

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 JANET SOLANDER,)

CASE NO. 76228

3 Appellant,)

4 vs.)

5 THE STATE OF NEVADA,)

6 Respondent.)

VOLUME II

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7 **APPENDIX TO APPELLANT'S OPENING BRIEF**

8 (Appeal from Judgment of Conviction (Jury Trial))

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1 evidentiary hearing done. So let's just plan on starting with that. And
2 then we'll finish up with what we can.

3 MS. BLUTH: Okay. And just to put everybody on notice, I just
4 have to have a minor oral surgery on Monday -- excuse me, on
5 Thursday at 9, which I'll be in right afterwards. I might be speaking
6 funny, but I'll be here. So I just would ask that we argue it, you know,
7 close to the end of calendar. I don't want everybody waiting for me for
8 like an hour and a half. But I can't push back this --

9 THE COURT: Okay.

10 MS. BLUTH: -- date.

11 MR. FIGLER: And Ms. McAmis will be here without me,
12 because I'll be out of the jurisdiction --

13 THE COURT: Right.

14 MR. FIGLER: -- but that's fine. And then, okay.

15 THE COURT: Ms. Wildeveld.

16 THE COURT: And then, so Ms. Wildeveld will also be out of
17 the jurisdiction.

18 THE COURT: Right.

19 MR. FIGLER: So with regard to Dr. Cetl, we are going to
20 serve subpoenas today, one on the District Attorney's Office, one on Dr.
21 Cetl. And then we have leave to renew this if we feel that there is
22 justification for an additional prejudice argument. Is that correct, Your
23 Honor?

24 THE COURT: Mm-hmm.

25 MR. FIGLER: Okay.

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THE COURT: Sure.

MS. BLUTH: Alright.

THE COURT: I guess we're done. That's it. So --

MS. BLUTH: Wednesday at 9.

MR. MUELLER: Wednesday at 9. Thank you, Judge.

THE COURT: Alright, thank you.

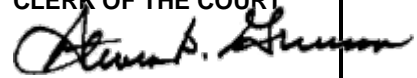
[Hearing concluded at 10:28 a.m.]

* * * * *

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



Rubina Feda
Court Recorder/Transcriber



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,
Plaintiff,

vs.

DWIGHT SOLANDER,
JANET SOLANDER,
Defendant.

CASE NOS. C299737-1,
C299737-3
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

WEDNESDAY, JANUARY 31, 2018

EVIDENTIARY HEARING - DAY 1 EXCERPT

APPEARANCES:

FOR THE STATE: JACQUELINE M. BLUTH, ESQ.
CHRISTOPHER S. HAMNER, ESQ.
Chief Deputy District Attorneys

FOR D. SOLANDER: CRAIG A. MUELLER, ESQ.

FOR J. SOLANDER: CAITLYN L. MCAMIS, ESQ.
DAYVID J. FIGLER, ESQ.

RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

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1 LAS VEGAS, CLARK COUNTY, NEVADA, JANUARY 31, 2018, 11:40 A.M.

2 * * * * *

3 AREAHIA DIAZ

4 [having been called as a witness and being first duly sworn,
5 testified as follows:]

6 THE CLERK: Thank you. Please have a seat and spell
7 your first and your last name for the record.

8 THE WITNESS: A-r-e-a-h-i-a, D-i-a-z.

9 THE COURT: Okay. So D-i-a-z is your last name,
10 correct?

11 THE WITNESS: Uh-huh. Yes.

12 THE COURT: And I'm going to have you two switch
13 seats because that chair I think is closer to -- oh. No. You
14 moved the microphone.

15 THE MARSHAL: I moved the microphone in front of her.

16 THE COURT: Kenny was on top of it. So you two stay
17 where you are.

18 And you're here with your mom today; is that right?

19 THE WITNESS: Yes.

20 THE COURT: And can we have mom's name for the
21 record.

22 MS. BLAZEVIK: Candess Marie Blazeovich.

23 THE COURT: Okay. Can you spell that for us.

24 MS. BLAZEVIK: C-a-n-d-e-s-s. Blazeovich, B as in
25 boy, l-a-z as in zebra, e-v as in victor, i-c-h.

1 THE COURT: All right. And you're just sitting up
2 there to provide, I guess, comfort.

3 MS. BLAZEVLICH: My baby.

4 THE COURT: Okay. And Ms. Bluth is going to ask the
5 witness some questions, and I just need to remind mom that you
6 can't answer any of the questions. You can't try to provide
7 any guidance.

8 And, Ms. Diaz, you can't look at mom for answers or
9 help or anything like that. Okay?

10 THE WITNESS: Okay.

11 THE COURT: All right. She's just here to provide
12 some comfort. So it's really important that you not try to,
13 you know, help her answer any of the questions or anything like
14 that, and if she doesn't understand a question, you need to ask
15 Ms. Bluth, hey, I don't understand that question. Don't turn
16 to mom and say, oh, what did she mean by the question? All
17 right.

18 MS. BLAZEVLICH: Yes, ma'am.

19 THE COURT: It's real important that you just sit
20 there quietly.

21 MR. FIGLER: May we have a quick sidebar maybe behind
22 the --

23 THE COURT: Sure. The lawyers have to -- we can't
24 let you go this way because you might trip or something like
25 that --

1 MR. FIGLER: Liability.

2 THE COURT: -- and then sue the county.

3 MR. FIGLER: We don't want to do that.

4 THE COURT: Exactly.

5 We're just going to take a quick -- so just sit up
6 there.

7 (Pause in the proceedings.)

8 MS. BLUTH: May I proceed with direct, Your Honor?

9 THE COURT: You may.

10 MS. BLUTH: Thank you.

11 DIRECT EXAMINATION

12 BY MS. BLUTH:

13 Q Okay. Areahia, I know from speaking with you before
14 you have a pretty quiet voice, and I know you're kind of shy.
15 Okay. So for the purpose of today's hearing these little mics
16 in front of us are going to take down everything that you and I
17 say because the lady over there with the headphones, she is
18 recording what you and I say, and then later somebody will type
19 everything out. Okay?

20 A Okay.

21 Q So I know it's hard to speak up, but you're doing a
22 pretty good job already. Okay. So if I keep reminding you,
23 hey, would you speak up, don't get annoyed with me. We just
24 have to do our best to keep our voices up. Okay?

25 A Okay.

1 Q All right. So, Areahia, it's Areahia and not Aria,
2 correct?

3 A Yes.

4 Q How old are you now?

5 A I'm almost 14.

6 Q Okay. Do you have any brothers and sisters?

7 A I do.

8 Q And do you have any brothers and sisters that are
9 younger than you?

10 A I do.

11 Q Can you tell me their names and their ages.

12 A Keisha, she's 9. Demar, he's, I believe, 7, and
13 Novalie, she's, I think, almost 4 or --

14 THE COURT: And do they all live with you now?

15 THE WITNESS: No, they don't.

16 THE COURT: Okay.

17 BY MS. BLUTH:

18 Q Now, Keisha and Demar and Novalie were formerly
19 adopted, correct, in open adoption?

20 A Yes.

21 Q Okay. Now, I want to turn your attention back to
22 around 2013 and 2014. During that time were you and the
23 siblings you just talked about foster children in the Solander
24 home?

25 A Yes.

1 Q And when I say the Solander home, who were the adults
2 in the house?

3 A Janet, Dwight and Danielle.

4 Q And who is Danielle to Janet?

5 A Her daughter.

6 Q Okay. I know this seems like a silly question, but
7 do you see Janet here today?

8 A I do.

9 Q Okay. What is she wearing, for the record?

10 A A sweater and what looks like a pink T-shirt.

11 Q Okay. And is she sitting at the table to my right?
12 To my right.

13 A Oh, yes.

14 THE COURT: I know that's hard, right?

15 MS. BLUTH: It is hard.

16 THE COURT: To switch it around in your mind.

17 MS. BLUTH: Bad question.

18 THE COURT: All right. The record will reflect the
19 identification of the defendant Ms. Solander.

20 BY MS. BLUTH:

21 Q Okay. When you were a foster child in their home,
22 were there any other kids in there besides you and your
23 siblings?

24 A There was.

25 Q And who was that?

1 A Their adopted -- their three adopted children.

2 Q Okay. So for the purposes of today's hearing, I'm
3 just going to ask you questions about you and your siblings if
4 that's okay with you. All right.

5 A Okay.

6 THE COURT: And I need to clear something up. When
7 you were in the Solander home, were your biological siblings
8 there with you?

9 THE WITNESS: Yes, they were.

10 THE COURT: Okay. So it was all four of you and then
11 the Solander's adopted children?

12 THE WITNESS: Yes.

13 BY MS. BLUTH:

14 Q Okay. So when in 2013 when you get to the Solander
15 house for the first time, were you having any health problems?

16 A No.

17 THE COURT: And how old were you?

18 THE WITNESS: 9 or 8 I think.

19 THE COURT: Okay. Do you remember what grade you
20 were in when you first got to the Solander house?

21 THE WITNESS: I don't remember.

22 THE COURT: Okay. Do you remember where you went to
23 school?

24 THE WITNESS: Darnell, I believe.

25 THE COURT: Okay. Go on, Ms. Bluth.

1 BY MS. BLUTH:

2 Q Okay. Were you having any problems eating certain
3 foods or digesting any foods?

4 A No.

5 Q Were you having any stomachaches?

6 A No.

7 Q Were you having any issues with using the bathroom
8 properly?

9 A No.

10 Q Did there come a day when Janet told you you were
11 going to go see a doctor?

12 A Yes.

13 Q Why did you think you were going to see the doctor?

14 A I just thought it was a regular checkup.

15 Q Okay. But when you get to the doctor, what is Janet
16 discussing with the doctor about you?

17 A I -- just my health and I -- I don't really remember
18 anything about that.

19 Q Okay. At that point in time did you feel like
20 anything was wrong with you?

21 A No.

22 Q Had you passed out at the Solander house?

23 A A couple of times I think, yes.

24 Q When we say passed out, like, do you mean like you
25 lost consciousness and fell to the ground? How would you

1 explain it?

2 A No. I just usually in the mornings when I'm really
3 tired and not pass out, but fall asleep.

4 Q Okay. So I'm sorry. I should probably be, like,
5 more clear. So when I use the term passed out, I mean, like,
6 you faint, you lose consciousness, you end up on the floor. Do
7 you remember ever doing that?

8 A No.

9 Q Okay.

10 THE COURT: Okay. I'm sorry. Go on.

11 MS. BLUTH: That's okay.

12 BY MS. BLUTH:

13 Q When you -- when I said, Did you pass out and you
14 said, yes, a couple times, tell me what you mean by that. Like
15 you said in the morning, tell me about that.

16 A I'm sorry. What?

17 Q That's okay. And I should have told you if at any
18 point in time I ask you a question or --

19 MS. BLUTH: Ms. McAmis, are you doing the
20 questioning?

21 BY MS. BLUTH:

22 Q -- or Ms. McAmis does -- asks you a question and you
23 don't understand, totally do exactly what you just did right
24 there and say I'm sorry I don't understand. Okay?

25 A Okay.

1 Q So when I was asking you the questions, you said a
2 couple of times in the morning I would -- I would get up too
3 early, and then I would just fall asleep.

4 A Yes.

5 THE COURT: Did she say that? Is that -- I don't
6 remember. I'm sorry.

7 BY MS. BLUTH:

8 Q Is that what you said, or did I get that wrong?

9 A No, I said that.

10 Q Okay.

11 THE COURT: What time did -- when you said get up too
12 early, what do you mean? Like, did you have a set time that
13 you had to get up every morning for school?

14 I'm sorry, Ms. Bluth, but since I'm the fact finder I
15 know what I need to --

16 MS. BLUTH: No. Of course.

17 THE COURT: -- I know what I want to know.

18 MS. BLUTH: Go for it.

19 THE COURT: Was there a set time that you had to get
20 up each morning for school when you were with the Solanders?

21 THE WITNESS: Yes.

22 THE COURT: And what time was that?

23 THE WITNESS: I think 7:00 a.m.

24 THE COURT: Okay. And were there times that you got
25 up before 7:00 a.m.?

1 THE WITNESS: Yes.

2 THE COURT: And was that you just woke up, or did
3 somebody else wake you up or?

4 THE WITNESS: No, I just woke up.

5 THE COURT: Okay. And were those some times that you
6 then, quote, passed out?

7 THE WITNESS: Yes. I think. Yes.

8 THE COURT: Okay. Go on, Ms. Bluth.

9 BY MS. BLUTH:

10 Q So to your memory there was never a time where you
11 lost consciousness and --

12 THE COURT: Do you know what losing consciousness
13 means?

14 THE WITNESS: I believe so, yes.

15 THE COURT: Okay. Go on.

16 BY MS. BLUTH:

17 Q -- where you faint and then you kind of wake up on
18 the floor and you're, like, what happened to me?

19 A Yes.

20 Q Okay. Do you remember that ever happening while you
21 were at the Solander house?

22 A No.

23 Q Okay. When you went to the doctor's office, did
24 Janet talk to the doctor about you passing out?

25 A I think so, yes.

1 Q Now, when you were at the doctor's office, did you
2 talk or did Janet talk?

3 A Janet talked.

4 Q Did you feel like you could talk to the doctor?

5 A No.

6 Q Why not?

7 A Well, I never had room to. She would always just
8 talk. She would -- I never had room to.

9 Q Okay. If you had -- you used the term "room to".
10 Like, if you had had room to how would you felt -- would you
11 feel comfortable speaking to the doctor in front of Janet?

12 A Sure. Yes.

13 Q Okay. Now, you started a new school during that time
14 period called Darnell Elementary like you just said, right?

15 A Yes.

16 Q And when you were at Darnell, did there come a point
17 in time when you went to the nurse's office?

18 A Yes.

19 Q And during one of those initial visits, did you have
20 a conversation with her about that you -- about supplies, like
21 a glucometer or needles or something like that?

22 A Yes.

23 Q Did you believe you had diabetes?

24 A I did.

25 MS. MCAMIS: Well, objection. Foundation.

1 MS. BLUTH: Well, I'm going to --

2 THE COURT: Overruled.

3 MS. BLUTH: And I'll get there.

4 THE COURT: Okay.

5 BY MS. BLUTH:

6 Q Did you think that you had diabetes?

7 A I did.

8 Q Okay. Why did you think you had diabetes?

9 A She will -- I mean, she would take my blood pressure,
10 or I don't know what it's called, but she would take it.

11 Q When you say she --

12 THE COURT: Since you don't --

13 I'm sorry. We're asking a lot of the same questions,
14 but since you don't know what it's called, just tell us what --
15 what -- and by she, do you mean Mrs. Solander?

16 THE WITNESS: Yes.

17 THE COURT: Okay. Tell us what she would do to test
18 you.

19 THE WITNESS: She would have this -- this thing that
20 would poke my finger that would have blood come out, and she
21 would have this strip to put the blood on.

22 THE COURT: Okay.

23 THE WITNESS: And it would tell me, like, if my blood
24 sugar was high or low.

25 THE COURT: Okay. And did you look at the thing to

1 see what the number was of your blood sugar?

2 THE WITNESS: She would show me if it was low.

3 THE COURT: Okay. And did you have an understanding
4 based on the number -- well, what number would she -- do you
5 remember any of the numbers that she would show you to show you
6 that your blood sugar was low?

7 THE WITNESS: No, ma'am.

8 THE COURT: Okay. So you don't remember what those
9 numbers were.

10 THE WITNESS: No.

11 THE COURT: Okay. Go on, Ms. Bluth.

12 BY MS. BLUTH:

13 Q Now, did -- did Janet tell you you had diabetes?

14 A Yes.

15 Q Now, when you go to the nurse -- originally when you
16 go to the nurse, do you have any of the supplies that she's
17 asking you about?

18 A No.

19 Q So after that, do you go back home and get supplies?

20 A Yes.

21 Q And who gives you those supplies?

22 A Janet.

23 Q Do you know where she got those supplies from?

24 A No.

25 Q When you get to school, are those the right supplies?

1 A Yes.

2 Q Now, do you ever remember having a conversation with
3 the nurse and having to get different -- different supplies to
4 bring back that worked better with, like, your age and size?

5 A I don't think so.

6 Q Okay. When -- did Janet have an issue with you
7 eating around other children at school?

8 MS. MCAMIS: Well, objection. Ambiguous and leading.

9 THE COURT: All right. It's sustained because that
10 might call for speculation as to whether --

11 So did Janet ever talk to you about eating your lunch
12 at school?

13 MS. BLUTH: Okay.

14 BY MS. BLUTH:

15 Q Did Janet ever have a conversation with you how she
16 wanted you to eat your lunch at school?

17 A Yes.

18 Q What did she say?

19 A She told me she wanted me to eat in the nurse's
20 office or the office.

21 Q Why did she want you to do that? Did she tell you?

22 MS. MCAMIS: Objection. Speculation.

23 THE COURT: If she told you. Did Janet tell you why
24 she wanted you to eat your lunch in the nurse's office or the
25 office?

1 THE WITNESS: To make sure that I ate -- ate my
2 lunch, all of it.

3 THE COURT: Was there ever a problem with you not
4 eating your lunch?

5 THE WITNESS: No.

6 THE COURT: And did you, like, buy the school
7 lunches, or did Janet make your lunch, or how did that work?

8 THE WITNESS: Yeah, she made it.

9 THE COURT: Okay. And do you remember what kinds of
10 food -- did she make you the same lunch every day, or did she
11 make you different lunches?

12 THE WITNESS: It was mostly the same, yes, sandwiches
13 and carrots and --

14 THE COURT: Okay. Do you remember what kind of
15 things you would get in your lunch?

16 THE WITNESS: Not really.

17 THE COURT: Okay. But usually sandwiches?

18 THE WITNESS: Yes.

19 THE COURT: What kind of sandwiches?

20 THE WITNESS: Baloney.

21 THE COURT: Okay.

22 THE WITNESS: And that's all I remember.

23 THE COURT: Okay. Did you like baloney sandwiches?

24 THE WITNESS: I did.

25 THE COURT: Okay. Go on, Ms. Bluth.

1 BY MS. BLUTH:

2 Q In those conversations with Janet, did she talk to
3 you or accuse you of taking food from other children at school?

4 A She did.

5 Q What did she say?

6 MS. MCAMIS: Well, objection. Hearsay.

7 THE COURT: Overruled.

8 MS. BLUTH: It's her client.

9 THE COURT: I know. Overruled.

10 You can -- that means you can answer.

11 THE WITNESS: Oh.

12 BY MS. BLUTH:

13 Q What did Janet say to you about that?

14 A She said I was taking food because my blood sugar
15 shouldn't be high because she took it, and it was high
16 apparently. I don't -- I don't know. I never saw it.

17 Q Okay. Were you stealing food from other kids?

18 A I wasn't.

19 THE COURT: Did Janet ever put, you know, like,
20 treats in your lunch, like cookies or potato chips or, you
21 know, a Twinkie or anything like that?

22 THE WITNESS: Nothing like that.

23 THE COURT: Okay.

24 BY MS. BLUTH:

25 Q Was there a Valentine's Day party at school?

1 A Yes.

2 Q And did you get to go to that?

3 A No.

4 Q Why didn't you get to go?

5 A Because I wasn't allowed to have sweets, and they

6 were -- they were -- that day it was -- they had all sweets,

7 you know.

8 Q And so who didn't let you go to it?

9 A Janet.

10 Q Now, at some point in that same school year, did

11 Janet stop sending you with supplies to school?

12 A Yes.

13 Q And when I say supplies, I mean like the glucometer

14 and the testing strips and stuff?

15 A Yes.

16 Q As you sit here today, do you have any health

17 restrictions?

18 A No.

19 Q Are you -- as you sit here today, do you eat regular

20 foods?

21 A Yes.

22 Q Can you eat sweets?

23 A Yes.

24 Q Are you on anything having to do with diabetes?

25 A No.

1 THE COURT: Do you have a regular doctor that you go
2 to see?

3 THE WITNESS: No, not yet. I mean --

4 THE COURT: What do you mean "not yet"?

5 THE WITNESS: Not a regular doctor. We go to
6 different doctors that, you know, see what works out better for
7 us for transportation.

8 THE COURT: Okay. Do you remember the last time you
9 went and saw a doctor?

10 THE WITNESS: Last year.

11 THE COURT: Last year. And why did you go to -- was
12 it, like, at a clinic, like a Quick Care, or do you remember
13 where you went?

14 THE WITNESS: No. It was just a checkup.

15 THE COURT: Okay. So you had a checkup last year?

16 THE WITNESS: Yes.

17 THE COURT: Do you remember if they sent you to go
18 get blood tests, or did anyone, you know, stick the needle in
19 your arm and draw out vials of blood?

20 THE WITNESS: They didn't, no.

21 THE COURT: They did not. Okay.

22 THE WITNESS: No.

23 THE COURT: Did anybody -- sometimes in the doctor's
24 office I've seen where they -- they do the thing, the stick on
25 the finger with the little strip and all that. Did they do

1 that at your doctor's office?

2 THE WITNESS: No.

3 THE COURT: Okay. What kind of things did they do in
4 the checkup?

5 THE WITNESS: They just checked my ears --

6 THE COURT: So they stuck that light in your ears
7 and, like, looked in your ears?

8 THE WITNESS: Yes.

9 THE COURT: Is that what they did? And then what
10 else did they do, if you remember, at the checkup?

11 THE WITNESS: They also checked if my eyes were okay
12 and my throat.

13 THE COURT: Okay.

14 THE WITNESS: They asked me if I had any problems
15 with my body.

16 THE COURT: Okay.

17 THE WITNESS: That's -- that's all -- or that's about
18 it.

19 THE COURT: And on the eyes, was it the thing where
20 they look in your eyes with the light, or did they have to --
21 did you have to read an eye chart, or --

22 THE WITNESS: No.

23 THE COURT: -- you know, where you put one thing over
24 the eye and you read the letters. Was that what they did? Do
25 you remember?

1 THE WITNESS: No. They had the light, made me follow
2 the light.

3 THE COURT: Okay. And do you remember anything else
4 about that doctor's visit?

5 THE WITNESS: No.

6 THE COURT: But they didn't send you for any, like,
7 blood tests or anything like that?

8 THE WITNESS: No.

9 THE COURT: Did they take your blood pressure, you
10 know, where they put they cuff around your arm, and they pump
11 it up, and sometimes it hurts? Did they do that?

12 THE WITNESS: They did.

13 THE COURT: Okay. And all right. Go on, Ms. Bluth.

14 MS. BLUTH: Thank you.

15 BY MS. BLUTH:

16 Q All right. So I want to move in to a little bit
17 different topic. Okay. Even though you were about 9 years old
18 when you went to the Solander house, had you been somewhat
19 raising your younger siblings?

20 A Yes.

21 Q And when I say raising, like did you potty train
22 them?

23 A I did.

24 Q Okay. When you got to the Solander home -- I know
25 this sounds like a silly question, but I actually have to ask

1 sometimes silly questions -- were you potty trained?
2 A Yes.
3 Q Okay. Keisha, from the records and from you talking,
4 it looks like she was about 4 years old. Was she potty
5 trained?
6 A Yes.
7 Q Demar, was he potty trained?
8 A Sort of, yes.
9 Q Okay. And then Novalie was just a baby, right?
10 A Yes.
11 Q When you say Demar was sort of potty trained, tell me
12 about that.
13 A He knew how to use a toilet, but sometimes he would
14 have accidents at night.
15 Q Okay.
16 THE COURT: And how old was Demar at that time?
17 THE WITNESS: 3, I think.
18 THE COURT: Okay.
19 THE WITNESS: 2 maybe.
20 THE COURT: Did he wear, like, the pull-up-type
21 pants? Do you remember?
22 THE WITNESS: Yeah, he wore --
23 THE COURT: Like those pull up diapers?
24 THE WITNESS: Pull-ups, yes.
25 / / /

1 BY MS. BLUTH:

2 Q So once you get to the Solander home and you're there
3 for a while, do you start having issues, sorry, with going to
4 the bathroom?

5 A Yes.

6 Q Okay. Well, can you tell me why you started having
7 those issues?

8 A Well, we would have to ask to go to the bathroom, and
9 sometimes we would have to wait because she was either doing
10 something or she wanted us to finish something, and sometimes I
11 couldn't hold it.

12 Q Were you scared to ask her to go to the bathroom?

13 A Sometimes, yes.

14 Q Why?

15 A She was always angry. I don't know why.

16 Q Okay. You don't know why she was angry?

17 A No.

18 Q Okay. Did the toileting make her angry?

19 A I don't know.

20 Q Did she appear angry when you would ask?

21 A Sometimes, yeah, irritated.

22 Q Okay. Were you allowed to use however much toilet
23 paper you wanted?

24 A No.

25 Q How -- how did that work out?

1 A She would put sheets on the counter, like, you know,
2 squares, two or three for number one, or four or six for number
3 two.

4 Q Okay. And so --

5 THE COURT: So I'm guessing if when you asked to go
6 to the bathroom you had to tell Janet whether you had to go
7 number one or number two?

8 THE WITNESS: Yes.

9 THE COURT: And then she'd give you either two
10 pieces -- are you talking about the little squares of toilet
11 paper?

12 THE WITNESS: Yes.

13 THE COURT: Or six pieces?

14 THE WITNESS: Yes.

15 THE COURT: Okay. And how many bathrooms are in this
16 house?

17 THE WITNESS: I don't remember.

18 THE COURT: Okay. Go on, Ms. Bluth.

19 BY MS. BLUTH:

20 Q Did you have to use a specific bathroom, or could you
21 use any bathroom?

22 A I used the bathroom by my siblings and I's rooms that
23 we stayed in.

24 Q Okay. When you asked to go to the bathroom and she
25 said yes, now, do you get to go to the bathroom by yourself, or

1 did she go with you?

2 A I go by myself.

3 Q Were you allowed to close the door?

4 A There was two doors. It was one door to go into the
5 bathroom and then the toilet and where the tub was there was a
6 door, and I closed that one.

7 Q Okay. Now, while you were staying with the
8 Solanders, did Keisha and Demar start having a lot of pee and
9 poop accidents?

10 A Yes.

11 Q What would happen -- what would Janet do if Keisha or
12 Demar had an accident?

13 A She would get mad and put them in timeout or in the
14 shower to clean them off.

15 Q So it's -- I want to talk about Demar. Would the
16 shower, if you know, be hot or cold?

17 MS. MCAMIS: Well, objection. Personal knowledge.
18 There's no foundation that she's in the shower.

19 THE COURT: Okay. Well, lay a foundation as to
20 whether she was in the bathroom or --

21 BY MS. BLUTH:

22 Q Do you know -- do you know what the temperature was
23 when Demar was in the shower?

24 A Not -- no.

25 Q Okay. In previous -- like in your -- when you were

1 interviewed by CPS, do you remember talking about Demar going
2 into cold showers?

3 MR. FIGLER: Objection.

4 MS. MCAMIS: Objection. Leading.

5 MR. FIGLER: Oh, my gosh.

6 THE COURT: Well, overruled. I mean, for purposes of
7 this hearing, she can answer the question.

8 MS. BLUTH: And I'm impeaching. It's not leading.

9 THE COURT: And then you can go back and find out.
10 If it was a jury trial, I wouldn't let her answer the question,
11 but --

12 MS. MCAMIS: Well, we still have a foundation
13 objection as well.

14 THE COURT: I know. I get it.

15 MS. BLUTH: It's impeachment, Judge. I can point
16 them to the statement. I mean, if she --

17 THE COURT: Right.

18 MS. BLUTH: -- previously said something, something
19 else that was different --

20 THE COURT: Well, and then we can find out whether
21 there was a foundation for what she said because there may not
22 have been.

23 MS. BLUTH: So I'm just asking her does she remember
24 saying that to CPS.

25 THE COURT: Right. I said she could answer.

1 MS. BLUTH: Okay.

2 THE COURT: Like, I said, in front of a jury I might
3 not let her. I might make her read the statement so that the
4 jury didn't hear that she's already said that they were taking
5 cold showers. In front of me, I can keep it all straight, and
6 she can answer the question.

7 So the question was do you remember telling --
8 What was it, CPS or the police?

9 MS. BLUTH: It's a forensic interviewer who works for
10 CPS.

11 THE COURT: Okay. All right.

12 Did you remember in an interview talking about Jemar
13 having cold showers?

14 THE WITNESS: Yes.

15 MS. BLUTH: Demar.

16 THE COURT: Okay. I'm sorry. Demar?

17 MS. BLUTH: Yeah.

18 THE COURT: I thought you said Jemar.

19 MS. BLUTH: No, that's okay.

20 THE COURT: All right. Do you remember that?

21 THE WITNESS: Yes.

22 THE COURT: Okay. And how did you know Demar had
23 cold showers?

24 THE WITNESS: He would -- when he would go in the
25 shower, he would scream it's cold, or whenever we'd get to be

1 alone, which was rarely, he would tell me.

2 THE COURT: Okay.

3 THE WITNESS: Because I would ask him.

4 THE COURT: But you could overhear him screaming it's
5 cold?

6 THE WITNESS: Yes.

7 MS. MCAMIS: Objection as to hearsay, Judge.

8 THE COURT: Well, it's not hearsay if it's an excited
9 utterance and a present sense impression. The rest of it's
10 hearsay.

11 Now, would you be, like, in the bedroom when he's in
12 the shower, or where would you be that you're hearing the
13 screaming?

14 THE WITNESS: At a table in the kitchen.

15 THE COURT: Okay. Was it loud enough that you could
16 hear him in the kitchen?

17 THE WITNESS: Yes.

18 THE COURT: Is this a two-story house or a one-story
19 house?

20 THE WITNESS: A two-story.

21 THE COURT: A two-story. So would he be upstairs in
22 the shower and you would be downstairs in the kitchen, or was
23 there a bathroom downstairs, and he'd be in the shower there?

24 THE WITNESS: No, he'd be upstairs in the shower.

25 THE COURT: Okay. So you'd be downstairs in the

1 kitchen, and Demar would be upstairs in the shower?

2 THE WITNESS: Yes.

3 THE COURT: But you could still hear him?

4 THE WITNESS: Yes.

5 THE COURT: Okay.

6 BY MS. BLUTH:

7 Q Can you explain for the Judge the set up with the
8 loft area, how it's open. Do you know what -- do you
9 understand my question?

10 A Yes. From -- I don't know how to explain it.

11 Q Just think about kind of how the layout of the house
12 was and how the loft was situated.

13 A It was upstairs, and it was --

14 Q Let me ask you this. From downstairs could you see
15 upstairs?

16 A Yes.

17 Q Could you see into the loft area?

18 A Only -- only the opening.

19 Q Right. But you could see upstairs?

20 A Yes.

21 Q Okay. So now if Demar had or Keisha had an accident
22 downstairs, would they have to go upstairs to get cleaned up or
23 use the bathroom?

24 A Yes.

25 Q How would Ms. Janet take them upstairs?

1 A Sometimes she would drag them up or --

2 Q By the -- by how?

3 A By their arms or their hair.

4 Q Did you ever see her use -- I don't want to use the
5 word violence, but be abusive to them other than pulling their
6 hair, like, up the stairs --

7 MS. MCAMIS: Objection. Leading.

8 MS. BLUTH: I'm laying a -- how is that --

9 THE COURT: Well, I don't know how else she would ask
10 the question.

11 So go ahead and you can answer -- ask the question.

12 BY MS. BLUTH:

13 Q Was there ever a time when you saw her kick Demar or
14 Keisha up or down the stairs?

15 A Yes.

16 THE COURT: And describe what you saw.

17 THE WITNESS: I wasn't --

18 THE COURT: That would be a nonleading question.
19 Describe for us what you saw.

20 THE WITNESS: I wasn't allowed to really look up
21 from, you know, what I was doing, but sometimes I would glance
22 up, and I'd see her kicking them up the stairs.

23 THE COURT: Okay.

24 THE WITNESS: To make them go faster.

25 THE COURT: And kicking them how? Like kicking

1 their, you know, feet or kicking their legs or kicking their
2 bottoms? What would you see her do?

3 THE WITNESS: Their bottoms.

4 THE COURT: Okay. And where would she be in relation
5 to your siblings? Your brothers or sisters -- your brothers.
6 Would she be on the same step or a couple steps below or on the
7 ground?

8 THE WITNESS: She'd be right behind them.

9 THE COURT: Okay. Ms. Bluth, it is now 12:10. So
10 the doctor --

11 MS. BLUTH: I have --

12 THE COURT: Okay.

13 MS. BLUTH: I have three more questions.

14 THE COURT: All right. Well, we're probably going to
15 have to take a break with this witness --

16 MS. BLUTH: Of course.

17 THE COURT: -- to accommodate the doctor. So what I
18 was going to say, finish your three questions. We'll take the
19 break because it may take a minute or two --

20 MS. BLUTH: Yes.

21 THE COURT: -- to do the setup.

22 MS. BLUTH: Yes, Your Honor.

23 THE COURT: Okay.

24 BY MS. BLUTH:

25 Q You just said you weren't allowed to look up. What

1 do you mean by that?

2 A I usually had -- she'd give me work, homework to do,
3 or I'd read a book, and I wasn't allowed to look around or
4 anything while doing it.

5 Q Whose rule was that?

6 A Janet's.

7 Q Okay. Now, did Janet ever do anything to check
8 whether or not you had had accidents?

9 A She would make me hold up my underwear.

10 Q Can you explain that to me.

11 A What do you mean?

12 Q Well, when you say she would make you hold out your
13 underwear, are you just standing there and holding it out? Do
14 you have to -- is it on you?

15 THE COURT: Right. Is it on your body? Do you have
16 to take off your clothes or lift up your dress, or do you take
17 off your underwear and hold it up? Tell us what you did.

18 THE WITNESS: It would usually be after I have a
19 new -- new pair on, and she -- she'd tell me to hold my -- the
20 pair that I had on up so she could check them.

21 THE COURT: Okay.

22 BY MS. BLUTH:

23 Q The old pair. Not the pair that you have on, but the
24 old pair?

25 A Yes.

1 Q Okay.

2 THE COURT: So, okay. If you had an accident, then
3 you would change your underwear; is that right?

4 THE WITNESS: I would get in the shower.

5 THE COURT: Okay. And then who would give you a
6 clean pair of underwear? Did you just go and take a clean pair
7 of underwear out of your dresser or your, you know, bedroom, or
8 did Janet give you a clean pair of underwear?

9 THE WITNESS: She would.

10 THE COURT: Okay. And then what would you do with
11 the dirty underwear?

12 THE WITNESS: Well, after, if -- I shower. After she
13 checked them, if, you know, they had anything in there, I would
14 wash them by hand in the laundry room.

15 THE COURT: Okay. And then when you took a shower,
16 what was the water temperature like?

17 THE WITNESS: It was warm.

18 THE COURT: It was warm. Okay. So you never had to
19 take a cold shower?

20 THE WITNESS: No.

21 BY MS. BLUTH:

22 Q My last question is is was there a time when you were
23 at therapy that you had an accident in your pants?

24 A Yes.

25 MR. FIGLER: And I would just ask for foundation,

1 like when. Is it before or after, while she's in the Solander
2 home.

3 THE COURT: Well, she's asking the preliminary
4 question. I'm assuming the follow-up question is when was
5 that.

6 MS. BLUTH: Sure.

7 BY MS. BLUTH:

8 Q So when you were in therapy with Lori Wells, was that
9 during the time period you were living in the Solander home?

10 A Yes.

11 Q And during one of your therapy appointments did you
12 have an accident?

13 A It wasn't a therapy appointment. It was a visit.

14 Q Oh, okay. Sorry. And but during one of those visits
15 you had an accident, right?

16 A Yes.

17 Q And was that number one or number two?

18 A I think number two.

19 Q Okay. And did you panic after you had that accident?

20 A I did.

21 Q Why?

22 MS. MCAMIS: Objection. Relevance.

23 THE COURT: Well, overruled.

24 Why did you panic?

25 THE WITNESS: I didn't want her to -- Janet to know.

1 BY MS. BLUTH:

2 Q Why didn't you want Janet to know?

3 A She'd be angry.

4 Q Were you scared of her reaction?

5 A I was.

6 Q Was this toileting -- I'm going to refer to it as a
7 toileting thing -- was that a big issue in the house?

8 A Yes.

9 MS. MCAMIS: Objection. Well, objection. Foundation
10 as to going on in the rest of the house.

11 THE COURT: Well, I mean, it's a little leading, but
12 I -- it's 12:15. So I don't know.

13 MS. BLUTH: That was my last question.

14 THE COURT: Okay. We're going to take a break
15 because there's a doctor, and he can only testify right now.
16 So I'm going to have you guys go into the vestibule or out in
17 the hallway and wait. You cannot talk about your testimony
18 with each other or anybody else. Okay. So you can't say, mom,
19 how did I do or anything like that. You're not to discuss
20 anything relating to your testimony or this case or Janet or
21 Mr. Solander or anything like that when you're out in the
22 hallway. Do you understand?

23 THE WITNESS: Yes.

24 MS. BLAZEVOICH: Yes.

25 THE COURT: Okay.

1 (Excerpt recessed 12:16 p.m.)

2 (Excerpt begins 2:06 p.m.)

3 CROSS-EXAMINATION

4 BY MS. MCAMIS:

5 Q -- pronouncing that correctly?

6 A Huh?

7 Q It's pronounced Areahia?

8 A Yes.

9 Q Okay. Thank you for that clarification. I'm Caitlyn
10 McAmis. I just have some questions for you. Okay?

11 A Okay.

12 Q All right. And if I ask it in a way that's
13 confusing, please let me know.

14 A Okay.

15 Q I'm not asking you to -- I'm not trying to put words
16 in your mouth. Okay?

17 A Okay.

18 Q All right. So you know Ms. Janet Solander because
19 she was a foster mother to you in 2013 and part of 2014; is
20 that fair to say?

21 A Yes.

22 Q And you lived in the home with her and her husband
23 Dwight and their daughter Danielle; is that fair to say?

24 A Yes.

25 Q And this was a pretty big house, right?

1 A Yes.

2 Q There were about five bedrooms, right?

3 A I think so.

4 Q So there was a bedroom for you to be in?

5 A Yes.

6 Q And then the other girls, like Ava and Amaya and

7 Anastasia had their own, like, open loft bedroom-type area,

8 right, where they stayed?

9 A Yes.

10 Q And Danielle had a bedroom.

11 A Yes.

12 Q And that was upstairs, right?

13 A Yes.

14 Q And Mr. and Mrs. Solander had their own bedroom,

15 right?

16 A Yes.

17 Q And did I hear you, right? Your bedroom was

18 downstairs?

19 A No, it was upstairs.

20 Q Okay. I didn't hear you right. Thank you. All

21 right. The downstairs, there were a number of rooms, like the

22 kitchen, right?

23 A Yes.

24 Q And -- sorry. Give me just a moment.

25 And in order to get to the, like, the bathroom or the

1 bedrooms, you had to go up the stairs, right?

2 A Yes.

3 Q Now, the staircase itself was enclosed, right?

4 A Say that again, please.

5 Q The staircase that went from the first floor to the
6 second floor was enclosed. Do you know what that word means?

7 A No.

8 Q Okay. Then I have to use a better word. How about
9 this? The staircase had sides on it, right?

10 A Oh, yes.

11 Q And you couldn't see through the sides, right?

12 A No.

13 Q And the kitchen was not off of the staircase, right?

14 A Yeah. Yes.

15 Q That's a yes?

16 A Yes.

17 Q Sorry. I didn't hear you and I think I cut you off.
18 I'm sorry about that. So when you were in the kitchen doing
19 things, like, homework or eating, you could not see up the
20 stairs, right?

21 A No.

22 Q Okay. All right. So I'm going to ask you a couple
23 of questions about being in foster care. Okay?

24 A Okay.

25 Q All right. And it's not intended to embarrass you at

1 all. Okay.

2 A Okay.

3 Q When did you get taken out of your home that you
4 regularly lived in?

5 A I think when I was 8.

6 Q And you were 9 when you lived with Mr. and
7 Mrs. Solander?

8 A Yes.

9 Q Okay. How many foster homes did you live in before
10 you lived with the Solanders?

11 A One.

12 Q Okay. Were you with all of your siblings then?

13 A No.

14 Q Were you with any of your siblings in that first
15 foster home?

16 A Yes.

17 Q Which ones?

18 A Keisha and Demar.

19 Q Okay. So Novalie was living somewhere else?

20 A Yes.

21 Q Do you know why you were taken out of your primary
22 home, your main home?

23 A Yes.

24 MS. BLUTH: Objection. Relevance.

25 MS. MCAMIS: Well, the relevance goes to prior

1 conduct and --

2 THE COURT: Well, approach.

3 MS. MCAMIS: Okay.

4 (Conference at the bench not recorded.)

5 THE COURT: And he probably didn't know what to do
6 with them.

7 MS. BLUTH: Yeah.

8 THE COURT: Said, oh, what are these?

9 MS. BLUTH: It's right here.

10 THE COURT: Let me delete them.

11 MS. BLUTH: One second.

12 MR. FIGLER: I don't -- Ms. McAmis can continue. I
13 just need to step out.

14 THE COURT: Okay. All right.

15 Ms. Bluth had sent me some records, and I never got
16 them, and so she's seeing did she send them to my secretary, or
17 did you send them to my law clerk. So we're just going to all
18 sit here quietly for a few minutes while Ms. Bluth tries to
19 figure out who she sent them to, and then I'm going to figure
20 out who didn't give them to me, but we'll just sit here quietly
21 right now while Ms. Bluth is doing that.

22 MS. BLUTH: And I'm going to do it on my phone. It's
23 faster.

24 THE COURT: Okay.

25 (Colloquy off the record.)

1 THE COURT: Okay. Are you aware that it's over 500
2 pages?

3 MS. BLUTH: I remember that -- I remember I talked
4 to -- I was like because a bunch of them were just in between,
5 and you know how --

6 THE COURT: Right.

7 MS. BLUTH: -- like in the CPS records it will say
8 the kids' names.

9 THE COURT: Yeah.

10 MS. BLUTH: Yeah. So I didn't know. I thought it
11 was 300.

12 THE MARSHAL: I think there's three different
13 sub-attachments.

14 THE COURT: Okay. I guess just have her print them
15 all out then. That's the easiest because for me to mark which
16 ones to print out on the computer --

17 MS. BLUTH: Agreed.

18 THE COURT: -- would take way too long.

19 (Colloquy off the record.)

20 MS. BLUTH: Right. So what I'm happy to do because I
21 have to work with these records so much, I'm happy whatever you
22 guys want me to do, but I'm happy to print them out and then
23 take out the ones that have the names and the personal
24 identifiers and just a --

25 THE COURT: Okay.

1 MS. BLUTH: -- I won't read them, but --

2 THE COURT: -- typically, as you probably know, CPS
3 redacts all of that. They don't send us unredacted ones.

4 MS. BLUTH: Right.

5 THE COURT: Are these unredacted?

6 MS. BLUTH: No. They're not unredacted.

7 THE COURT: Okay.

8 MS. BLUTH: But my -- I guess what I'm trying to say
9 is you know how there'll be like 30 pages of kids' names, and
10 then there'll be a two-page report, and then 40 more, like,
11 because they talk about the history. So I'd be happy to print
12 them out and pull those out so you can just look at the
13 substantive to --

14 THE COURT: Oh. Right. That would be great.

15 MS. MCAMIS: I'm just going to submit it to the
16 Court, whatever you --

17 THE COURT: Yeah. That would be --

18 MS. MCAMIS: (unintelligible).

19 MS. BLUTH: I'm happy to do that.

20 THE COURT: Yeah. That would, I mean, that would
21 make it easier. All I was saying is the identifiers, socials
22 and birthdays --

23 MS. BLUTH: Yeah.

24 THE COURT: -- those are normally redacted by CPS.

25 MS. BLUTH: And those -- they've told me that they

1 were going to send those redacted because like I said --

2 THE COURT: Yeah. Because we have to, which I never
3 have done, but we have to specifically request to CPS for
4 unredacted ones.

5 MS. BLUTH: Right.

6 THE COURT: Okay. So we'll be working on that, and
7 then, Ms. McAmis, go ahead and finish your questioning of the
8 witness.

9 MS. MCAMIS: Thank you, Your Honor.

10 BY MS. MCAMIS:

11 Q Okay. Areahia, when I was about to ask you a
12 question, I want to refocus on that. Okay. I'll ask it again.
13 I'd asked about why you got into foster care, why you were
14 removed from your home. So why is that, if you know?

15 A Because it was -- it wasn't safe to live in, and it
16 didn't have any electricity or water or heat or anything.

17 Q Okay. Were there other people in the home that you
18 had negative interactions with? I'm not specifically asking
19 about mom, but were there other people that were involved in
20 your life that negatively impacted you that led to you being
21 taken out of the home?

22 A No.

23 THE COURT: Were there other grown-ups living in the
24 home besides your mom?

25 THE WITNESS: Yes.

1 THE COURT: Okay. Go on, Ms. McAmis.

2 MS. MCAMIS: Thank you, Your Honor.

3 THE COURT: Did you have a bad event or any --
4 Is that where you're going with this?

5 MS. MCAMIS: Yes.

6 THE COURT: Did you have any problems or issues with
7 any of the other grown-ups that were living in the home other
8 than your, you know, besides your mom?

9 THE WITNESS: Not the home we got taken out of, but
10 there was my siblings' father in the previous home before that.

11 THE COURT: Okay.

12 THE WITNESS: The one that we got "tooken" out of.

13 BY MS. MCAMIS:

14 Q Now, when CPS got involved in your life or all the
15 caseworkers got involved in your life, they gave you a support
16 system, right?

17 A I don't know what that is.

18 Q That's fair. They gave you people to help and to
19 talk to, right?

20 A I think so.

21 Q Did you have people who helped transported you -- or
22 transporting you to appointments?

23 A Yes.

24 Q Do you know what they were -- what their names were
25 or what their titles were?

1 A I don't remember.

2 Q Okay. But you had appointments with doctors, right?

3 A Yes.

4 Q Okay. And sometimes Janet went with you to those,
5 right?

6 A Yes.

7 Q Actually, Janet took you to all of your doctor
8 appointments, right?

9 A Yeah.

10 Q Okay. And your caseworker was getting updates about
11 all of your medical appointments, right?

12 A I think so, yeah.

13 THE COURT: I don't know that she would know what her
14 caseworker was getting. So I don't think she's --

15 MS. MCAMIS: Sometimes there's -- just as an officer
16 of the court, I appeared over in abuse and neglect. So
17 sometimes if the child's old enough they will have that
18 contact, but --

19 THE COURT: Okay.

20 MS. BLUTH: So if we could just lay a foundation.

21 THE COURT: Yeah. But otherwise she wouldn't know
22 what the doctors were doing. You can ask if she had contact
23 with the caseworkers or, you know, whatever.

24 MS. MCAMIS: Sure. Thank you.

25 THE COURT: But she's not going to know what records

1 they're getting.

2 MS. MCAMIS: Sure. Sure.

3 BY MS. MCAMIS:

4 Q Janet took you for appointments like checkups, right?

5 A Yes.

6 Q Okay. So you had a checkup for just like a general
7 doctor, right?

8 A Yes.

9 Q Okay.

10 THE COURT: Do you know what that doctor -- do you
11 remember what that doctor's name was?

12 THE WITNESS: No.

13 THE COURT: Okay.

14 BY MS. MCAMIS:

15 Q If I asked you do you remember any doctor named
16 Dr. Saad? Does that sound familiar?

17 A No.

18 Q Okay.

19 A No.

20 Q All right. But she took you to other appointments
21 too, like, to get your eyes checked, right?

22 A Yes.

23 Q Okay. And to the dentist, right?

24 A Yes.

25 Q Okay. So there were times when she also took you to,

1 like, a therapist's office, right?

2 A Yes.

3 Q And I want to make it clear. I'm not asking you
4 anything about what you talked about with your therapist.
5 Okay?

6 A Okay.

7 Q I just wanted to know if Ms. Solander from time to
8 time took you to the therapist's office?

9 A Yes.

10 Q Do you remember the name of your therapist?

11 A Ms. Lori [phonetic].

12 Q Ms. Lori. Okay. How long did you see Ms. Lori?

13 A I don't know.

14 Q Okay. Does it sound right that you may have seen her
15 from, like, the summertime in July to maybe November of 2013?

16 A Maybe. I --

17 Q Does that sound like it could be right?

18 A Yes.

19 Q Okay. Now, if it doesn't, you have to tell me.
20 Okay?

21 A Okay.

22 Q Okay. Did you have interactions with Ms. Lori where
23 you became upset that she -- that she disclosed things that you
24 were talking about in therapy to other people?

25 A I don't remember.

1 Q Do you remember indicating that you purposely wet
2 yourself because you were upset with Ms. Lori and did not want
3 to go to a therapy visit -- actually let me lay a better
4 foundation.

5 Prior to going to a therapy visit, Ms. Janet would
6 get you ready, right?

7 A Yes.

8 Q She would help, like, you know, get you dressed and
9 eat food and all of that, right?

10 A Yes.

11 Q Okay. And then she would also get some food ready
12 for you to take to your therapy visits?

13 A Yes.

14 Q And you got to -- you had your therapy visits at
15 Ms. Lori's office on Saturdays, right?

16 A I think so, yes.

17 Q Okay. So on one of these Saturdays were you upset
18 with Ms. Lori because she disclosed something you told her in
19 confidence and wet yourself?

20 A I do not remember. I don't --

21 Q Okay.

22 THE COURT: Was there a point in time when you were
23 supposed to go to a therapy visit when you wet yourself?

24 THE WITNESS: Not a therapy visit, no.

25 THE COURT: Okay. We talked a little bit before that

1 you had a bathroom accident. Other than the one we talked
2 about, did you have any other bathroom accidents where you wet
3 yourself or went number two in your pants or anything like
4 that?

5 THE WITNESS: I did one morning of a visit, and I
6 didn't go because of it, yeah.

7 THE COURT: Okay. Go on, Ms. McAmis.

8 BY MS. MCAMIS:

9 Q Okay. Thank you for answering that question. It's
10 because I used a wrong word. You were going to visits on
11 Saturdays?

12 A Yes.

13 Q They just happened to be at your therapist's office?

14 A Yes.

15 Q Okay. You have -- strike that. All right. So you
16 testified earlier about things in the Solander home. So I'm
17 going to ask you about that. Okay?

18 A Okay.

19 Q So you stayed in a bedroom upstairs with a bathroom
20 nearby, right?

21 A Yes.

22 Q Okay. And was that bathroom locked?

23 A No.

24 Q Okay. So you were able to go into the bathroom when
25 you needed to in order to use the rest room, right?

1 A Yes.

2 Q Because at that time you were about 9, and you were
3 absolutely potty trained, right?

4 A Yes.

5 Q Okay. You also went into that bathroom to regularly
6 take your showers, right?

7 A Yes.

8 Q Okay. And you got to control the temperature for
9 your showers, right?

10 A Yes.

11 Q Now, there were times when Ms. Janet may have asked
12 you to, like, help grab things for the bathroom, right?

13 A I think so, yes.

14 Q Okay. For example, there were times where she had
15 you go help get toilet paper from the laundry room, right?

16 A I don't remember.

17 Q Okay. Was there a time where she asked you to go get
18 some toilet paper, and you grabbed the flower toilet paper
19 instead of the plain and she got upset?

20 A I really don't remember.

21 Q Okay. All right. So you were going to school at --
22 what was your elementary school? Darnell?

23 A Yes.

24 Q Okay. You were going to Darnell Elementary while you
25 were living in the Solander home, right?

1 A Yes.

2 Q Okay. And Mrs. Solander would prepare your lunches
3 and your snacks when you went to class every day, right?

4 A Yes.

5 Q And those snacks were like carrots and bologna
6 sandwiches, right?

7 A Yes.

8 Q She didn't send you with sugary treats like candy,
9 right?

10 A Yes.

11 Q Okay. And then when you came home, you had to do
12 your homework from school, right?

13 A Yes.

14 Q And you had to sit with all of the other kids at the
15 kitchen counter to do your homework, right?

16 A Yes.

17 Q Okay. And that was every day after class, right?

18 A Yes.

19 Q Okay. And you had some trouble with some of your --
20 actually with maybe one of your subjects -- math, right?

21 A Yes.

22 Q And that can be kind of upsetting when you're having
23 trouble with a subject, right?

24 A Yes, I guess.

25 Q It can make you kind of lose your temper, right?

1 A Yeah.

2 Q Okay. And so Ms. Janet kept telling you you had to
3 do your math homework, right?

4 A Yes.

5 Q So you could turn it in the next day and get your
6 credit, right?

7 A Yes.

8 Q Okay. So you talked -- you talked about observing
9 the other kids in the home, and the other kids in home also had
10 to do their homework, right?

11 A Yes.

12 Q And they also had to eat dinner, right?

13 MS. BLUTH: Objection just to what kids were talking
14 about. I'm just not sure. All of them or --

15 THE COURT: Okay.

16 BY MS. MCAMIS:

17 Q When I was asking about the kids, I meant any of the
18 kids who were living in the home, including any foster children
19 and also Ava, Amaya and Anastasia.

20 MS. BLUTH: So, Judge, I'm going to object to that in
21 regards to relevance and outside the scope of my direct as well
22 as my motion.

23 MS. MCAMIS: Well --

24 THE COURT: Ms. --

25 MS. MCAMIS: Sorry.

1 THE COURT: Ms. McAmis.

2 MS. MCAMIS: It's relevant as for her observation. it
3 goes to the credibility of what else she observed in the home,
4 and it's brought up in the --

5 THE COURT: I think it is a little beyond, but I'll
6 let her answer. Just don't go too far down this path --

7 MS. MCAMIS: That was -- right.

8 THE COURT: -- because --

9 MS. MCAMIS: Right.

10 THE COURT: If she observed incidents with the other
11 children, we did get a little bit into the showering and stuff,
12 so, with the other child.

13 So did you -- did everybody have to do their homework
14 together there at the -- in the kitchen?

15 THE WITNESS: Me and the -- and the other girls, yes.

16 THE COURT: Yes. Okay.

17 BY MS. MCAMIS:

18 Q Okay. You also talked about -- actually let me ask
19 you. You talked about that you had snacks at school. You also
20 ate at home, right? Or at the Solander home. I'm sure you
21 don't call it home, but you also ate at the Solander home,
22 right?

23 A Yes.

24 Q Including dinner and breakfast, right?

25 A Yes.

1 Q Your daily schedule is for school you got up at
2 7:00 a.m., right?

3 A Yes.

4 Q And Ms. Janet would get you up, right?

5 A Yes.

6 Q And you testified that sometimes you were really
7 tired in the morning and you would fall back asleep, right?

8 A Yes.

9 Q So there were times that Janet had to wake you up so
10 you weren't late for school, right?

11 A Yes.

12 Q Okay. And then she -- and so she'd get you ready,
13 and you took the bus to school, right?

14 A Yes.

15 Q Okay. Areahia, I'm going to ask you just a little
16 bit more about the accidents, the wetting or the soiling.

17 Okay?

18 A Okay.

19 Q And I don't mean to embarrass you. Okay?

20 A Okay.

21 Q Okay. When you would wet or soil yourself, you said
22 it only happened, like, two times while you were with
23 Ms. Solander?

24 A Yes, I think so. Yeah.

25 Q It didn't happen every day, right?

1 A Yeah.

2 Q And then when you did have an accident, you cleaned
3 up after yourself, right?

4 A Yes.

5 Q Okay. And she would have you or she would tell you
6 to go clean up after yourself, right?

7 A Yes.

8 MS. MCAMIS: Okay. Court's indulgence.

9 THE COURT: Uh-huh.

10 BY MS. MCAMIS:

11 Q Okay. So you testified about some of your
12 observations with I think it was your brother Demar, right?

13 A Yes.

14 Q Okay. And you talked about how before you were in
15 the Solander home you helped out a lot with them, including
16 potty training, right?

17 A Yes.

18 Q Okay. When you got to the Solander home, you no
19 longer had to do that, right?

20 A Yes.

21 Q Okay. So Ms. Solander would take care of potty
22 training or changing diapers, right?

23 A Yes.

24 Q Okay. And she would do that upstairs in the
25 bathroom, right?

1 A Yes.

2 Q And you weren't in the room for any of that, right?

3 A Yeah.

4 Q Okay. When she was helping your brother or your
5 sister out with any potty issues, you spent your time
6 downstairs working on homework or reading a book, right?

7 A Yes.

8 MS. MCAMIS: Okay. Court's indulgence.

9 BY MS. MCAMIS:

10 Q Can I just ask one more question, Areahia?

11 A Areahia. It's Areahia.

12 Q Thank you. Areahia. Do you know the reason you no
13 longer went to see Ms. Lori, your therapist?

14 A No.

15 MS. MCAMIS: Okay. All right. I would pass the
16 witness.

17 THE COURT: Ms. Bluth.

18 MS. BLUTH: Just briefly, please.

19 REDIRECT EXAMINATION

20 BY MS. BLUTH:

21 Q Okay. So I want to make sure I understand this, and
22 I think Ms. McAmis was just touching on it. When you got --
23 originally when you got to the Solanders', Demar was the only
24 one who still wet the bed occasionally. Do I have that right?

25 A Yes.

1 Q As you stayed with the Solanders, did the toileting
2 issues become -- did they become an issue for Keisha and Demar?

3 A Yes.

4 MS. MCAMIS: Well, objection. Misstates the
5 testimony. She testified earlier that one of them was not
6 potty trained, and the other one had accidents prior to coming
7 into the Solander home.

8 MS. BLUTH: No. That --

9 THE COURT: Oh. Did Keisha have accidents prior to
10 moving into the Solander home, bathroom accidents?

11 THE WITNESS: No.

12 THE COURT: Okay.

13 BY MS. BLUTH:

14 Q So was Keisha potty -- did you train Keisha?

15 A Yes.

16 Q And before you got to the Solanders' house, was
17 Keisha potty trained?

18 A Yes.

19 Q Was --

20 THE COURT: And did --

21 I'm sorry.

22 MS. BLUTH: That's okay.

23 THE COURT: Did Keisha ever have any accidents?

24 MS. BLUTH: Well, when, like --

25 THE WITNESS: Not that I know of, no.

1 THE COURT: Okay. And your other, Demar, he was in
2 the process of being potty trained?

3 THE WITNESS: Yes.

4 THE COURT: And he wore the pull up pants, you know,
5 like the pull-up diapers.

6 THE WITNESS: Yes.

7 THE COURT: Okay. And then the other siblings was an
8 infant or a baby?

9 THE WITNESS: Yes.

10 THE COURT: Who was in diapers; is that right?

11 THE WITNESS: Uh-huh. Yes.

12 BY MS. BLUTH:

13 Q So I'm not going to talk about Novalie because she
14 was a baby, but with Demar, did he wear pull-ups during the
15 day, or he was potty trained during the day?

16 A He was wearing pull-ups sometimes.

17 THE COURT: Oh, Demar.

18 MS. BLUTH: Demar. Yeah.

19 BY MS. BLUTH:

20 Q And so sometimes he would wear underwear?

21 A Yeah, if -- to train him, yeah.

22 Q Okay. But before you guys got to the Solanders',
23 would Demar have accidents during the day or only at night?

24 A Only at night.

25 Q Okay. So now I want to talk about when you get to

1 the Solanders'. When you get to the Solanders', you know,
2 after you've been there a period of time -- weeks, months, you
3 can tell me -- did Keisha start having accidents?

4 A Yes.

5 Q Were there pee accidents, poop accidents or both?

6 A I think sometimes poop.

7 MS. MCAMIS: Well, objection. Calls for speculation.

8 THE COURT: Don't guess. Only if you know.

9 THE WITNESS: I know peeing, yes.

10 THE COURT: Okay. And how do you know that Keisha
11 would have peeing accidents?

12 THE WITNESS: She -- she would tell Janet this.

13 THE COURT: Okay. And was that -- you were present
14 when that happened?

15 THE WITNESS: In the next room.

16 THE COURT: In the next room. So would you hear
17 Keisha telling Janet I peed my pants, or what would you hear?

18 THE WITNESS: Yes, I would hear telling her that she
19 had an accident. Yes.

20 THE COURT: Okay.

21 BY MS. BLUTH:

22 Q Would you hear Janet's response to Keisha?

23 A No.

24 Q And when I say that, like would you hear, you know,
25 Janet have a conversation with Keisha about it?

1 MS. MCAMIS: Well, objection. Asked and answered.
2 She said she couldn't hear.

3 THE COURT: No, I don't think she said that.
4 Overruled.

5 BY MS. BLUTH:

6 Q Do you understand my question?

7 A Not really.

8 Q That's okay. Any time you don't understand, tell me,
9 and I'll clear it up. Okay?

10 THE COURT: When you heard it --

11 I'm sorry.

12 When you heard Keisha tell Janet that I've had an
13 accident, what would -- did you hear what Janet said back to
14 Keisha?

15 THE WITNESS: Not all the time, but --

16 THE COURT: Sometimes did you hear it?

17 THE WITNESS: Yes.

18 THE COURT: Okay. What kinds of things would Janet
19 say? What did you overhear Janet saying?

20 THE WITNESS: She would sometimes get angry and tell
21 her to go upstairs or tell her to go in timeout.

22 THE COURT: Okay. And why do you think Janet was
23 angry?

24 THE WITNESS: Well, because Keisha had an accident.
25 I mean --

1 MS. BLUTH: No, like --

2 THE COURT: No. No. I mean, like, what was it about
3 Janet that made you think she was angry?

4 THE WITNESS: She would yell or -- or she just, I
5 don't know, just by yelling.

6 THE COURT: Okay. Go on.

7 BY MS. BLUTH:

8 Q When -- you talked a little bit on direct that you
9 would see Janet kick your brother and your sister either up or
10 down the stairs.

11 A Yes.

12 Q Was that --

13 THE COURT: I think she said up the stairs.

14 MS. MCAMIS: It was up the stairs.

15 THE WITNESS: Up.

16 MS. BLUTH: Up?

17 MS. MCAMIS: Yeah.

18 THE WITNESS: Yes.

19 BY MS. BLUTH:

20 Q Okay. Okay. You would see them kicking -- you would
21 see her kicking them up the stairs. Was that because of
22 toileting issues?

23 A Yes.

24 MS. MCAMIS: Well, objection. Speculation.

25 THE COURT: Overruled. I mean, I think she already

1 said it was when they --

2 MS. BLUTH: If she's -- if she is --

3 THE COURT: No. I overruled it. You don't have to
4 argue.

5 MS. BLUTH: Okay. I just feel like we're doing the
6 same thing over.

7 BY MS. BLUTH:

8 Q You talked about when you would do your homework.
9 When you would sit downstairs, you could see part of the
10 stairway. You could see Janet doing the kicking; is that
11 right?

12 A Yes, only the -- only the opening.

13 Q The opening of the staircase?

14 A Yes.

15 Q Okay. After you left the Solander home, where did
16 you guys go? Did you go as a unit somewhere?

17 A Yes, we went to Child Haven.

18 Q Okay. And then after Child Haven did you get -- did
19 you go into another foster home, or where did you guys go?

20 A Not right after, but I think a day or a couple days
21 later, yeah.

22 Q Okay. And did you all four go together?

23 A Yes.

24 Q Okay. Did you have any toileting accidents after
25 that?

1 A No.

2 Q Did you feel like you could go to the bathroom freely
3 at that new foster house?

4 A Yes.

5 Q Sorry, Areahia. I had a question on the tip of my
6 tongue, and I -- I lost it for a second. So let me just --
7 once you were at Child Haven, did you feel like you could go to
8 the bathroom whenever you wanted?

9 A Yes.

10 Q But when you were at the Solanders' could you go
11 whenever you wanted or you always had to ask?

12 A I had to ask.

13 Q In regards to -- when you were in the new foster home
14 and you were around -- I imagine you were around your brother
15 and sister within that home?

16 A Yes.

17 Q Did they continue to have those same toileting
18 issues?

19 A No, only Demar, but only at night.

20 Q When you were in therapy with Lori, did you ever talk
21 to her about how you were being treated in the Solander home?

22 A No.

23 Q And I think when Ms. Caitlyn was asking you questions
24 she was asking you about a time you urinated and had an
25 accident before therapy. I want to clarify that. Was there a

1 time that you had a urinating accident before a visit? What
2 are those called? Visitations.

3 A Yes.

4 Q Okay. Do you remember what happened that caused you
5 to have an accident?

6 A I -- I -- I think I was doing something in my room,
7 and I just couldn't make it.

8 Q When you would -- after school when you would have to
9 do your homework, did you -- like after you got done with your
10 homework, could you then move around the house freely, or did
11 you always stay there doing your homework?

12 A I always stayed there.

13 Q So could you ever go and, like, play with your
14 siblings?

15 A No, not that I -- no.

16 Q So from the moment you got home to the moment you
17 went to bed besides, like, eating dinner, did you have to stay
18 and do your homework?

19 A Yes.

20 Q Were you allowed contact with your siblings? Like
21 could you pick them up, hold them, things like that?

22 A No.

23 Q And whose rule was that?

24 A Janet's.

25 Q When you were sitting and doing your homework, could

1 you explain to me is it a table or a counter? How does it
2 work?

3 A It's sort of both. I don't know how to explain it.

4 Q Well, like a table, I guess, would, you know -- if
5 like this were a table and there would be chairs on each side
6 of it, or, you know, a counter would be more kind of like what
7 the Judge has around her, like in the kitchen area around the
8 sink or something. Would you be at a table, or would you be
9 more at a counter area?

10 A It was a counter, but, like, it had -- I don't know
11 how to explain it. I don't.

12 Q Okay. No, that's okay.

13 THE COURT: Did you sit on, like, a chair, like a low
14 chair like what you're sitting in now, or is it more like a
15 higher-up chair like a stool?

16 THE WITNESS: No, it was a low chair.

17 THE COURT: A low just kind of -- okay.

18 BY MS. BLUTH:

19 Q And then was there ever anything put up around you so
20 you couldn't see anybody else?

21 A I don't remember.

22 MS. BLUTH: Okay. All right. Perfect. Thank you so
23 much, Areahia.

24 That concludes my questions, Your Honor.

25 THE COURT: I just want to follow up on the eating

1 thing. You testified that for lunch you would have a sandwich
2 and maybe some carrot sticks. What would you normally eat for
3 breakfast before you went to school?

4 THE WITNESS: Oatmeal.

5 THE COURT: Oatmeal. Okay.

6 THE WITNESS: Or cereal.

7 THE COURT: Or just, like, cold cereal? Like what
8 kind of cereal did you like to eat?

9 THE WITNESS: It was, I think, Kix. I don't
10 remember.

11 THE COURT: Okay. And then what kind of food would
12 you -- did you eat the same dinner food as the rest --
13 everybody else in the Solander house?

14 THE WITNESS: Only my siblings.

15 THE COURT: Okay. So you and your siblings had one
16 kind of food. What about the adopted Solander girls? Did they
17 eat something different?

18 THE WITNESS: They would drink something. I don't --

19 THE COURT: Okay. What about Mr. and Mrs. Solander.
20 Did you ever watch them eat dinner?

21 THE WITNESS: No. I never watched them eat. No.

22 THE COURT: So they didn't sit down and eat with you
23 and your siblings?

24 THE WITNESS: No.

25 THE COURT: Okay. And what about their daughter

1 Danielle? Did Danielle eat with you and your siblings?

2 THE WITNESS: No.

3 THE COURT: Okay. So do you know what Mr. and
4 Mrs. Solander ate for dinner?

5 THE WITNESS: No.

6 THE COURT: And do you know what Danielle ate for
7 dinner?

8 THE WITNESS: No.

9 THE COURT: Okay. But you and your siblings would
10 eat, and the Solander, the three girls, Ava and her sisters,
11 they would drink something for dinner?

12 THE WITNESS: Yes.

13 THE COURT: Okay. Do you have any follow up, Ms.
14 Bluth, to that?

15 MS. BLUTH: I don't, Your Honor. Thank you.

16 THE COURT: Okay. Ms. McAmis.

17 MS. MCAMIS: I do have recross.

18 RECROSS-EXAMINATION

19 BY MS. MCAMIS:

20 Q Areahia, you were talking earlier about how
21 Ms. Solander kicked the adopted siblings, the adopted children
22 up the stairs?

23 MS. BLUTH: And I apologize. Objection. That
24 misstates her testimony.

25 THE COURT: That's sustained. She was talking about

1 her own siblings as I recall.

2 MS. MCAMIS: Okay. Okay. Thank you for that.

3 BY MS. MCAMIS:

4 Q Areahia, you were talking about what you observed,
5 your own siblings being kicked up the stairs, right?

6 A Yes.

7 Q Okay. How was Ms. Janet kicking them?

8 A On their butts. Just kicking them --

9 Q And what was she --

10 A -- up the stairs.

11 Q Okay. So she was using her foot --

12 A Yes.

13 Q -- and making contact with their rears?

14 A Yes.

15 Q And this was after they had potty accidents?

16 A Yes.

17 Q Okay. So it was to direct them to go up the stairs
18 for cleaning purposes?

19 MS. BLUTH: Objection. Speculation as to what it was
20 done to do?

21 THE COURT: State the -- state your question again.

22 MS. MCAMIS: I asked the purpose of the kicking was
23 to get them up the stairs after potty accidents for cleaning.

24 THE COURT: That's sustained. That would be
25 speculation.

1 MS. MCAMIS: Okay.

2 BY MS. MCAMIS:

3 Q Based on your observation, after you saw Ms. Janet
4 kicking your siblings up the stairs, they went into the
5 bathroom, right?

6 A Yes.

7 Q Okay. Did you follow them?

8 A No.

9 Q Now, you testified that you spent most of your time
10 at home in the kitchen, right?

11 A Yes.

12 Q Okay. And that you weren't allowed to interact with
13 your siblings or play or just get up and wander around, right?

14 A Yes.

15 Q Okay. So you were never taken to Target to buy new
16 clothes by Ms. Solander?

17 A That was for --

18 MS. BLUTH: Objection. Relevance.

19 MS. MCAMIS: Well, it goes to the statement of she
20 was never --

21 THE COURT: Well, I think the statement pertained to
22 when she was home in the house.

23 MS. MCAMIS: Right. But if she's testifying that she
24 just was only home in the house, this would go to the relevance
25 of that.

1 THE COURT: But I don't know that she -- I thought
2 she was testifying when she was in the house she --

3 MS. BLUTH: My question was about after school --

4 THE COURT: Right.

5 MS. BLUTH: -- or home.

6 THE COURT: After school, did you ever, like, go in
7 your bedroom, or did you have to stay in the kitchen area?

8 THE WITNESS: I stayed in the kitchen area.

9 THE COURT: Was that because you wanted to stay in
10 the kitchen area, or were you told to stay in the kitchen area?

11 THE WITNESS: I was told to.

12 THE COURT: Okay. Go on.

13 BY MS. MCAMIS:

14 Q Now, the Solander house had a family room with a TV,
15 right?

16 A Yes.

17 Q Okay. And you got to actually watch TV with your
18 siblings after your homework was done, right?

19 A No.

20 Q You never watched TV once while you were in the
21 Solander home?

22 A I remember watching a movie once, yes, but I don't
23 remember anything else.

24 Q Okay. Now, Ms. Janet provided a number of things for
25 you, including food, right?

1 A Yes.

2 Q Okay. And she bought you clothes, right?

3 A Yes.

4 Q And she took you with her when she bought those
5 clothes, right?

6 MS. BLUTH: Objection. Relevance. Outside the scope
7 of direct -- redirect.

8 THE COURT: That's sustained.

9 Did you ever -- did Ms. Solander or Mr. Solander, for
10 that matter, did they ever take you out to eat anywhere, like
11 McDonald's or, you know, anything like Burger King or any
12 restaurants?

13 THE WITNESS: I don't remember.

14 THE COURT: Okay.

15 BY MS. MCAMIS:

16 Q Okay. There were times where you and Ms. Janet would
17 go on walks with Danielle, right?

18 A Yes.

19 Q And that was outside the home, right?

20 A Yes.

21 Q Because she was trying to help you with just being
22 healthier, being more active, right?

23 MS. BLUTH: Objection. Speculation as to what
24 defendant was trying to do.

25 THE COURT: That's sustained unless --

1 MS. MCAMIS: Well, I --

2 THE COURT: Unless Ms. Solander told --

3 MS. MCAMIS: I can try to lay a foundation, Your
4 Honor.

5 THE COURT: Okay.

6 BY MS. MCAMIS:

7 Q Did you and Ms. Janet talk about trying to be more
8 active so you could lose weight?

9 A Yes.

10 Q Okay. And so then she would walk with you, and
11 Danielle outside just around your neighborhood?

12 A Yes.

13 Q Okay. And you went on walks more than once with her,
14 right?

15 A Yes.

16 Q Okay. You would go on walks several times, right?

17 A Yes.

18 Q I have a few more questions about the kicking up the
19 stairs. Okay?

20 A Okay.

21 Q Areahia, when Ms. Janet was kicking your siblings up
22 the stairs, were they falling down?

23 A Yes, sometimes. They would stumble, yeah.

24 Q They would stumble. Okay. Were they falling down
25 the stairs and tumbling over and falling on the kitchen floor?

1 A No.

2 Q Okay. They -- did they have blood all over
3 themselves after they were kicked and falling down?

4 A No.

5 MS. BLUTH: Objection. Relevance.

6 THE COURT: What was the question?

7 MS. MCAMIS: Did they have blood all over themselves
8 after being kicked.

9 THE COURT: She can answer. I'm not sure --
10 Was there any -- do you see any blood?

11 THE WITNESS: No.

12 BY MS. MCAMIS:

13 Q Did they ever have to go to the hospital after being
14 kicked?

15 A No.

16 Q Did they cry and scream after being kicked?

17 A They would cry, yes.

18 Q Were they crying before they were being kicked
19 because they had soiled themselves?

20 A Sometimes, yes.

21 Q Okay. You testified that you had to ask permission
22 to go to the bathroom.

23 A Yes.

24 Q You asked permission every single time you went to
25 the bathroom?

1 A Only in the day. At night if we had to go, we could.

2 Q Okay. So you could freely go to the bathroom by
3 yourself at night?

4 A Yes.

5 Q Okay. But it was just during the day that you had to
6 ask?

7 A Yes.

8 Q Okay.

9 THE COURT: I have a question about going to the
10 bathroom at night. Was there toilet paper in the bathroom, or
11 what did you use for toilet paper at night?

12 THE WITNESS: She'd lay -- she would lay sheets down
13 on the counter.

14 THE COURT: At night?

15 THE WITNESS: Yes.

16 THE COURT: Was it, like, two little sheets, or was
17 it like a whole big, you know, long roll or what was it?

18 THE WITNESS: No. It was the same thing as when she
19 handed us toilet paper. It was a specific amount of sheets for
20 either one or two.

21 THE COURT: Okay. So was it like how many sheets
22 about? Would it be like a lot of sheets laid out?

23 THE WITNESS: Three for number one, or four or six
24 for number two.

25 THE COURT: Okay. But how -- so was it just one

1 stack, one four and one two, or was there, you know, like three
2 or four things of two, and three or four things of four? Do
3 you remember?

4 THE WITNESS: No, I don't really remember the layout.

5 THE COURT: Okay. But there would be some toilet
6 tissue in the bathroom?

7 THE WITNESS: Yes.

8 THE COURT: Okay. Do you know if your siblings were
9 and the other children were allowed to go to the bathroom at
10 night if they needed to go?

11 THE WITNESS: My siblings were, yes.

12 THE COURT: Okay. What about the Solander girls?
13 Were they allowed to -- do you know whether or not they could
14 just go to the bathroom at night?

15 THE WITNESS: No, I don't know.

16 THE COURT: You don't know. Okay.

17 BY MS. MCAMIS:

18 Q When Ms. Solander was kicking your siblings up the
19 stairs, did she, like, do a windup? Did she lean really far
20 back when she --

21 THE COURT: What does that mean?

22 MS. MCAMIS: That's a fair question.

23 BY MS. MCAMIS:

24 Q So if I could demonstrate, there's a difference
25 between, like, kicking, like, with a push. You can't even see.

1 How on earth am I going to --

2 MS. MCAMIS: Do I have permission to use the well?

3 THE COURT: Well, why don't we ask -- yes, sure.

4 MS. MCAMIS: It's just a brief demonstration,
5 especially as far as the wind up.

6 BY MS. MCAMIS:

7 Q Did she lean really far back and put her foot back
8 like this, did she have it up in the air? That's what I mean
9 by windup.

10 A No.

11 Q Okay. When you saw her kick, did she just lift her
12 foot and use it to push one of your siblings up the stairs?

13 A She wouldn't -- it would be much more aggressive.

14 Q Okay.

15 A But she wouldn't swing her leg back, no.

16 Q Okay. And did this happen every time that one of
17 your siblings had an accident?

18 A No.

19 Q Was she kicking them up the stairs every single day?

20 A No.

21 Q Was she --

22 MS. MCAMIS: Well, Court's indulgence.

23 Okay. Thank you, Areahia.

24 THE COURT: No further questions?

25 MS. MCAMIS: No. I'm sorry. I do have -- I'm trying

1 to --

2 BY MS. MCAMIS:

3 Q Okay. On the first floor of the home, where there's
4 things like banisters -- do you know what a banister is?

5 A Yes, I do.

6 Q Is that something like kind of like a pillar in the
7 home for structure?

8 A Um --

9 Q It's okay. I'll withdraw the question. You don't
10 have to answer that. Okay.

11 A Okay.

12 Q But there were a number of banisters on the first
13 floor, right?

14 A Yes.

15 Q And you couldn't just see directly through the house,
16 right?

17 A Yes.

18 Q They would partially block your view depending on
19 where you were in the home?

20 A Yes.

21 Q Okay. You were asked by Ms. Bluth about whether or
22 not you told Ms. Lori about anything that was going on in the
23 home, and your answer was no. My question to you is you didn't
24 tell anyone else that you were talking to, as far as a
25 caseworker or people who drove you, about problems in the home,

1 right?

2 A Not -- not until the --

3 Q The only time that you did was when you spoke to, I
4 think, Ms. Christine?

5 A Yes.

6 Q Okay. Or maybe it was Ms. Christina. It's one of
7 those. Okay. So before that you didn't talk to anybody?

8 A No.

9 Q Okay. And before that, you had lived in the home for
10 how long?

11 A I think almost a year. I don't remember.

12 Q Well, just based on what you remember you think it
13 might have been a year?

14 A I think so.

15 MS. MCAMIS: Okay. Pass the witness now. Thank you.

16 THE COURT: Ms. Bluth, any redirect?

17 MS. BLUTH: Just one.

18 FURTHER REDIRECT EXAMINATION

19 BY MS. BLUTH:

20 Q Were there any gates, alarms or cameras up by
21 Janet -- put up by Janet to deal with the toileting?

22 A There was an alarm on my siblings' room?

23 Q What would -- what was the alarm for, if you know?

24 A I don't really know. I mean, I know she put it up
25 there to -- I -- I don't really know.

1 MS. BLUTH: Okay. Thank you.

2 Nothing, Judge.

3 MS. MCAMIS: Brief follow up on that.

4 FURTHER RECROSS-EXAMINATION

5 BY MS. MCAMIS:

6 Q When you were talking about this alarm, did it ever
7 beat and go off?

8 A Yes, when the door was open.

9 Q Would it go off really loud like an alarm system, or
10 would it just make a single beep noise when the door was
11 opened?

12 A It would go off loud.

13 Q Okay. Did the police ever come for that?

14 A No.

15 Q Okay. This alarm system, did it include, like, a
16 camera, like a nanny cam? Do you know what that is?

17 A Yes, but I don't think so.

18 Q Okay. You just -- you don't know any more than that?

19 A Yeah, I don't.

20 Q Okay. How many times did this alarm go off?

21 A Whenever the door was opened.

22 Q Okay.

23 A I don't know how many times, just whenever it was
24 opened at night when it was set.

25 Q Okay. It was set at night?

1 A Yes.

2 MS. MCAMIS: Okay. Pass the witness. Thank you.

3 MS. BLUTH: Nothing further, Your Honor.

4 THE COURT: All right. We don't have any other
5 questions for you. So thank you for your testimony, and you're
6 excused at this time.

7 (Excerpt ended 3:00 p.m.)

8 (Excerpt begins 4:07 p.m.)

9 **LURLINE WELLS**

10 [having been called as a witness and being first duly sworn,
11 testified as follows:]

12 THE CLERK: Thank you. Please have a seat and state
13 and spell both your first and last name for the record.

14 THE WITNESS: My name is Lurline Wells.
15 L-u-r-l-i-n-e. Last name Wells, W-e-l-l-s.

16 THE COURT: All right. Thank you.

17 Ms. Bluth.

18 DIRECT EXAMINATION

19 BY MS. BLUTH:

20 Q Ms. Wells, how are you employed?

21 A I am employed as a marriage and family therapist and
22 an intern and a licensed alcohol and drug counselor.

23 Q Okay. Now, how long have you been working in these
24 types of fields?

25 A Approximately 13 years.

1 Q Could you explain your training and education that
2 allowed you to hold both the positions that you were just
3 talking about.

4 A I am -- have a master's in psychology, and with that
5 master's there is an emphasis in marriage family therapy. I
6 came here to Nevada and was employed and did a 3,000 hour
7 internship which got me the LADC. You have to be approved by
8 the board.

9 Q What's the LADC?

10 A Licensed alcohol and drug counselor.

11 Q Got it.

12 A So I did that first with 3,000 hours, and then I did
13 the marriage family therapist internship.

14 Q Understood. Okay. Now, you -- you don't have a
15 standard curriculum vitae, correct?

16 A No.

17 Q I asked you for, like, a resume, and you provided me
18 with that.

19 A Correct.

20 Q All right. You are also not like a hired expert by
21 the State. You are someone who treated Areahia Diaz and her
22 siblings?

23 A Correct.

24 Q So I'd like to turn your attention now to 2013. Did
25 you start working with Areahia and her siblings in a

1 therapeutic-type setting?

2 A I did.

3 Q Would you also be in charge of supervised visitations
4 with their biological parents?

5 A I was.

6 Q Where were you working during that time period?

7 A I was working at Legacy Health and Wellness.

8 Q And what were your job duties there?

9 A I was a marriage family therapist intern. I did
10 biopsychosocial assessments.

11 Q What is that? What's that?

12 A Where we take an intake of the history of the client
13 and add -- so they give us all this information regarding their
14 past history, their current history. We use resources such as
15 CPS or DCFS to gather information, and in order to treat them,
16 we have to do this assessment and then have a treatment plan so
17 we're following some type of correct -- excuse me -- criteria
18 to help them get well.

19 Q Okay. So and I don't want to keep saying siblings.
20 I'm talking about Areahia Diaz, Keisha Burnett, Demar Burnett
21 and Novalie Burnett, but Novalie was a baby. So did you see
22 her?

23 A Yes. She came to family visits.

24 Q Okay. Now, how long did you work with these children
25 for?

1 A That was four years ago. So I'm going to say the
2 time frame was between six and nine months.

3 Q Okay. Now, during that time period were the children
4 in foster care?

5 A They were.

6 Q And do you remember the names of the foster parents
7 that they had?

8 A Janet and Dwight Solander.

9 Q Do you see Ms. Solander in the courtroom today?

10 A I do.

11 Q Can you please just describe to me some clothing that
12 she's wearing.

13 A She's wearing a, I believe, a pink sweater, pinkish,
14 purple sweater.

15 Q Okay. And she --

16 THE COURT: The record will reflect the
17 identification.

18 MS. BLUTH: Okay. Thank you.

19 BY MS. BLUTH:

20 Q Now, as part of working with those children, did you
21 have contact with both Janet and Dwight?

22 A I did.

23 Q And would that be, like, just a one-time thing, or
24 was it somewhat regular contact?

25 A It was somewhat regular contact.

1 Q In the course of your treatment of these children,
2 did Janet let you know what she did for a living?

3 A Yes, she did.

4 Q And what was that?

5 A She was both a foster parent and a nurse.

6 Q How -- when you dealt with her, how would you
7 describe her personality or demeanor? Is she a shy person,
8 quiet? Like, explain to me.

9 A She had a very strong personality. I would say at
10 times she was overbearing, and she seemed to -- I got the
11 impression that she knew a lot. You know, she knew everything.
12 So whatever I questioned on, she had an answer for it.

13 Q Okay. And in regards to Dwight, did you also have
14 contact with him?

15 A Yes.

16 Q How would you describe his personality?

17 A He had a very strong personality as well, but he was
18 intimidating, and except for with Ms. Solander, she was -- he
19 was submissive.

20 Q To her?

21 A Yes, just to her.

22 Q Okay. During the period of time in which you were
23 treating these children, did you contact CPS several times
24 regarding concerns over these children?

25 MS. MCAMIS: Well, objection. Foundation. Several

1 times. It's ambiguous.

2 THE COURT: Overruled.

3 BY MS. BLUTH:

4 Q More than once?

5 THE COURT: Well, I said overruled.

6 MS. MCAMIS: Ambiguous time frame.

7 MS. BLUTH: Okay. I'm sorry.

8 THE COURT: I said overruled.

9 MS. BLUTH: I'm sorry. I couldn't hear.

10 THE COURT: Did you contact CPS about these children?

11 THE WITNESS: Consistently and regularly. I can't --

12 THE COURT: How many times did you contact CPS?

13 THE WITNESS: Every time I saw the children.

14 THE COURT: Okay. And what was the Solanders' role?

15 Was it just to bring the children for the visitation?

16 THE WITNESS: Actually, we had somebody that would
17 bring -- they had a BST worker, which is a basic skills trainer
18 or the -- I can't recall if they had a psycho (unintelligible).
19 I'm sorry. I'm a little nervous. Psychosocial skills
20 provider, but they would bring the kids to treatment, but the
21 Solanders would often show up at treatment.

22 BY MS. BLUTH:

23 Q Okay. And I want to -- I want to get into some of
24 your concerns in regard to the Solanders coming to treatment in
25 a second.

1 A Okay.

2 Q But I want to kind of break down some of your
3 concerns, and obviously you have seen some e-mails and reports
4 that you put in for CPS, correct?

5 A Correct.

6 Q And one of the issues you discussed are some
7 toileting issues?

8 A Correct.

9 Q So I'd like to do some questions in regards to that
10 if I could. When you met with Janet, was that a topic that
11 would come up often?

12 A Always.

13 Q Explain to me how.

14 A Well, one, she indicated that the kids had toileting
15 issues, but she also had three adopted children in the home
16 that had severe toileting issues. She indicated that they
17 would -- she couldn't get them to use the rest room. They
18 would actually go to the bathroom, stand behind the -- stand
19 next to the toilet and poop right there. They would poop on
20 the stairs. They would just poop everywhere.

21 Q Now, are these the Diaz-Burnett children or her
22 adopted children?

23 A These are her adopted children.

24 Q Okay. Now, did she talk to you about the adopted
25 children and how she had them situated every day?

1 A Yes. She indicated, quote, unquote, that she kept
2 them on a pot for 10 hours a day.

3 Q In regard --

4 A The toilet pot, bucket thing.

5 Q Okay. In regards to toileting with the foster
6 children, what was -- was she saying that they were having any
7 issues?

8 A Yes. Actually that the two younger children Keisha
9 and Demar were coming to -- coming to treatment with diapers
10 yet they were potty trained.

11 Q Were they ever having any accidents -- I'm talking
12 about Keisha and Demar right now -- were they having accidents
13 with you at therapy?

14 A No.

15 Q Were they having accidents with you at supervised
16 visitation?

17 A No.

18 Q How --

19 THE COURT: How do you know they were --
20 I'm sorry.

21 How did you know they were potty trained?

22 THE WITNESS: They would ask for the bathroom. They
23 consistently asked to go to the rest room, and we would take
24 them to the rest room. Kids that are not potty trained don't
25 ask to go to the rest room.

1 THE COURT: And they were wearing diapers?

2 THE WITNESS: Yes. And they would tell me that they
3 didn't like the diapers. They would ask if they could be
4 removed.

5 BY MS. BLUTH:

6 Q Did there come a point in time when you had a
7 conversation with Janet saying -- asking can we please take off
8 these diapers, and can you send them extra clothes?

9 A Yes, I did.

10 Q Tell me about that.

11 A I talked to Ms. Janet regarding the diapers because
12 the kids were embarrassed, and I felt it was shaming. Enuresis
13 is part of trauma, even if they were having it. So --

14 MS. MCAMIS: Well, objection. Foundation.

15 THE COURT: Say -- I'm sorry. Say that again.

16 THE WITNESS: Enuresis.

17 THE COURT: Okay.

18 THE WITNESS: We would call it enuresis.

19 BY MS. BLUTH:

20 Q What is that?

21 THE COURT: What does that mean?

22 THE WITNESS: Enuresis is when a child has
23 experienced some type of trauma, and therefore a potty-trained
24 child might revert back to wetting in their pants. So there
25 would be enuresis and encopresis. Encopresis is pooping in

1 their pants.

2 THE COURT: Bowel. Okay. And so were you concerned
3 about that with the Diaz-Burnett children?

4 THE WITNESS: No. Because they didn't -- they
5 weren't doing that.

6 BY MS. BLUTH:

7 Q So instead of wearing diapers, did you have for her
8 another alternative?

9 A Yes.

10 Q What is that?

11 A I asked for extra clothing to be provided. We could
12 just keep it at Legacy, and if there was an accident, we would
13 change the child's clothes.

14 Q Did she provide you with that?

15 A No.

16 THE COURT: Were these pull up, you know, like
17 pull-up diapers, or were they the kind of diapers, you know,
18 like that somebody else has to -- that have, like, the tape?
19 Do you remember?

20 THE WITNESS: I don't recall. It was four years ago,
21 but I know -- I do recall that the kids didn't like them, and
22 they wanted them off as soon as possible.

23 BY MS. BLUTH:

24 Q How long -- I know you said you worked with them for
25 about six to nine months, but how long would the children be

1 with you? Like is it a 30 minute session? 4 hours?

2 A The children were with me at least once a week per
3 child, and then on Saturdays, when we had visitations with
4 their parents, they were with me approximately two hours.

5 Q Okay.

6 A I do believe that -- I think Demar and Keisha did
7 group therapy as well, and that would've been another hour in
8 there.

9 Q Okay. So I want to talk to you about your
10 conversations with Janet in regards to Areahia and disciplining
11 of Areahia and urinating on herself. Did Janet talk to you
12 about that being an issue with Areahia?

13 A Yes.

14 Q What did she say?

15 A Areahia was being put in timeout when she would
16 discipline her, and normally I would say that that's good;
17 however, Areahia was wetting her pants every time she was
18 placed in timeout, and I spoke to Ms. Janet, and I'm going to
19 refer to her as that because it's what I normally do.

20 Q Okay.

21 A So I spoke to Ms. Janet regarding her discipline and
22 that she had been parentified. Areahia was parentified. She
23 was the --

24 Q What does that mean?

25 A -- parent to her siblings prior to them coming into

1 foster care. So she took care of all their basic needs.
2 She -- whatever needed to be done because of whatever was going
3 on with the biological parents, Areahia stepped up and became
4 the parent of those children. So by putting her in timeout in
5 front of the children, it was shaming because her role was the
6 parent.

7 Q Was Janet the one reporting that Areahia was peeing
8 her pants every time she was put in timeout?

9 A Yes.

10 Q Was there a time either during a therapy session or a
11 visitation that Areahia had an accident in her pants?

12 A Yes.

13 Q Explain to me Areahia's demeanor when she had that
14 accident.

15 A It was a family therapeutic session. It was a
16 Saturday. Areahia -- Areahia didn't actually poop. What she
17 had was uncontrollable bowels. So it wasn't something that she
18 was -- she had lost control. It ran down her leg like water.
19 She -- for a split second I saw embarrassment, and then I saw
20 fear. She was terrified. She asked me to get her clothes
21 changed. She asked me to get them off of her. She -- she
22 didn't want to be late going home. She was afraid that it was
23 going to take too much time to get them clean, but she did not
24 want to go home smelling --

25 Q Go home with the Solanders?

1 A No. She did not want to smell like it. I actually
2 said to her let's just throw the underwear away. She would not
3 throw those underwear away. They had to go home with her, and
4 she had to have them back on, and what we did is we -- her mom
5 was there. So I need you to understand I did not clean her up.
6 Mom was there. Mom did it with my assistance. I cleaned the
7 clothes. So mom cleaned her, but she wanted all the smell off
8 of her, but of course we couldn't do that.

9 Those things that you wash your hands and you place
10 your hands under and you dry them, that's what I dried her
11 panties under because she would not go without those panties.
12 She wouldn't go without the jeans. It was sheer fear, and then
13 she was terrified that she was going to be late going home with
14 the driver and that that would be another issue, and she was
15 telling me, Ms. Janet cannot know about this. Ms. Janet cannot
16 know about this. She was terrified.

17 Q But you never told Janet about it?

18 A No.

19 Q About the accident?

20 A I don't -- I don't recall telling her; however, I did
21 get a -- I did get a message that she had pooped on her pants
22 so that she could stay longer. Ms. Janet indicated that she
23 pooped on her pants so she could stay for a longer visit. If
24 it was a bowel movement, I might not be able to dispute that,
25 but this was water. This was running. This was loss of

1 control of bowels. There's no way anybody can do that.

2 Q Did you question Areahia about what types of food she
3 was eating or if someone was putting something in her food?

4 A I asked Areahia if somebody was putting something in
5 her food or on top of her food. I had a great suspicion that
6 that was what was occurring, and so I asked Areahia. It just
7 was an instinct.

8 THE COURT: Why did you think that?

9 THE WITNESS: I've been working in this field for a
10 long time. So part of my job is to watch for abuse regardless
11 of where it's coming from. I'm a mandated reporter.

12 THE COURT: Right.

13 THE WITNESS: As working with the children, things
14 began to look very, very wrong, which is why there were so many
15 reports to DFS.

16 THE COURT: I mean, did you think somebody was
17 putting something in her food that was causing her to have
18 bowel problems, or did you think the food was causing her to
19 gain weight, or where did you -- where were you going with this
20 something in your food idea? Did you think that was causing a
21 bowel --

22 THE WITNESS: I think I thought she was being
23 poisoned. If you really want to know the truth, that's --

24 THE COURT: And what -- I mean, I guess what symptoms
25 did she exhibit that made you think that? Was it --

1 THE WITNESS: It was an overall symptom of all the
2 kids. They were starving. They were literally --

3 MS. BLUTH: I'll get --

4 THE COURT: Okay.

5 THE WITNESS: -- like.

6 MS. BLUTH: Sorry. I'll get to it.

7 THE COURT: Okay.

8 THE WITNESS: I'm sorry.

9 MS. BLUTH: No. No. No. That's okay.

10 THE COURT: No. No. It's my fault because --

11 MS. BLUTH: But Judge's questions I -- I'm going to
12 ask that exact same question. I just don't want you -- because
13 I know where you're going and --

14 THE COURT: I don't.

15 MS. BLUTH: Yeah, exactly.

16 THE WITNESS: Sorry.

17 MS. BLUTH: No, no, no, no. That's okay.

18 THE COURT: Oh, no. It's fine. You know, normally
19 in a trial, just the lawyers ask a question, but because I'm
20 the fact finder in this hearing, then I ask questions on things
21 that I want -- I want to know.

22 THE WITNESS: There was a totality.

23 THE COURT: Okay.

24 THE WITNESS: There was a totality that was in my
25 mind of what was happening.

1 THE COURT: Okay. But it wasn't -- it wasn't like
2 a -- you thought she was getting like a laxative that was
3 giving her diarrhea or anything like that?

4 THE WITNESS: No.

5 THE COURT: Okay. All right.

6 BY MS. BLUTH:

7 Q Did you talk to Janet about certain techniques they
8 were using, either if she had an accident or checking to see if
9 she had an accident that you felt were very inappropriate?

10 A Yes. Actually, Areahia had told me in session that
11 Ms. Janet was checking her underwear, and if there was any
12 marks, she was in trouble.

13 Q What about showering?

14 A She was watching her shower as well.

15 Q Did you talk to Janet about those things?

16 A I did talk to Janet. I actually told Janet that
17 Areahia was a victim of sexual assault. So by watching her she
18 was being revictimized. Ms. Janet indicated to me that -- that
19 she didn't know how to clean herself, and that's why they had
20 to do it because she would just get under the water and get
21 out, and I said to Ms. Janet back at that time, then the
22 appropriate thing is that she gets out of the shower. You
23 smell her hair. We can pretty much tell -- with kids, you
24 smell their body. If they're not clean, get back in the shower
25 and do it again, and that's what I suggested occur because I

1 did feel she was being revictimized.

2 Q When you would go to Janet with these concerns, like
3 did you feel you were met back with, okay, I see where you're
4 coming from, we can work together?

5 A No. She was going to do it her way, and that was the
6 only way which is why there are multiple e-mails, phone calls
7 to DCFS.

8 Q All right. Now, I want to move into some of the
9 questions that Judge was talking -- or the food, the food
10 issues. Was the children's food intake while they were at
11 therapy a major concern of Janet's?

12 A It was.

13 Q Were you concerned about how the children looked?

14 A Yes, I was.

15 Q Tell me what you were concerned about.

16 A I was especially concerned with Keisha. She -- I
17 don't know if I can say this in court. Can I -- I'm just going
18 to say it.

19 THE COURT: You can say whatever.

20 BY MS. BLUTH:

21 Q You can say whatever you want.

22 A She looked like an Ethiopian little child that you
23 see on TV, that they're begging for money to feed. Her
24 eyeballs appeared to be sunken in. There were circles around
25 her eyes, and literally I could put my hand like this around

1 her arms and her legs.

2 Q You're making a circle with your pointer and your
3 thumb.

4 A I'm making a circle like this.

5 Q Did Janet want you guys to provide them any food or
6 snacks while they were there?

7 A Absolutely none.

8 Q Would you -- I don't know if I should use get in
9 trouble with Janet, or would you get a talking to if it was
10 found that the children got snacks, like fruit?

11 A She would become angry, but I immediately called DCFS
12 and requested that we be allowed to give them food. They came
13 from a background where they didn't have food. They were
14 requesting food. We gave out oranges, apples. We -- we eat
15 pretzels and raisins. Those are healthy snacks for kids, and
16 they -- they're coming from school or wherever they're coming
17 from. So it wasn't just these children. We fed all children
18 those snacks when they came to therapy.

19 Q Did you talk to Janet about how concerned you were
20 with how thin Areahia was particularly -- I'm sorry, how thin
21 Keisha was particularly?

22 A I did.

23 Q What did she tell you was wrong with Keisha?

24 A She told me that the doctors had stated that she had
25 swallowed -- a -- excuse me, gauze and that it was absorbing

1 all the nutrients in her body.

2 Q Did you ask, like, if anyone was going to -- if the
3 doctor was going to take out the gauze or --

4 A I told her that she needed to get her in the
5 hospital, or I would make a police report, and I would report
6 it to DCFS.

7 Q Did -- sorry. Let me follow up. Did Keisha then go
8 to a hospital for a period of time?

9 A Yes, she did.

10 Q When she came out of the hospital, how did she look?

11 A She looked way better. She didn't have the circles
12 around her eyes anymore. They weren't sunken in like they had
13 been. She looked healthier. It wasn't a very long period of
14 time, but in that period of time there was a dramatic change in
15 the way that she looked.

16 Q As she came back from the hospital and stayed working
17 with you, did she begin to regress looking the way she used to?

18 A Yes, she did. She returned back to the same way.

19 Q When the children would come to meet with you,
20 whether it be for a therapeutic session or for a visiting, a
21 supervised visitation, were they hungry?

22 A They were starving. I don't know how to explain it
23 other than that. They would -- we had a kitchen. That's where
24 the kids would go in and eat. They wanted to go to that
25 kitchen. They would beg for more and more food. We had a

1 little thing that I would feel their tummies because they would
2 literally just gorge on this food, and so I would actually feel
3 their tummies and say, oh, it's hard. We need to stop because
4 I was fearful that they -- they would try to eat to the point
5 of vomiting. That's what they were doing.

6 Q Did --

7 MS. BLUTH: Oh, sorry, Judge.

8 THE COURT: No. Go ahead.

9 BY MS. BLUTH:

10 Q Did Janet tell you that Areahia had a specific health
11 issue that would prevent her from eating certain things?

12 A Yes. Areahia was not supposed to have anything
13 unless it was sent from Ms. Janet because she was juvenile
14 diabetic, on the verge of insulin.

15 Q Did you ever ask Janet for a copy of her nursing
16 license?

17 A No, I did not.

18 Q Did you talk to Janet about disciplining the children
19 for asking for food or for saying that they're hungry?

20 A The kids indicated they were asking for food, and
21 they were not allowed to ask anymore in any capacity. I don't
22 know if I spoke to Ms. Janet or Mr. Dwight because they were
23 constantly both back and forth, but I indicated that food could
24 not be rationed. These children, according to what I
25 understood from DCFS, had come from a home where they had not

1 had any food. So we already knew that if they came from that
2 type of home and now were rationing their food it's really
3 unhealthy.

4 They don't -- they didn't know where their next meal
5 was coming from, and so we need to get them to see food as
6 something as normal. Otherwise, we're going to develop an
7 eating habit down the road. You can't -- you can't ration
8 food. Kids are going to sneak that food. They're going to get
9 it, and then we have other types of eating disorders.

10 Q Now, you said that you and Janet had talked about
11 some of the issues she was having with her adopted children.
12 Did she have plans in regards to what she was going to do with
13 her adopted children and then what she was going to do with her
14 foster children?

15 A She did.

16 Q What were those that she discussed with you?

17 A Janet indicated that her children had severe pooping
18 and peeing problems and that she was going to be sending them
19 somewhere in Florida for inpatient.

20 Q And what was she going to do with the Diaz-Burnett
21 children?

22 A She was going to adopt them.

23 Q Did you discuss with her, like, what -- did you have
24 concerns about that, and if you did, did you discuss them with
25 her?

1 A I did. I was very concerned because if you can't
2 handle three children that you've previously adopted because
3 they're medically fragile, then why would you want to take on
4 four more children and take care of those children and then
5 send it -- why would you send your children away?

6 Q Did she ask you to document any and all of the issues
7 that the Diaz-Burnett children had?

8 A Yes.

9 Q And did she discuss with you why that was necessary?

10 A They at one point -- I don't know which one it was,
11 but I was clearly told that they deserved more money for taking
12 care of these children. They had special needs, and they
13 should be paid more money. So documentation had to take place.

14 Q Did Janet want the children to have contact with
15 their biological parents in a supervised visitation setting?

16 A No.

17 Q What did she say --

18 A They did not.

19 Q -- about that?

20 A They wanted visitations to stop. Ms. Janet asked me
21 to stop the visitations. She specifically told me that in the
22 past she has had visitations stopped, and I clearly stated to
23 her that that was not my role. That was DCFS's role. They had
24 to determine that, and until I was told differently,
25 visitations would continue to occur.

1 Q Now, did you -- as you continued to work with the
2 Diaz-Burnett children, would you say they progressed, got
3 better or regressed, got worse?

4 A That's kind of an almost catch 22. So they were
5 beginning to trust when they were at Legacy. We would see some
6 improvements where temper tantrums were reducing, so versus
7 hours because when we got them it was hours down to, like,
8 quickly being able to calm them down, but then I saw other
9 issues getting worse. So their weight began to have a problem.
10 They were not as quick to want to go home. They were almost
11 over latching on to us. They were, like, holding on to us so
12 they couldn't leave.

13 THE COURT: I have a question. Now, Keisha was
14 abnormally thin?

15 THE WITNESS: Yes.

16 THE COURT: Okay. And what about --

17 MS. BLUTH: Demar?

18 THE COURT: Yeah, the brother.

19 THE WITNESS: Demar was also overly thin. The
20 difference between the two that I saw that was striking was
21 Keisha's eye sockets appeared to be sunken in with the black
22 eye circles around them. She had more of an extended tummy.

23 THE COURT: Uh-huh.

24 THE WITNESS: But all of them were hungry all the
25 time.

1 THE COURT: Okay. And then what did you notice about
2 the weight of the Diaz girl?

3 THE WITNESS: I want to say that she was a little
4 plumper to begin with when I started working with her, and then
5 she clearly stated to me that Ms. Janet had put her on a diet.

6 THE COURT: Okay.

7 THE WITNESS: And she was not allowed to eat, and I
8 believe she began to lose weight.

9 THE COURT: Okay. Go on.

10 BY MS. BLUTH:

11 Q In any of the records or reports that you looked at
12 from going between you and CPS, did you see anywhere that
13 Areahia Diaz had lost 30 pounds in the beginning months of her
14 being in the Solander home?

15 A No, I don't recall.

16 Q You write a letter to the Department of Family
17 Services in November of 2013 discussing in great detail your
18 concerns.

19 A I did.

20 Q Why did you write that letter?

21 A Because the totality of what was happening with the
22 amounts of calls that I was making and the interaction with the
23 Solanders which had become aggressive towards me. I was being
24 told that the kids couldn't disclose anything at home. They
25 could not even talk about a friend that they might have or not

1 have. There was nothing in that home according to Areahia that
2 they were allowed to talk about, and when her siblings would
3 try to bring something up, she would immediately tell them we
4 can't talk about it. Don't talk about it. You're not allowed.
5 So that becomes an issue for me with any kids that I'm working
6 about.

7 Q Was -- oh, I apologize. Did I cut you off? I
8 apologize.

9 A That's all right. The other issue was, you know,
10 the -- the behavior of the children seemed to be withdrawing
11 versus opening up anymore. Something was going wrong.

12 Q When Areahia had discussed with you the things that
13 you had testified about in regards to, hey, they're watching me
14 shower, and she's checking my underwear, and you then and go
15 have that conversation with the Solanders, did you lose
16 Areahia's trust at that point?

17 A I had Areahia come in -- actually, Mr. Solander came
18 to my office. He was very upset. He was yelling. He wanted
19 to talk to me. He took me in the -- I took him into the
20 office. He wanted to shut the door. I felt so uncomfortable
21 that I indicated the door could not be shut because I felt he
22 was aggressive.

23 Q Okay.

24 A And I asked him regarding the kids not being able to
25 say what was happening in the home. For a moment I saw this

1 man care for a moment, and he indicated that there was some
2 progress, and initially he had said when we started that -- so
3 initially he says, okay. There's some progress, and so I bring
4 Areahia in because I'm thinking if Mr. Solander knows
5 something, maybe he can help me to help these children.

6 And I brought Areahia in there and made that comment
7 in front of Areahia and Mr. Solander saying that she had been
8 told by Janet, and he said, no, I think she's misunderstood,
9 and then I asked Janet. Janet, do you -- Areahia, Areahia, Do
10 you think you might have misunderstood, and she said no, and
11 then she sat there and sobbed.

12 Q After that, did you --

13 A In the midst of that Ms. Janet called. In the midst
14 of that conversation she called.

15 Q How many times did she call?

16 A Over and over and over while he was in that session.

17 Q Could you hear her when she -- if you could, could
18 you hear her quietly, yelling?

19 A She was yelling at him. She was yelling at him to
20 shut up. She was yelling at him to get out of the office, and
21 he's saying, I'm almost done. I'm almost done, and she's
22 telling him don't say anything. Don't say anything. Get out
23 of the office. She might as well have been in the office with
24 me because I could hear everything she said.

25 Q After you started, you know, contacting CPS as much

1 as you were and after you formally write this letter, do the
2 Solanders request you be removed from the children?

3 A Yes.

4 Q And were the children removed from your care?

5 A Yes. Mr. Solander actually came in that last day. I
6 had stopped him from being permitted into the back of the
7 office at all because whenever the kids had a visit he would
8 attempt to stop that visit. So they had already requested no
9 visits take place with the parents, that they stop.

10 Then the children, they're not allowed to be brought
11 by our BST worker. Mr. Solander started bringing them, and he
12 would bring them late. Yet they were requesting that the
13 parents if they were late not be able to see their children,
14 and I indicated that, you know, the consequence is a natural
15 one. Parents have less time with their children. That's just
16 the way it's going to go, but I can't very well ask a parent to
17 leave with the children there and they're seeing them. I mean,
18 that wasn't my place to do that anyway.

19 And so he stood in that -- in that thing. I had to
20 make a rule that he could not go past because he -- he was
21 aggressive when he came in, and he told me that day that I
22 would be fired. I would not see those kids ever again and that
23 he -- I had not heard the last of him, and --

24 Q And you didn't. And you --

25 A And I said to him, You haven't seen the last of me

1 because I wrote that letter because I knew that something was
2 wrong. I didn't know what. You work in this field long enough
3 you know when children are being abused. You know when they're
4 being hurt. You know when they're being psychologically
5 damaged. That's our job to know that.

6 MS. BLUTH: Thank you. Your Honor, I would pass the
7 witness at this point, but I didn't know if -- would you like
8 me to let the CPS worker go?

9 THE COURT: I think so because I don't know how much
10 Ms. McAmis -- we're probably going to have to go past
11 5:00 anyway with just this witness to finish up with her today.
12 So maybe you should let the --

13 MS. BLUTH: Any idea when you want us to come back,
14 or should we talk about that later, and I'll just call her?

15 THE COURT: Maybe just talk about it later.

16 MS. BLUTH: Sounds good.

17 UNIDENTIFIED SPEAKER: Okay. Thank you.

18 THE COURT: But, like, I -- so let's finish up with
19 this witness, and that may go past 5:00.

20 MS. BLUTH: Yes, ma'am.

21 THE COURT: So that's okay.

22 But, Ms. McAmis, you may proceed.

23 CROSS-EXAMINATION

24 BY MS. MCAMIS:

25 Q Good afternoon, Ms. Wells.

1 A Hi.

2 Q I'd like to ask you a little bit about your education
3 and your background and your training. It's my understanding
4 that you received your master's in family therapy from Chapman
5 University, correct?

6 A Correct.

7 Q And that you studied between December of 2003 to
8 December of 2005, correct?

9 A Say that again.

10 Q And that you studied for your master's degree between
11 December of 2003 to December of 2005?

12 A Approximately, yes. I know I graduated in 2005.

13 Q Okay. So that was a two-year degree in addition to
14 your four-year bachelor degree, correct?

15 A Correct.

16 Q Now, you don't have any specific medical training,
17 correct?

18 A No.

19 Q You are not, like, a licensed medical professional,
20 correct?

21 A Correct.

22 Q And as part of your master's degree and training, you
23 didn't take any special classes on, like, gastroenterology, for
24 example?

25 A Correct.

1 Q Okay. Now, when you were working with the Diaz, that
2 sibling group, that was in 2013, correct?

3 A Correct.

4 Q All right. And you previously gave a statement in
5 this case to, like, a CPS investigator --

6 MS. MCAMIS: Or actually, Court's indulgence.

7 BY MS. MCAMIS:

8 Q There was a detective. You spoke with police about
9 this, correct?

10 A I believe they came to my office, or I went in to
11 CPS, correct.

12 Q Okay. So just as some point --

13 A One or the other.

14 Q Okay. And you remember giving a statement to them,
15 correct?

16 A I do remember giving a statement.

17 Q Okay. And at that time you indicated that you
18 interacted with that sibling group between July 8th of 2013,
19 for initial assessments and that you would've individually
20 started working with them on July 15th of 2013. Does that
21 sound accurate?

22 A I cannot honestly tell you. That was four years ago,
23 and I'm no longer with that agency.

24 Q Okay. Are you familiar with -- actually, let me ask.
25 If looking at -- if I had your statement to present to you,

1 would you be able to review it and would that refresh your
2 memory as far as the time period?

3 A Probably if --

4 Q Okay.

5 A -- if it's there.

6 Q Okay. And I just want to --

7 MS. MCAMIS: May I approach, Your Honor?

8 THE COURT: Uh-huh.

9 MS. MCAMIS: If I may approach.

10 BY MS. MCAMIS:

11 Q Ms. Wells, I'm going to ask you to look at page 3 of
12 this document, but I'm going to give it to you in its entirety
13 so you understand what I'm handing you. And just read that
14 silently to yourself, and if you could look at page 3. Pardon
15 my reach. I've underlined a passage (unintelligible).

16 A Okay.

17 Q Okay. And did that give you an opportunity to
18 refresh your memory as far as the time that you report -- or
19 started working with the Diaz children?

20 A If -- if that's what I said at that time, then that
21 would've been what I said at that time, but really you're
22 asking me something from four years ago. So unless I saw the
23 records, if this is what it says I said, then I must have said
24 it. That's all I can tell you.

25 Q Okay.

1 A It's a long time ago, a lot of clients in between.

2 Q But at the time that you gave that statement you had
3 no reason to be untruthful about the time period?

4 A No, I would not have been untruthful.

5 Q Okay. So it's fair to say that you interacted in a
6 therapeutic setting with the sibling group between July of 2013
7 and November of 2013, correct?

8 A I think the end of November, somewhere in there if
9 that's what it was.

10 Q Okay. So that would've been a period of July --
11 well, middle of July, August, September, October, November. So
12 a period of less than six months, correct?

13 A Somewhere in there, yes.

14 Q Okay. Now, when you are gathering information to
15 prepare for counseling sessions with your clients, is it
16 accurate to say that CPS or DFS is not providing you with all
17 of their medical records, correct?

18 A No. They provide me with whatever they provide me.

19 Q Okay. And in this case you were aware that the girls
20 had an assigned caseworker, correct?

21 A Correct.

22 Q And that they also had an assigned PSR and BST
23 worker, correct?

24 A From our agency I believe, yes.

25 Q Okay. And that the purpose of those PSR and BST

1 workers were to kind of help with things like transport for the
2 girls, correct?

3 A Basic skills and psychosocial as well as working with
4 them in the car. So that might be bringing them. Yes.

5 Q Okay. And between the July and November 2013 period,
6 the -- there's a PSR worker David Hoyas [phonetic]. Does that
7 sound familiar? Perhaps a Hispanic individual?

8 A I don't recall. I'm sorry.

9 Q Okay. But you were aware -- that's okay. But you're
10 aware that the kids had one assigned to them, and that that
11 person also assisted in transportation for the kids to be able
12 to go to those visits on the weekends, correct?

13 A Yes.

14 Q Okay. As part of your obligations and duties, your
15 focus was the children, correct?

16 A Correct.

17 Q So it's -- you weren't spending a lot of time
18 requesting meeting specifically with the Solanders, correct?

19 A No.

20 Q Because your obligation and your focus of your
21 interaction with the sibling group was to provide therapeutic
22 services for what they had been removed for from their --

23 A Correct.

24 Q -- biological home. Thank you. And I -- if I could
25 just ask, I know I can talk a lot. Could you just wait until

1 the question is completed and then answer, and I will try to be
2 a little better about my questions being so long. Okay? Okay.

3 So it's accurate to say unfortunately that these
4 children were removed from a pretty significant abuse and
5 neglect situation, the Diaz-Burnett children, correct?

6 A Yes.

7 Q And that included the fact that the children didn't
8 have running water or running electricity at the home, correct?

9 A Correct.

10 Q And that they had a history of not having plentiful
11 food and appropriate food available at their biological natural
12 home, correct?

13 A Correct.

14 Q And as part of your therapeutic engagement with
15 Areahia, she ended up disclosing that she was the victim of a
16 sexual assault, correct?

17 A Correct.

18 Q And that the sexual assault occurred as a result of
19 her mother's boyfriend, not her biological father, but her
20 mother's boyfriend, correct?

21 A I cannot recall who it was.

22 Q Okay.

23 A I'm sorry.

24 Q No, that's fine. But you do recall that there was a
25 disclosure that she had been sexually either molested or

1 assaulted in some manner and that she was having some issues
2 related to that?

3 A She disclosed it, yes.

4 Q Okay.

5 A I believe CPS disclosed it.

6 Q Okay.

7 A I'm not sure which one.

8 THE COURT: But you knew about it?

9 THE WITNESS: I knew about it. I did know.

10 THE COURT: Do you -- I'm just curious. Do you know
11 if the issue with the biological parents was poverty, or was it
12 poverty and substance abuse?

13 THE WITNESS: It was poverty and substance abuse.

14 BY MS. MCAMIS:

15 Q Okay. Were you aware of any of the other situations
16 of abuse and neglect that happened in the biological home for
17 the sibling group?

18 A I may have at that time, but I do not recall. My
19 focus at the time was working with them being in the foster
20 home and getting them to kind of process what they had been
21 through and get them healthy from there. I didn't know what
22 the plan was for these children.

23 Q Okay.

24 A I'm never told.

25 Q Well, I'll go ahead and ask another question. Once

1 you are doing your internship, that actually involves you being
2 supervised, correct?

3 A Yes.

4 Q And what does that supervision entail?

5 A That supervision is -- well, it's been a long
6 supervision. So I worked five years at Bridge Counseling where
7 I learned how to testify, how to do therapeutic groups, how to
8 do individuals. They sit in. They tape. They videotape.
9 They record. I present cases. They go over the cases with me.
10 They teach me how to interact with the clients. You know, it's
11 a wide variety of things.

12 Q Okay. So part of your supervision requires that
13 you -- that you meet back with your supervisor and discuss
14 cases, correct?

15 A Correct.

16 Q Because ultimately it's the supervisor's license that
17 is, so to speak, on the line, correct?

18 A Correct.

19 Q And that if you do anything to potentially compromise
20 that license it could cause your position as a therapist to be
21 reevaluated, correct?

22 A It can with the board if it goes to the board,
23 correct --

24 Q Okay. I'll go ahead --

25 A -- but with the -- do you want me to finish?

1 Q Yes.

2 A So under supervision, we do present the case. We may
3 talk about, you know, what issues we're having with them.
4 They're not necessarily in there with us in the sessions.
5 That's not required, but we do talk about all of our cases and
6 what's going on with them.

7 Q Okay. Now, as part of your internship hours and
8 training, are you required to do a certain amount of, like,
9 educational follow-up or coursework?

10 A Not with the MFT board; however, I'm not going to
11 tell you that I did not.

12 Q Okay.

13 A I always did simply because I was an LADC as well.

14 Q Okay.

15 A And because of that, that is required that I had to
16 have that. At Bridge Counseling we were often encouraged and
17 our ongoing educational training was paid for by our agency.

18 Q Okay. But that ongoing educational training again
19 was not medical training, correct?

20 A No, it was not.

21 Q Okay. Now, you've testified that part of your
22 education training and experience is actual practice or
23 training on testifying in court; is that correct?

24 A That was at Bridge Counseling. It was.

25 Q Okay. And so at Bridge Counseling they taught you

1 what it means to answer questions, correct?

2 A We would -- yes.

3 Q Okay. And also how to, you know, wait for potential
4 objections, correct?

5 A Yes.

6 Q Okay. So they trained you to be able to maintain eye
7 contact with whomever you're speaking, including a potential
8 jury --

9 THE COURT: Can I see counsel.

10 I'm sorry to interrupt you.

11 MS. MCAMIS: Oh, of course.

12 (Conference at the bench not recorded.)

13 THE COURT: All right. Ms. McAmis has indicated she
14 had significantly more cross-examination, and of course then
15 the State has the opportunity to redirect. I hoped we'd finish
16 with you today.

17 THE WITNESS: That's fine.

18 THE COURT: But it looks like it's going to way past
19 5:00, and the County does not like to pay overtime. I don't
20 get overtime, of course, but these other fine people do, and so
21 if we're going to be another hour or so, we should probably
22 just recess for the evening, and I believe the witness
23 indicated to Ms. Bluth that you were available tomorrow; is
24 that right?

25 THE WITNESS: I am.

1 THE COURT: Okay. I have a lengthy calendar, which I
2 haven't read yet for tomorrow morning. So maybe we should come
3 back tomorrow afternoon, say 1:00 o'clock to finish up with
4 this witness.

5 And do you think the nurse could -- we could finish
6 the whole thing tomorrow?

7 MS. BLUTH: Yeah.

8 THE COURT: Okay. So I don't -- can you be back
9 tomorrow afternoon at 1:00 o'clock?

10 THE WITNESS: I can.

11 THE COURT: All right. So we'll go ahead and take
12 our evening recess and come back at 1:00 o'clock tomorrow.

13 And during the recess don't discuss your testimony
14 with anyone else.

15 THE WITNESS: Of course.

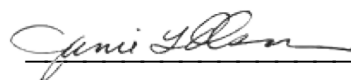
16 (Excerpt recessed 4:58 p.m.)

17 -oOo-

18 ATTEST: I do hereby certify that I have truly and correctly
19 transcribed the audio/video proceedings in the above-entitled
20 case.

21

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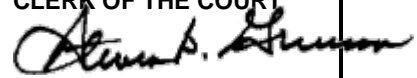


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Janie L. Olsen
Transcriber

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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,
Plaintiff,

vs.

JANET SOLANDER,
Defendant.

CASE NOS. C299737-3
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

THURSDAY, FEBRUARY 1, 2018

EVIDENTIARY HEARING - DAY 2 EXCERPT

APPEARANCES:

FOR THE STATE: JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorney

FOR THE DEFENSE: CAITLYN L. MCAMIS, ESQ.

RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

W I T N E S S E S

WITNESSES FOR THE STATE:

LURLINE WELLS

Continued Cross-Examination by Ms. McAmis

3

1 **LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 1, 2018, 2:02 P.M.**

2 *** * * * ***

3 (Excerpt begins 2:02 p.m.)

4 **LURLINE WELLS**

5 CONTINUED CROSS-EXAMINATION

6 BY MS. MCAMIS:

7 Q I want to direct your attention to just a part of
8 your testimony yesterday as far as Janet's employment. You
9 testified that Janet told you she was a nurse, correct?

10 A Yes.

11 Q Okay. Now, and I just appreciate I know you nodded,
12 and you got -- you caught yourself afterwards. If you could
13 just provide verbal answers, that would be so much appreciated.

14 A All right.

15 Q Okay. Now, your primary contact concerning the
16 Diaz-Burnett sibling group was not with the Solanders, correct?

17 A If --

18 Q Let me ask it this way. You spent more time talking
19 to the children than you did the foster parents, correct?

20 A Yes, but I saw them quite often, the Solanders.

21 Q Okay. Now, they have a BST worker that provides
22 transportation, correct?

23 A Among part of their services, yes.

24 Q Fair point. And there were times where the Solanders
25 and specifically Dwight provided transportation on the

1 weekends, correct?

2 A Correct.

3 Q And there's nothing inherently wrong with a foster
4 parent providing transportation to make sure children get to
5 therapy appointments, correct?

6 A Correct.

7 Q Okay. So is it fair to say that you had more
8 frequent in-person contact with Dwight over Janet?

9 A Face to face?

10 Q Yes, that's what I mean.

11 A Yes.

12 Q Okay. So in your conversations with Janet that were
13 limited by comparison, comparing to Dwight, she indicated that
14 she had some medical background experience, correct?

15 A She indicated she was a nurse.

16 Q Okay. She indicated that she had some medical
17 background experience, correct?

18 A She indicated she was --

19 MS. BLUTH: Objection. Asked and answered.

20 THE WITNESS: -- a nurse. Those were the
21 terminology, the word, quote unquote, that she used with me. I
22 am a nurse.

23 BY MS. MCAMIS:

24 Q It's been some years since you had that conversation;
25 fair to say?

1 A Fair to say.

2 Q If she used the word nursing assistant --

3 A She did not.

4 Q Let me finish my question.

5 A Sorry.

6 Q If she used the word nursing assistant, that's a
7 possibility given how far ago this was?

8 A No, it's not.

9 Q Based on your memory?

10 A Based on my memory.

11 Q Okay. Do you have any knowledge about whether or not
12 Mrs. Solander worked as a medical assistant for the local air
13 force base?

14 A I did not question her being a nurse in any capacity.
15 So that's all I knew.

16 Q Okay. So you did not question further in any regard
17 about her employment, correct?

18 A No. She said she was a nurse.

19 Q My question to you is you did not inquire any further
20 about her employment, correct?

21 A Correct.

22 Q Okay. I'd like to turn your attention now to the
23 Diaz-Burnett sibling group and unfortunately the trauma that
24 they came into care for. The home that they came from was not
25 safe for them, correct?

1 A Correct.

2 Q The food --

3 A Let me add according to DCFS.

4 Q Okay. Fair point. That you were aware that that

5 food -- that home had no food or water for them, correct?

6 A Correct.

7 Q And they came into foster care with weight issues,

8 correct?

9 A I do not --

10 Q Let me ask --

11 A -- know.

12 Q Okay. But they came in to care and the three

13 youngest ones were very skinny, correct?

14 A When they came to me, they were thin, yes.

15 Q Okay. So you don't have any knowledge about any

16 weight issues that they had before?

17 A Correct.

18 Q Okay. But the eldest Areahia, you're aware that she

19 was larger than the other children, correct?

20 A She was much older, yes. So I knew she was larger.

21 THE COURT: Was she overweight?

22 THE WITNESS: I did not see Areahia as obese in any

23 capacity, and usually I'll write obesity when I assess them.

24 THE COURT: Uh-huh.

25 THE WITNESS: So I saw her as larger, but she was

1 also much taller than the rest. So I don't think I saw a
2 problem with obesity. Could she have been slightly heavier?
3 She could have been, but not where I would've wrote obesity. I
4 do not believe I wrote obesity on her assessment.

5 BY MS. MCAMIS:

6 Q Ms. Wells, to your knowledge, the Diaz-Burnett
7 children had been in at least one foster home before going into
8 the Solanders'; is that fair to say?

9 A I don't know that I can honestly answer that
10 question. They were brought from CPS. They were with
11 Solanders, and that's where I started.

12 Q Okay.

13 THE COURT: So you had no contact with them prior to
14 them living with the Solanders?

15 THE WITNESS: None at all.

16 THE COURT: Okay. So you don't really know?

17 THE WITNESS: I don't know anything prior to CPS
18 bringing them, and they were placed with the Solanders. I
19 never questioned it.

20 BY MS. MCAMIS:

21 Q Okay. Now, can you remind me, at the time the
22 Burnez-Diette -- Diaz children were all 9 and younger when you
23 were seeing them, correct?

24 A Correct.

25 Q And isn't it fair to say they were aged 9

1 approximately 5 was the next one, 3 and 1? Is that fair to
2 say?

3 A I don't know if it was 9, 5, 4 and 1.

4 Q Okay.

5 A It was somewhere in there, yes.

6 Q All right. I appreciate that clarification. So the
7 biological parents had not actually potty trained their
8 youngest children, correct?

9 A They were potty trained when I started seeing them.
10 So I have no knowledge who potty trained them.

11 Q Your testimony yesterday was that --

12 A Other than Novalie. I'm sorry.

13 Q Your testimony yesterday was that Areahia had been
14 parentified, including having to potty train her siblings,
15 correct?

16 A No, I indicated that she was parentified and met all
17 their needs.

18 Q Your testimony yesterday was that Areahia had helped
19 potty train her younger siblings, correct?

20 A I don't recall that, but I know that she was meeting
21 all their needs.

22 Q And one of their needs --

23 A According to her.

24 Q Okay. And one of their needs would've been potty
25 training or bathroom issues, correct?

1 MS. BLUTH: Objection. Asked and answered.

2 THE WITNESS: I -- I don't --

3 THE COURT: I (unintelligible) think it's asked and
4 answered. I know they're -- I don't remember what this witness
5 said to be honest, but the record will speak for itself, and I
6 do remember Areahia had testified that she had potty trained.
7 So that is in the record.

8 MS. MCAMIS: I appreciate the Court's comments. I'll
9 move on.

10 BY MS. MCAMIS:

11 Q Now, for Areahia to be parentified at age 9 is
12 traumatic for her, correct?

13 A It's traumatic, yes.

14 Q It's emotionally harmful for her, correct?

15 A Yes.

16 Q And that's one of the reasons why therapy is so --
17 was so essential for her at that time, correct?

18 A Correct.

19 Q You testified yesterday that when the youngest two
20 children came to you they were in diapers, correct?

21 A I don't know that they started in diapers, but I know
22 that they were placed in diapers.

23 Q Okay. And you testified that Demar wanted his
24 diapers off, correct?

25 A Correct.

1 Q Okay. So you remember giving a statement to police
2 back in March of 2014, correct?

3 A I know that I gave a statement to the police, yes.

4 Q Okay. And that was the statement I approached with
5 you yesterday, correct?

6 A I believe so.

7 Q Okay. Now, in your statement, if you indicated that
8 the children were actually in pull-ups as opposed to diapers,
9 would you have any reason to dispute that?

10 A No, they're both the same to me.

11 Q They're both the same to you?

12 A Yes.

13 Q A pull-up is --

14 A It's a diaper, but the sides are connected.

15 Q Okay. And a pull-up is a next step for potty
16 training purposes, correct?

17 A Correct.

18 Q Or is it like an evolution of diapers from ones that
19 the children can't handle themselves to pull-ups which are a
20 little more child friendly, correct?

21 A Correct.

22 Q Okay. It was reported to you by both of the
23 Solanders that the youngest children were throwing temper
24 tantrums, correct?

25 A That's what they indicated, yes.

1 Q Okay. And the Solanders expressed their concern that
2 the weekday therapy sessions impacted the children's home
3 schedule and contributed to their tantrums, correct?

4 A I don't recall that.

5 Q Okay. So they talked to you about their concerns
6 about specifically Areahia not eating her snacks at school,
7 correct?

8 A They requested that I talk to the school regarding
9 food. That's what I remember.

10 Q Okay. And your instruction to them was for them to
11 contact the school about the food issue, correct?

12 A Correct.

13 Q Okay. And you've testified fairly significantly
14 about these children having food issues because of the
15 unfortunate problems from their biological home as it related
16 to food, correct?

17 A I testified that they had problems in their home as
18 well as the Solanders' home.

19 Q But you testified that there was no food in the
20 original home as well, correct?

21 A Correct. But according to the kids --

22 Q It was just a --

23 A -- it continued.

24 Q -- a yes or no question. I can ask you another one.

25 THE COURT: Ms. Bluth will --

1 THE WITNESS: I'm sorry.

2 THE COURT: -- have an opportunity to go back over
3 this in redirect examination.

4 THE WITNESS: I just want to give the truth.

5 THE COURT: Well, that's all we want to hear.

6 THE WITNESS: I know.

7 THE COURT: But under the rules of the --

8 MS. MCAMIS: Well, and --

9 THE WITNESS: Okay.

10 THE COURT: -- of the way it works, you know, the
11 lawyers ask questions, and in that way it's designed to bring
12 out the truth, and --

13 MS. BLUTH: I'll go back, Judge.

14 THE COURT: And, you know, if the State feels like
15 something's not clear, they can go back over that --

16 THE WITNESS: Okay.

17 THE COURT: -- and the defense --

18 THE WITNESS: I apologize.

19 THE COURT: -- is allowed to --

20 THE WITNESS: -- to the Courts.

21 THE COURT: -- you know, highlight things that they
22 feel are more important and so forth.

23 THE WITNESS: Okay.

24 THE COURT: And so that's the way our system works.

25 All right. Ms. McAmis, I don't remember if there was

1 a question pending. So would you just ask the question.

2 MS. MCAMIS: Yes, Your Honor.

3 BY MS. MCAMIS:

4 Q The Solanders had concerns about what snacks the
5 children received at therapy because it made the children less
6 hungry at their dinner time after therapy, correct?

7 A I never heard that comment from the Solanders.

8 Q Okay. So the children were in therapy following
9 their school hours, correct?

10 A Correct.

11 Q And they would've finished at what time, if you
12 remember?

13 A I cannot honestly tell you what time their sessions
14 were.

15 Q Okay. But their schooling was probably over
16 somewhere in the vicinity of 3:00 o'clock, maybe less, and the
17 therapy would follow thereafter, right?

18 A Correct.

19 Q And then after therapy they would need to go home and
20 eat their dinner, correct?

21 A Correct.

22 Q And you testified yesterday that you had a lot of
23 conversations with the Solanders about snacks at therapy,
24 correct?

25 A Correct.

1 Q Okay. At one point Mrs. Solander asked for therapy
2 visits -- for therapy and the visits to be combined on a
3 Saturday. So that way they could eat their snacks, and there's
4 not going to be an issue at dinnertime, correct?

5 A Not correct.

6 Q Okay. At one point Mrs. Solander asked for therapy
7 and the visits to be on the same day on Saturdays, correct?

8 A Not correct.

9 Q It's not correct?

10 A No.

11 Q Okay. I want to direct your attention to the issue
12 of the discipline of the children. Now, you acknowledged that
13 proper discipline is important for the growth and development
14 of children?

15 A Absolutely.

16 Q Okay. And being on a regular sleeping and eating
17 schedule is also important for children?

18 A Correct.

19 Q Okay. So basically a regular routine is healthy for
20 children?

21 A Absolutely.

22 Q Okay. If a child acts out, is it proper for a parent
23 or legal guardian to discipline their child?

24 A Yes, it is.

25 Q Okay. Now, acceptable discipline can be in different

1 forms, right?

2 A Correct.

3 Q Okay. It can include timeouts, right?

4 A Correct.

5 Q It can include taking away privileges, correct?

6 A Correct.

7 Q It can include taking away toys, like iPads or games?

8 A Correct.

9 Q Okay. It can include yelling, correct?

10 A I would say no, but some parents do in fact do that.

11 Q You would say no, but other --

12 A Yelling at the child. Is that what you're asking me?

13 Q Uh-huh. Is a verbal reprimand in a raised tone an
14 acceptable form of discipline?

15 A It is, but that is different than yelling.

16 Q Okay. Is yelling a very ambiguous term?

17 A It can be.

18 Q Now, the Solanders acted as legal guardians for the
19 Diaz-Burnett sibling group, right?

20 A Correct.

21 Q And these children came to the Solanders with
22 behavioral problems, correct?

23 A I don't know what they went to the Solanders with. I
24 know how they were when they came to me.

25 Q Okay. So when they came to you, they had behavioral

1 presentations of things like tantrums, particularly with the
2 younger children, correct?

3 A Correct.

4 Q Okay. The other siblings were not fully potty
5 trained at that time, correct?

6 MS. BLUTH: Objection. Asked and answered.

7 MS. MCAMIS: This goes to the behavioral issue.

8 THE COURT: She can answer. I think you covered it,
9 but go --

10 THE WITNESS: The children would ask to use the potty
11 when they went -- when they needed to go.

12 BY MS. MCAMIS:

13 Q But you're aware that they had other accidents at
14 unspecified times, correct?

15 MS. BLUTH: Objection. Vague.

16 THE COURT: Was the youngest child able -- the
17 youngest of the Diaz-Burnett children able to ask to use the
18 rest room?

19 THE WITNESS: Not the 1 year old.

20 THE COURT: Okay. But the other three?

21 THE WITNESS: Absolutely.

22 THE COURT: Okay. And the 1 year old, you wouldn't
23 expect the 1 year old to --

24 THE WITNESS: No. The 1 year old we on Saturdays
25 when I -- and that was the only time that I would see that

1 particular child.

2 THE COURT: Uh-huh.

3 THE WITNESS: That 1 year old was sent with diapers,
4 and the mother would change the infant.

5 THE COURT: Okay. And then the question was -- I'm
6 sorry I forgot what Ms. McAmis's question was -- oh, about --

7 MS. MCAMIS: Not being fully --

8 THE COURT: -- that they were potty trained. So I
9 think we've clarified that.

10 MS. MCAMIS: Yes. Thank you, Your Honor.

11 THE COURT: And did any -- and I think we covered
12 this yesterday, but did any of, other than obviously the 1 year
13 old, did any of the three other kids have any accidents other
14 than the accident we covered with Amaya and the --

15 MS. BLUTH: Areahia, Judge.

16 THE COURT: -- Areahia -- I'm sorry -- and the 1 year
17 old? Did either of the other two have any potty accidents --

18 THE WITNESS: No, they did not.

19 THE COURT: -- in your -- you know, when they were
20 there with you?

21 THE WITNESS: None at all.

22 BY MS. MCAMIS:

23 Q All right. So I want to turn your attention to when
24 you became aware of the different methods that the Solanders
25 used to discipline the Diaz and Burnett -- Burnett children.

1 You're aware that they used timeouts, correct?

2 A Correct.

3 Q Okay. And timeouts is an appropriate discipline form
4 for younger children, correct?

5 A Correct.

6 Q Now, you're aware that corporal punishment can be
7 used as a method of discipline for children, correct?

8 A I know that it's used.

9 Q Right. And my question was not if you agreed with it
10 as a method of discipline, but you acknowledge that it is a
11 method of discipline, correct?

12 A Yes.

13 Q And that the State of Nevada does not criminalize
14 corporal punishment per se as an inappropriate child discipline
15 method?

16 A Correct.

17 Q Okay.

18 A Unless they leave a mark.

19 Q I didn't --

20 A I'm sorry.

21 Q Okay.

22 A I'm sorry.

23 Q No. Actually that's fine.

24 MS. BLUTH: I didn't hear. I'm sorry. Unless what?

25 THE COURT: Unless they leave a mark.

1 MS. BLUTH: Okay.

2 BY MS. MCAMIS:

3 Q You specifically informed the Solanders that timeouts
4 were not appropriate for Areahia, correct?

5 A Correct.

6 Q Now, Areahia was four years older than her next
7 youngest sibling, correct?

8 A Correct.

9 Q Now, the three younger children also received
10 timeouts, correct?

11 A I believe so.

12 Q Okay. And as a therapist, you recognize that younger
13 children can sometimes have just acting out because they're
14 kids where they would need timeout, correct?

15 A Correct.

16 Q And timeouts are not inherently mentally or
17 physically harmful for young children, correct?

18 A Correct.

19 Q But as it relates to Areahia, you suggested that
20 older children respond better to consequences, correct?

21 A Correct.

22 Q You paused is -- are you having trouble remembering?

23 A No.

24 Q Okay. Thank you for that clarification. I just want
25 you to testify based on what you remember. What are

1 consequences?

2 A Consequences might be removing something from the
3 child, giving them timeout, sending their -- sending them to
4 their room. They're behaviors that parents do to try to get
5 children to adhere to the behaviors that they'd like to see.

6 Q Okay. So as far as when a child wets or soils
7 itself, your instruction to them was an older child should be
8 instructed to clean up after herself as a consequence, correct?

9 A It's taken out of context.

10 Q But your instruction to them --

11 THE COURT: Well, if the --

12 Ma'am, if you can't answer it as a yes or no
13 question, just say I'm unable to answer that as a yes or no
14 question.

15 THE WITNESS: Okay.

16 THE COURT: And then Ms. McAmis can say why not, or
17 she can move on or whatever she wants to do.

18 THE WITNESS: Okay. I'm unable to answer that.

19 BY MS. MCAMIS:

20 Q I'd like to direct your attention to the statement
21 that you gave to the police, and we talked yesterday about how
22 that would've been in March 2014, and that dates -- or that
23 time period sounds accurate enough to you, correct?

24 A Correct.

25 Q Okay. So at that time you gave a statement as far as

1 what you told the Solanders as far as discipline as it related
2 to Areahia, correct?

3 A I do not know.

4 Q All right. Would looking at your statement refresh
5 your memory on what you gave -- what you told the police at
6 that time? Would it refresh your memory to look at your
7 statement?

8 A Yes.

9 MS. MCAMIS: May I approach?

10 THE COURT: You may. You can move freely.

11 MS. MCAMIS: You're right. I'm sorry, Your Honor.
12 It's just habit.

13 THE COURT: Both sides can move freely.

14 BY MS. MCAMIS:

15 Q I want to direct your attention to page 7. This is
16 the same statement I wanted to -- I'll just give you a page.
17 If you could read page 7 to yourself and then look up when
18 you're done.

19 A Okay.

20 Q And did that refresh your memory about --

21 A Yes.

22 Q -- the statement? Thank you. And just as a
23 reminder, if you could wait until I finish my question just
24 to make a clean record.

25 All right, Ms. Wells, so at that time you told police

1 that consequences are much better for a child that age versus
2 timeout, correct?

3 A Correct.

4 Q And that timeout is used for more -- is more used for
5 the younger children, correct?

6 A Correct.

7 Q And once you get into an older age, you move into
8 discipline forms like consequences or natural consequences?

9 A Correct.

10 Q Okay. So you told police, So you clean your pants.
11 You clean up the mess that you made. That would've been
12 appropriate. Correct?

13 A That is what I said.

14 Q Okay. And, Ms. Wells, you had, I believe it was
15 called a treasure box at your therapy office, correct?

16 A Correct.

17 Q Would you talk to us about what your therapy box was
18 and what it was used for.

19 A So when I did groups with children, especially the
20 younger children and they did well in therapy, they were
21 rewarded with positive reinforcement. They were allowed to go
22 to the box and pull out some trinket of a toy and get rewarded
23 for doing what they were supposed to be doing.

24 Q Okay.

25 A If they did not do what they were supposed to be

1 doing, then they did not go to the trinket box.

2 Q Okay. Now, Areahia, when she went to your therapy
3 visits, as long as she met the criteria, she was able to pick
4 out something from the treasure box after therapy, correct?

5 A All kids, yes. Her too.

6 Q Okay. But specifically --

7 A Yes. Yes.

8 Q -- I'm talking about Areahia.

9 A Yes.

10 Q I would never insinuate that you only singled out
11 Areahia. Okay.

12 A All kids. Or sorry. Yes, Areahia was allowed to do
13 that.

14 Q Okay. So at one point Areahia wasn't allowed to pick
15 out something that was like a stuffed animal, correct?

16 A I don't believe that there were stuffed animals in
17 there, but --

18 Q Okay. Just she was allowed to pick toys when she was
19 compliant?

20 A Yes.

21 Q Okay. And she was allowed to take those home after
22 therapy, correct?

23 A Correct.

24 Q Okay. You became aware that a toy was taken away
25 after Areahia was deemed to have bad behavior at the home,

1 correct?

2 A Correct.

3 Q Okay. I'd like to direct your attention to just more
4 generally your rapport with the Solanders. Okay. Initially
5 you had a positive relationship with the Solanders, correct?

6 A Absolutely.

7 Q And you told police it got worse when you started
8 confronting them on the things that you were seeing, correct?

9 A Correct.

10 Q Okay. Now, the initial reason that these children
11 were in therapy was to help with their behavior or just their
12 emotional needs, correct?

13 A Yes.

14 Q Okay.

15 THE COURT: I have a question. Do all kids that come
16 out of abuse and neglect situations go into therapy, or is that
17 only the kids that are manifesting some kind of behavioral
18 issue?

19 THE WITNESS: Most kids will go into therapy. I
20 think it's something that normally CPS will do based on the
21 history.

22 THE COURT: Okay.

23 THE WITNESS: Yes.

24 THE COURT: So it has more to do with the background
25 they're coming from than what the child is doing; is that fair?

1 THE WITNESS: It's fair to say that, yes. Parents
2 will often miss something even if they are kids that had
3 trauma, and they may not enter therapy.

4 THE COURT: All right. Go on, Ms. McAmis.

5 BY MS. MCAMIS:

6 Q Ms. Wells, at the time that you were involved in
7 therapy and visits for these -- the sibling group, how long had
8 you been a provider for therapy services relating to DFS?

9 A From 2005 until 2012 or '13. So 2013 I believe that
10 is what --

11 Q When your, like, either contract or agreement for
12 services ended; is that fair to say, or you just no longer
13 offered those services to DFS?

14 A I have always offered those services to DCFS. I
15 started in 2005 offering those services to DCFS.

16 Q But your testimony is that it's -- it ceased for
17 whatever reason in 2013?

18 A I took a leave of absence for nine months.

19 Q Okay. All right. So I want to direct your attention
20 back to when you were confronting the Solanders about just
21 concerns, things that you were seeing. You e-mailed your
22 concerns to the caseworker at that time, correct?

23 A Yes.

24 Q Okay. And just as a reminder for all of us, you saw
25 the children from July 2013 through November of 2013, correct?

1 A If those are the dates, then those are the dates.

2 Q Would looking at your statement that you gave to
3 police refresh your memory, or if I suggested to you that
4 yesterday when you looked at it it said July was the beginning
5 date, would you accept that as an accurate representation?

6 A Yes, I would.

7 Q Okay. You had a concern because Keisha or Keisha --
8 do you remember the pronunciation?

9 A Keisha.

10 Q Keisha. Thank you. Thank you, Ms. Wells. You had a
11 concern when Keisha got sick between August 12th and August
12 28th, 2013, correct?

13 A Yes.

14 Q You told the Solanders, There's something wrong with
15 this kid. Take her to the doctor. Correct?

16 A Correct.

17 Q And then they took her to Monte Vista hospital to see
18 a doctor, correct?

19 A I know she was taken to the hospital, yes.

20 Q Okay. And Keisha was admitted at that hospital for a
21 one-week period, correct?

22 A Yes.

23 Q And afterwards she seemed a little better, correct?

24 A A whole lot better, yes.

25 Q Okay. And then she regressed --

1 A Yes.

2 Q -- according to your testimony yesterday?

3 A Yes.

4 Q Okay. Now, at the time that Keisha was admitted to
5 the hospital in late August of 2013, you had only been in
6 counseling with the sibling group for approximately a month and
7 a half at that point, correct?

8 A Yes.

9 Q So a month and a half into counseling, they still had
10 significant emotional and possibly even physical issues that
11 they were dealing with because of their prior trauma, correct?

12 A I can only speak to the time of when they came to
13 me -- that's it. And so when they came to me, they still had
14 significant problems.

15 Q Now, you e-mailed the caseworker on October 8th,
16 2013, about a conversation you had with Dwight Solander,
17 correct?

18 A I don't recall.

19 Q Okay. Would looking at an e-mail from that October
20 8th, 2013, date refresh your memory on that issue? Would
21 looking at the e-mail refresh your memory?

22 A Yes.

23 MS. MCAMIS: Okay. Court's indulgence so I can find
24 it.

25 THE COURT: Sure.

1 BY MS. MCAMIS:

2 Q All right. Ms. Wells, I'd like you to take a look at
3 this document. Read it to yourself and then when you're done
4 reading, please look up.

5 A (Witness complies.)

6 Q Did that refresh your memory?

7 A It did refresh my memory.

8 Q Okay. Now, reviewing this, this is an e-mail dated
9 October 8th, 2013, signed by you, correct?

10 A Correct.

11 Q And it's got your signature line indicating that
12 you're a therapist at the time at Legacy Health and Wellness,
13 correct?

14 A Correct.

15 Q Okay. And in your e-mail you stated, Expressed my
16 concerns and offered family therapy to foster mom, correct?

17 A Correct.

18 Q Okay. You also stated, I think they're feeling
19 overwhelmed with the four children, and the problems they are
20 having with their own adopted children, correct?

21 A Correct.

22 Q So you knew that at that time they had three adopted
23 children living in the home, plus four foster children that you
24 were treating for a total of seven children in the home?

25 A Correct.

1 Q So you also -- and this was an e-mail to the
2 caseworker, just to clarify.

3 A (No audible response.)

4 Q Is that a yes?

5 A Yes.

6 Q You also e-mailed, explained enuresis and encopresis
7 and why it occurs, correct?

8 A Correct.

9 Q And your e-mail went on to explain how you told
10 Mr. Solander enuresis and encopresis are psychological issues,
11 correct?

12 A Correct.

13 Q Now, that same e-mail included other concerns that
14 you were informed biological mother told you the biological
15 father had threatened to kill her, correct?

16 A Correct.

17 Q And that the children were aware of this threat,
18 correct?

19 A If it says that I said the children were aware, then
20 yes.

21 Q All right. And you said in this e-mail the
22 biological mother also told you that the biological father had
23 threatened to kill her children, correct?

24 A Correct.

25 Q You also e-mailed, children living in that kind of

1 fear will have psychological issues, correct?

2 A Correct.

3 MS. MCAMIS: Okay. Can I have this marked as a
4 defense exhibit.

5 THE COURT: Sure. Is that F?

6 MS. MCAMIS: I can't remember.

7 THE CLERK: G.

8 MS. MCAMIS: G. Okay.

9 BY MS. MCAMIS:

10 Q Ms. Wells, the psychological issues that you're
11 referring to in your e-mail can manifest by children doing
12 things like wetting or soiling "theirselves", correct?

13 A That's what was being reported. So, yes.

14 Q Now, you told the caseworker you did not think that
15 Mr. and Mrs. Solander were handling the children's wetting and
16 soiling themselves properly, correct?

17 A Correct.

18 Q But the children remained in the Solander home for
19 the month of October after you sent this e-mail to DFS,
20 correct?

21 A Correct.

22 Q And then you had an in-office meeting on October
23 28th, 2013, with just the Solanders, not the children,
24 correct?

25 A I don't recall.

1 Q All right. So as part of your -- your work at Legacy
2 Health at the time, is it fair to say that you would maintain
3 certain kinds of reports or document when you had contact about
4 a case?

5 A I always maintained documentation.

6 Q Okay. And did you do so with something called a QMHP
7 DAP report?

8 A Yes.

9 Q Okay. And so in your -- in your course of work and
10 part of your documentation, you acknowledged that you would
11 fill out these QMHP DAP reports, correct?

12 A After every contact, yes.

13 Q After every contact. All right.

14 MS. MCAMIS: Court's brief indulgence.

15 BY MS. MCAMIS:

16 Q Now, I wanted to direct your attention to an October
17 28th, 2013, meeting. I asked you a question, and you just
18 had -- it's just been some time. So you didn't remember.
19 Would reviewing your QMHP DAP report from October 28th, 2013,
20 signed by you refresh your memory on whatever meeting would
21 happen?

22 A It would.

23 Q Okay. I'm going to ask you to look at that. I'm
24 going to ask you again to just read this to yourself silently,
25 and then let us know when you're done.

1 A (Witness complies.)

2 Q Thank you. Did that refresh your memory about an
3 October 28th, 2013, meeting with you and Mr. and
4 Mrs. Solander in your office?

5 A Yes.

6 Q Okay. So at that meeting, both of the foster parents
7 vented their frustrations about the difficulty they were having
8 at home with the children, correct? The Diaz-Burnett children
9 specifically, correct?

10 A Correct.

11 Q Okay. And Mrs. Solander vented that she was having
12 trouble getting Areahia to eat on a schedule, correct?

13 A If it says that in the note. I'm sorry.

14 Q That's okay. It's again been some years --

15 A Yes.

16 Q Okay. But she vented generally that she was not able
17 to get Areahia to eat her snacks at school, correct?

18 A Correct.

19 Q And that one time Areahia had missed the bus because
20 she took too long to eat her cereal for breakfast, correct?

21 A That's what she reported, correct.

22 Q Okay. But she vented how that was a problem because
23 she wanted to get Areahia to school on time, correct?

24 A She just vented the problem. I have no knowledge as
25 to why. That's what she vented.

1 Q And that -- that was the purpose of this October
2 28th, 2013, meeting was for you to meet privately to try to
3 deal with some of these issues that you saw and let the foster
4 parents vent?

5 A It was to let them vent, and it was also to try to
6 correct the behaviors that I was observing that were
7 inappropriate.

8 THE COURT: The parents' behaviors or the kids'
9 behaviors?

10 THE WITNESS: Or excuse me. The foster parents'
11 behaviors.

12 THE COURT: Okay.

13 THE WITNESS: I'm sorry.

14 BY MS. MCAMIS:

15 Q And in your October 28th, 2013, note, it's fair to
16 say you wrote, Session focused on venting frustrations with
17 parenting foster children, correct?

18 A Correct.

19 Q Okay. So with respect to Areahia and the snacks at
20 school, again you redirected Mrs. Solander and redirected
21 specifically her conduct to go talk to the school about this
22 problem, correct?

23 A Correct.

24 Q Okay. And Mrs. Solander also vented that -- well,
25 actually I think -- strike that. Both of the Solanders vented

1 that Areahia would hide her underwear if she had an accident,
2 correct?

3 A Correct.

4 Q And the Solanders vented that they were upset that
5 the soiled underwear would go into the laundry unknown to them,
6 correct?

7 A Correct.

8 Q Okay. Mrs. Solander indicated that she was
9 frustrated because she felt Areahia was manipulative, correct?

10 A Correct.

11 Q She also vented that Areahia indicated that Areahia
12 pooped her pants on purpose in your office for that one session
13 that we -- that you testified to earlier in order to stay
14 longer for a visit with her biological mother, correct?

15 A Correct.

16 Q In that same meeting on October 28th, 2013,
17 Mrs. Solander expressed the trouble that she was having with
18 Keisha and that she was very active and moved around a lot,
19 correct?

20 A Correct.

21 Q And again Keisha was under 5 at that time period,
22 correct?

23 A She was 5 or 4. I can't recall.

24 Q So you -- moving on. You made a report to CPS in
25 November of 2013 again with some other concerns, correct?

1 A If the note indicates or you have something to
2 indicate, then it would be so.

3 Q You acknowledge you made more than one report and
4 that there was a report in November of 2013, correct?

5 A I acknowledge that I made lots of reports.

6 Q Okay. Now, on November 9th, 2013, Dwight Solander
7 came to your office to confront you about CPS being in their
8 home, correct?

9 A I don't know.

10 Q Would looking at a report authored by you documenting
11 this -- this contact refresh your memory about that
12 interaction?

13 A Yes, it would.

14 Q Okay.

15 THE COURT: Ms. Bluth, would you have any objection,
16 since it's just me, to kind of short-circuiting some of the
17 refreshing and just letting Ms. McAmis show her things and say
18 does this refresh your recollection?

19 MS. BLUTH: No. I mean, a lot of this --

20 THE COURT: And I don't think we need to do with this
21 formally --

22 MS. BLUTH: Yeah.

23 THE COURT: -- since it's just an evidentiary
24 hearing.

25 MS. BLUTH: And --

1 THE COURT: And it's only me. If it were a jury,
2 that's different, but --

3 MS. BLUTH: And, Judge, honestly a lot of this is
4 hearsay. I'm just letting it come in because I -- because I
5 believe this to be a fact-finding hearing. So if --

6 THE COURT: Right.

7 MS. BLUTH: Ms. McAmis even wants to read it --

8 THE COURT: So, yeah, if you just want to show her
9 things --

10 MS. BLUTH: -- I'm fine.

11 THE COURT: -- and say does this memo or does this
12 e-mail refresh your memory --

13 MS. BLUTH: I'm totally fine with that.

14 THE COURT: -- go ahead and do that.

15 And then just look at it and tell us, no, gosh, I
16 don't remember this, or, yes, I do remember, whatever the --
17 you know, just because we show you something doesn't mean you
18 have to remember it if you really don't remember it, then we
19 want you to say no, I don't. It doesn't refresh my memory.

20 THE WITNESS: That's a lot to remember.

21 BY MS. MCAMIS:

22 Q All right. Ms. Wells, you testified that based on
23 this November 9th, 2013, interaction that you were in actual
24 fear of Mr. Solander, correct?

25 A Correct.

1 Q You never filed for anything like a restraining order
2 or filed a police report based on that interaction, correct?

3 A Correct.

4 Q And Mrs. Solander was not physically in the office
5 for that confrontation, correct?

6 A Correct.

7 Q After November 9th, 2013, and after all of those
8 interactions, you continued to speak to the Solanders either by
9 phone or in person to the extent they were even in the office,
10 correct?

11 A Correct.

12 Q And now at the end of this November 9, 2013, meeting,
13 Mr. Solander told you he wanted everyone on the same page and
14 to work as a team, however, no one was doing that, correct?

15 A He did state that, yes.

16 Q And you agreed with Mr. Solander that everyone needed
17 to work as a team for the best interests of the children,
18 correct?

19 A Correct.

20 Q Okay. And you continued to see the children through
21 roughly the later part of November of 2013, correct?

22 A Correct.

23 Q Okay. Now, Areahia began missing visits in therapy
24 in November of 2013, correct?

25 A Correct.

1 Q And that was because she became sick in November
2 of 2013, correct?

3 A I do not know that.

4 Q Okay. Mrs. Solander informed you in November of 2013
5 that she had found Areahia passed out at the home, correct?

6 A She indicated that. I don't know the date.

7 Q Okay. And in response -- oh, strike that. And after
8 she -- Mrs. Solander indicated that she found Areahia passed
9 out at the home, she informed you that she was taking Areahia
10 to the doctor to follow up, correct?

11 A I don't recall.

12 Q And more generally in that November 2013
13 confrontation with Mr. Solander, he expressed to you that all
14 of the children were sick, correct?

15 A I don't recall that.

16 Q Okay. If I could direct your attention to the
17 statement you gave to police in March of 2014 relating to that
18 November 9th interaction, if I can direct you to page 27.

19 A Correct. Or I can recall that conversation.

20 Q Okay.

21 A Sorry.

22 Q Just generally the statement was the kids were sick,
23 correct?

24 A Yes.

25 Q Okay. In response, you confronted Mr. Solander that

1 you thought the Solanders were making them worse, correct?

2 A Correct.

3 Q And that Mr. Solander became upset and accused you of
4 lying against him, correct?

5 A Correct.

6 Q And accused you of being against just generally the
7 Solanders, correct?

8 A Correct.

9 Q But he still concluded the meeting with he wanted
10 everyone on the same page for the best interests of the
11 children and to act as a team, correct?

12 A Correct.

13 Q Okay. If you would excuse me just a moment.

14 Okay. So I want to direct your attention to when the
15 Solanders expressed dissatisfaction with the parents, the
16 biological parents, about some visitation concerns. So the
17 Solanders just expressed a complaint. Let's just use that
18 word. They complained that the biological family was either
19 showing up late to visits or that there were some no-shows,
20 specifically more commonly with the biological mother, correct?

21 A It's possible.

22 Q Okay. I'd like you to take a look at some of the
23 e-mails as far as that issue.

24 MS. MCAMIS: So if I could direct counsel to --

25 / / /

1 BY MS. MCAMIS:

2 Q So as part of your position as a therapist, there's
3 communication that was sometimes authored by you or sent by you
4 or received by you, correct? From, like, the other
5 caseworkers?

6 A Correct.

7 Q Okay. And -- or and they were also sent from your
8 director Randy Page [phonetic], correct?

9 A Correct.

10 Q Okay. And if you recall or if I suggested to you
11 that the caseworker at the time was Gail [phonetic] Anderson,
12 would you have any reason to dispute that?

13 A No, I would not.

14 Q Okay. So Randy Page e-mailed on August 1st, 2013.
15 Hi, Gail, there has been a lot of difficulty with the visits --
16 mom not showing, inappropriate comments made to the children,
17 et cetera -- resulting in negative impact on the children. I'd
18 like to direct your attention to this e-mail and specifically
19 who was CCed.

20 Oh, I'm so sorry, Ms. Wells.

21 A It's all right.

22 Q All right. So you acknowledged that that was an
23 e-mail sent from your director to the caseworker on August
24 1st, 2013, confirming the issues with the visits, mom not
25 showing up and inappropriate comments, correct?

1 A Correct.

2 Q Okay. And you e-mailed on November 13th, 2013, to
3 Laura Hannick [phonetic], Diane Smart, and Randy Page that
4 mother did not attend the last session with, parentheses,
5 November 9, 2013. She calls and canceled; that's the end of
6 the question.

7 MS. BLUTH: Just one second, Ms. Wells.

8 MS. MCAMIS: Okay. So with the Court's permission,
9 there's a stipulation that on November 13th, 2013, Laurie
10 Wells sent an e-mail to DCFS. Mother did not attend the last
11 session 11/9/2013. She called and canceled stating that she
12 was sick.

13 THE COURT: Okay.

14 BY MS. MCAMIS:

15 Q Ms. Wells, with that information you acknowledge that
16 there was some problems for the biological parents in showing
17 up regularly for their visitation, correct?

18 A Correct.

19 Q And part of that is because they have their own --
20 well, to your knowledge, did they have their own resource
21 issues, like taking the bus and being able to show up on time?

22 A I knew that they took the bus.

23 Q Okay. So as a therapist, you know how devastating or
24 upsetting it can be for a child to be excited to go for a visit
25 and their parents don't show up, right?

1 A Correct.

2 Q It's -- it's traumatic or -- strike that. It's just
3 emotionally upsetting because the child was expecting one thing
4 and does not understand why a parent might not show up,
5 correct?

6 A Correct.

7 Q Okay. So they leave your office upset afterwards if
8 the parent is a no-show, correct?

9 A Incorrect. Not necessarily.

10 Q Okay. But there are times, especially -- well,
11 strike that. There were times in this case with these children
12 where the parents did not show up, and it was upsetting or
13 hurt, disappointing for these sibling group children, correct?

14 A Correct in that moment.

15 Q Okay. So then they go back to their foster parents'
16 home upset, right?

17 A Not necessarily.

18 Q But they leave your office and they are upset?

19 A Not necessarily.

20 Q But when there are times when they leave they are
21 upset. They go back to their foster parents' home, and they
22 can -- they can continue to be upset because of how --

23 A They could continue to be upset.

24 Q Because it's just very disappointing for them to
25 expect one thing and not have that happen, correct?

1 A Correct.

2 Q So Janet and Dwight complained to you as foster
3 parents that when the biological parents were late or no-shows
4 to visit that the kids acted out, correct?

5 A I don't recall.

6 Q Okay. But at a minimum they wanted there to be
7 consequences for when the biological parents were late or a
8 no-show to visits, correct?

9 A Visits to stop, correct.

10 Q Okay. So, in fact, they actually complained, and
11 they requested visits to stop, correct?

12 A Correct.

13 Q And you knew that they had been -- strike that. So
14 their request came from their knowledge from -- let me rephrase
15 that. When they requested that visits stop, they told you that
16 Child Haven would stop visits or cancel visits when a parent is
17 a late or a no-show, correct?

18 A Incorrect.

19 Q Are you familiar at all with how Child Haven
20 visitations work?

21 A You asked me if they stated that to me. They did
22 not.

23 Q My question to you was are you familiar at all with
24 how Child Haven visits work?

25 MS. BLUTH: Judge, I'm going to object at this point

1 to relevance. I think we've gone -- I understand the issue. I
2 think we've gone far past what direct went into.

3 THE COURT: I think we are getting a little afield
4 here.

5 BY MS. MCAMIS:

6 Q Okay. But you disagreed with their request that the
7 visits stop?

8 A It's not my position to determine whether visits
9 continue or not. Visitations were ordered by CPS, DCFS, and
10 that's what I'm obliged -- obliged to do until they tell me
11 otherwise, and only they can tell me what is to occur.

12 Q Okay. And visitations -- let me put it this way.
13 Department of Family Services did not tell you to stop
14 visitation, correct?

15 A Correct.

16 Q Okay. But your office had a general policy or rule,
17 if you will, that if a biological parent was late there would
18 be a natural consequence -- the natural consequence is that 15
19 minutes would come off of the visit, or the visit would
20 conclude whenever the session was over, correct?

21 MS. BLUTH: Judge, I'm still going to object. We're
22 still on the same issue.

23 THE COURT: Yeah. I think -- I think we're
24 getting -- I mean, I think you've established the sort of --

25 MS. MCAMIS: I understand the Court's comments.

1 THE COURT: -- disintegrating nature of the
2 relationship between Solanders and the witness.

3 MS. MCAMIS: I'm happy to move on.

4 THE COURT: Okay.

5 BY MS. MCAMIS:

6 Q Okay. So I want to direct your attention to the
7 nature of the sibling group being in foster care. You knew
8 that they had assigned caseworkers, correct?

9 A I didn't -- a assigned caseworker?

10 Q Sure.

11 A Okay. Yes.

12 Q And that they had other resources available to them,
13 like PSR and BST workers, correct?

14 A Correct.

15 Q And you knew that those workers had contact with the
16 children at least partially in the home, correct?

17 A Correct.

18 Q Okay. Now, you asked for CFTs to discuss the
19 children's needs, correct?

20 A Correct.

21 Q And those -- one of your requests was also for a CFT
22 for the Solanders to express their frustration as far as
23 visits, correct?

24 A That would be the same CFT.

25 Q Okay. And just for everyone's information, what's a

1 CFT stand for?

2 A Child Family Team meeting where everybody on the team
3 that works with the children present at the same meeting to
4 make sure that we're on the same page and meet the needs of the
5 children or the family.

6 Q Thank you. Now, you believed that the Diaz-Burnett
7 children were being harmed in the Solander home, correct?

8 A Correct.

9 Q You have training and experience in order to allow
10 you to be able to make observations and recognize any physical
11 or behavioral signs to spot potential child abuse and neglect,
12 correct?

13 A I'm a mandated reporter for the State of Nevada, and
14 that is part of my job. So when I observe those behaviors, I
15 am to report.

16 Q Okay. Now, you never saw bruises on the Diaz-Burnett
17 children while they were in the Solander care between July and
18 November of 2013, correct?

19 A I don't recall.

20 Q Okay. You never reported any unexplained marks on
21 the Diaz-Burnett children during that same period, correct?

22 A That would be correct.

23 Q Okay. You just wrote and called and e-mails to
24 Department of Family Services that you disagreed with the
25 Solanders' discipline methods, correct?

1 A It was not the discipline methods that I was
2 concerned with.

3 Q Okay. But you acknowledged that you e-mailed your
4 disagreement with their discipline methods, correct?

5 A Correct.

6 Q Okay. When the Diaz-Burnett children came to therapy
7 on Saturdays, they came with snacks, correct?

8 A I can't recall.

9 Q Okay. I'd like you to look at your statement to
10 police back from March 2014, specifically page 20. I've
11 actually underlined the passage if that helps orient you.

12 MS. MCAMIS: This should be the last approach.

13 THE COURT: Okay.

14 THE WITNESS: Okay.

15 BY MS. MCAMIS:

16 Q Thank you. So you confirmed to police that these
17 children came to therapy with peanut butter, crackers, a
18 sandwich and vegetables, correct?

19 A Correct.

20 Q And, in fact, you called it an enormous lunch,
21 correct?

22 A Correct.

23 Q And the children would eat the food, the food that
24 they brought with them at that visit?

25 A Correct.

1 Q Okay. So you were so concerned with the food at the
2 Solander house you testified yesterday you thought the
3 Diaz-Burnett children were actually being poisoned, correct?

4 A I felt that something was being put in the food, and
5 I did say that, yes.

6 Q Okay. You used the word and the language --

7 A Poisoned.

8 Q -- poisoned, correct?

9 A Yes, I did.

10 Q Okay. So you never called 9-1-1 to report this
11 alleged poisoning, correct?

12 A I was reporting consistently.

13 Q You never called 9-1-1 to report this concern about
14 an alleged poisoning, correct?

15 A That's correct.

16 Q All right. You never called CPS to use that language
17 that they were being poisoned, correct?

18 A Correct.

19 Q Now, you've testified that you're a mandated
20 reporter. If you suspect a child is being poisoned, you have a
21 legal obligation to report that, correct?

22 A Correct.

23 Q And, in fact, yesterday was the first time you told
24 anyone -- well, let me put it this way. You never e-mailed CPS
25 or any of the caseworkers specifically you thought the children

1 were being poisoned, correct?

2 A I indicated to CPS that I felt that there might be
3 something being put in their food.

4 Q You did not use the word poisoned to CPS, DFS, any of
5 them, correct?

6 A Correct.

7 Q You did not use the word poisoned when you spoke to
8 police -- the police officer in March of 2014, correct?

9 A Correct.

10 Q You wanted the children removed from the home, the
11 Solander home, correct?

12 A Incorrect. I wanted the children to be safe.

13 Q Okay. You were removed as their therapist on
14 November 20th, 2013, correct?

15 A Correct.

16 Q Okay. And you received an e-mail from the department
17 from family services caseworker confirming that after
18 consultation with the DFS supervisor and after CPS visited the
19 children, it was agreed a new service provider would be in the
20 best interests of the children, correct?

21 A Correct.

22 MS. MCAMIS: Pass the witness.

23 THE COURT: I just -- before Ms. Bluth has redirect,
24 and we touched on this yesterday, but why did you think the
25 children were being poisoned?

1 THE WITNESS: I think it was after the children left
2 that I began to just process all of the abuse that I felt I was
3 observing -- observing, and so with the excessive weight loss,
4 with what the children were telling me, with how the Solanders
5 were acting -- they had become aggressive. They had become
6 intervening with the therapeutic process to harm it,
7 psychological damage -- but afterwards -- so during that time I
8 didn't know, but afterwards I started to wonder.

9 THE COURT: Like, in hindsight?

10 THE WITNESS: In hindsight I began to wonder what --
11 if that's what was occurring because when you -- when I took
12 the totality of everything that I saw, behavior based on the
13 children, statements based on the children, the Solanders'
14 actions to work against the therapeutic process, their
15 unwillingness to change anything and CPS not stepping up and
16 doing anything, that I was visibly being able to be told or
17 whatever, when I finished with this case, then I began to think
18 that something was wrong, seriously wrong.

19 THE COURT: Let me ask you this, and we touched on
20 some of this. You know, you mentioned the incident -- you
21 mentioned a couple of specific incidents, but other than what
22 we talked about already, did you ever witness the children
23 being physically ill, you know, other than something like a
24 cold, with headaches or stomach pains or nausea or anything
25 like that or lethargy or any kind of physical, you know,

1 symptom?

2 THE WITNESS: No.

3 THE COURT: Okay. All right. Ms. Bluth.

4 MS. BLUTH: I don't have anything, Judge.

5 THE COURT: All right. Anything else, Ms. McAmis,
6 based on the last --

7 MS. MCAMIS: Based on your questions, no.

8 THE COURT: All right. There are apparently no other
9 questions, ma'am. Thank you for your testimony, and you are
10 excused.

11 THE WITNESS: Thank you.

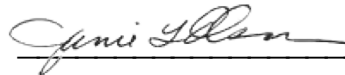
12 (Excerpt ends 3:09 p.m.)

13 -oOo-

14 ATTEST: I do hereby certify that I have truly and correctly
15 transcribed the audio/video proceedings in the above-entitled
16 case.

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Janie L. Olsen
Transcriber

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JANET SOLANDER,
Defendant.

CASE#: C-14-299737-3
DEPT. XXI

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE
THURSDAY, FEBRUARY 1, 2018

**RECORDER'S PARTIAL TRANSCRIPT OF PROCEEDINGS:
JOINDER TO DEFENDANT DWIGHT SOLANDER'S
MOTION TO SUPPRESS
STATE'S MOTION TO QUASH DR. SANDRA CETL'S AND
JACQUELINE BLUTH'S SUBPOENA DUCES TECUM**

APPEARANCES:

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For the Defendant:

CAITLYN L. MCAMIS, ESQ.

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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THURSDAY, FEBRUARY 1, 2018, AT 9:42 A.M.

THE COURT: I can call Janet Solander on page two, Mr. Cooper. This was all moved to 1:30 this afternoon when we're continuing the evidentiary hearing.

MR. COOPER: Yes, Your Honor.

THE COURT: So --

[Proceedings trailed at 9:42 a.m.]

[Proceedings recalled at 1:06 p.m.]

MS. BLUTH: I was just telling Ms. McAmis that I'm going to call the CPS worker right now. Her child -- she has to get her child to a medical appointment.

THE COURT: Okay.

MS. BLUTH: So, I told her to -- we'd call her out of order.

THE COURT: Okay.

MS. BLUTH: And I told the therapist to be back around two o'clock.

THE COURT: Okay. Great. Perfect.

THE COURT MARSHAL: And what's the --

MS. BLUTH: Cherina Davison.

THE COURT MARSHAL: Just step right there, and then you can follow me up to the witness stand.

THE WITNESS: Can I take my purse?

THE COURT MARSHAL: Yes, ma'am. Remain standing, raise your right hand and face our clerk to your left.

1 THE COURT: It's that lady right there.

2 **CHERINA DAVISON**

3 [having been called as a witness and being first duly sworn,
4 testified as follows:]

5 THE COURT CLERK: Okay. Please have a seat. State and
6 spell your first and last name for the record.

7 THE WITNESS: Cherina Davison, C-H-E-R-I-N-A
8 D-A-V-I-S-O-N.

9 THE COURT: Thank you.

10 **DIRECT EXAMINATION**

11 BY MS. BLUTH:

12 Q Good afternoon, Ms. Davison. How are you employed?

13 A I'm currently a supervisor with the Department of Family
14 Services.

15 Q Okay. And when you say supervisor, explain to me -- like,
16 what are your job duties?

17 A Currently I supervise the intake unit. So, when anybody in the
18 community calls to report child abuse and neglect, I screen the reports,
19 decide if they're going to be investigated or not.

20 Q And in a moment I want to talk to you about your involvement
21 with Autumn and Ivy Stark. First of all, how many years have you been
22 with CPS?

23 A Eleven years.

24 Q All right. So, when you were --

25 MS. MCAMIS: I'm sorry, could you repeat that? I just didn't

1 catch it.

2 THE WITNESS: Sure, 11 --

3 THE COURT: Yeah, your voice is really --

4 THE WITNESS: Oh.

5 THE COURT: -- soft. Do you see that black box?

6 THE WITNESS: Sorry.

7 THE COURT: That's the microphone.

8 THE WITNESS: Okay. Eleven years.

9 MS. BLUTH: There you go. It's picking up a little bit better
10 now.

11 THE WITNESS: Okay.

12 THE COURT: Great. Are you -- do you have a degree in
13 social work or anything like that?

14 THE WITNESS: I have a bachelor's degree in criminal justice,
15 and a master's degree in public administration.

16 THE COURT: Okay.

17 BY MS. BLUTH:

18 Q So, I want to talk to you about when you were working with
19 Autumn and Ivy Stark. What years are we talking about there, or year?

20 A I believe I was assigned the case in 2011, and I believe I got
21 off in around early 2014.

22 Q Okay. And when I say you were working with them, was your
23 role as supervisor then or was it different?

24 A No, at that time I believe I was a family service specialist II.

25 Q And what does that mean?

1 A It means that I was a case manager assigned to the case, and
2 the task was to work with the family to work towards reunification. The
3 children were out of the care of the parents due to their substance abuse
4 issues, so we were working with the family to address those.

5 Q Okay. And I know this seems like a silly question, but you
6 were working with the family to address the parents' substance abuse
7 issues?

8 A Yes.

9 Q Okay. Now, at some point when you were working with
10 Autumn and Ivy Stark, did they go into the Solander home as the
11 Solanders being their foster parents?

12 A Yes.

13 Q And when I say the Solanders, do you remember the name of
14 the mother and father?

15 A Yes, the mother was Janet, and the father was Dwight.

16 Q And do you see Janet in the courtroom here today?

17 A Yes.

18 Q Can you please just describe an article of clothing that she's
19 wearing?

20 A It looks like she's wearing like a turquoise sweater.

21 Q And is she sitting at counsel table to my right, your left?

22 A Yes.

23 MS. BLUTH: Your Honor, may the record reflect identification
24 of the Defendant?

25 THE COURT: It will.

1 MS. BLUTH: Thank you.

2 BY MS. BLUTH:

3 Q I want to ask you a few questions about Autumn and Ivy. As a
4 caseworker, when children are taken, you know, outside of their home
5 and placed with another family, are you made aware of, you know, any
6 health issues they have, any toileting issues they have so you can better
7 assess, you know, when you start working with them and foster parents?

8 A Yes.

9 Q When you worked with Autumn and Ivy while they were with
10 the Solanders -- or -- let me back up. Did you work with them before they
11 even got to the Solander home?

12 A Yes.

13 Q Could you explain to me -- were they healthy children, were
14 they sickly children?

15 A They seemed to be healthy children. There was no
16 outstanding major issues that I was aware of with regard to their health.

17 Q Okay. And then what about like toileting issues, was -- were
18 there any issues with toileting?

19 A Not that I was aware of, no.

20 Q So -- and I apologize because you just said it. What year was
21 it that you worked with them in the Solander home?

22 A I believe -- excuse me -- I believe 2011 and 2012 and maybe
23 into 2013 they were there; maybe about a year, a little over.

24 Q Okay. So, during that time period what was it like to interact
25 with Janet? How would you describe her personality or working with

1 her?

2 A I would describe -- oh.

3 MS. MCAMIS: Objection, it's ambiguous as to time.

4 MS. BLUTH: During the timing?

5 THE COURT: Well, just during the time -- I mean, if there's a
6 change between early on and later on, then, you know -- did -- was her
7 personality consistent over time?

8 THE WITNESS: Yes.

9 THE COURT: Okay. Go ahead and answer.

10 BY MS. BLUTH:

11 Q How would you describe it?

12 A I would describe her personality as very persistent, a little
13 dominating, assertive.

14 Q Okay. Did you have interactions with Dwight Solander?

15 A Yes, I did.

16 Q How would you describe his personality during that same time
17 period?

18 A He was, I remember -- excuse me -- traveling often for work,
19 but when I did have contact with him it was the same; just very clear,
20 direct. Whatever issues they were having with the children they would,
21 you know, email me, call me or tell me in person when we met.

22 Q Would you say that those two were on an even playing field or
23 was one, you know, more domineering over the other?

24 MS. MCAMIS: Objection, relevance.

25 THE COURT: Overruled.

1 You can answer.

2 BY MS. BLUTH:

3 A Okay. I would say they had similar -- they were both aligned
4 together in their perceptions of the children.

5 Q Okay. Would you have conversations with Janet -- well, let
6 me strike that. Did she have concerns or issues with the Stark girls'
7 behavior while in her home?

8 A Yes.

9 Q Could you explain those issues or concerns?

10 A Sometimes she would describe the children as being defiant
11 and not listening to her. Other times she described issues with toileting,
12 pooping excessively or urinating on themselves. She would describe
13 concerns when the children were doing homework assignments; if they
14 weren't focusing and things of that nature.

15 Q When she would talk to you about some of these concerns or
16 issues she was having with the Stark girls, would some of the issues be
17 over like very, very minor things?

18 A Yes, I do recall one time she described that the children were
19 having -- being defiant towards her. We talked about it together at her
20 home, and she would just describe that as -- I remember on two separate
21 occasions she gave me one example of the children like untwining a
22 piece of string, and I noted that that was odd to me because I thought it
23 was something that stood out. Another --

24 Q She like -- like, I just want to make sure I'm understanding.
25 Like, literally there's a string, and they had unraveled a string?

1 A Yeah, like a piece of string that you would just play with at --

2 Q How old were these little girls?

3 A Probably, at the time, four and six.

4 Q Okay.

5 A And then another time -- excuse me -- I know she described
6 the children would take apart, what are those things called, paperclips,
7 and they would unravel them and, you know, poke at her walls.

8 Q Okay. And when I say -- you know, I said were these very
9 minute issues, but when she's talking to you about them, is it a calm
10 conversation like you and I are having or is she pretty upset?

11 MS. MCAMIS: Well, objection, leading.

12 THE COURT: What would you say about her demeanor
13 during these conversations?

14 THE WITNESS: It would just seem like she was overwhelmed
15 by the issues or she was somewhat overwhelmed with them, and she
16 just didn't understand why the children were doing that, so she would be
17 very persistent and detailed, and seemed a little concerned about the
18 children doing those types of things.

19 THE COURT: What was her demeanor like, I mean, was she
20 quiet, loud?

21 THE WITNESS: She wasn't loud; just assertive, direct,
22 persistent in describing what the children were doing.

23 THE COURT: So, she wasn't yelling at you or anything?

24 THE WITNESS: No.

25 THE COURT: Okay.

1 BY MS. BLUTH:

2 Q You talked a little bit about toileting issues.

3 A Yes.

4 Q Did she ever discuss with you issues that the girls were
5 having with their hands in their mouth related to toileting?

6 MS. MCAMIS: Objection, leading, foundation.

7 MS. BLUTH: Okay. That -- leading suggests --

8 THE COURT: Yeah.

9 MS. BLUTH: -- an answer.

10 THE COURT: Well, that sort of suggests an answer, but
11 sometimes in order to move the testimony along you have to ask more
12 specific questions, and so, you know, I don't know how else Ms. Bluth
13 could ask some of these questions, so overruled.

14 Was there any talk about toileting or going to the bathroom
15 and their hands or what they were doing with their hands?

16 THE WITNESS: In regards to toileting, she had mentioned
17 that the children were pooping excessively, that they were pooping to the
18 point where it was clogging her toilets. Another time, I know she
19 mentioned that the children were excessively urinating. At one point, she
20 had to put the children in like two pull-ups because they were urinating so
21 much over the night.

22 She would mention that she was having trouble with the
23 children always putting their hands in their mouths, and so she -- I think
24 she said she wanted to put like socks on their hands that keep them from
25 putting their fingers in their mouth.

1 BY MS. BLUTH:

2 Q Now, was there anything in relation to them using their hands
3 in, like, either of the messes, whether it be pee or poop, and then putting
4 them in their mouth?

5 A I believe she said she -- they would stick them in their pants
6 and then put them in their mouth.

7 Q Now, I want to -- when -- I want to ask you some specific
8 questions about conversations with Janet about Autumn -- the older
9 daughter's bowel movement.

10 A Mm-hmm.

11 Q Did she talk about concerns regarding Autumn's bowel
12 movements a lot with you?

13 A Yes, she just indicated that she was having issues pooping,
14 having hard stools. Again, it was clogging her toilet. She indicated that
15 she had taken her to the doctor, and that she had been prescribed
16 MiraLAX daily to address it.

17 Q Did you ask her to provide a doctor note?

18 THE COURT: That was my next question.

19 Do you --

20 And I'm sorry to interrupt, Ms. Bluth.

21 MS. BLUTH: That's okay.

22 THE COURT: But is part of the -- or is there any protocol
23 regarding them, the foster parent providing you folks with records of
24 doctor visits or anything like that?

25 THE WITNESS: Yes, typically foster parents have a -- like

1 a -- it's like a medical sheet that they take with them to the doctor's
2 appointment so the doctor can fill it out when they go to appointments,
3 and they normally provide it to caseworkers at their next visit or
4 sometimes they'll fax it or sometimes they'll email it to us. However, in
5 this case I didn't have one from Ms. Solander.

6 BY MS. BLUTH:

7 Q Did you -- did she tell you what she did for a living?

8 A Yes.

9 Q And what did she tell you she did?

10 A She indicated that she was a nurse.

11 Q Did you ever try to verify that or did you take her for her word?

12 A I just --

13 MS. MCAMIS: Objection, relevance; verification?

14 THE COURT: Overruled.

15 BY MS. BLUTH:

16 A I took her for her word. She was a licensed foster parent so I
17 didn't inquire much into it.

18 Q Okay.

19 THE COURT: On this -- and I had interrupted, I think, Ms.

20 Bluth's question, but on this MiraLAX issue did you ever get any

21 verification, a letter or a -- not hospital, but an office visit record from the
22 physician regarding this MiraLAX?

23 THE WITNESS: No, Ms. Solander just verbally reported it to
24 me.

25 THE COURT: Okay. Go on, Ms. Bluth.

1 BY MS. BLUTH:

2 Q Did Janet report any concerns about Autumn's behavior at --
3 while at school?

4 A She indicated that -- excuse me -- Autumn had been observed
5 stealing other children's lunches and she had been observed eating out
6 of the garbage can, and what she was doing is taking those items that
7 she was receiving from school, bringing them home to give to her sister,
8 which was making her sister sick.

9 Q Okay. Did Janet discuss with you what she wanted to
10 implement at the school?

11 A She wanted to make sure that Autumn was not receiving food
12 items from the other children, so she wanted to ensure that the school
13 staff knew to let all the other children know that they were not to provide
14 her food, that she wanted to have her isolated from the other children so
15 they couldn't share food from her, so either sitting at the end of the table
16 or, you know, isolated really at her own table. I believe that was it.

17 Q Okay. Was there ever anything implemented with Autumn's
18 bus driver in regards to checking food?

19 A Yes, I believe she was supposed to have the bus driver check
20 the backpack, and I believe she was supposed to give her lunch bag to
21 the school as well.

22 Q Did you decide to have someone higher up in your chain or a
23 supervisor work this case with you?

24 A In addressing this issue, ma'am, my supervisor at the time
25 discussed it, yes, and I went down to the school to kind of see what was

1 going on.

2 Q Okay. When you went down to the school could you verify
3 any of these things that Janet was saying?

4 A I talked to the school staff and they mentioned that Mrs.
5 Solander had concerns, that they wanted her isolated, that -- they
6 mentioned that she had never been observed to eat out of garbage cans,
7 that they thought that the Solanders had a misunderstanding, that
8 Autumn was given food by peers and she was just eating it, but not that
9 she was stealing it.

10 And they mentioned that they wanted the Solanders to provide
11 a note from a doctor to verify what's going on because they thought that
12 punishing Autumn by separating her from her peers was not appropriate.

13 Q Okay. Did you go back and report this type of stuff to the
14 Solanders?

15 A Excuse me -- I did, and I believe it was Mr. Solander who
16 indicated that he would go write a letter to the doctor and have him sign
17 it, and provide it to the school so that they could put those things in place
18 so that she wouldn't be getting sick.

19 Q Did you ever see a doctor's note of that sort?

20 A I didn't.

21 Q Once -- I don't know if I should use the word -- once you
22 questioned the Solanders about this or once you discussed that with the
23 Solanders, were any complaints made against you?

24 A I know that they discussed some of their concerns with my
25 supervisor about the eating and the issues that they were having with the

1 school. So, any time that they had any issues or concerns about
2 anything they would just, you know, call my supervisor.

3 Q I don't understand. Why couldn't they call you?

4 A They're always open to call me, but if they're not happy with
5 what I'm doing or what's happening, then, you know, the next step is to
6 call my supervisor.

7 Q Got it. Okay. So, were -- I think I asked a couple of these in
8 the beginning, but were you aware of any eating issues or digestion
9 issues before the Starks got to the Solander's?

10 A Not that I'm aware of.

11 Q Were you aware of any of the toileting issues?

12 A No.

13 Q And you said they lived -- the Stark girls lived there for
14 somewhere around a year?

15 A Yeah, at least, mm-hmm.

16 MS. BLUTH: Okay. That concludes my questioning, Your
17 Honor. I'll pass the witness.

18 THE COURT: All right. Ms. McAmis?

19 MS. MCAMIS: Yes. Thank you.

20 **CROSS-EXAMINATION**

21 BY MS. MCAMIS:

22 Q Good afternoon, Ms. Davison. I have a couple of questions
23 about your duties as a caseworker.

24 A Okay.

25 Q So, now, as a caseworker you work for the Department of

1 Family Services; correct?

2 A Yes.

3 Q Okay. And as a caseworker you're assigned to have very
4 frequent interactions with your -- with foster children who you're assigned
5 on your caseload; correct?

6 A Correct.

7 Q Okay. And so that contact has to be minimum once per
8 month; right?

9 A Right.

10 Q But it can actually be more than that depending on the foster
11 parent and foster children's needs; correct?

12 A Yes.

13 Q And in this case the foster children assigned to you, Autumn
14 and Ivy, were initially five and three; correct?

15 A That may be right, some -- four and six, something around
16 there, but yes.

17 Q Okay. Well, they were in the home for a period of a year, so
18 they could have had a birthday there.

19 A Sure.

20 Q Correct?

21 A Yes.

22 Q Okay. Now, this once monthly minimum contact has to
23 actually include a home visit; correct?

24 A Correct.

25 Q So, you were personally responsible for visiting the Solander

1 home at a minimum of once a month; correct?

2 A Correct.

3 Q And you did that; correct?

4 A Yes.

5 Q Now, these home visits, some of them are announced and
6 some of them are unannounced; correct?

7 A Yes.

8 Q And talk to us about why some may be announced and some
9 may be unannounced.

10 A The purpose of the unannounced visit is to just ensure that the
11 children are safe, and you're going to the home unannounced so that
12 they're not able to kind of prepare for you or to -- excuse me -- be doing
13 anything that's against policy or that would be concerning. So, we do
14 unannounced visits to ensure the safety of the kiddos.

15 Q Do you remember how many unannounced visits you did at
16 the Solander home in the approximate year that they were in care with
17 the Solanders?

18 A I do not have an exact number, no.

19 Q Do you have an estimate, if it would be just one unannounced
20 home visit over a year?

21 A I would maybe say three or four, but I don't have the -- my
22 records in front of me, yeah.

23 Q But you would have had to do a minimum of at least 12 home
24 visits for a period of a year when the children were in care; correct?

25 A Sure, yes.

1 Q And so some of them were unannounced, and some were
2 announced; correct?

3 A Correct.

4 Q Okay. At any of the unannounced visits did you see anything
5 that -- actually, let me ask that again so you can actually understand
6 what I'm saying. During any of those unannounced visits, you didn't see
7 anything that you ever had to report to a supervisor or remove the
8 children for; correct?

9 A No.

10 Q Okay. Now, during these contacts and these home visits with
11 the children, you interact with them like one-on-one; correct?

12 A Correct.

13 Q Okay. And that includes observing if they have anything
14 physically wrong with them; correct?

15 A Yes.

16 Q So, you're looking for accidental or even non-accidental
17 injuries; correct?

18 A Yes, in a -- it's called a body check.

19 Q Thank you.

20 A Mm-hmm.

21 Q And I was aware of that, but --

22 A Sorry.

23 Q No, that's okay. What I want to do is ask you now, in your
24 experience and all of your training, what do you have to do to complete a
25 body check?

1 A We physically check the children depending on their age. So,
2 for example, if it's a baby it's a full body check, removing the diaper and
3 things of that nature. Sometimes if it's older children we'll just check their
4 arms, legs. And if they're like, say, like a teenager or something like that
5 we can verbally ask them, hey, are there any marks or bruises on you
6 because they're at that age where a body check is not appropriate.

7 Q Okay. So, if I understand you correctly, a body check where
8 you would have actually had to physically inspect Autumn and Ivy would
9 have been appropriate during this time period where they were with the
10 Solanders, just based on their age?

11 A Sure, but if Ivy was six, that would have changed.

12 Q Okay.

13 A Excuse me -- Autumn.

14 Q Autumn.

15 A Yeah.

16 Q Understood.

17 A Mm-hmm.

18 Q Okay. But if you had any concerns as a caseworker that
19 Autumn was either not disclosing or was disclosing something that was a
20 potential problem --

21 A Mm-hmm.

22 Q -- you would have had other remedies and other steps that
23 you would have taken to pursue any physical inspection if it was
24 necessary; correct?

25 A Correct.

1 Q Okay. And so there was never a time where a body check or
2 other home visit raised a red flag for you as far as removing the children;
3 correct?

4 A Correct.

5 Q And at one point the Solanders were actually considered an
6 adoptive resource for Autumn and Ivy; is that correct?

7 A Yes.

8 Q Can you talk to the Court about what an adoptive resource is?

9 A An adoptive resource is when -- generally when children have
10 been placed in a foster home for an extended amount of time and it
11 appears that potentially the parents are not going to reunify with their
12 children, we start exploring other options.

13 So, we want to have people who have been in the children's
14 lives for a consistent basis. So, for example, if they've been in a home
15 six months or more, pushing a year, we consider that new placement, an
16 adoptive placement home if the family's identified that they're interested
17 and the children have been there for a while and, you know, the parents
18 aren't --

19 Q Okay.

20 A -- looking like they're getting the children back.

21 Q Okay. But the Department of Family Services had considered
22 both of the Solanders a potential adoptive resource at one point while
23 you were assigned the case; correct?

24 A Yes.

25 Q Okay. Now, you testified a little bit earlier about the Solanders

1 being licensed foster parents.

2 A Mm-hmm.

3 Q Can you explain what it means to be a licensed foster parent
4 and what requirements and proof you have to actually undergo for the
5 department to accept that licensing?

6 A Sure, they have to go to criminal background checks. A
7 licensing worker comes to their home and inspects their home. They
8 provide a lot of information about their personal backgrounds. They
9 express interest in the type of children that they're interested in having
10 placed in their home and they're fingerprinted. So, that department, the
11 licensing handles all of that for licensed or potential licensed homes.

12 Q And to your knowledge both of the Solanders were properly
13 licensed foster parents; correct?

14 A Yes.

15 Q And Autumn and Ivy were not their first foster kids; correct?

16 A Mmm, I'm not sure, to be honest with you, but I believe they
17 may have had one prior placement.

18 Q Okay. All right. So, Autumn and Ivy were still relatively young
19 at the time that they were placed with the Solanders, so I want to direct
20 your attention to the specific questions you were asked as far as toileting
21 issues.

22 A Mm-hmm.

23 Q That language used.

24 A Sure.

25 Q What is a toileting issue to you?

1 A It can be anything. It can be them, you know, urinating on
2 themselves, bed wetting, issuing with stool, things like that.

3 Q Now, you have been a foster -- I'm -- strike that. You have
4 been a caseworker with Department of Family Services since -- how long
5 ago did you say, Ms. Davison?

6 A Since, what, 2007.

7 Q Oh, okay. So, even further back than the 2011 period that you
8 were assigned the Autumn and Ivy Stark children; correct?

9 A Yes.

10 Q Okay. So, in your experience in dating back to 2007, foster
11 children are unfortunately commonly known to have some potential
12 various issues; correct?

13 A Yes, they are.

14 Q And unfortunately it relates back to the fact that they were
15 removed from homes because of potential abuse or neglect; correct?

16 A Yes.

17 Q And so this potential abuse can be, I mean, just the worst of
18 the worst, very extreme with parents murdering each other, very --

19 A Mm-hmm.

20 Q -- violent acts witnessed and used against the children;
21 correct?

22 A Yes.

23 Q But it can also be the other end of the spectrum where it's
24 severe neglect, due to an uneducated parent or a substance abuse
25 dependent parent; correct?

1 A Yes.

2 Q And so Autumn and Ivy's parents fell more into the neglect
3 category; correct?

4 A Yes, they did.

5 Q So, now, children who are neglected, that can also mean that
6 the parents just lacked educational resources; correct?

7 A Correct.

8 Q And so part of their case plan for reunification purposes can
9 include parenting classes; correct?

10 A Yes.

11 Q And it is -- it has happened, to your knowledge, in the
12 Department of Family Services that are -- that children can be removed
13 because they get to an age where they're not potty trained or they're just
14 not potty trained correctly?

15 A I'm sorry?

16 Q Is that fair to say?

17 A I didn't catch what you said. You said is it -- the children are
18 removed because they're what? I'm sorry.

19 Q Improperly potty trained or not fully potty trained at all once
20 they reach a certain age.

21 A And you're saying that they're removed for that reason?

22 Q Can that be one of the reasons.

23 A We don't generally remove them if they're not potty trained or
24 the parents are incorrectly potty training them. It would be more if -- I'll
25 give you an example if I may. If, like, the parents abuse them --

1 Q Well, let me ask it this way.

2 MS. BLUTH: Judge, I'd ask that she be able to answer the
3 question.

4 MS. MCAMIS: And it's my cross-examination.

5 THE COURT: Well, so, that wouldn't be a reason is just the
6 parent -- you know, like, say a kid shows up for the first grade and they're
7 wearing a diaper.

8 THE WITNESS: No.

9 THE COURT: A child wouldn't be removed for that reason, in
10 your experience?

11 THE WITNESS: No.

12 THE COURT: Okay.

13 BY MS. MCAMIS:

14 Q But can that be one of the reasons in addition to other
15 instances of abuse or neglect where the Department of Family Services
16 gets involved because you were dealing with children whose needs are
17 not being met?

18 A If their needs are not being met, yes, we'll remove children for
19 those reasons, yes.

20 Q Okay. So, it's not -- is it fair to say -- it's not so much an issue
21 if a very young child like a four-year-old has not finished potty training
22 and they've come into foster care; correct?

23 A Correct.

24 Q Okay. Because an issue has this kind of negative
25 connotation; correct?

1 A You could say that.

2 Q Okay. A -- an inability or a -- just not being properly potty
3 trained --

4 A Mm-hmm.

5 Q -- is something that the Department of Family Services is
6 equipped to handle; correct?

7 A Yes.

8 Q And that's through education; right?

9 A Yes.

10 Q And that education actually goes to both biological parents
11 and foster parents who are dealing with these kinds of issues; is that fair
12 to say?

13 A It would -- it -- honestly it would depend on what was
14 happening. I think that foster parents are held to a higher standard.
15 That's why we license them and place the children with them. So, you
16 know, if they're having issues that maybe a parent were similarly having
17 we would hold them to a higher standard, given that they've received
18 training already, whereas the parent had not.

19 Q Okay. But my question was that the department is equipped
20 to provide educational services to both foster and biological parents
21 about basic potty training or toileting type issues; correct?

22 A Yes.

23 Q Okay. Now, it was brought to your attention that the Stark
24 children had, as the State's put it, toileting issues, so I have some
25 questions about that. To your knowledge Autumn had some pooping

1 issues; correct?

2 A Yes.

3 Q And they were hard stools that occurred more frequently at
4 night; correct?

5 A I'm not sure what time of day, but yes, they were -- she was
6 having issues with her stooling, yes.

7 Q Okay. But you certainly remember just the hard stooling;
8 correct?

9 A Yes, mm-hmm.

10 Q Okay. Now, you were asked about the prescription for
11 MiraLAX.

12 A Mm-hmm.

13 Q And MiraLAX is a stool softener, to your knowledge; correct?

14 A Yes.

15 Q Okay. And Autumn was prescribed MiraLAX -- or it was
16 reported to you that Autumn was prescribed MiraLAX; correct?

17 A Yes.

18 Q Okay. And you were asked questions about you never got
19 a -- like a note or a prescription from the doctor about that --

20 A Mm-hmm.

21 Q -- prescription for MiraLAX; correct?

22 A Correct.

23 Q Okay. Now, if a child is having hard stools, is a stool softener
24 going to be beneficial for them?

25 A If they were having it, yes.

1 Q Okay. And is the Department of Family Services the kind of
2 agency where if a parent fails to show up with a prescription and the
3 department feels it's inappropriate --

4 A Mm-hmm.

5 Q -- are you just going to overlook that?

6 A Can you rephrase that? I'm sorry. Or say that again?

7 Q Sure, is the Department of Family Services the kind of agency
8 where --

9 A Mm-hmm.

10 Q If a parent shows up and says the child's going to be on
11 MiraLAX according to a doctor but I don't have the note --

12 A Oh.

13 Q -- and you think that's a problem, is the department just going
14 to overlook that?

15 A No.

16 Q No. So, if you thought or you felt -- based on all of your
17 interactions with Autumn --

18 A Mm-hmm.

19 Q -- and Mrs. Solander, based on all of the issues they told
20 you --

21 A Sure.

22 Q -- if they told you she's on MiraLAX and you thought it was
23 inappropriate, you as the caseworker are empowered to do something;
24 correct?

25 A Correct.

1 Q You can go to your supervisor; correct?

2 A Yes.

3 Q But actually, even more than that, you're empowered yourself.
4 If you think it's inappropriate, you have automatic removal power to take
5 a child out of a home; correct?

6 A Yes, we do.

7 Q It can happen at that same moment; correct?

8 A Yes.

9 Q Okay. So, MiraLAX is designed for a child's stool needs;
10 correct?

11 A Yes.

12 Q Or it -- well, actually, it could be for an adult as well.

13 A Correct.

14 Q But we're specifically focusing, of course, on Autumn.

15 A Mm-hmm.

16 Q So, that's something in your mind that was okay?

17 A Yes.

18 Q Okay. And there weren't other instances where Mrs. Solander
19 indicated that the children were on prescription medication, but she just
20 didn't have a prescription to give you; correct?

21 A That was the only time, I think, she mentioned giving the
22 children like a prescription.

23 Q Okay. Court's indulgence, just a moment.

24 Ms. Davison, in your experience in working with,
25 unfortunately, abused and neglected children, can children who were

1 once potty trained be removed from a home and then struggle
2 emotionally and kind of regress in their knowledge?

3 A Yes, they can.

4 Q Okay. And unfortunately, as a caseworker you've seen
5 instances of that; correct?

6 A Yes, I have.

7 Q And in this case it appears that there may have been some
8 regression, assuming that the girls were actually fully potty trained at the
9 time; correct?

10 A They could have been, yes.

11 Q Okay. So, if Autumn testified at some other point that she was
12 potty trained, but had issues with hard stools and just little accidents
13 even prior coming into the Solander home, that wouldn't surprise you;
14 correct?

15 A It would not.

16 Q Because she was younger; correct?

17 A Yes.

18 Q Okay. And the same would apply to Ivy; correct?

19 A Correct.

20 Q Although, she didn't have a hard stool issue?

21 A No.

22 Q Okay.

23 THE COURT: Did you ever talk to Autumn about her stool, I
24 mean, like to find out if she felt like she was having trouble going to the
25 bathroom or having pain or discomfort or, you know, anything like that?

1 THE WITNESS: I never asked her directly. I mean, regards
2 to like her stooling issues I just kind of -- excuse me -- trusted what Ms.
3 Solander was saying.

4 THE COURT: Okay.

5 THE WITNESS: Because she was so young.

6 THE COURT: Okay.

7 THE WITNESS: You know, she could articulate that.

8 THE COURT: Okay.

9 THE WITNESS: In regards to her bowels.

10 THE COURT: Go on, Ms. McAmis.

11 MS. MCAMIS: Yes. Thank you, Your Honor.

12 BY MS. MCAMIS:

13 Q Ms. Davison, there was some testimony about Janet's
14 concerns for the children's behavior, specifically, defiance issues.

15 A Correct.

16 Q So, I want to direct your attention to kind of that area of the
17 testimony you provided. Again, Autumn and Ivy would have been three
18 and five to four to six at the time that they were at the Solander home;
19 correct?

20 A Yes.

21 Q Okay. And is it fair to say that abused and neglected children
22 sometimes have what people will call defiance issues?

23 A Yes.

24 Q Okay. And defiance issues can be as simple as just acting
25 out because a very young child is not getting his or her way?

1 A Mm-hmm.

2 Q Fair to say?

3 A Yes.

4 Q It could be a little more aggressive and escalate to temper
5 tantrums where children are throwing themselves on the floor and just
6 upset; correct?

7 A Yes, it can.

8 Q It can escalate even further to just not minding the rules of the
9 home; right?

10 A Yes.

11 Q And in fact, it could escalate to children, you know, hitting
12 each other or hitting out or just lashing out physically; correct?

13 A Yes.

14 Q Okay. But there's nothing inherently sinister or evil about
15 children having these kinds of defiant issues; right?

16 A No, there is not.

17 Q Because children sometimes are defiant; right?

18 A Yes.

19 Q That's just part of learning how to grow up and be a normal
20 little human being; correct?

21 A Yes, I think --

22 Q And that's --

23 A Go ahead.

24 Q But that's one of the -- I'm so sorry.

25 A Yes, I believe that those are all issues that known -- our

1 children in foster care pose. Honestly in this case I just found it -- that
2 they were small things that were being emphasized that the children
3 were doing that stood out to me more particularly because I didn't find
4 that they were a big deal, essentially, for them to be doing at their age.

5 Q Okay. And so you talked about how direct, assertive --

6 A Mm-hmm.

7 Q And things were emphasized by the Solanders; correct?

8 A Yes.

9 Q One of the qualities that you look for when you are trying to
10 find appropriate foster homes are people who are going to actually
11 advocate for the children in their home; correct?

12 A Yes.

13 Q Because these children come from homes where they don't
14 have an advocate either by the parent's will or lack of will or because of
15 the parent's just inability to be an advocate; correct?

16 A That's true.

17 Q Okay. So, assertiveness is not a negative quality; correct?

18 A Typically, no.

19 Q Okay. Directness is not a problematic or negative quality
20 about a person; correct?

21 A Generally, no.

22 Q Okay. And so when you are dealing with foster parents who
23 are direct or assertive, doesn't that make your job a little bit easier in
24 identifying what you need to actually talk about?

25 A It just depends on what the issue at hand is. So, for --

1 Q Okay.

2 A In this case it was just a little different.

3 Q Okay. But regardless, Mrs. Solander was advocating for
4 Autumn's needs as far as it related to these hard stools; correct?

5 A In regards to the hard stool, yes.

6 Q Okay. And she also has an obligation as a foster parent to
7 make sure that these children are -- have proper nutrition; correct?

8 A Yes.

9 Q So, they have to be fed regularly; right?

10 A Yes, they do.

11 Q She has to monitor what actually goes into their mouths;
12 correct?

13 A Yes.

14 Q And because she hasn't had them from birth, she's not going
15 to know every single little thing about their medical past to know if they
16 have allergies or if they have other food issues or intolerances; correct?

17 A Not necessarily, most -- excuse me -- foster parents are
18 provided with those little bit of background informations. If the children
19 have like a allergy or food allergy, she would have been privileged to that
20 information.

21 Q Okay. But it's not like the Solanders are just provided the
22 child's entire medical history and records and things to take to the
23 doctors; correct?

24 A To be honest with you, in this case, not fully, but they had a lot
25 of contact with the biological parents frequently, and at one point they

1 were quiet civil with one another, so if she ever had questions or needed
2 to have information about the children, she had access to the mother.

3 Q Okay. All right. Isn't it actually true that prior to Autumn
4 coming to the Solander home, she'd already taken MiraLAX and had a
5 prescription for that before for the hard stools?

6 A To be really honest with you not that I can recall.

7 Q Okay. But it has been seven years approximately, six to
8 seven years; is that fair to say?

9 A Yes.

10 Q Are you going to be able to remember every single detail
11 about these children and their medical history?

12 A No.

13 Q And would that -- that wouldn't be fair to even ask you to
14 remember every single detail.

15 A Right.

16 Q Okay. But that's something that's possible; you just don't
17 have that memory of it?

18 A That's correct.

19 Q Okay. Court's indulgence briefly.

20 Actually, I want to ask you a little bit about something you just
21 mentioned, that the Solanders were actually civil with the biological
22 parents at one time?

23 A At times.

24 Q Okay.

25 A Times.

1 Q Okay.

2 A Times.

3 Q That doesn't happen in every one of your cases; right?

4 A No.

5 Q But it is nice when it does happen; correct?

6 A Absolutely.

7 Q Okay. And so it's your understanding that when the
8 reunification actually occurred, that was a civil period; correct?

9 A Yes.

10 Q Okay. And were you aware that they ended up actually
11 having a dinner after the reunification back at the Solander home?

12 A No, but that wouldn't surprise me.

13 Q Ms. Davison, just give me a brief moment to make sure I look
14 at my notes. My eyes are just getting a little older.

15 Oh, I wanted to return to this concern about the food; okay?

16 A Mm-hmm.

17 Q So, it was expressed to you that Mrs. Solander had some
18 concerns about the kids having access to food either out of a garbage
19 can or possibly off of the floor at school; correct?

20 A Yes.

21 Q Okay. And so if it was Mrs. Solander who indicated that the
22 kids were eating food off of the floor and that's a problem, that's
23 something as a foster parent she has an obligation to actually correct; is
24 that fair?

25 A Is it off the floor? Mm-hmm.

1 Q That's a yes; right?

2 A Yes, sorry.

3 Q That's okay. Just for purposes of the transcription.

4 A Sure, yes.

5 Q Mm-hmm doesn't come out as -- okay. Thank you. Wasn't
6 trying to be difficult.

7 Now, there are lots of children who attend school; right?

8 A Yes.

9 Q It's impossible to look at every single one of them at every
10 single moment to know what they're putting in their mouths; correct?

11 A Sure, yes.

12 Q Okay. So, when you went to the school, you interacted with
13 the people in the administration office; correct?

14 A Yes, I did.

15 Q Okay. So, they're not going to be the ones who are
16 monitoring what actually happens when children are having access to
17 food; right?

18 A No, but I can say that the young lady did note that in this
19 particular instance that Autumn had never received breakfast or lunch at
20 the school through the school program. So, she was able to verify that
21 for me.

22 Q Okay.

23 A So, she was making sure she wasn't getting like outside foods
24 from the school.

25 Q But that kind of a report didn't raise a red flag for you as to

1 Mrs. Solander's care in the home; correct?

2 A No, I knew she was providing her with a cold lunch.

3 Q Okay. You knew that she was -- that Autumn, rather, was
4 provided -- and -- well, and Ivy to the extent she -- was that -- was Ivy at
5 all involved in a preschool or daycare?

6 A No.

7 Q No.

8 A She stayed at home.

9 Q Okay. So, you had no issues as far as Ivy receiving breakfast,
10 lunch, and dinner at the Solander's; correct?

11 A Correct.

12 Q Okay. And foster parents receive -- and correct me if the
13 language is wrong -- some kind of stipend for these kinds of care they
14 have to provide; correct?

15 A Yes.

16 Q And it actually comes in the form of like benefits; correct?

17 A Like a check, yes.

18 Q Like a check.

19 A Yes.

20 Q Okay.

21 THE COURT: So, do they just get a cash payment and then
22 they're supposed to use that for clothing and food --

23 THE WITNESS: Correct.

24 THE COURT: -- and whatever?

25 THE WITNESS: Yeah, they get like a lump sum payment at

1 the beginning of the month, and then it's broken down in categories to
2 what it goes towards. But yes, they're issued like, you know, like a check
3 or a direct deposit monthly.

4 BY MS. MCAMIS:

5 Q And that money is intended to go to the care of the children as
6 far as meals; correct?

7 A Yeah, meals, room and board, clothing, extracurricular
8 activities; it's like a breakdown of the --

9 THE COURT: What do they get -- I'm just curious. What do
10 they get a month?

11 THE WITNESS: I believe for the kids zero to 12 it's 694, and
12 13 to 18 it's 773 a month per child, basic, which would be these children.
13 And then if they have special needs it can increase.

14 BY MS. MCAMIS:

15 Q Okay. And Autumn and Ivy were not considered special
16 needs; correct?

17 A Correct.

18 MS. MCAMIS: I'm so sorry, Your Honor, were you done?

19 THE COURT: Yeah.

20 MS. MCAMIS: Okay.

21 THE COURT: No, that's fine.

22 BY MS. MCAMIS:

23 Q Okay. So, the Solanders had meals in the home; correct?

24 A Yes.

25 Q Now, part of your home visits was to go verify that there was

1 actually food in the fridge; right?

2 A Depends, I normally -- to be honest, in these kiddos they're so
3 verbal and articulate and smart I would just ask them if they're eating,
4 and they would say yes and they would tell me what they've ate.

5 Q And if they were suddenly dropping weight or otherwise
6 looking very sickly, that would have caused you to investigate further;
7 correct?

8 A Yes.

9 Q Okay. Because that's your obligation.

10 Just a moment.

11 Now, from time to time foster parents may ask your
12 permission to be able to take the kids on out of state travel just for fun;
13 correct?

14 A Yes.

15 Q And Autumn and Ivy were in the care of the Solanders when
16 they went to visit Disneyland; correct?

17 A I believe so, yes.

18 Q And that's something that has to be approved first; correct?

19 A Yes.

20 Q Yes, because foster parents are not allowed to just unilaterally
21 take children out of state even though they are in their physical custody
22 because legal custody is in the department; correct?

23 A Yes.

24 Q Okay. Now, if you had any concerns with the Solanders
25 taking the children out of state to Florida to Disney World --

1 A Mm-hmm.

2 Q -- would you have stopped it?

3 A Yes.

4 Q Okay. But you didn't have those concerns; correct?

5 A No, not at that time.

6 Q Okay. Now, the Department of Family Services doesn't pay
7 for their -- the -- Autumn and Ivy's plane tickets to go to Florida; correct?

8 MS. BLUTH: Judge, I'm going to object to relevance and
9 outside the scope of direct examination for the purpose of this hearing.

10 THE COURT: Yeah, that's sustained.

11 BY MS. MCAMIS:

12 Q All right. But again, that's something that the foster parents
13 have to clear through you?

14 MS. BLUTH: Objection.

15 THE COURT: It's the same question, but I think we can all
16 assume that the State isn't going to give extra money for fun trips.

17 MS. MCAMIS: I will move on. I understand the Court's
18 comments, and thank you.

19 BY MS. MCAMIS:

20 Q Okay. So, my last set of questions have to deal with these
21 questions you were asked about, I believe it was, Autumn sticking her
22 hands in her pants and then moving her hands to her mouth; correct?

23 A Yes.

24 Q Okay. So, when Mrs. Solander brought this to your attention
25 she would not have been happy about it; correct?

1 MS. BLUTH: Objection, speculation.

2 MS. MCAMIS: Okay. I'll rephrase.

3 THE COURT: Yeah, that --

4 BY MS. MCAMIS:

5 Q She brought it to you as a concern that she didn't want that
6 behavior to continue; correct?

7 A That's correct.

8 Q Okay. Because she recognized that this is not something that
9 can happen as far as keeping the child safe; correct?

10 A She just mentioned they keep -- she kept saying that they kept
11 doing it. It sounded like it was an issue in the home.

12 Q Okay. Now, the children weren't removed because of that;
13 correct?

14 A No, no.

15 Q And in fact, they were just reunified with their biological family;
16 is that fair to say?

17 A Yes, they were.

18 Q Okay. Was there a referral made for medical services as far
19 as this report about the hands going in the pants and then into their
20 mouths?

21 A No, I think she was trying to remedy the situation with putting
22 socks on the girls' hands.

23 Q Okay. And that was an appropriate remedy, in your eyes, as
24 a caseworker?

25 A It was fine to keep them from doing that. It wasn't anything

1 that was like detrimental.

2 Q Okay. And had it been detrimental, you as a caseworker
3 would have been able to step in and remove the children from an unsafe
4 home; correct?

5 A Sure, if it had gone on too long we'd have tried other things,
6 you know?

7 MS. MCAMIS: Okay. Fair point.

8 Pass the witness.

9 THE COURT: Redirect?

10 MS. BLUTH: Yes, please.

11 **REDIRECT EXAMINATION**

12 BY MS. BLUTH:

13 Q How many times -- I know that Ms. McAmis just in the
14 beginning of her cross-examination was asking you about unannounced
15 visits and announced visits.

16 A Sure.

17 Q How many times do you think in the year, rough estimate of
18 that, you would have had contact with them at the home?

19 A If I -- if we had contact -- if it was -- if the kids were in the
20 home 12 months, there would have been a home visit conducted every
21 month, so at least, in person, 12 times in the home. However, in addition
22 to that we have child and family team meetings and I receive a lot of
23 emails from the family. So, we -- honestly this case is -- we had a lot of
24 contact.

25 Q Okay.

1 A On a regular basis.

2 Q In all the times you went to the home, did you ever see the
3 adopted children?

4 A I saw the adopted children one time.

5 MS. MCAMIS: Well, objection -- withdrawn.

6 THE WITNESS: Oh, I'm sorry.

7 MS. MCAMIS: Withdrawn.

8 THE COURT: Okay.

9 BY MS. BLUTH:

10 Q You saw them one time?

11 A Yes, it was very, very brief. I just remember one time coming
12 to their home -- they had a two story home, so I walked upstairs and the
13 three girls were sitting at a table doing homework or something like that.

14 Q Okay. Now, you -- I -- what I want to kind of understand is the
15 timing of the placement. The Stark girls had been -- had they been in a
16 foster home before the Solander's?

17 A No, prior to the Solander's, I believe they were in a relative
18 placement briefly.

19 Q Okay.

20 A And then they went to the Solander home.

21 Q Okay. In your interactions with the Stark girls would you
22 describe them as defiant when you were with them?

23 MS. MCAMIS: Objection, relevance of --

24 THE COURT: State that -- I'm sorry. State that question
25 again.

1 MS. BLUTH: Would you describe the Stark girls as defiant
2 when she was near them or observing them?

3 THE COURT: Overruled.

4 BY MS. MCAMIS:

5 A Does that mean I answer?

6 Q Yeah, that means you can answer, yeah.

7 A No, honestly those children are bright, intelligent, never
8 defiant, very easygoing -- very calm demeanor. I don't think that they'd
9 do anything that, you know, isn't child-appropriate for their age group.

10 Q If the children came to the home with a prescription, would
11 that be something documented in either CPS health notes or your notes?

12 A It would have probably been in the CPS notes because they
13 have the case at onset, and it could have potentially been transferred to
14 me, but I don't recall, to be honest.

15 Q Okay. And you said that foster parents get more money for
16 children with special needs. Does that include -- are special needs --
17 would that include medical issues?

18 MS. MCAMIS: Objection, relevance. These children were not
19 special needs.

20 MS. BLUTH: I didn't say they were special needs.

21 MS. MCAMIS: Yes, but you're asking about the Stark
22 children.

23 MS. BLUTH: We just had testimony on cross-examination
24 that children -- that foster families get more money for children with
25 special needs. I'm trying to understand what special needs mean.

1 MS. MCAMIS: Objection, relevance as to these children.
2 THE COURT: I don't know that we need to get into the --
3 MS. BLUTH: Look --
4 THE COURT: -- special needs issue.
5 MS. BLUTH: -- if people get more money for children with
6 medical issues if --
7 THE COURT: Oh, okay. I was just assuming special needs
8 was like --
9 MS. BLUTH: No -- right, that's why I'm --
10 THE COURT: -- physical handicaps --
11 THE WITNESS: Oh.
12 THE COURT: -- autism, things like that.
13 MS. BLUTH: Right.
14 THE COURT: So, what is -- how does your organization
15 define a special needs child?
16 THE WITNESS: It can be both. It can be medical or
17 behavioral. So, if a child has, you know, behavioral issues they can
18 receive an additional -- funds on top of their foster payment for that, or if
19 they have medical needs. So, it's both.
20 THE COURT: Okay. And by medical needs -- I mean, I'm
21 assuming some children might have minor medical needs?
22 THE WITNESS: Yes.
23 THE COURT: Who decides whether or not the medical needs
24 are so severe that the additional payment is made?
25 THE WITNESS: Normally we'll request the children's medical

1 records, and in order for them to qualify it has to reach a certain level,
2 like they have to have maybe -- for example, like if the children had
3 behavioral issues they have to be receiving six hours of a special service
4 per week to qualify for that additional payment, or the, you know, the
5 children's medical records indicate that there's a specific diagnosis that
6 would meet the need for special.

7 THE COURT: Okay. What about -- I'm just curious. What
8 about, say, something like asthma that has to be monitored?

9 THE WITNESS: Mm-hmm.

10 THE COURT: Would that rise to the level of the additional
11 payment?

12 THE WITNESS: No.

13 THE COURT: Okay.

14 THE WITNESS: Because asthma's very common in children,
15 so we -- it's -- it would -- no.

16 THE COURT: Okay.

17 BY MS. BLUTH:

18 Q How about something like diabetes?

19 THE COURT: That was my next question.

20 THE WITNESS: Diabetes potentially could. It would depend
21 on the type. So, if they were having to, you know, go to the doctor more
22 frequently than a normal child with that issue, or they had to be receiving
23 maybe some type of additional -- you know, doctor because of it, it could
24 potentially, yes, potentially.

25 THE COURT: What about like a child that was

1 developmentally delayed?

2 THE WITNESS: Mm-hmm.

3 THE COURT: Would that be special needs --

4 THE WITNESS: Yes.

5 THE COURT: -- to where you would get the additional funds?

6 THE WITNESS: Yes, and, again, we just have to show that
7 they are receiving like six hours of some type of special service that week
8 and a OT coming in and a physical therapist coming in to assist this child,
9 and that's what would bump the amount up.

10 THE COURT: So, like an autistic child would be considered
11 special needs, I'm assuming, or would it depend on how, I guess, autistic
12 or the level of services?

13 THE WITNESS: Yes, it would really depend on their
14 spectrum.

15 THE COURT: Okay.

16 THE WITNESS: And what qualifies it, is the services that are
17 in place to assist.

18 THE COURT: Go on, Ms. Bluth.

19 BY MS. BLUTH:

20 Q So, both on direct and on cross you talked about
21 conversations that you would have with Ms. Solander regarding what
22 we've been referring to as toileting issues --

23 A Mm-hmm.

24 Q -- and then eating issues.

25 A It's true.

1 Q Are those the two major issues that she discussed with you?

2 A Yes, mm-hmm.

3 Q And were those something that were discussed constantly,
4 every once in a while? I'm trying to kind of understand how much of this
5 was coming up.

6 A I found it to be regular and it, again, stood out to me in the
7 way that she would emphasize them. It sometimes seemed, in my
8 opinion, that she was just a little too focused on those things at times and
9 they seemed to really bother her, and they kind of stood out to me.

10 So, when she would report them to me, you know, I would take
11 note of it and we'd discuss it, but, you know, sometimes I would think to
12 myself some of those things are typical things. So, they're not
13 necessarily, you know, that large in the way that she presented them.

14 MS. BLUTH: Understood. Thank you so much.

15 That concludes my redirect, Your Honor.

16 THE COURT: Any recross?

17 MS. MCAMIS: Yes, please, Your Honor. Court's indulgence.

18 **RECROSS EXAMINATION**

19 BY MS. MCAMIS:

20 Q Ms. Davison?

21 A Yes.

22 Q You were asked on recross examination about your opinion or
23 observations if Autumn was defiant when she was with you. You spent a
24 half hour with her once a month; correct?

25 A Sure, or sometimes more depending on our contact we have.

1 Q Home visits are commonly roughly a half hour; correct?

2 A Sure.

3 Q Okay.

4 A Add 30 minutes to an hour depending on what's happening,
5 sure.

6 Q Okay. Now, your -- the last questions you were asked on
7 recross exam -- or -- redirect examination -- excuse me -- were about the
8 toileting issues that related to Autum.

9 A Mm-hmm.

10 Q Now, Mrs. Solander didn't bring up toileting issues or anything
11 related to potty training concerns as far as Ivy; correct?

12 A Say -- did she bring up any issues in regards to toileting for
13 Ivy?

14 Q Right.

15 A No, she just said she was being sick from food.

16 Q Okay. But nothing about toileting concerns; correct?

17 A No.

18 Q Okay. You were also asked a series of questions about how
19 foster parents are paid, so I have a few follow-up questions on that. You
20 testified that children who are assessed as special needs can receive
21 more money that is sent to their foster parent; is that fair to say?

22 A Yes.

23 Q Okay.

24 A Sorry, yes.

25 Q Now, the Solanders never brought up special needs as far as

1 getting paid; correct?

2 A Correct.

3 Q They never asked for you to find Autumn or Ivy as special
4 needs children; correct?

5 A No, they never did.

6 Q And they never asked for the -- and, again, I call it a stipend --

7 A Sure.

8 Q -- but I'm not sure which it's actually called.

9 A Mm-hmm.

10 Q But --

11 A That's fine.

12 Q That's fine?

13 A Mm-hmm.

14 Q So, they never asked for the stipend to be increased based on
15 these children allegedly being special needs; correct?

16 A No.

17 Q Okay. And they never asked for more money, period; correct?

18 A No.

19 MS. MCAMIS: Okay. No further questions.

20 THE COURT: Anything else, Ms. Bluth?

21 MS. BLUTH: No, Your Honor. Thank you.

22 THE COURT: Thank you for your testimony.

23 THE WITNESS: All righty, thank you.

24 THE COURT: You are excused at this time.

25 And your next witness is here at two, so let's just take a --

1 MS. BLUTH: She's here.

2 THE COURT: Oh, she is?

3 MS. BLUTH: We can take a break, but she's here.

4 MS. MCAMIS: Actually, could I -- I'm sorry, I didn't mean to

5 interrupt.

6 THE COURT: Let's just take a quick break.

7 MS. MCAMIS: Like a five-minute break.

8 THE COURT: Yeah.

9 MS. MCAMIS: Based on her need to walk.

10 THE COURT: And then we'll finish up with --

11 MS. MCAMIS: Okay. Thank you.

12 THE COURT: -- the next witness.

13 [Recess taken at 1:56 p.m.]

14 [Proceedings resumed at 2:02 p.m.]

15 THE COURT: And I believe we were on cross-examination.

16 MS. BLUTH: Yes, ma'am.

17 THE COURT: So, Ms. McAmis --

18 MS. MCAMIS: Yes.

19 THE COURT: -- you may proceed.

20 MS. MCAMIS: Thank, you, Your Honor.

21 [Proceedings from 2:02 p.m. to 3:09 p.m. -- previously transcribed]

22 MS. BLUTH: Lori Wells -- or -- sorry. Let's see. Shannon

23 Edwards.

24 THE COURT: Oh, okay. I thought we were done.

25 MS. BLUTH: Oh, no.

1 THE COURT: Oh, okay.

2 MS. BLUTH: Remember, the nurse.

3 THE COURT: Right. Okay. I had forgotten.

4 MS. BLUTH: We're close.

5 [Colloquy between the Court, counsel, and Marshal]

6 THE COURT: Where is she?

7 THE COURT MARSHAL: Ms. --

8 MS. BLUTH: I'm texting her.

9 THE COURT MARSHAL: -- Bluth is going to contact her.

10 THE COURT: All right. Let's just go ahead and take a quick

11 break then and wait for the witness.

12 [Recess taken at 3:14 p.m.]

13 [Proceedings resumed at 3:25 p.m.]

14 THE COURT MARSHAL: Just remain standing, raise your

15 right hand and face the clerk to your left.

16 THE WITNESS: Okay.

17 **SHANNON EDWARDS**

18 [having been called as a witness and being first duly sworn,

19 testified as follows:]

20 THE COURT CLERK: Thank you. Please have a seat. State

21 and spell both your first and your last name for the record.

22 THE WITNESS: Shannon Edwards, S-H-A-N-N-O-N

23 E-D-W-A-R-D-S.

24 THE COURT: You may proceed.

25 **DIRECT EXAMINATION**

1 BY MS. BLUTH:

2 Q Ms. Edwards, how are you employed?

3 A I'm a nurse case manager for Department of Family Services.

4 Q Okay. Let's see. I don't know if I want to start with your
5 education or -- why don't we first start with what a person in your position
6 does?

7 A I'm a registered nurse. I follow medically fragile and special
8 needs kids in foster homes to make sure their medical concerns are
9 being addressed properly by the foster parent.

10 Q Okay. And then could you explain the training and education
11 that you receive in order to become a nurse?

12 A I have an associate's degree in nursing and I've been a nurse
13 for seven years, and prior to that I was an LPN for seven years.

14 Q And for the record, what is an LPN?

15 A A licensed practical nurse.

16 Q Okay. So, when you say -- when you were talking about your
17 nursing duties within the Department of Family Services like a -- what
18 did you say, a nurse case manager? What's the proper word? I want to
19 make sure I'm using it.

20 A Nurse case manager.

21 Q Okay. Could you give me an idea of what, like, your job duties
22 would be as a nurse case manager?

23 A To see what the needs are medically; make sure they're being
24 addressed appropriately, meaning they have all the services they qualify
25 for or need, all the specialists that are involved.

1 If there's any concerns make sure I'm being supportive to the
2 foster parent and the child, and if there is any other family involved make
3 sure that I'm making sure they're well aware of the medical issues and
4 involving them and being kind of like a person to describe the medical
5 needs in layman's terms so that everybody that's involved in the case
6 understands what's going on.

7 Q Okay. At some point did you become involved in the care of
8 Areahia Diaz?

9 A Yes, I received a medically fragile referral for her.

10 Q And what foster home was she in when you received a -- the
11 medically fragile paperwork?

12 A The Solander's.

13 Q Okay. And when you received that paperwork can you give
14 me an idea of, you know, what you were being notified you needed to
15 help with?

16 A I was notified that this was a foster child who was diabetic and
17 having hypoglycemic episodes, and that there was a request to come in
18 and evaluate and see what the needs are because they were a bit
19 confusing and to help provide more financial assistance to the foster
20 parents.

21 Q Okay. And -- but who's making that request for you to do
22 those things?

23 A The caseworker makes the request, and it would be based on
24 their preference or the foster parent's request.

25 Q Okay. And so once you get that request let -- tell me what you

1 do next.

2 A I call the foster parent explaining who I am and what my role is
3 and what I'm trying to do for them, and ask them to set up a home visit to
4 meet with the caregiver, the child to go over all the medical needs or
5 concerns with them in their home.

6 Q Okay. And did you in fact go to the Solander home and do
7 that?

8 A I did.

9 Q And when you went to the Solander home could you give me
10 an idea of who was home at the time?

11 A I saw a foster mom and Areahia.

12 Q And when you say foster mom, would that be Janet Solander?

13 A Yes.

14 Q And do you see Ms. Solander in the courtroom today?

15 A Yes.

16 Q Can you just describe to me what she's wearing?

17 A A teal shirt on.

18 Q And she's sitting at counsel table to my right, your left?

19 A To your right, my left.

20 THE COURT: The record will reflect.

21 MS. BLUTH: Okay. I tried to make it easier than yesterday,
22 and I'm making it worse. That question always gets people when I say
23 my right, so now I'm trying to say --

24 THE COURT: I know it's confusing; right, left.

25 MS. BLUTH: -- your left. It's a disaster.

1 BY MS. BLUTH:

2 Q Okay. So, Janet is home and Areahia is home?

3 A Yes.

4 Q Now, do you -- what was Areahia doing upon your arrival to
5 the house?

6 A She was sitting at like the kitchen counter doing homework.

7 Q So, would this be after school hours?

8 A Yes.

9 Q And did you see any other children in the home?

10 A I don't recall any others.

11 Q When you got there was Janet able to speak with you or was
12 she busy doing other things?

13 A She was on the phone making a phone call, I believe, to the
14 pharmacy because she told me she was in the middle of something, but
15 welcomed me in to sit down with Areahia.

16 THE COURT: I'm sorry. This was a scheduled visit?

17 THE WITNESS: Yes, a scheduled visit on her time.

18 BY MS. BLUTH:

19 Q When you arrived, were you able to make contact with
20 Areahia?

21 A Yes.

22 Q Is -- was she like a talkative child? How would you describe
23 her demeanor?

24 A She was sitting down doing the homework. I sat down next to
25 her and tried to chitchat with her and get to know her to make her

1 comfortable with me. She was answering my questions and open to
2 talking, but on the quiet side.

3 Q Okay. Was there any either paperwork or charts around that
4 talked about any food restrictions?

5 A She had a piece of paper that was handwritten that -- I believe
6 she actually was writing down everything that she had been eating with
7 all of the carbs and the calories.

8 Q Areahia, are you talking about Areahia?

9 A I believe it was her writing.

10 Q Okay.

11 A But it was very neatly done, and it was a extensive list of all of
12 the foods.

13 Q Now, when Janet gets done with this telephone conversation,
14 do you have an opportunity to sit with her and discuss with her her
15 concerns about Areahia's health?

16 A Yes.

17 Q And what was she conversing with you in regards to that?

18 A She told me that the child was diabetic and -- but she didn't
19 make it clear on how long she was diabetic, who diagnosed her, what
20 type of diabetes she had, but kind of went through the motions of telling
21 me when I asked how did she know she was diabetic, you know, what
22 kind of symptoms are you seeing. She did tell me that she knew she was
23 diabetic because she was a nurse and she knows, and that she found
24 her passed out underneath her bed one night.

25 Q Was there anything else that she was able to give you where

1 you thought, okay, this child's diabetic?

2 A She gave me a lot of information about her, but nothing that
3 was clear that made me believe she was truly a diabetic child.

4 Q Was she able to verbalize -- that being Janet. Was Janet able
5 to verbalize anything other than I found her passed out one morning,
6 anything other than that in regards to why she believed the child had
7 diabetes?

8 A Not to why she believed the child had diabetes, more of the
9 treatment and what they had been doing.

10 Q What did she say about that?

11 A That she said for the summer they had been working on
12 weight loss and she was eating healthier and exercising quite a bit
13 instead of being on, you know, TV, and doing lots of walks. And that she
14 was checking her blood sugar to make sure that her blood sugar hadn't
15 been dropping, which was the -- she said was the concern that her blood
16 sugar's always low and dropping, but that didn't match with a diabetic.

17 Q Well, why, explain why.

18 A Depending on what type of diabetic she was, her blood sugar
19 would be high. The only reason it would be having lows would be
20 because she had too much insulin. So, when I asked about the insulin
21 orders, she told me there was no insulin orders.

22 Q Were you confused at that meeting?

23 A Very.

24 Q You said that Janet told you that she was a nurse. Did you
25 ever ask for her medical license?

1 MS. MCAMIS: Objection, relevance.

2 THE COURT: Overruled.

3 BY MS. BLUTH:

4 A I did because one of the qualifications to receiving a medically
5 fragile -- like for the financial assistance that I can put in place, would be
6 to be having extra education in something medical. So, if she didn't have
7 more education than the average foster parent, whatever their licensure
8 requires, then I would give her some classes to take online. So, I told
9 her -- letting me know what her license number was.

10 I know that she is required to do 30 CEs every two years to
11 renew her license. That would be sufficient to submit to our licensing
12 department to get her the medical rate. So, I was just trying to do an
13 easy fix on getting her license for that purpose.

14 Q Did you ask once or more than once?

15 A More than once.

16 Q Were you ever provided that information?

17 A No.

18 Q Did she discuss with you how much weight Areahia had lost
19 while in her care?

20 A She had told me that she had lost about 30 pounds.

21 Q After speaking with Janet did you also make contact with the
22 school nurse at Areahia's school to see if you could provide any more
23 clarification -- or -- see if she could provide any more clarification?

24 A I --

25 MS. MCAMIS: Objection, hearsay as to the nurse. The nurse

1 has already testified.

2 MS. BLUTH: I'm not asking what the nurse said.

3 MS. MCAMIS: She said did you contact the nurse for
4 clarification.

5 THE COURT: What was -- well, the -- it's just a yes or no
6 question.

7 Did you follow up with the school nurse?

8 THE WITNESS: I did after a specific appointment that talked
9 about the school.

10 BY MS. BLUTH:

11 Q Okay. So -- and you're referring to an appointment with Dr.
12 Dewan?

13 A Yes.

14 Q Okay. Dr. Dewan. Sorry, I always mispronounce that.

15 Let me ask you this. When you -- after you speak with Janet
16 and Areahia, at that point in time do you decide to stay on the case or is
17 that a point in time where you make those decisions?

18 A If it was an absolute no, that I wasn't -- she didn't qualify for
19 anything, she didn't have any medical needs, there was no real
20 concerns, then I would have just submitted a denial saying there's
21 nothing for me to follow up on, but I requested that even though I didn't
22 feel like there was a medical need going on. Something was going on
23 and I wanted to pursue it through her specialist appointments.

24 Q Okay. And so is that why an appointment is made with Dr.
25 Dewan?

1 A We made an appointment with Dr. Dewan because she was
2 seeing Dr. Saad and she said she wasn't satisfied with Dr. Saad and
3 wanted a new endocrinologist.

4 Q And --

5 THE COURT: And then did you say go to Dr. Dewan or how
6 did that all come about?

7 THE WITNESS: There was only at the time, and there's still
8 about now, only two to three pediatric endocrinologists in the valley that
9 accept fee-for-service Medicaid, so if it wasn't Dr. Saad, it would have
10 had to be Dr. Dewan. There wasn't really another choice.

11 THE COURT: Okay. So, did you recommend -- or did you
12 say, well, Dr. Dewan takes Medicaid or something like that?

13 THE WITNESS: No, she actually said she knew Dr. Dewan --

14 THE COURT: Okay.

15 THE WITNESS: -- and was familiar with her because -- him
16 because her adopted child sees him and was it okay to switch, and I said
17 absolutely, if you know him and you're comfortable with him and you're
18 not getting the services you want from Dr. Saad, I will support you in that
19 move.

20 BY MS. BLUTH:

21 Q Did she state why her -- one of her adopted children were
22 seeing Dr. Dewan?

23 MS. MCAMIS: I'm sorry, could you please repeat that? I
24 missed it.

25 THE COURT: Yeah, I didn't hear that either.

1 MS. BLUTH: Sorry.

2 BY MS. BLUTH:

3 Q You had just stated to Judge that Mrs. Solander had stated
4 that one of her adopted children was -- either had been seen by Dr.
5 Dewan or was currently being seen. Did she tell you why?

6 A She said the child had thyroid issues and was diabetic as well.

7 Q Did she tell you which child that was?

8 A No.

9 Q Did she discuss with you why she was not happy with Dr. --
10 I'm sorry, I don't pronounce it right. Is it Sah-eed [phonetic] or --

11 A Saad.

12 Q Dr. Saad. It's S-A-A-D; is that right?

13 A Yes.

14 Q Okay.

15 THE COURT: So, all this time I thought everybody was
16 saying Dr. Scott.

17 MS. BLUTH: Oh, no. Dr. Saad.

18 THE COURT: I'm so glad you spelled it.

19 BY MS. BLUTH:

20 Q Yeah, Saad; right?

21 A Yes.

22 Q S-A-A-D. Did she discuss with you why she was not happy
23 with Dr. Saad?

24 A She said there was lots of confusions with the supplies, on
25 what was being ordered, what she had. And that was actually the

1 argument she was having with the pharmacy when I arrived that day,
2 saying she didn't have the correct supplies and everything that was
3 needed for her, and it was the provider's doing.

4 Q Okay.

5 THE COURT: So, Dr. Saad is actually a pediatric
6 endocrinologist as well?

7 THE WITNESS: Yes.

8 THE COURT: Okay.

9 BY MS. BLUTH:

10 Q So, now I'd like to talk to you about the appointment with Dr.
11 Dewan. Were you present at that appointment?

12 A Yes.

13 Q With Janet and with Areahia?

14 A Yes.

15 Q Before you were able to go back into the doctor's room did
16 you sit in the waiting room with Areahia and Janet?

17 A I did, I sat next to Areahia.

18 Q Where was Mrs. Solander in regards to where you guys were
19 sitting?

20 A She was on a wall to my right, and I was next to Areahia --
21 almost catty-corner to her, but there was a decent distance between us,
22 and multiple people sitting.

23 Q Did you make an attempt to talk to Areahia about what was
24 going on?

25 A Yes, I did.

1 Q And when you would attempt to talk to Areahia what would
2 she do?

3 A She -- I tried to be very discreet and kind of whispered to her
4 that I was very concerned about her and the way she acted at the home
5 visit, and that if there was something going on I was trying to give her the
6 opportunity to let me know, and told her I work for DFS, if you -- if
7 something's going on where you don't need to go back to this home, you
8 need to tell me now so I can make that call and make those
9 arrangements, but if you don't tell me now, I don't know what's going on
10 and I can't help you.

11 THE COURT: How was she acting? You said she was acting
12 strangely or funny at the house. What was she doing that you thought
13 was strange or --

14 THE WITNESS: When I was talking to her initially, introducing
15 myself and just asking her about herself in general, she was quiet, but
16 she was answering the questions openly and appropriately.

17 When I started getting to, you know, I'm here, I want to talk
18 about your diabetes and what you're having to do about it, she put her
19 head down, looked straight down and kind of shut off from me. And I
20 said I understand this is probably a sensitive subject because I was
21 thinking maybe she's a new diabetic and she doesn't understand or
22 doesn't want to talk about it. So, I just kept asking her questions and she
23 completely shut down from me.

24 And then she kept glancing out of the corner of her eye
25 towards where her foster mom was on the phone, which was far from

1 me. And I said I'll talk to her when she's done; I'll get her point of view,
2 but I need to know what's going on, what do you think's going on with
3 you, and she wouldn't talk to me, but kept glancing over. And I said I
4 don't know what's going on, but you don't have to worry about that, she's
5 far away, she can't even hear what we're talking about, and she looked
6 at me fearful. And I asked her can she hear us, and she put her head
7 down and refused to speak to me. And that's about the time the phone
8 call ended and she walked over to us.

9 BY MS. BLUTH:

10 Q How was she acting at the doctor's office when you were
11 trying to talk to her?

12 A Very quiet and kept her head down, but did answer. When I
13 asked her if she was okay, she did say she was okay.

14 Q At any point in time did you ever notice her looking at Janet
15 repeatedly while you were talking to her?

16 MS. MCAMIS: Well, objection, foundation.

17 THE COURT: Basis.

18 MS. MCAMIS: Yeah.

19 THE COURT: I -- I'm assuming you're talking about in the
20 waiting room area.

21 At any time when you're all in the waiting room area.

22 THE WITNESS: Probably just for a second. Not like it was in
23 the home.

24 THE COURT: Okay.

25 THE WITNESS: But she did glance at her, but didn't answer

1 anything more, didn't elaborate on anything. She just looked and was
2 done talking to me.

3 THE COURT: Okay.

4 BY MS. BLUTH:

5 Q Now, when you all go in to see Dr. Dewan, do you get to go in
6 too?

7 A Yes.

8 Q And who does the talking once inside the appointment?

9 A Janet did.

10 Q Did Areahia ever have the opportunity to talk?

11 A The opportunity was there; she chose not to talk. And when
12 Dr. Dewan asked her questions directly, she did minimal talk and maybe
13 a one-word answer and just --

14 Q What did Janet say was going on with Areahia to Dr. Dewan?

15 A She said she was diabetic and that she was having episodes
16 of low blood sugar and passing out. And she had current concerns about
17 her eating habits and hoarding food and trying to be involved with events
18 at school; eating sugary foods and snacks that were being provided, and
19 she was asking for assistance to help get that under control as well.

20 And there was also a review of an ICU testing that was done
21 just recently in the ICU setting that was ordered by Dr. Saad, but we
22 were not going back to her. So, we were going back -- we were going to
23 Dr. Dewan for an initial consult, as well as to review what those results
24 showed.

25 Q Okay. And as part of -- her caseworker were you able to look

1 at those results that were being presented to Dr. Dewan?

2 A I didn't get to see anything on paper. I visited her in the ICU
3 while the testing was being done, and he just verbally told us what the
4 results were.

5 Q When -- as her case manager, either through the ICU or in
6 your appointment to Dr Dewan, was it ever confirmed that Areahia had
7 high blood sugar?

8 A No.

9 Q Or that she was diabetic?

10 A No.

11 Q Or that she was pre-diabetic?

12 A No.

13 THE COURT: What about low blood sugar, did the ICU tests
14 show that she had low blood sugar?

15 THE WITNESS: It was overall on the low-end of normal, but
16 nothing that ever significantly dropped, and that's what they were testing
17 for.

18 THE COURT: Right. So, when you say the low-end of
19 normal, like 70 or --

20 THE WITNESS: Yes, anything below 70 would have been
21 considered low. She was borderline low 70s high 60s, but nothing --

22 THE COURT: But they didn't feel like any -- based on that,
23 any kind of intervention or anything?

24 THE WITNESS: No.

25 BY MS. BLUTH:

1 Q Did -- when Ms. Solander was talking about that the child --
2 she didn't want her having sugary snacks or things like that, then what
3 was the medical -- what was the treatment plan then?

4 A Dr. Dewan said there's absolutely no problems with having
5 sugary snacks; that was actually encouraged if her concern was low
6 blood sugar. We weren't worried about the blood sugar going high, so
7 that was actually encouraged.

8 Q And then once Dr. Dewan kind of alleviated that concern, did
9 Janet flip flop her facts or her -- change her story in any way?

10 MS. MCAMIS: Objection, argumentative. Flip flop?

11 MS. BLUTH: I said change her story, but I'm not
12 argumentative. It's my witness.

13 THE COURT: Well, I don't think it's argumentative.

14 I mean, well, did she change what she was telling her?

15 THE WITNESS: Yes.

16 THE COURT: Okay.

17 BY MS. BLUTH:

18 Q In what way?

19 A After she was talking about the hoarding lots of food both at
20 the school by taking other kids' foods and in the home and that had to be
21 monitored, and trying to get involved with the different parties at school
22 and eating sugary snacks and he said that wasn't a concern, she said,
23 well, actually, we're providing snacks all the time, but she's not able to
24 eat them at school because she takes too long, you know, chitchatting
25 and not eating, that the snacks actually end up getting thrown out, so

1 that's why her blood sugar drops when she gets home.

2 Q Okay. So, it went from stealing other children's food to not
3 even eating her own food?

4 A Yes.

5 MS. MCAMIS: Objection, leading. Counsel's testifying.

6 THE COURT: Overruled.

7 BY MS. BLUTH:

8 Q Did Dr. Dewan prescribe Areahia any medications?

9 A No.

10 Q Did Janet have any request in regards to Areahia being at
11 school around others and their food?

12 A Yes, when he discussed if the eating is becoming problematic,
13 that he could always tell the school nurse that, you know, to go ahead
14 and eat with her during meals, but he didn't feel like it was problematic
15 and didn't think that was necessary and was very concerned that socially
16 that was inappropriate at this time.

17 Q After you left that appointment did you have concerns
18 regarding Areahia's well-being?

19 A Yes.

20 Q Why?

21 A Because the stories never -- the stories had never meshed
22 well. And even though Dr. Dewan was being very kind in the
23 appointment and just addressing whatever the statement was at the time,
24 I was just concerned, how do I say, in general that the stories didn't
25 match. She kept even referring to her in this appointment that the child

1 was diabetic, and Dr. Dewan had to correct her several times saying the
2 child is not diabetic.

3 And at some point she did ask for a note for the school to
4 keep her away from the other children at lunch and have her sit and eat
5 in the nurse's office, and he said he wasn't going to write that.

6 MS. MCAMIS: Well, objection as to what he said. He's
7 already testified.

8 MS. BLUTH: Well, it doesn't matter if he's already testified.
9 It's in the purpose of medical diagnosis and treatment, and she --

10 MS. MCAMIS: Well, objection, hearsay.

11 MS. BLUTH: Can I respond to the first objection?

12 THE COURT: Well, Ms. Bluth has stated a hearsay objection,
13 which is statement for medical diagnosis and treatment, but it's also -- I
14 mean, it's also being considered as to the progression of events and then
15 what this witness may or may not have done based on whatever
16 happened in the Dewan appointment.

17 So, you can answer. So, he said he wasn't going to write the
18 letter?

19 THE WITNESS: He said he was not because he wasn't
20 recommending it.

21 THE COURT: Okay.

22 THE WITNESS: It was just mentioned as this is what we
23 would do if it becomes problematic, but he didn't feel like that was
24 beneficial yet. Socialization with the other children was more important
25 to him.

1 THE COURT: Also, it's not going into truth of what Dr. Dewan
2 says, it's more going to what Mrs. Solander knew or didn't -- you know,
3 what information she had in her head going forward. So, whether or not
4 it's good for socialization or not good for socialization really isn't the
5 point. It's what she was told.

6 Go on.

7 BY MS. BLUTH:

8 Q Did Janet discuss with you any other diagnosis of Areahia's
9 siblings in the home?

10 MS. MCAMIS: Objection, relevance.

11 THE COURT: Overruled.

12 BY MS. BLUTH:

13 A She had mentioned that the little girl was autistic.

14 Q The baby?

15 A Yes.

16 THE COURT: What little girl?

17 THE WITNESS: I believe her name was Novelie [phonetic].

18 THE COURT: Okay. So, Mrs. Solander just offers out of the
19 blue, oh, Novelie [phonetic] -- or -- the little baby is autistic?

20 THE WITNESS: We've -- we talked in the home and had also
21 talked at the -- on the phone and at the appointments, and I was just
22 asking how does she -- the -- Areahia interact with siblings and all of that.
23 So, that would have come with any appointments; saying how she'd
24 interact with the family members of the household, how she'd interact
25 with her siblings, is she having visits.

1 And I would also have asked that specific to diabetic children;
2 do visits or interactions cause high blood sugar because it does affect
3 them with stress. So, that information would have been offered during
4 that time talking about the other children.

5 BY MS. BLUTH:

6 Q Well, did she have any diagnoses for Keisha [phonetic], the --
7 sorry -- the sister that was --

8 A Yes.

9 Q -- like four?

10 A She told me there was -- she never gave me a specific
11 diagnosis. She did say that she's got anger issues and she's -- tantrums
12 a lot. It wasn't later until I found out a diagnosis for her.

13 MS. MCAMIS: I'm sorry. Can you repeat that last part? I
14 didn't hear it.

15 THE WITNESS: It wasn't until later, after the fact of all this
16 that I heard a diagnosis for this child.

17 MS. MCAMIS: Okay.

18 MS. BLUTH: Given five --

19 THE COURT: Well, I'm just -- what was that diagnosis?

20 THE WITNESS: Intermittent explosive disorder.

21 THE COURT: And --

22 THE WITNESS: And this is because my unit -- it's hard to
23 explain. My unit, medical, the nursing unit, some of us did the medical,
24 and at the time it was only me. The other five nurses do the psych
25 appointments.

1 THE COURT: Right.

2 THE WITNESS: So, that appointment -- that information
3 came through us and I recognized the name, and it said from the
4 caseworker that the child was diagnosed with intermittent explosive
5 disorder and being prescribed meds.

6 THE COURT: Who --

7 THE WITNESS: But I knew that. I knew those girls' names,
8 so I told them --

9 THE COURT: Oh.

10 THE WITNESS: -- it's the sibling.

11 THE COURT: And who diagnosed that child?

12 THE WITNESS: I believe it was the neurologist.

13 THE COURT: Okay. So, that's actually a real diagnosis.

14 THE WITNESS: It's a real diagnosis.

15 THE COURT: Okay. So, a medical, true medical
16 professional, to your knowledge, diagnosed that.

17 THE WITNESS: Intermittent explosive disorder.

18 THE COURT: Okay. Go on.

19 BY MS. BLUTH:

20 Q When you have a child who's four years old, and a doctor
21 diagnoses them with anything, whether it be intermittent explosive
22 disorder --

23 THE COURT: Anxiety.

24 BY MS. BLUTH:

25 Q -- diabetes --

1 THE COURT: Depression, whatever.

2 BY MS. BLUTH:

3 Q -- do you know -- like, does that information come from the
4 child or the caregiver?

5 A I'm not quite -- I understand.

6 Q So, the information when that child goes to see a doctor --

7 THE COURT: I think that's beyond what she can answer
8 because I don't think she knows whether there was corroborative testing
9 or -- do you see what I'm saying?

10 THE WITNESS: We request medical records if there's any
11 question about what's being said.

12 THE COURT: Okay.

13 MS. BLUTH: That concludes my direct examination, Your
14 Honor.

15 THE COURT: All right. Thank you.

16 Ms. McAmis?

17 **CROSS-EXAMINATION**

18 BY MS. MCAMIS:

19 Q Good afternoon, Ms. Edwards.

20 A Hello.

21 Q You identified yourself as a nurse case manager employed
22 with the Department of Family Services; correct?

23 A Yes.

24 Q And that you were assigned specifically to Areahia Diaz;
25 correct?

1 A Yes.

2 Q And what was the time period of that assignment, if you
3 remember?

4 A It was the end of 2013.

5 Q Okay. And how long did you stay on that case for?

6 A I want to say it was about till March the following year until she
7 was reunified.

8 Q Okay. When did you start with Areahia Diaz as her nurse
9 case manager?

10 A At the end of 2013. The initial visit, I believe it was November.

11 Q Okay. So, as -- in your duties as a nurse --

12 A Mm-hmm.

13 Q -- assigned to these children, you have a responsibility to
14 know what doctors they're seeing; correct?

15 A Yes.

16 Q All of the doctors that they're seeing; correct?

17 A Yes.

18 Q And it's fair to say you also have a responsibility to know or
19 document for your internal file what medications those children are
20 receiving; correct?

21 A Yes.

22 Q Okay. So, you have testified that Areahia saw Dr. Dewan one
23 time; correct?

24 A Yes.

25 Q But prior to that she was being assessed and/or treated by Dr.

1 Saad; correct?

2 A Yes.

3 Q How long had Areahia seen Dr. Saad for compared to Dr.
4 Dewan?

5 A I don't know. I was not following her when she had seen Dr.
6 Saad. I was provided that information at the initial home visit.

7 Q Okay. But you have access to Areahia's -- or -- you would
8 have had access to Areahia's file that was maintained by your agency;
9 correct?

10 A Yes.

11 Q And that file would have included whatever records or
12 prescriptions Dr. Saad had given to Areahia; correct?

13 A No, not necessarily.

14 Q The Department of Family Services, through their nursing unit,
15 does not maintain records as to what prescriptions a doctor is giving a
16 child in the custody of Department of Family Services?

17 A No, that's not our role. The medical unit, when they're notified
18 of an appointment, requests records immediately. And then at some
19 point the records get notated with like a written narrative from whoever's
20 inputting it in so that the people on the case can read those. And the
21 records get scanned into a totally different system.

22 Q Okay. But you would have had access to notes that Dr. Saad
23 was treating Areahia; correct?

24 A If they were inputted, yes.

25 Q Okay. And do you have any independent memory of notes

1 that Areahia was seeing Dr. Saad?

2 A I recall being told that she had seen Dr. Saad. And I actually
3 called Dr. Saad's office to ask for information because as nurse I'm not
4 actually allowed to request the records directly. I have to go through a
5 process of having the caseworker request them from the medical unit,
6 which I did ask them to do. But I was given information over the phone
7 regarding the child was seen and prescribed medication.

8 Q And was one of those prescriptions for Areahia Metformin?

9 A Yes.

10 Q Will you explain to, perhaps, some of us non-medical
11 professionals what is Metformin, what is it prescribed for?

12 A It's usually prescribed for people who need their blood sugar
13 brought down. It will help bring the overall blood sugar down lower; not
14 necessarily to a normal level, just lower than what it is. People also use
15 it on the side for weight loss, which it is prescribed for weight loss; it's
16 one of the side effects.

17 THE COURT: And she had actually been prescribed this?

18 THE WITNESS: I was told that she was actually prescribed it
19 initially.

20 THE COURT: By Dr. --

21 THE WITNESS: Saad, but asked to stop shortly after.

22 THE COURT: Who asked to stop?

23 THE WITNESS: The office. When I called they told me it was
24 asked to stop. I --

25 THE COURT: I mean, the patient and the mom, Janet