. That's okay, I don't need --  
20 A -- or --  
21 Q -- specific date.  
22 A Okay.  
23 Q February of this year is just fine. Okay.  
24 A Yes.

1                   So in February --

2           Q       So --

3           A       -- on that day I --

4           Q       Um-hmm (in the affirmative).

5           A       -- told her that we were ready to book our flight.

6           Q       Okay.

7           A       And she said she needed to get with the foster

8 parents, the adoptive parents, ah, to see when would be a good

9 time for us to do so.

10          Q       Okay.

11          A       And when she called me back, she told me that Taryn,

12 her then supervisor, said that we cannot visit unless we had an

13 approved home study. So once the home study was approved, then

14 they told me that we still could not visit. So there's a lot

15 of things that we were told we could do and then it turned out

16 --

17          Q       And that --

18          A       -- was not true.

19          Q       -- and that was in February, correct, that --

20          A       February.

21          Q       -- that you then stopped to visit --

22          A       Ah --

23          Q       -- and you were told all of these initial things?

24          A       March 21st --



1 Q Okay.

2 A -- is when Kristi -- and all of that, again, is in  
3 the timeline --

4 Q Okay.

5 A -- I believe it was March 21st is when Kristi said  
6 she would need to get with her supervisor.

7 Q Okay.

8 A And I do want to let you know, when I -- when Kristi  
9 first called me --

10 Q Um-hmm (in the affirmative).

11 A -- she, at that time, did tell me I was ten months in  
12 of when Esther was placed --

13 Q Okay.

14 A -- or removed from the home. And she had to ask her  
15 supervisor if it was -- if it was okay -- I don't know if  
16 that's the proper term -- or -- for the ICPC or was it just not  
17 even going to happen. So Taryn had to approve it and she  
18 approved it.

19 Q Okay.

20 A Now that to me was -- we were moving forward.

21 Q Um-hmm (in the affirmative).

22 A Um --

23 Q Okay. So let me -- let me ask you just a couple of  
24 basic questions.

1           So then at this point, since there were no visits,  
2 you have not met Esther yet; is that correct?

3           A     Right.

4           Q     Okay.

5           A     When the paperwork, ah, the ICPC paperwork came in  
6 January the 6th and the -- that was on a Friday, I believe, and  
7 that's when the supervisor over DFS in Bibb County in Georgia  
8 called me and she told me the classes started the very next  
9 Tuesday. So at that time that was the next set of classes, so  
10 we had to be there for the next several weeks.

11          Q     Very good.

12          MR. SHARP: I have no further questions at this time, Your  
13 Honor.

14          THE COURT: I'm going to do something a little strange.  
15 I'm going to ask Ms. Quinlan something real quick.

16                 Did we make any effort -- did we know about these  
17 people before they contacted us?

18          MS. QUINLAN: No, Your Honor, they never come up on a  
19 diligent search.

20          THE COURT: Okay. So we -- the Department never reached  
21 out to these people --

22          MS. QUINLAN: No.

23          THE COURT: -- prior to?

24                 Okay.

1 MR. SHARP: And I am going to call her to testify and  
2 we'll get into that as well, so.  
3 THE COURT: Okay. I just --  
4 MR. SHARP: We can provide those answers on the record.  
5 THE COURT: All right. So there's no -- we didn't make  
6 any effort to try to find these people, the Roziers?  
7 MR. SHARP: Um, I --  
8 THE COURT: If we didn't know who they --  
9 MR. SHARP: -- let's wait till we get her on the --  
10 THE COURT: -- if we didn't know who they were, then we  
11 couldn't have made an effort to find them.  
12 Okay.  
13 MS. ROZIER: Correct.  
14 UNIDENTIFIED SPEAKER: So --  
15 MR. SHARP: Yeah.  
16 THE COURT: All right.  
17 THE WITNESS: Am I allowed to make a statement?  
18 THE COURT: You are, and that's the next part of this.  
19 And -- remember when I told you at the beginning, that because  
20 the Department is taking a position and that position is  
21 contrary to you folks, that you would be allowed to present  
22 anything you wished in addition. I'm not going to -- I'm not  
23 going to limit your testimony to what Mr. Sharp wants to ask  
24 you about. So anything you want to tell me, and I'll remind

1 you remain under oath, and anything you want to tell me, please  
2 feel free to tell me.

3 Also, if it will help you -- you get a timeline and  
4 things like that -- if it will help you to refresh your  
5 recollection as to dates and times, you can go ahead and look  
6 at that. I don't have any problem with that at all. It's your  
7 right to do so.

8 I'm assuming that timeline has been shared with the  
9 other attorneys?

10 MR. MCKAY: Yes, Your Honor.

11 MR. SHARP: Yes.

12 THE COURT: Okay. So did you want to grab it or maybe  
13 your husband will bring it over to you?

14 THE WITNESS: You can just bring the whole folder.

15 THE COURT: I thought that that -- you've referenced a few  
16 times and I know that you went through a lot of effort to do  
17 all this up. And if that'll --

18 THE WITNESS: Yes.

19 THE COURT: -- help you and --

20 /

21 /

22 /

23 /

24 /

STEPHANIE ROZIER

testifies as follows:

**CROSS EXAMINATION**

THE WITNESS: Well, every conversation I have, I document as soon as I have the conversation. Um...

Now I do want to state that we're very honest people. Everything we say is honest and true. And as everybody in here, we all have our own professions that we know the ins and outs.

THE COURT: Right.

THE WITNESS: You know your job. I know my job.

Everybody in here knows how to do their job. So when I went to Kristi (phonetic herein), I expected to be told the truth, because I didn't know anything about the process.

THE COURT: Right.

THE WITNESS: So when I gathered --

THE COURT: Fair assumption.

THE WITNESS: -- so when I gathered this information from her I thought it was true. The more time that went by, we saw some discrepancies there, so.

THE COURT: Okay.

THE WITNESS: (Sigh.) When -- I do want to say that Nellie's mom was a big support system for her. When she died, I mean, you lose a mom.

1 THE COURT: Sure.

2 THE WITNESS: So her life probably went worse to the worst  
3 after that. Okay?

4 As far as the --

5 THE COURT: Actually, hold on just a second.

6 THE WITNESS: Sure.

7 THE COURT: If it will make this streamline a little more  
8 and --

9 Does the State have anymore evidence on what the  
10 Roziers were doing in terms of involvement that --

11 MR. SHARP: Your --

12 THE COURT: -- prior to October 20th or is this -- because  
13 I don't think --

14 MR. SHARP: No, I believe this is all after October 25th.

15 THE COURT: All right. So --

16 MR. SHARP: And the State -- we agree that ICPC was  
17 approved as to her --

18 THE COURT: Um-hmm (in the affirmative).

19 MR. SHARP: -- so there's no argument --

20 THE COURT: Right.

21 MR. SHARP: -- as far as her completing the requisite.

22 THE COURT: So, I mean, a lot of things are pretty well in  
23 at this point. I know that Ms. Quinlan still wishes to testify  
24 and she will.

1 But as far as The Court needing to make a decision on  
2 reasonable delay, you -- here's what you're aware of. You're  
3 aware -- in a general sense -- that Nellie has a lot of issues.  
4 You're aware that a child is born. You don't note anything  
5 else until Tony tells you on October 18th, 2016. And on that  
6 day you make efforts that I very -- I don't know if I've ever  
7 seen a family member figure all this system out that quickly  
8 and be able to get a hold of Ms. English.

9 I'm not sure how that's an unreasonable delay. I  
10 have to make a whole bunch of assumptions to cause -- to call  
11 this an unreasonable delay. And that is that they -- well,  
12 they should have -- they should have figured out, because she's  
13 had a lot of problems in her past, that she was having a  
14 problem now, and this child is somehow in custody and in  
15 custody here. The Department didn't know who these people are.  
16 They weren't reaching out to them.

17 This is a cousin who lives across the country who  
18 they have minimal contact with. I'm not sure how they should  
19 have known any earlier. And as soon --

20 MR. SHARP: So --

21 THE COURT: -- as they had actual knowledge they reached  
22 out.

23 I'm not sure how that's unreasonable delay. If  
24 they've known for a few weeks or a few months and done nothing,

1 then that would be a problem, and our Supreme Court says that  
2 that's a problem. But if they don't know, and on the day they  
3 know they make pretty --

4 MR. SHARP: But --

5 THE COURT: -- serious efforts, I don't know how that can  
6 be -- and we're still going to have to determine best interest.

7 MR. SHARP: Yes.

8 THE COURT: But I don't know how I call that an  
9 unreasonable delay.

10 MR. SHARP: I understand.

11 So, Your Honor, a couple things.

12 First of all we need to have Ms. Quinlan testify  
13 because there are some additional facts.

14 THE COURT: There will be as to post-October 20th --

15 MR. SHARP: And as far as --

16 THE COURT: -- 2016 facts. But --

17 MR. SHARP: -- prior to that date, the issue that we have  
18 is they were aware that Mom was homeless, they were aware that  
19 Mom had these issues --

20 THE COURT: I got that from the testimony.

21 MR. SHARP: They say that we don't -- we don't have  
22 contact with her but we're a close family. And the issue that  
23 I have is that as soon as they find out that this child is  
24 removed they know exactly who to call. And that's --



1 THE COURT: It helps if you have a DA in your family, but  
2 okay.

3 MR. SHARP: -- that's a concern is that, well, you  
4 immediately know to contact the Clark County DA's Office or the  
5 Clark County Office of Child Protective Services, especially  
6 when this child has been removed for this long.

7 And so the parents have a -- in this state  
8 (indiscernible) the court cases they have a concomitant duty to  
9 come forward within that first year. They knew or reasonably  
10 should have known that this child had been removed, especially  
11 if they're claiming that they were a close family and they know  
12 all of the issues that they -- that Mom has and there is  
13 another child who has been removed. And so I would disagree  
14 with the premise that there's a reasonable cause for delay.

15 In addition to that, I understand that they began  
16 taking the ICPC courses and went through and got all of those  
17 things done. The other issue that we have, though, is that  
18 they never came out and made visits. And as Ms. Quinlan will  
19 testify --

20 THE COURT: Those are going to go to best interests --

21 MR. SHARP: -- to, this is going to be Plan B, so.

22 THE COURT: -- and those are going to go what's best for  
23 -- but here's the thing. You've got a really good argument,  
24 you just don't have facts to support that argument. The only

1 actual evidence that I have today --

2 MR. SHARP: Um-hmm (in the affirmative).

3 THE COURT: -- would be, though the Department only knows  
4 post-October 20, 2016 -- they don't, they didn't have contact  
5 with these people --

6 MR. SHARP: Um-hmm (in the affirmative).

7 THE COURT: -- so the only evidence that I have is the  
8 evidence that you've submitted, that is, they knew about the  
9 birth, the testimony that you've gotten --

10 MR. SHARP: Um-hmm (in the affirmative).

11 THE COURT: -- that they knew that Mom had problems --

12 MR. SHARP: Um-hmm (in the affirmative).

13 THE COURT: -- on the testimony that you got that they  
14 thought, well, Mom appears to be married at this point and  
15 maybe she's got her problems resolved, and so things are good.  
16 And then the testimony you got that on October 18th I found out  
17 this child was in custody and then took action that day.

18 That's the evidence that we have at this point.

19 MR. SHARP: And that was not --

20 THE COURT: If there's no more evidence then --

21 MR. SHARP: -- that was not within the year period. And  
22 so --

23 THE COURT: Was not within the year period, which is -- if  
24 it was --

1 UNIDENTIFIED SPEAKER: Yes.

2 THE COURT: -- within the year period, then we're not  
3 having this hearing today.

4 MR. SHARP: At all, yes. I understand that.

5 THE COURT: Because it's outside the period The Court has  
6 to determine whether or not the delay was unreasonable or  
7 reasonable.

8 Given the evidence, the only evidence that I have  
9 today, unless there's other evidence that's out there, this is  
10 what we've got. And this, based on the sworn testimony today,  
11 is a reasonable delay. That is, they did not know, the  
12 Department did not reach out to them, the family did not reach  
13 out to them. This, again, this is the only evidence that I  
14 have. They might have guessed that there was a problem and  
15 maybe should have started checking on it earlier. But that's a  
16 stretch.

17 MR. SHARP: And, Your Honor, I would just respectfully  
18 disagree, because I think they --

19 THE COURT: No.

20 MR. SHARP: -- did have that duty.

21 THE COURT: Well, I -- I know --

22 MR. SHARP: But that's certainly our argument, so.

23 THE COURT: -- you disagree, otherwise you --

24 MR. SHARP: I wouldn't be here, so.

1 THE COURT: -- you wouldn't be here today and we wouldn't  
2 be having --

3 MR. SHARP: Yes.

4 THE COURT: -- this hearing. But I believe that that's --

5 MR. SHARP: Okay.

6 THE COURT: -- the evidence that compels me to make a  
7 finding of today.

8 MR. SHARP: Okay.

9 THE COURT: Again, that takes us past hurdle number one.  
10 But now ultimately we've got to determine what is in Esther's  
11 best interest.

12 MR. SHARP: Okay.

13 THE COURT: And I know that there's going to be quite a  
14 bit of evidence as to the bonding and things that have taken  
15 place. And I've got reports on the foster family. I know that  
16 they're exemplary. I know these are great people. I would  
17 like to get some evidence from --

18 Did you want to try to take the family through or do  
19 you want me to have the family go through it themselves as to  
20 why they think that they're in a better position to take care  
21 of Esther at this point?

22 MR. SHARP: Certainly if you'd like to take them through  
23 that I think that --

24 THE COURT: I mean, I --

1 MR. SHARP: -- would be perfect.

2 THE COURT: -- I probably shouldn't be the one -- either

3 I'm going to let her do a narrative --

4 MR. SHARP: And that's what I seen you allow her to do.

5 Or I can certainly ask her, but I can --

6 THE COURT: And I'm going to try not to play attorney

7 today.

8 So I'm going to either let --

9 MR. SHARP: Understood.

10 THE COURT: -- her do a narrative or I'll let you walk her

11 through it. If you want to have her do a narrative, that's

12 fine.

13 MR. SHARP: If we can allow her to do a narrative and then

14 I can just ask questions if --

15 THE COURT: And then you can ask them questions about it?

16 MR. SHARP: -- as it comes along, so.

17 THE COURT: Okay. So, all right.

18 Where we're at, if this all made sense, is I have to

19 make two determinations. All the evidence is in on one of the

20 determinations. There isn't anything else for me to look at.

21 There isn't another witness sitting in the courtroom who will

22 have evidence of what was going through you guys' head and what

23 you knew or didn't know prior to October 18, 2016. So that's

24 it. So that's decision -- that decision is made.

1           Now The Court is going to have to balance -- you're  
2 going to have to tell me what it is, why you think that Esther  
3 would have a better life, better opportunities in your care  
4 versus fostercare.

5           THE WITNESS: Okay.

6           THE COURT: Okay? So I don't know if you're prepared to  
7 go in that direction yet or do -- did you want a few moments to  
8 talk to your husband about how you --

9           MR. ROZIER: Yes, please.

10          THE COURT: -- want to present that?

11          MR. ROZIER: Yes.

12          THE WITNESS: Okay.

13          THE COURT: I also promised my clerk I would take a  
14 regular bathroom break today.

15          UNIDENTIFIED SPEAKER: (Indiscernible.)

16          THE COURT: Something I'm not --

17          THE WITNESS: Okay.

18          THE COURT: -- usually --

19          THE WITNESS: Not a problem.

20          THE COURT: -- been doing lately, but.

21          MR. ROZIER: We just need five minutes.

22          THE COURT: Okay. So we'll --

23          THE WITNESS: Okay.

24          THE COURT: -- take about five minutes, and you're going

1 to come back. You'll remain under oath and then we'll have you  
2 give me some information, and then both of the attorneys will  
3 have an opportunity to ask you questions about the information  
4 you give.

5 THE WITNESS: Okay.

6 THE COURT: Okay?

7 THE WITNESS: Sure.

8 (RECORDING STOPPED AT 15:19:44.)

9 (RECORDING BEGAN AT 15:25:54.)

10 THE COURT: All right. We're back on the record in Case  
11 No. J337398.

12 And at this point you were going to give me some  
13 information on what Esther's life would be like with you guys.

14 THE WITNESS: Right.

15 I first will say there's no doubt in my mind that  
16 they can provide her the same life. You know, we both went  
17 through the same process, we were both vetted, we -- you know,  
18 we've -- backgrounds, finances, everything. We can equally  
19 give her the same life, the same love, the same care. There's  
20 no doubt about that.

21 Yes, we are family. That to me is a big thing. Um,  
22 I am close with my family, the ones who -- I'm able to be in  
23 contact with.

24 THE COURT: Well, let me guide you a little bit and so

1 that I can get the information I need.

2 THE WITNESS: Okay.

3 THE COURT: Would you tell me -- if Esther is living with  
4 you --

5 THE WITNESS: Yes?

6 THE COURT: -- who do you expect her to have a  
7 relationship with? Describe the people that are going to be  
8 part of her life. Who are you in contact with with your family  
9 and how often is she going to see those people and do those  
10 people have kids her age, that sort of thing.

11 THE WITNESS: Okay.

12 THE COURT: What's -- what is Esther getting out of this  
13 deal?

14 THE WITNESS: Well, a whole lot because we are a big  
15 family.

16 Hopefully her siblings, first of all. Her brother,  
17 her unborn brother Isaiah, and her twelve-year-old sister. If,  
18 in the end, we do -- we're unable to adopt Destiny, that family  
19 wants her to have a relationship with Esther. So we've  
20 established that early on.

21 Like I said, we are a big family. So not only will  
22 she have my husband's family, his brother has a fifteen-month-  
23 old, her name is Reese. My sister, she has a seven-month-old.  
24 I know that's not close in age. But I do have a nephew who is



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1 six, another one who is ten. A niece that is ten-years-old.  
2 My cousins, they -- they're my aunt's -- our mothers' sister.  
3 She's -- she lives about forty-five minutes north of us in  
4 McDonough. That's near Atlanta. Her sons have daughters. Um,  
5 you know, they have children. We -- I see her often.

6 My sister and my brother, they both live in Augusta,  
7 Georgia, which is about two-and-a-half hours. Always have to,  
8 when I call, get my family fix, and go see my sisters.

9 And, um, my cousin, Esther's uncle, he lives in  
10 Florida, which -- and so does my other bro -- I have two  
11 sisters, um, if you count half then there's more, um, and two  
12 brothers, and we're all very close. And now my cousin, her  
13 uncle that lives in -- in Florida, he's in -- near Tampa,  
14 Clearwater. So, of course, we love to go down there. It's  
15 about a five-and-a-half hour drive. He has a son. He is  
16 married.

17 My grandmother actually moved from California to  
18 Florida as well, so she's there. Um, my uncle, which, you  
19 know, that's her uncle, he lives there as well. We have my  
20 uncle's kids, my cousins that live there. So we're really more  
21 towards the east coast. There's just a few left here on the  
22 west coast. But we -- we like to visit. We actually -- my  
23 cousin that lives here -- or, well, in California, she comes  
24 out to visit. We help her visit as often as she can. So