

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

2 JANET SOLANDER,)

CASE NO. 76228

3 Appellant,)

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Elizabeth A. Brown
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4 vs.)

VOLUME VI

5 THE STATE OF NEVADA,)

6 Respondent.)

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

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

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1 observed, you know, children being treated inappropriately,
2 never observed whatever.

3 MS. BLUTH: Yeah.

4 THE COURT: Now, can he do it in a quicker manner?
5 Yes. I mean, he could do what I just said, and that's three
6 questions, but I can't on relevancy grounds make Mr. Figler ask
7 his questions a certain way, although again you could sum it up
8 a lot more quickly than what I've just done, but I think
9 he's --

10 I mean, look, let's face it. What's Mr. Figler
11 trying to do? If he just said, okay, you were there 14 times
12 between this date and this date, and you never saw a child
13 being mistreated, you never saw anything that caused you as a
14 mandatory reporter, I think that probably in Mr. Figler's mind
15 minimizes the impact. If he goes through ad nauseam through 14
16 notes, then I think he's thinking it makes it seem like more
17 than just saying 14 visits.

18 Because you could do the same thing, frankly,
19 Mr. Figler, and say you were there 14 times as a mandatory
20 reporter, and you never saw anything that was out of order.
21 You never saw a dirty floor. You never saw kids sitting on
22 buckets. You never heard a kid crying. You never heard blah,
23 blah, blah, but --

24 MR. FIGLER: I wish we weren't talking about the
25 Starks or Diaz-Burnetts. As the State indicated --

1 MS. BLUTH: Oh, my gosh.

2 THE COURT: Well, the ruling is the ruling,
3 Mr. Figler. You can't keep criticizing it.

4 MR. FIGLER: I'm not criticizing it. I'm just saying
5 that I have to bring in the rest of the story.

6 THE COURT: Well, okay. The ruling is the ruling,
7 and like I said --

8 MR. FIGLER: Did I ask you to change it? I'm just
9 saying this is what I am forced to do as a defense attorney
10 now.

11 THE COURT: Well, again, you could, you know --

12 MR. FIGLER: I'll consider that.

13 THE COURT: I'm not telling you how to do your job,
14 and I get it. You think the impact is maximized by going
15 through each visit because it makes it seem like more. You
16 know, if he spends two hours, then it makes it seem like more
17 than 10 minutes summarizing 14 visits, no signs of abuse --

18 MR. FIGLER: The shortest one was 35 minutes. The
19 longest one was two hours, and they're all different times.

20 THE COURT: Well, I just said you're allowed to ask
21 your question. I'm not a criminal defense attorney. You know,
22 I can maybe appreciate what you're doing, but I can't tell you
23 how to ask your question. You know, at some point, if it
24 becomes unduly burdensome and cumulative, then I can say, you
25 know, sum it up here.

1 MR. FIGLER: I'll do my best here.

2 THE COURT: We're not there yet, but I'm just saying
3 at some point the Court can step in and say this is unduly
4 cumulative, and you need to, you know, get to the chase.

5 In any event, let's go eat lunch.

6 (Proceedings recessed 12:36 p.m. to 1:34 p.m.)

7 (In the presence of the jury)

8 THE COURT: All right. Court is now back in session.
9 The record should reflect the presence of the State through the
10 deputy district attorneys, the defendant and her counsel, the
11 officers of the court, and the ladies and gentlemen of the
12 jury.

13 And, ma'am, you are still under oath. Do you
14 understand that?

15 THE WITNESS: Yes.

16 THE COURT: All right. Mr. Figler, you may resume
17 your cross-examination.

18 MR. FIGLER: Thank you, Your Honor.

19 BY MR. FIGLER:

20 Q Ms. Davison, we were talking before the break about
21 information that you were learning from the children and your
22 Unity notes, and there was just one thing that I missed. I
23 want to make sure I got it. When Felicia Tucker interviewed
24 Autumn, Autumn was -- did you recall the Autumn was able to
25 explain when she was spanked and when she wasn't spanked, that

1 sort of thing?

2 A I don't recall that, but, again, I trust what the
3 Unity notes would say.

4 MR. FIGLER: Oh, I'm sorry, Counsel. We're looking
5 at page 10.

6 MS. BLUTH: Thank you.

7 MR. HAMNER: Thank you.

8 BY MR. FIGLER:

9 Q Do you recall that?

10 A Yes.

11 Q So from the Unity notes that you rely upon, you know
12 that Autumn was interviewed and was able to distinguish between
13 levels of punishment or discipline; correct?

14 A Yes.

15 Q Okay. And that was back in December of -- December
16 of 2012; correct?

17 A Yes.

18 Q Thank you. And that would be consistent with her
19 FACT counseling; correct?

20 A Yes.

21 Q Thank you. All right. Now, we had talked about the
22 visit. I think the last one we talked about was January 11th
23 of 2012.

24 A Yes.

25 Q Okay. And I think I might have just misspoke. So

1 what I just -- I'm sorry. I think it was December of 2011 was
2 the notes that we just read from Felicia Taylor; right?

3 A Correct.

4 Q So as far back as December of 2011, Autumn had that
5 training and was able to distinguish disciplines; correct?

6 A Yes. Yes.

7 Q Okay. All right. So now we're in 2012, and we had
8 talked right before the break of the January 11, 2012, visit,
9 the one that you and Katie Maddox were at; correct?

10 A Correct.

11 Q All right. And you indicated the Solanders weren't
12 there; right?

13 A Correct.

14 Q Okay. And that Andrea, the nanny, was there;
15 correct?

16 A Yes.

17 Q All right. Great. And you had testified on direct
18 that you don't remember seeing the Solander kids. You have one
19 distinct memory of seeing the Solander kids working and doing
20 homework, but you couldn't tell me when during that period it
21 was; correct?

22 A Correct.

23 Q Okay. But let me ask you this. You're not
24 suggesting that the nanny on January 11th, 2012, hid the kids
25 away from you or anything like that, are you?

1 A No. I just I'm saying the only times I've seen the
2 kids is just the one interaction.

3 Q Okay. But again, your main focus was on the Stark
4 children; correct?

5 A Correct.

6 Q And making sure the house was safe?

7 A Yes.

8 Q So if kids had run by or gone by, and there was
9 nothing to note, it's possible you didn't note it?

10 A No. I don't believe so in this instance. I can
11 assure you I've only seen those children once.

12 Q Okay. But you were in the house, and did you ever
13 hear anyone crying from behind a door or something like that?

14 A No.

15 Q Well, of course, if you did, you would've
16 investigated that; right?

17 A Yes.

18 Q If you would have seen anything out of the ordinary
19 as it related to the Solander children, you would have either
20 reported it or investigated yourself?

21 A Yes.

22 Q Okay. And again you never did anything like that?

23 A No.

24 Q Nothing ever alerted you over the multiple visits
25 that you were in the house that anything was wrong with the

1 Solander children; correct?

2 A Yeah, I never saw them but the once.

3 Q Okay. But you had no other indication, nothing that
4 suggests that they were being hidden away, no suggestion of
5 that?

6 A No.

7 Q Okay. No suggestion that they were being concealed
8 from you in some way; correct?

9 A No.

10 Q Okay. You just went in there for the task at hand
11 which is to make sure that the Stark kids were in a safe and
12 healthy environment, and you continually concluded yes?

13 A Correct.

14 Q All right. All right. What's ECMHS?

15 A It's early childhood mental health services.

16 Q Okay. And you know that the Stark children were also
17 being referred by DFS for ECMHS; isn't that correct?

18 A Correct.

19 Q Okay. And they were on a long waiting list for a
20 while before they could find those mental health counselors for
21 the Stark kids; correct?

22 A Yes.

23 Q But ultimately you were able to get them involved in
24 ECMHS as well?

25 A Correct.

1 Q So they had FACT counseling; correct?

2 A Yes.

3 Q They had ECMHS counseling; correct?

4 A Yes.

5 Q They were being viewed by doctors over at Child
6 Haven; is that correct?

7 A Yes, they were.

8 Q Okay. Great. Now, you got a report, and, again, we
9 talked a lot about -- or let's go back to the beginning of
10 February, so February 3rd, 2012. There is a Unity note from
11 someone named Naomi Robledo [phonetic]. Am I butchering her
12 name?

13 A No, that's correct.

14 Q Okay. Naomi Robledo, and she in her Unity note
15 confirmed that Autumn was taken to the --

16 MR. HAMNER: Objection. Hearsay.

17 MR. FIGLER: Okay.

18 BY MR. FIGLER:

19 Q From reviewing the Unity notes, do you recall that
20 the caseworker Robledo confirmed Autumn going to the adolescent
21 pediatric gastroenterologist?

22 A Just so I can clarify, in those notes, they're
23 entered from a separate person. So the nurse specifically
24 would've entered that note. So I do have access to those, and
25 I do view them regularly, but a note like that, you know, I

1 would've just briefly skimmed over it. I wouldn't have, you
2 know, focused entirely on that. So if she entered it, that's
3 correct, but for me it would just be something that I would
4 kind of skim over in the course of my work.

5 Q Okay. But in making assessments as to whether or not
6 certain things we're going on or not going on, you're going to
7 rely on your Unity notes; right?

8 A Yes.

9 Q Okay. So if Autumn is being seen by the adolescent
10 pediatric gastroenterologist, that's important to you in your
11 job functions; correct?

12 A Absolutely. Yes.

13 Q Okay. And do you recall that there was a visit to
14 the advanced adolescent pediatric gastroenterologist for a
15 medical exam on 2/3/12?

16 A If she put it in there, I would, again --

17 Q So there's no reason to doubt that as --

18 A No, not at all.

19 Q And again, you testified that there were a number of
20 no-shows. Do you remember after a no-show is when the foster
21 parents reported to you that Autumn was bedwetting again and
22 was putting her hands in the mouth afterwards?

23 A I recall, yes.

24 Q Okay. And do you remember that being very close in
25 time to another no-show from the natural parents?

1 A Yes. In the beginning we were regularly having
2 no-shows.

3 Q Okay. Thank you. All right. So now I want to talk
4 about the February 10th, 2012, home visit. Do you recall
5 going with Keesha Carruthers to that?

6 A Yes, vaguely. Yes.

7 Q Okay. Keesha Carruthers, do you know who she is?

8 A Yes, I do.

9 Q All right. Who is she?

10 A She currently works at Child Haven. She was the in
11 family support worker, I believe, during that time.

12 Q Okay. So another adult doing the visit with you who
13 worked for the government; correct?

14 A Yes.

15 Q Eyes and ears in that house, in the Solander home;
16 correct?

17 A Correct.

18 Q All right. Now, isn't it true that you made certain
19 observations -- well, let me rephrase that. You had testified
20 on direct that you never saw Autumn's stomach protruding. Do
21 you remember testifying that on direct?

22 A Right. I don't recall. Yes.

23 Q All right. Would it refresh your recollection -- I
24 mean, if you did see something of that, you'd probably put it
25 in your Unity notes; right?

1 A Sure.

2 Q Okay. I'm going to approach you with pages 48 and
3 49. Okay. Let me make sure I got the right one. I always
4 make sure I got the right one.

5 You recall that that was when the foster parent was
6 telling you that the stomach was protruding? Do you remember
7 that?

8 A Let's see. Yes.

9 Q Okay. And now I'm going to direct your attention to
10 page 50. Does that reflect the same date, that February
11 10th, 2012, visit?

12 A Yes.

13 Q Okay. I just want to make sure we're all on the
14 same. That's one page back.

15 A Sorry.

16 Q If you could review your own note --

17 A Sure.

18 Q -- from the third paragraph and then read that to
19 yourself, and then you let me know when you've had a chance to
20 review that.

21 A Yes.

22 Q Okay. Ms. Davison, you remember now entering a note
23 that this worker, meaning you, noted, Autumn's stomach was
24 protruding?

25 A Yes.

1 Q So you did see at least that one time?

2 A Yes. That one time I documented it.

3 Q And you noted it?

4 A Yes.

5 Q Okay. You didn't make that up, did you?

6 A Oh, no.

7 Q You don't have a hyperfocus on making false
8 allegations about stomachs, do you?

9 A No.

10 Q Okay. You put that in there because it was a fact?

11 A Yes.

12 Q Okay. You also noted that Ashley Kenworthy
13 [phonetic] over at FACT was giving them their counseling?

14 A Yes.

15 Q But you also learned, when you did your separate
16 discussion with the kids, about the conduct of the Solander
17 kids in the house, didn't you?

18 A Yes.

19 Q So when you testified earlier on cross-examination
20 that there were other instances when the Stark children were
21 telling you that the Solander kids were being mean, that they
22 were being disrespectful, that they were causing issues, that's
23 what you're talking about; you noted that?

24 A Yes, in my case notes.

25 Q So you entered everything in your notes that was

1 important; correct?

2 A Yes.

3 Q And that was important that there were some issues
4 with the Solander kids; right?

5 A Right. Uh-huh.

6 Q Okay. And so presumably you probably talked about
7 that to the foster parents, didn't you?

8 A And what are you referencing?

9 Q The concerns that the Stark children had with the
10 Solanders. You would have necessarily talked about that with
11 the foster parents; isn't that right?

12 A Yeah. I'm sure I did.

13 Q You would've brought it to their attention?

14 A Yeah. If it was concerning, yes.

15 Q Yeah. So if you're doing your private interview with
16 the children away from the foster parents, away from all
17 adults --

18 A Yes.

19 Q -- so they could be safe -- and you're building
20 rapport with them by this point, are you?

21 A Yes.

22 Q Okay. They trust you?

23 A Uh-huh. Yes.

24 Q Is that correct?

25 A Yes.

1 Q Okay. You don't have any indication that the Stark
2 girls aren't going to be completely honest with you, do you?

3 A No.

4 Q Okay. And so they're telling you that there is
5 concerns about the meanness of the Solander kids; right?

6 A Right.

7 Q Okay. And then that same month, Elizabeth Smith over
8 at ECSMS -- am I saying that wrong? The mental health service.

9 A Yes.

10 Q Okay. Elizabeth Smith saw Ivy. You remember that?

11 A Not particularly though, but, yes, I know that the
12 children were being seen by them.

13 Q Okay. Now, in February of 2012, you got word from
14 the Solanders that they were going to take Ivy and Autumn Stark
15 and the Solander kids to Disney World for 12 days in March
16 of 2012; right?

17 A Yes.

18 Q And it was of note to you that you usually get the
19 request the same month, but they actually gave it to you a
20 little early for you to prepare. Do you remember that?

21 A Yes, I do.

22 Q Okay. And do you have any indication anything went
23 wrong on that trip?

24 A No, not that I'm aware of.

25 Q Just the opposite. Isn't it true that Ivy and Autumn

1 reported to you that they had a great trip, that everyone had a
2 great time?

3 A Yes, they did.

4 Q Okay. Now, if there was in that setting, if there
5 was a concern about the Solander kids being abused in public or
6 having signs of abuse on them, that would eventually hopefully
7 trickle back to you. In other words, let me rephrase that. If
8 there was an official report that someone saw something in
9 Florida and it was reported to Florida CPS, that would be
10 reported back to Nevada CPS; right?

11 A Yes. If something from Florida CPS was reported, it
12 would trickle back, yes.

13 Q Okay. And there was nothing like that in this case?

14 A No, not that I'm aware of.

15 Q Okay. Okay. Now, I'm going to direct your attention
16 to March of 2012, yet another home visit where you're in the
17 home; okay. And there's some concerns. Do you recall there
18 being some concerns of Ivy having an infection that doesn't
19 seem to be healing up?

20 A No. To be honest with you, I apologize, I don't.

21 Q Okay. That's fine. That's why we got the Unity
22 notes.

23 A Okay. I'm sorry.

24 Q I'm just going to make the notes catch up to my place
25 of the cross-examination. And now I'm directing you to pages

1 71 and 72. You could read either one of those. I know those
2 are highlighted, but it's all over. So you can start with
3 page 71, and then it'll take you over to 72. Just let me know
4 when you're done.

5 A Okay. Yeah, okay. Yes, I do recall.

6 Q Okay. So you know there was a pediatrician that was
7 actually involved in the Stark kids and taking care of their
8 health issues; correct?

9 A Yes.

10 Q And you know that a gastroenterologist was involved
11 in making sure the Stark kids had all the necessary care and
12 treatment?

13 A Yes.

14 Q And that was all directed by the Solanders; correct?

15 A Correct.

16 Q Okay. And you know that there was a concern for an
17 infection in Ivy, and so they did special testing; correct?

18 A Yes.

19 Q Okay. And then you spoke to the children again
20 apart, and they didn't give you anything that would cause you
21 concern about life in the Solander house; correct?

22 A Correct. But I would note in regards to this
23 specific issue that that testing that was performed, I don't
24 know that at that time that it was necessary.

25 Q Okay.

1 A Uh-huh.

2 Q But that was a pediatrician who was involved in that
3 situation; correct?

4 A Right.

5 Q Okay. So no reason to report anything as potential
6 child abuse for getting testing done; correct?

7 A No.

8 Q Okay.

9 A I -- I just think that that was -- my understanding
10 is that that testing, I don't know that it originated from the
11 pediatrician. My understanding it was, you know, that was the
12 foster parents' concern; therefore, the testing was conducted.

13 Q Okay.

14 A [Unintelligible.]

15 Q And that was based off of the fact that Ivy just had
16 this infection that wasn't healing up?

17 A Correct. Yes. Yes.

18 Q Okay. That her immune system had been compromised on
19 some level?

20 A Correct.

21 Q Okay. But they have to rule that out?

22 A Sure.

23 Q That's thoughtful, isn't it, to rule out things that
24 might be causing something unsolved?

25 A Yes. Again though, just kind of that's my point in

1 that that testing was more of a directive from the foster
2 parent. You know what I mean --

3 Q Sure.

4 A -- it was like insinuated into --

5 Q But was it a particularly intrusive test? Was it
6 anything -- is it a simple test?

7 MR. HAMNER: Objection. Calls for speculation. She
8 wasn't there.

9 THE COURT: If she knows.

10 MR. FIGLER: Okay.

11 THE WITNESS: Not that I'm aware of, but I didn't
12 think it was necessary.

13 MR. FIGLER: Fair enough.

14 THE WITNESS: Yeah.

15 BY MR. FIGLER:

16 Q You didn't note that in here, but that's your
17 testimony, and that's fine.

18 A Yes.

19 Q Additionally, when you spoke to Autumn apart, and you
20 were asking her about how discipline goes or punishment goes in
21 the house; correct?

22 A Yes. Correct.

23 Q And you do that every time; that's your job?

24 A Yes.

25 Q And you want to make sure that you have the full

1 picture because you don't want to have the kids in an unsafe
2 home; right?

3 A Correct.

4 Q Okay. And so Autumn -- isn't it true that Autumn
5 told you about a punishment of extended timeouts?

6 A Yes.

7 Q Okay. So you actually wrote the word, Extended
8 timeout if you do not sit quietly as being reported by Autumn;
9 correct?

10 A Yes.

11 Q In your Unity notes?

12 A Yes.

13 Q Okay. That didn't cause you to report the Solanders
14 for child abuse because they're doing an extended timeout?

15 A No.

16 Q But the government was aware of that at March
17 of 2012; correct?

18 A Yes.

19 Q Okay. Thank you. And I'm going to direct your
20 attention to April of 2012, another home visit, and now you're
21 with another adult, a different adult, someone named Leo. Do
22 you know who Leo is?

23 A I do.

24 Q Okay. Who is Leo?

25 A I believe he was an employee shadowing me at the time

1 because he was new to the department.

2 Q Do you know Leo's last name?

3 THE COURT: And I'm sorry. You have a quiet voice.

4 THE WITNESS: I'm sorry.

5 THE COURT: So just make sure you keep your voice up
6 so that all of the jurors can hear you.

7 THE WITNESS: I'm sorry. I'll scoot over.

8 THE COURT: You know, the microphone, the little
9 black box there --

10 THE WITNESS: Oh, does it move?

11 THE COURT: Maybe just move it closer to you.

12 THE WITNESS: Okay.

13 THE COURT: So we can make sure we all hear you.

14 THE WITNESS: All right.

15 BY MR. FIGLER:

16 Q So we're on the April 12, 2012, home visit, and
17 you're with yet another government person, this person
18 shadowing named Leo. Do you know Leo's last name?

19 A I don't recall. I apologize.

20 Q No, that's fine. I'm sure there were a lot of people
21 that were in and out of that house with the Stark kids; right?

22 A Yes.

23 Q Okay. All right. So you're there with Leo, another
24 set of adult eyes and ears. Now, during that time, you got a
25 lot of information from the children Ivy and Autumn when you

1 took them apart. I'm not going to say what did they tell you
2 on April 12th.

3 A Okay.

4 Q That wouldn't be fair.

5 A Thank you.

6 Q So what I'm going to do is I'm going to approach you
7 with the notes and see if this refreshes your recollection
8 about the subject matters that were discussed on April 2012
9 with the Stark kids while you were in the Solander house during
10 the typical monthly home visit.

11 A I do recall. Thank you.

12 Q Now, per usual, you note that the house is fine;
13 correct?

14 A Yes.

15 Q Okay. But there's a concern from Janet and Dwight
16 that the kids are putting items in their mouth and that they
17 are eating food up off the floor; isn't that correct?

18 A Yes.

19 Q Okay. And then the children are reporting to you
20 again about how some of the Solander kids, in this case Amaya,
21 is being very mean and is telling you that she is just the
22 worst; correct?

23 A Yes, that's what she indicated.

24 Q Okay.

25 MR. HAMNER: Objection again. What's the relevance

1 of this? It's hearsay. I'm not hearing what the --

2 THE COURT: Mr. Hamner, don't make a speaking
3 objection.

4 MR. HAMNER: Sorry, Your Honor.

5 THE COURT: Counsel, approach.

6 (Conference at the bench not recorded)

7 BY MR. FIGLER:

8 Q So we left off in April of 2012, and you're talking
9 to the girls Ivy and Autumn Stark separate, and they're giving
10 you details about the Solander girls and their demeanor and how
11 they're treating the Stark girls; correct?

12 A Yes.

13 Q Okay. At no time up to April or past April did the
14 Stark children ever tell you or report to you that the
15 Solanders were being inappropriate or abusing or hitting or
16 doing anything wrong with the Solander adopted children, did
17 they?

18 A The only thing that I ever recall them mentioning in
19 regards to the Solander children that's ever just stood out to
20 me was how their food was put together --

21 Q Right. Okay. Let's --

22 A -- but no physical -- I'm not -- they've never -- I
23 never heard them say, you know, they hate them or anything like
24 that. My kids never reported that to me.

25 Q Okay. And they did talk, and we'll get to they

1 talked about the blended food versus the food that the Stark
2 kids were eating; right?

3 A Right.

4 Q Okay. And that's the only instance of anything that
5 would even raise an eyebrow by you as a CPS -- I'm sorry, DFS
6 worker to put into your Unity notes?

7 A Right. Right.

8 Q Okay. And you, in fact, put that into your Unity
9 notes, didn't you?

10 A I did.

11 Q Because you were very complete.

12 A I try.

13 Q You did a great job, and it's making my job easier.

14 A Thank you.

15 Q And so again, the point being that had, based on your
16 training and policy and experience, had the Stark children told
17 you anything else about the Solander foster -- treating the
18 Solander adopted kids -- Ava, Amaya and Anastasia -- in any bad
19 way or inappropriate way, you would have noted it in your
20 Unity?

21 A Yes.

22 Q And they never did that?

23 A No.

24 Q Okay. And they were trusting of you?

25 A I believe so.

1 Q And they would articulate all the meanness and the
2 acts of the Solander girls to them; correct?

3 A Yes, they did. And just so you know --

4 Q There's not a question in front of you right now.
5 So.

6 A Oh, I just --

7 Q So I'm sorry.

8 A Sure. No problem.

9 Q It's just we never know where that goes.

10 THE COURT: It's our rules.

11 THE WITNESS: Sure.

12 THE COURT: And then as you know, if the State wants
13 to follow up and have you explain an answer --

14 THE WITNESS: Sure.

15 THE COURT: -- or expound upon an answer they can do
16 that on redirect.

17 THE WITNESS: Sure.

18 BY MR. FIGLER:

19 Q There came a time when -- let's talk about the eating
20 issues with the school and the floor and the garbage and stuff
21 like that.

22 A Yes.

23 Q There came a time when you got an email from Dwight
24 that said that he actually caught Autumn eating garbage out
25 of -- or eating food out of the garbage; isn't that correct?

1 A I believe he mentioned something that, in an email,
2 yes.

3 Q Okay. He said he saw it with his own eyes?

4 A [No audible response.]

5 Q That's what he said; right?

6 THE COURT: Is that yes?

7 THE WITNESS: Yes.

8 THE COURT: You have to answer out loud for the taped
9 record.

10 THE WITNESS: Yes. If it's in my note, then I would
11 have copied it from his email. So that's what he said, yes.

12 BY MR. FIGLER:

13 Q All right. And then as of May of 2011, you noted in
14 your Unity notes that Autumn and Ivy appear healthy and well
15 cared for; is that correct?

16 A Yes.

17 Q Okay. And that Autumn is taking her MiraLAX daily
18 and that she's continuing to see Dr. Sheikh for all her gastro
19 issues; correct?

20 A Correct.

21 Q Okay. You noted that.

22 A Yes.

23 Q And during that same May visit, you received
24 information that Autumn and Ivy had been fighting with each
25 other; isn't that correct?

1 A Yes.

2 Q Okay. And you took them aside, as you always do, and
3 you asked them about discipline, and they told you about
4 timeouts and crisscross; is that correct?

5 A Yep. Crisscross applesauce, uh-huh.

6 Q And what's crisscross applesauce?

7 A It's when you sit with your legs crossed in front of
8 you, like people normally say, like, Indian style, that they
9 refer to it as crisscross applesauce.

10 Q Okay. And they told you they didn't like that
11 punishment or that discipline, did they?

12 A Sure. Uh-huh.

13 Q Right. But there was nothing about that technique
14 that caused you to alert CPS or cause an investigation as to
15 potential child abuse?

16 A No.

17 Q Crisscross applesauce didn't raise an eyebrow for
18 you?

19 A No.

20 Q Okay. Okay. And you would get emails I think it's
21 policy, right, if there's anything wrong in the home or
22 anything of concern to the foster parents, they're supposed to
23 reach out to you as the case -- as the DFS caseworker; correct?

24 A Yes.

25 Q And Janet and Dwight reached out to you quite a few

1 times just saying here's some concerns. They were alerting
2 you. They were being transparent and open with DFS about the
3 issue?

4 MR. HAMNER: Objection. Calls for speculation.

5 THE COURT: That's sustained.

6 MR. FIGLER: Fair enough.

7 BY MR. FIGLER:

8 Q They were giving you detailed emails repeatedly over
9 the period of time from placement through, and now I'm up to
10 May of 2012; they were giving you those emails; correct?

11 A Yes, they were.

12 Q Okay. So whenever there was an incident such as
13 Autumn and Ivy fighting or hitting or refusing to go to timeout
14 or refusing crisscross applesauce, they told you about that;
15 correct?

16 A Yes.

17 Q And there was concerns so that the Solanders were
18 telling you, you know, hopefully you can bring this information
19 to the FACT counseling. So that's all normal; correct?

20 A Yes, it is.

21 Q That's what you would hope foster parents would do;
22 right?

23 A Yes.

24 Q Okay. Great. And every time that you went into the
25 house, you did a body check on those kids; correct?

1 A Correct.

2 Q And you never found anything that caused you enough
3 concern. In fact, most every home visit you're, like, no
4 bruises or marks noted; correct?

5 A That's correct.

6 Q Okay. And then there was that report that you talked
7 about on the direct examination where the kids were putting
8 their hands down their pants and maybe in their mouths. Do you
9 remember that?

10 A Yes, I do.

11 Q Okay. And do you remember what Janet's solution for
12 that was?

13 A Yes. To put socks on their hands.

14 Q Put socks on their hands so they wouldn't keep doing
15 that?

16 A Yes.

17 Q Is there anything abusive about that?

18 A No.

19 Q Did it solve the problem?

20 A Yes.

21 Q Okay. Now, I want to get to the part where you
22 talked on direct examination about the school, and now we're in
23 October of 2012. I'm trying to just speed it up a little bit
24 because really you are in there every month with different
25 people sometimes, sometimes by yourself.

1 A Yes.

2 Q Okay. And as a mandatory reporter, you never saw
3 anything that you needed to report; correct?

4 A Correct.

5 Q Okay. And during that time the Stark kids would be
6 very forthright and honest with you based on your experience
7 and observation?

8 A Yes.

9 Q And they would tell you about everything that
10 happened to them, and they would tell you stories about the
11 Solander kids; correct?

12 A That's correct.

13 Q But they never ever said to you that the Solander
14 kids were being beaten with paint sticks until they bled, did
15 they?

16 A No.

17 Q And had they told you that, you would have acted;
18 correct?

19 A Yes.

20 Q You would have put that in your notes?

21 A Yes.

22 Q Okay. And they never told you that catheters are
23 being stuck into the Solander kids because the same, you would
24 have acted and reported; right?

25 A Correct.

1 Q You never heard any of that from the Stark kids?

2 A No.

3 Q And you got them alone?

4 A Yes.

5 Q There was nobody in the room with them except you and
6 the children; right?

7 A That's correct.

8 Q Okay. They just talked about the cameras. Were the
9 cameras on you watching you, or were you outside the presence
10 of that?

11 A We were outside the presence.

12 Q Okay. So that's a protocol. You want to get those
13 kids isolated into a comfortable and safe environment; isn't
14 that true?

15 A Yes.

16 Q And by this point, October of 2012, you have a great
17 rapport with them by your opinion because that's what you're
18 there to do; right?

19 A Correct.

20 Q If you had a bad rapport, someone else might have
21 would've come in to be their primary caseworker; right?

22 A Yes.

23 Q Okay. And that didn't happen here?

24 A No.

25 Q Okay. So let's talk about this food issue. You

1 indicated on direct that you went to the school and talked to
2 somebody, but you can't remember her name. It might be Monica
3 or Monique?

4 A Something, yes. I'm not certain, but, yes.

5 Q Okay. And you told the jury that they did not --
6 that this person Monica or Monique did not have the same
7 assessments; correct?

8 A Yes.

9 Q Okay. You didn't check to see how thorough her
10 research was, did you?

11 A I just listened to what she told me.

12 Q What she told you?

13 A Yes.

14 Q Okay. So, for lack of a better word, hearsay, but
15 she told you that she didn't see those issues; correct?

16 A Correct.

17 Q Do you know if she talked to every single teacher,
18 every single monitor at the school, if she talked to the people
19 in the cafeteria? Do you know if she talked to any or all of
20 those people?

21 A I believe she talked to the cafeteria only because
22 she told me the records of the children's meals from the
23 school.

24 Q Okay. And, in fact, do you recall a time when you
25 asked Autumn if she had been eating food out of the garbage?

1 A Yes.

2 Q And she said, no, I don't eat food out the garbage,
3 but I do find it on the ground, and I don't know why I do that,
4 but I do that. Do you remember her saying that?

5 A I believe she said something like that, yes.

6 Q That would be a concern, little children eating food
7 off the ground; correct?

8 A Yes.

9 Q Okay. So that corroborated, if you will, Dwight's
10 observation of seeing her eating food out of the garbage;
11 right?

12 A Well, I don't know that she said she ate it off the
13 floor. I believe she -- I remember clearly asking her that
14 question, if you're eating out of the garbage, and I do recall
15 her telling me no. I do think she said she picked up stuff off
16 the floor, but I don't know that she said she actually ate it
17 or gave it to Ivy.

18 Q Okay. But you did make notes about that
19 conversation?

20 A Yes.

21 Q Okay. Now, during this time, isn't it true that
22 we're not in a bubble. The natural parents are still being
23 brought in. I mean, they're having all sorts of CFTs. What's
24 a CFT?

25 A It's a child and family team meeting. It's where we

1 get together as a team to discuss the status of a case, any
2 concerns, things that are going well.

3 Q Okay. And the foster parents sometimes participate
4 in those as well, don't they?

5 A Yes.

6 Q Okay. And Janet and Dwight, they would show up, and
7 they would present all the information and discuss it with
8 everybody at the CFT; correct?

9 A Yes, they would.

10 Q And who was present at the CFT besides the natural
11 parents and the foster parents?

12 A Myself, sometimes their service providers can be
13 present.

14 Q Okay. And essentially what you're trying to do, and
15 I don't want to put words in your mouth. You are the
16 professional, not me, but you're just trying to work out all
17 issues because ultimately you're trying to find a way if it's
18 available to reunify the kids with their natural parents if
19 it's available?

20 A Yes.

21 Q All right. So you got the CFT meetings that Janet
22 and Dwight are participating in, and there are some concerns,
23 aren't there, that the family, the natural parents are maybe
24 being a little inappropriate in the kind of communications that
25 they're giving Ivy and Autumn; isn't that true?

1 A Yes.

2 Q Okay. And that they're giving them false hopes and
3 telling them bad information about when you're coming home and
4 that sort of thing; isn't that true?

5 A Yes, it is.

6 Q Okay. And this is really confusing those little
7 girls at this point; isn't it?

8 A Sure. Yes.

9 Q Okay. And you're always going to be concerned as a
10 caseworker that when the natural parents are first neglecting,
11 then abandoning and then manipulating, that the children are
12 going to act out and do bad behavior?

13 A Yes.

14 Q You've seen that probably way too many times in your
15 field?

16 A Yes.

17 Q Okay. And so if a child is picking food out of the
18 garbage, or a child is taking food, sneaking food from other
19 kids, et cetera, that could be a result of all these behaviors;
20 right?

21 A Yes, it could.

22 Q Okay. And Autumn also told you that she was sneaking
23 food from other kids too, in the notes. She said that too;
24 right?

25 A I believe so.

1 Q Okay. So you talked about on direct that you had
2 told the supervisor that it was odd [unintelligible] different
3 information?

4 A Yes.

5 Q But this was at the same time when you were dealing
6 with the natural parents potentially manipulating the children
7 or giving them bad information too; correct?

8 A Yeah.

9 Q Okay. So there was a whole universal concern about
10 the Stark children may be exhibiting bad behavior because
11 something else is going on. So it wasn't just about the
12 Solanders, was it? It was also about the natural parents?

13 A Yeah, there was a lot going on.

14 Q And you didn't note in any of your Unity notes that
15 you have a concern about Janet Solander making things up; you
16 never said that?

17 A No.

18 Q You never said that in any report?

19 A No.

20 Q So at the time, and we're talking about November
21 of 2011 through March of 2013, there is not a single Unity note
22 where you put in there I think Janet might be making this stuff
23 up?

24 A No.

25 Q Now, you testified on direct that Janet told you that

1 she was a nurse or had nursing experience; correct?

2 A Yes.

3 Q Okay. And then the prosecutor asked you, Were you
4 able to confirm that, and I think your answer was, No, I was
5 not; right? Where did you go to look?

6 A I'm sorry?

7 Q Where did you go to look to confirm it?

8 A I didn't go anywhere to look.

9 Q Okay. And I thought that was going to be your
10 answer.

11 A Okay.

12 Q Okay. So he kind of asked you a negative. Did you
13 do something that you don't do? Okay. So you didn't look at
14 military records or employment records? You didn't look at any
15 of that stuff?

16 A No.

17 Q Okay. Did you ever demand that Janet give that to
18 you so that you could prove that she was telling the truth or
19 anything like that?

20 A No.

21 Q When Janet and/or Dwight spoke with you, you said
22 that they were intense and precise; correct?

23 A Yes. Yes.

24 Q So they had no problem communicating information to
25 you, did they?

1 A No.

2 Q Okay. And they did it on a regular basis?

3 A Yes, they did.

4 Q And they tried to be as specific -- well, they were
5 being very specific with you about different things; correct?

6 A Correct.

7 Q Okay. And especially as it related to the dental
8 needs or the medical needs or the gastro needs. They were
9 being very specific with you, and Janet was talking in a way
10 that didn't give you a concern that she didn't know what she
11 was talking about; right?

12 A No, I didn't have a concern she didn't know what she
13 was talking about.

14 Q Okay. All right. So there came a time when there
15 was a concern that the parents were not going to be able to
16 meet reunification; right?

17 A Uh-huh. Excuse me. Yes.

18 Q Okay. And what is the standard policy of how long
19 you really want to give it for reunification? In other words,
20 how long are the children out of the house before it starts to
21 get like maybe this isn't going to happen, and maybe we have to
22 look at termination of parental rights?

23 A At about 9 to 12 months.

24 Q 9 to 12 months, that's the standard?

25 A Yes.

1 Q Okay. And after that period, you have to start
2 thinking about what's going to happen with these kids because
3 they may not be reunified?

4 A Right.

5 Q And so you're looking for adoptive resources; isn't
6 that right?

7 A Yes.

8 Q That's a term of art from the DFS, adoptive resource;
9 right?

10 A Yes, it is.

11 Q That's somebody who you trust, who has been proven to
12 be safe, who you know about who can take on those children;
13 right?

14 A Correct.

15 Q So if there was a grandparent who was abusive and
16 that you knew hit kids with a belt and this and that, that
17 would not be a good adoptive resource?

18 A If it was abusive, not the belt hitting alone, but if
19 he was abusive with it, yes.

20 Q If it was abusive, if it left marks --

21 A Right. Uh-huh.

22 Q Okay. All right. And, in fact, in your Unity notes,
23 when it looked like the natural parents weren't going to make
24 it, you identified Janet Solander and Dwight Solander as being
25 appropriate adoptive resource for the Stark children; isn't

1 that true?

2 A Yes, it is.

3 Q And this is during your period of time, November
4 of 2011 through March of 2013; correct?

5 A Correct.

6 Q Okay. And then it started happening that the parents
7 were getting a little bit better, better enough -- there were
8 also court proceedings, weren't there?

9 A Yes.

10 Q So the court was involved and heard everything too?

11 A Yes.

12 Q And sometimes the Solanders would come to the court
13 proceedings; isn't that true?

14 A Yes, I recall they came.

15 Q Correct?

16 A Yes.

17 Q Okay. And that would help along the process and do
18 what they were asked to do as foster parents; correct?

19 A Yes.

20 Q And then the Court decided it was okay for
21 reunification; isn't that correct?

22 A Yes.

23 Q And that has to be approved by the Court at that
24 point?

25 A Yes, it does.

1 Q And that was really the last contact that the
2 Solanders had with the Stark children. Presumably they were
3 thanked for what they had done, and then they were reunified
4 with their natural parents; correct?

5 A They were reunified, yes.

6 Q Now, and do you even remember that there was a letter
7 from the natural father thanking the Solanders for taking care
8 of their kids while they were --

9 MS. BLUTH: Objection. Hearsay.

10 THE COURT: That's sustained.

11 BY MR. FIGLER:

12 Q Do you encourage letters from the natural parents to
13 the foster --

14 MR. HAMNER: Objection. Relevance.

15 THE COURT: Well, she can answer that. I don't know
16 that it's relevant.

17 BY MR. FIGLER:

18 Q Do you encourage that?

19 A I'm not opposed to it. If they can work things out,
20 I think it's great.

21 Q Okay.

22 THE COURT: And just to be clear, the court was
23 family court. It was a division of the family court; is that
24 right?

25 THE WITNESS: Yes.

1 THE COURT: Okay.

2 MR. FIGLER: Okay. Sorry if I didn't make that
3 clear, Your Honor.

4 BY MR. FIGLER:

5 Q Now, Ms. Davison, if you had heard from any source
6 through CPS or direct that the Solanders were abusing their
7 children while the Starks were in that house, that would've
8 been a concern to you, wouldn't it?

9 A Yes.

10 Q And you never heard anything like that during that
11 almost a year and a half?

12 A No, I did not.

13 Q And I'm going to list some other names. Naomi Tabon,
14 T-a-b-o-n.

15 A Uh-huh.

16 Q Who is that?

17 A I'm not sure. I apologize.

18 Q Okay. That's fine. Is it possible that she is a DFS
19 worker?

20 A Yes. She just may work in a different capacity than
21 myself, like nursing or something like that.

22 Q Okay. But whenever somebody enters a note into
23 Unity, it says who it comes from; correct?

24 A Yes.

25 Q Okay. Then somebody related with the government on

1 some level?

2 A Yes.

3 Q Because they're the ones that have access to Unity;
4 isn't that right?

5 A Correct.

6 Q So if a note is entered into Unity, you could rest
7 assured that that note was entered not by a third party doctor
8 but by a government worker who is responsible for those
9 children?

10 A Yes.

11 Q Who has been taught that mission and lives by that
12 mission?

13 A Yes.

14 Q And you live by that mission?

15 A Yes.

16 Q Okay. And you wouldn't do anything to subvert your
17 mission. You're not a lazy person. You're a detail person;
18 isn't that correct?

19 A Yes, I try to be.

20 Q You're on it?

21 A Yes.

22 Q James Cook, is that another person at the CPS?

23 A I believe so.

24 Q Or DFS?

25 A Yes.

1 Q Okay. And I mentioned the name Susie Viscarra
2 before.

3 A Yes.

4 Q Okay. And it would not surprise you that all those
5 people had some Unity note involving the Stark children during
6 the period of time when the adopted Solander kids were in the
7 house as well; correct?

8 A Yes.

9 MR. FIGLER: Court's indulgence.

10 Pass the witness, Your Honor.

11 THE COURT: Redirect.

12 MR. HAMNER: Thank you.

13 REDIRECT EXAMINATION

14 BY MR. HAMNER:

15 Q So I want to go all the way back to the beginning of
16 cross-examination. Do you remember when you were asked some
17 questions about how you prepared in a meeting with the State?

18 A Yes.

19 Q Do you remember those questions very early on?

20 A Yes.

21 Q At any point in time did any defense lawyers contact
22 you to meet with you prior to this trial?

23 A The defense, no.

24 Q Okay. You were asked on cross-examination about,
25 early on in the beginning, about the inhaler. Do you remember

1 that?

2 A Yes.

3 Q Okay. Now, just a second. I'm sorry. With respect
4 to that, at that time, based off of what you can recall, I
5 don't know if you need to look at your notes again, but was
6 there a prescription that went with that inhaler?

7 A Not that I can recall. I believe that that was the
8 issue.

9 Q Okay. So even though she -- she had an inhaler in
10 her pocket; is that right?

11 A Correct.

12 Q Okay. So there was never a prescription for this
13 child to have that inhaler that anyone could find?

14 A Right. That -- yes. That's correct.

15 Q And you reviewed also her medical passport; isn't
16 that right?

17 A Correct.

18 Q Did it indicate that she was diagnosed with asthma?

19 A No, not that I can recall.

20 Q How about COPD?

21 A No.

22 Q How about any respiratory ailments?

23 A No, not that I'm aware of.

24 Q You were then asked some questions about, well,
25 before you place a child in the care of foster parents, there's

1 got to be some vetting that's done. Do you remember that?

2 A Yes.

3 Q Okay. And you were asked about kind of the
4 thoroughness of your vetting; correct?

5 A Correct.

6 Q And I think at some point [unintelligible] and CPS
7 had absolutely no concerns about the Solanders at the time that
8 those children were placed in their care in November of 2011;
9 correct?

10 A Correct.

11 Q Okay. Let me just ask you this, and I just don't
12 know if it's true. Did you ever review any of the Unity notes
13 for any of the other children living in that house prior to
14 placing them in custody with the Solanders?

15 A No.

16 Q Okay. So you didn't review any of those notes --

17 A No.

18 Q -- is that right?

19 A That's correct.

20 Q And I'm just not -- I don't know. I'm just not sure.
21 Would it have been your responsibility to review those based on
22 your role in this, or would it have been someone else, or is
23 that something that's just not done?

24 A We would never have, like, reviewed the case notes
25 prior to placement. That's not my role, nor is that typical.

1 What would have happened is since they were licensed foster
2 parents, they would have gone through a different department.
3 So anything of any vetting from myself, no.

4 Q So when you say the licensing, so the idea is that if
5 something happened that was concerning, licensing maybe
6 would've revoked their license, and then we wouldn't have that
7 issue?

8 A Right.

9 Q Okay. So were you aware in February of 2011 that
10 there was information reported to CPS that the adoptive
11 daughter Amaya Solander --

12 MR. FIGLER: I'm going to object, Your Honor. Can we
13 approach?

14 THE COURT: Counsel, approach.

15 (Conference at the bench not recorded)

16 THE COURT: We'll take a break soon. Is everyone
17 okay for right now without a break? We'll be taking a break
18 pretty soon.

19 BY MR. HAMNER:

20 Q So were you aware that in February of 2011, nine
21 months before the Starks were placed in that home, that there
22 was a report to CPS that the adoptive daughter Amaya Solander
23 had gone to school stating that her mother beats her with a
24 belt, that she is hungry and shaking and crying when she spoke
25 to staff? Were you aware of that?

1 A No.

2 Q Okay. Were you aware that six months later, in
3 August of 2011, and that is three months before the Starks were
4 placed there in November, that a CPS worker from your office
5 ran into the same child at the dentist, and the child was
6 covered in bruises on multiple parts of her body and disclosed
7 that she was being abused by Janet Solander?

8 A No.

9 Q Let me ask you this. If you had been aware of those,
10 those two reports, would that have been a factor of concern for
11 you in deciding to place the Starks with the Solander family?

12 A Yes.

13 Q But to be clear, right now, as it stands, your kind
14 of placement division doesn't cross-reference other Unity notes
15 related to children that are living in a prospective foster
16 parents' home; is that correct?

17 A Right. Uh-huh.

18 Q You were also asked about your visits to the home.
19 When you went to the home --

20 There were some questions about if it was clean, if
21 it was nice, things of that nature.

22 A Yes.

23 Q -- did you see where the Stark children were
24 sleeping?

25 A The Starks, yes.

1 Q Okay. Where were they sleeping?

2 A They were sleeping in an upstairs bedroom.

3 Q Okay. Did they have beds?

4 A Yes. They had, I believe, like a bunk bed. Yes.

5 Q Okay. During your visit, in any of your visits,
6 because I know you went once a month --

7 A Yes.

8 Q -- were you aware of where the Solander children,
9 those adoptive girls, where they were sleeping in the house?

10 A No, never saw where they were sleeping. I only saw
11 them once. I never really saw the children.

12 Q There was some cross-examination questions about the
13 natural parents failing to show up for meetings, and that made
14 Autumn and Ivy upset.

15 A Yes.

16 Q Do you remember those questions?

17 A Yes.

18 Q And there were some questions that the Solanders or
19 Janet would, to help make -- would do things like take them to
20 McDonald's; is that right?

21 A Yes.

22 Q And you heard that from speaking with Autumn or Ivy,
23 that they told you we would go to McDonald's, things like that?

24 A Right.

25 Q When they would talk about going to McDonald's, did

1 they ever indicate the Solander girls would go with them?

2 A No.

3 Q If they had relayed that information, would that have
4 been something you noted in your CPS records?

5 A Yes.

6 Q There were a lot of questions about this allegation
7 of sexual abuse with respect to Ivy. Do you remember that?

8 A Yes.

9 Q And it was initially reported by the foster parents
10 that it was, you know, a roommate or something along those
11 lines?

12 A Right.

13 Q Ultimately, was that report substantiated or
14 unsubstantiated?

15 A I believe it was unsubstantiated.

16 Q Okay. Were Ivy and Autumn interviewed about that?

17 A Yes.

18 Q Okay. Did either one of them disclose being sexually
19 abused by this roommate?

20 A Not that I'm aware of.

21 Q Did either of them explain what -- where this head
22 game came from or this supposed abuse, the head game? Do you
23 remember what they said about that?

24 A No. No. Because I didn't interview the children.
25 Sorry.

1 Q Okay. But you did review these notes obviously to
2 affect kind of subsequently -- subsequent things you did;
3 right?

4 A Right.

5 Q Would it help to review your CPS notes, specifically
6 pages 20 and, I believe, 21? Would it help to possibly do
7 that?

8 A Yes. Thank you.

9 MR. HAMNER: Court's indulgence.

10 And I'm also going to be referring to those pages as
11 well as page 10, Counsel.

12 May I approach?

13 THE COURT: You can move freely.

14 MR. HAMNER: Thank you very much.

15 BY MR. HAMNER:

16 Q Referring to page -- so if you review this date here.

17 A Yes.

18 Q I want you to review this paragraph here silently and
19 this paragraph here. I'm referring to kind of the third and
20 fourth paragraphs on page 27.

21 A Okay.

22 Q And let me know when your memory is refreshed.

23 A [Witness complies.]

24 Q Does that refresh your -- now, I want you to refer to
25 page 10, and I want you to look at the last paragraph. Read

1 that silently, and let me know when your memory is refreshed.

2 A [Witness complies.]

3 Q Okay. So how old is Ivy at that time? Do you
4 remember?

5 A Yeah, like 3.

6 Q 3 years old. When Autumn and Ivy are interviewed,
7 who provides you a description of what the head game actually
8 is?

9 A When they -- say that again. I'm sorry.

10 Q Who describes, when these two children were
11 interviewed, does one of the children --

12 A Oh, Autumn.

13 Q -- give a description of the head game?

14 A Yeah, Autumn described it.

15 Q Okay. Who did she say that game was actually played
16 with?

17 A With children.

18 Q Okay. Whose children?

19 A She referenced the gentleman Grant, and I believe she
20 said his son and another little boy.

21 Q Okay. So this roommate's son, and what were the
22 approximate ages of these boys?

23 A I want to say 3 as well.

24 Q Okay.

25 A One of them was 3. They were like --

1 Q Did they ever --

2 A -- young children.

3 Q And I didn't mean to cut you off. Were they -- was
4 these 3 year olds referred to as Ivy's boyfriend?

5 A Yes.

6 Q Okay. So talking about a 3 year old played this
7 game?

8 A Right.

9 Q And this was a child of the roommate?

10 A Right. Grant's son.

11 Q Okay. And then ultimately it was unsubstantiated?

12 A Yes.

13 Q And you noted those things; is that right?

14 A Yes. Uh-huh.

15 Q Because those were the facts that were relayed to
16 you?

17 A Right.

18 Q And those were the words you chose to put down in
19 your notes?

20 A Yes.

21 Q You were asked on cross-examination a little bit
22 about the fact that in January of 2012, Autumn relayed that Ava
23 had grabbed her arm tightly?

24 A Yes.

25 Q From what you can recall, was this a persistent

1 problem, or was it more like, well, this one time she grabbed
2 my arm tightly; if you remember?

3 A It didn't seem to be a persistent problem. I
4 remember that particular time. She didn't tell it to me every
5 single time I went and visited her. You know, it was just
6 every now and then she'd mention, oh, she hit me, or she's mean
7 to me, but I don't recall it being like every single month, no.

8 Q So and let me -- I'm just curious. When you kind of
9 sit down, and you're talking about these sort of, what sort of
10 question do you pose that might get an answer like that? Is it
11 like how's it going with the other kids in the house? What's
12 it --

13 A Yes.

14 Q Okay.

15 A I'll ask specifically that, like are they nice to
16 you? How do they treat you? Do you play with them?

17 Q So sometimes you would get kind of like an isolated
18 this one time she grabbed my arm tightly?

19 A Right.

20 Q Over the year and a half that you're there meeting
21 with her every month, is she incessantly complaining about the
22 physical touchings from the Solander kids --

23 A No.

24 Q -- happening every single month?

25 A No.

1 Q Is she saying anything like, hey, why isn't this
2 stopping? It's, you know, kind of one of these things, like
3 it's not stopping, and no one is doing anything about it. Is
4 that the type of conversations you're having?

5 A No.

6 Q What's it kind of light? Is it constant, or is it
7 more sporadic?

8 A It's more sporadic, like children.

9 Q You were asked some questions about these visits that
10 you were doing at that house. How long, on the low end, how
11 long would a visit take?

12 A Maybe 15, 20 minutes.

13 Q Okay. On a high end?

14 A It could be up to an hour depending on what's
15 happening with the family.

16 Q Possibly as long as two hours?

17 A Yep.

18 Q And you're saying -- even times you're there for two
19 hours you just remember one time seeing the Solander kids?

20 A Yeah, I only saw those children once.

21 Q You were asked on cross, You had 14 visits, but they
22 never reported any abuse. Do you remember being asked
23 questions like that?

24 A Yes.

25 Q Okay. I just want to be clear about something.

1 During the 14 times you visited, did you ever speak with any
2 one of the Solander girls?

3 A No, never.

4 Q Okay. Was it your responsibility to inquire of them
5 what was happening in the house?

6 A No.

7 Q Okay. So during those 14 times, you're not sitting
8 and having these same kind of discussions that you might have
9 with Autumn and Ivy?

10 A Correct.

11 THE COURT: Where in the house would you go to speak
12 privately with Autumn or Ivy?

13 THE WITNESS: In their bedroom.

14 THE COURT: Okay. And the girls shared a bedroom?

15 THE WITNESS: Autumn and Ivy did, yes.

16 THE COURT: Okay.

17 BY MR. HAMNER:

18 Q Okay. So you are not reaching out to those kids.
19 You're just focusing on Autumn and Ivy?

20 A Correct.

21 Q And there were some questions about, you know, well,
22 if you had heard about something abusive you would have noted
23 it, right, because those things are important; correct?

24 A Yes.

25 Q Okay. So if you had heard about a child kind of

1 crawling on their hands and knees for wetting themselves, would
2 that have been something you would have noted?

3 A Yes.

4 Q If you had heard about a child having soiled
5 underwear in their mouth being placed in by the parents, would
6 that be something you would note?

7 A Yeah, absolutely. Yes.

8 Q If it had been reported to you that children were
9 sitting on, like, paint buckets for hours at a time, would that
10 have been something that you reported?

11 A Absolutely, yes.

12 Q How about if it was reported that catheters were
13 being used on children inside a home --

14 A Yes.

15 Q -- would that be something you would report?

16 A Yes.

17 Q Now, you were also asked about -- there were
18 questions about I think at one point you do recall noticing a
19 protruding stomach once; is that right?

20 A Yes.

21 Q But you do also note several times that when speaking
22 with Autumn about her discomfort she indicated to you, I was in
23 no discomfort at all?

24 A Correct.

25 Q Okay. And you've made kind of multiple notes about

1 that?

2 A Yes.

3 Q Were you ever during the year and a half you were
4 there provided any of the medical paperwork related to her
5 visits to a GI doctor?

6 A No.

7 Q Were you provided any documents related to what
8 actual diagnosis, if any, Autumn or even Ivy had by any GI
9 doctor?

10 A No.

11 Q Another point that you were asked about was that
12 Autumn believed -- relayed to you that the Solander girls were
13 mean and disrespectful. Do you remember that?

14 A Yes.

15 Q Okay. Do you remember how that conversation actually
16 went and how she explained what the word disrespectful meant?
17 Do you remember what Autumn said that about that?

18 A Just specifically that they're mean and
19 disrespectful.

20 Q Would it help to refresh your recollection to take a
21 look at your notes?

22 A Sure. Thanks.

23 MR. HAMNER: I'm referring to page 50, Counsel,
24 middle of the page.

25 May I approach the witness?

1 THE COURT: You may move freely.

2 MR. HAMNER: Thank you.

3 Let the record reflect I'm showing the witness some
4 of her notes.

5 BY MR. HAMNER:

6 Q I want you to look at this paragraph right here. I
7 want you to read that in its entirety silently to yourself, and
8 let me know when your memory is refreshed.

9 A Yes.

10 Q Okay. So initially does Autumn say that Amaya is
11 mean and at times disrespectful?

12 A Yes.

13 Q Do you ask Autumn what that word disrespectful meant
14 to her?

15 A I did ask her that.

16 Q And what did Autumn tell you?

17 A She indicated that she didn't know what the word
18 disrespectful meant, but that's the word that was being used in
19 the home, and she heard everybody say it.

20 Q She said that that's what everyone calls her?

21 A Yes.

22 Q Okay. So she didn't even know what that meant?

23 A Correct.

24 Q She was just hearing that in the house?

25 A Yes.

1 Q And at that time Ivy is around 3 years old?

2 A Yes.

3 Q Her sister?

4 A Yes.

5 Q And that was a fact you noted in your notes; correct?

6 A Right.

7 Q That Autumn expressed she didn't understand what that

8 word meant?

9 A Yes.

10 Q Okay. So and you noted it -- did you note that

11 because you felt that was important to note?

12 A Yes, because of her age and that word.

13 Q Then there were a number of questions about an

14 infection that wouldn't go away. Do you remember that?

15 A Yes.

16 Q And I think at some point you had expressed a concern

17 that you didn't necessarily -- you were concerned about the

18 need for the testing; is that right?

19 A Right.

20 Q And I think you had even said on cross-examination,

21 because it was your understanding it was the foster parents who

22 were reporting a concern about a particular potential disease;

23 right?

24 A Right.

25 Q And that the pediatrician just kind of followed up on

1 the foster parents' concern?

2 A Right.

3 Q Let's just be clear. What was the disease that the
4 foster parents were saying they thought Ivy had?

5 MR. FIGLER: Objection, Your Honor. So here -- can
6 we approach?

7 THE COURT: Sure.

8 (Conference at the bench not recorded)

9 THE COURT: We're going to go ahead and take our
10 afternoon recess. Let's just take about 10 minutes. That'll
11 put us right at 2:55, 2:55.

12 So during the brief recess, you are reminded you're
13 not to discuss the case or anything relating to the case with
14 each other or with anyone else. You're not to read, watch or
15 listen to any reports of or commentaries on the case, person or
16 subject matter relating to the case. Do not do any independent
17 research by way of the Internet or any other medium, and please
18 don't form or express an opinion on the trial.

19 Please place your notepads in your chairs and follow
20 the bailiff through the double doors.

21 (Jury recessed 2:46 p.m.)

22 THE COURT: And, ma'am, please don't discuss your
23 testimony.

24 Counsel, approach.

25 I think maybe stay a minute or just --

1 THE WITNESS: Can I just use the rest room real
2 quick?

3 THE COURT: Do you need to use the rest room?

4 THE WITNESS: Yeah, I don't know where it is.

5 THE COURT: Go rest.

6 MS. BLUTH: Do you want her to use that rest room, or
7 would you like me to walk --

8 MR. HAMNER: Do you want to use the back one?

9 THE COURT: Oh, sure.

10 MS. BLUTH: I can take her.

11 THE COURT: Yeah. I was just going to say on this
12 issue, we might want to question her out of the presence of the
13 jury to find the basis of the knowledge, and then that'll make
14 the determination as to whether or not she can testify about
15 it.

16 MR. HAMNER: Yes, Your Honor.

17 THE COURT: So when we take our -- it just occurred
18 to me. So everybody rest, and then if there is a question as
19 to where she got the information, we can just ask her out of
20 the presence of the jury.

21 MR. FIGLER: That's fine. I'd just like to make that
22 on the record.

23 THE COURT: All right.

24 (Proceedings recessed 2:47 p.m. to 2:54 p.m.)

25 (Outside the presence of the jury)

1 THE COURT: We're on the record out of the presence
2 of the jury.

3 And you had made an objection at the bench, and then
4 there was some argument about I think the witness's basis of
5 knowledge on whether it was hearsay or double hearsay or
6 speculation.

7 MR. FIGLER: Correct.

8 THE COURT: It went to what one of the Stark girls
9 was suspected of having; is that right?

10 MR. FIGLER: Well, what we know from the Unity notes
11 is that the Stark girl had an infection that wasn't healing and
12 that she submitted to an HIV test through the pediatrician.
13 That's all that's reflected in the Unity. The witness
14 testified so far that she didn't agree with having that child
15 take that particular test, and that's all we know so far. So
16 when the State inquired as to what disease she was being tested
17 for, HIV and AIDS are different things, and so HIV is a --
18 there is a test for it.

19 THE COURT: You don't have to educate us. I mean,
20 you can't get to AIDS without having HIV.

21 MR. FIGLER: Correct. But immune deficiencies that
22 would be shown up on a test for HIV can be ordered for a number
23 of different reasons, especially if you have an infection, and
24 we don't know how much this witness interacted with the
25 pediatrician or not. What was being reported to her was being

1 reported from the pediatrician and what she was able to confirm
2 or not. So I want to just make sure it's not coming in as a
3 double hearsay.

4 MR. HAMNER: It's in the records.

5 THE COURT: Well, that doesn't matter. Let me just
6 ask the question and find out the basis of her knowledge, and
7 then there may not be any reason for everybody to keep arguing.

8 So, ma'am, where did you learn that she was being
9 tested for possible HIV?

10 THE WITNESS: I believe I spoke with Ms. Solander
11 about it. I believe she told me that. I'd have to double
12 check my note, but I believe it was directly from her.

13 THE COURT: Okay. Would that refresh your memory?

14 THE WITNESS: Yeah. I'm sorry.

15 THE COURT: Oh, no, no. That's okay.

16 THE WITNESS: There's so many notes I put in.

17 THE COURT: And we'd rather you say you don't
18 remember than speculate and guess; okay. So that's absolutely
19 fine.

20 Would you show it to her, please.

21 MR. HAMNER: Yes, Your Honor.

22 THE COURT: Do you recall whether or not you ever
23 spoke to the pediatrician about this issue?

24 MR. HAMNER: If you would take a look at the last two
25 sentences --

1 THE WITNESS: Yeah.

2 MR. HAMNER: -- refresh your memory.

3 THE WITNESS: It comes from the foster parent
4 directly. It was my interaction with her during the home
5 visit.

6 THE COURT: Okay. Fair enough.

7 MR. FIGLER: Okay. So is she going to testify that
8 the foster parent told her that the child had AIDS?

9 THE COURT: Well, she can testify to whatever it is
10 she remembers the foster parent told her. Because if the basis
11 of the objection was hearsay or speculation, I think we've
12 shown that it's not hearsay because it comes from a party
13 opponent.

14 MR. FIGLER: So specifically, and we're on page 10,
15 she's going to testify as to what she recalls Janet Solander
16 told her directly. We don't have a problem with that.

17 THE COURT: Right.

18 MR. FIGLER: But if Janet Solander said that the
19 pediatrician told me, then that needs to be brought out as
20 well.

21 THE COURT: You can bring that out on cross if
22 Mr. Hamner doesn't bring it out on direct. Then you can say
23 well was that --

24 And then, just to be clear, you never confirmed or
25 disconfirmed -- or you never confirmed or failed to confirm any

1 of this by directly contacting the pediatrician; is that true?

2 THE WITNESS: Right.

3 THE COURT: Okay. Kenny, bring them in.

4 MR. HAMNER: May I at least make one note for the
5 record?

6 THE COURT: Sure.

7 MR. HAMNER: That the CPS records dated March 9th,
8 2012, it's on page 71 that we provided. 71, it expressly
9 states, Per foster parent, as pediatrician was unable to
10 identify cause, they suspected HIV; hence the pediatrician
11 tested Ivy for HIV.

12 THE COURT: Okay. Well, we cleared it up. It was a
13 statement by Ms. Solander. So the Court would overrule
14 Mr. Figler's objection.

15 MR. HAMNER: Thank you, Your Honor.

16 THE COURT: Kenny, bring them in.

17 MR. FIGLER: Again, can we just before we go -- I
18 mean, this is kind of -- I want the Court to read exactly where
19 the they came from, meaning they the doctor's office, or they
20 the Solander family, and that's an issue. So let's identify
21 our pronouns when we're going through this and be very cautious
22 and careful.

23 THE COURT: All right. Well, she's cleared it up.

24 Kenny, bring them in.

25 I mean, that's why we took a break. Well, that

1 wasn't the only reason, but we took a break. Out of the
2 presence of the jury she cleared it up. So --

3 (Pause in the proceedings)

4 (Jury entering 2:59 p.m.)

5 THE COURT: All right. Court is now just about back
6 in session, and the record --

7 I stepped on Kenny's part.

8 The record should reflect the presence of the State,
9 the defendant and her counsel, the officers of the court and
10 the ladies and gentlemen of the jury.

11 And, Mr. Hamner, you may resume your redirect
12 examination.

13 MR. HAMNER: Thank you very much.

14 BY MR. HAMNER:

15 Q So when we last left off, we were talking about the
16 fact that because the infection wasn't healing, one of the
17 foster parents -- I think you may have mentioned Janet --
18 thought Ivy may have had a particular type of disease and
19 wanted that tested for it. Was that what we were talking about
20 before our break?

21 A Yes.

22 Q Okay. What was the disease that she thought Ivy had?

23 A HIV.

24 Q Okay. And as a result of Janet's concern for the HIV
25 diagnosis, the pediatrician just went ahead and did the HIV

1 test?

2 MR. FIGLER: I'm going to object, Your Honor.
3 Assumes facts not in evidence and foundation.

4 THE COURT: Do you know whether or not the
5 pediatrician ever did the HIV test?

6 THE WITNESS: I didn't confirm if they did or not.
7 No.

8 THE COURT: Okay. And to your knowledge, is that
9 just a blood test?

10 THE WITNESS: I have no idea.

11 THE COURT: Okay.

12 MR. HAMNER: I can --

13 THE COURT: No. No. That's okay. I think, you
14 know, she doesn't know whether it was -- she doesn't know what
15 follow up, if any, occurred.

16 BY MR. HAMNER:

17 Q Would it help refresh your recollection to see your
18 notes?

19 A Yes.

20 Q Okay. Referring to page 72, I'm going to refer to
21 the fourth paragraph.

22 MR. HAMNER: May I approach?

23 THE COURT: You may move freely.

24 MR. HAMNER: Thank you.

25 THE COURT: Both sides may move freely --

1 MR. HAMNER: I'm sorry. It's just force of habit.

2 THE COURT: -- about the well of the courtroom.

3 BY MR. HAMNER:

4 Q Let the record reflect, I'd like you to take a look
5 at this fourth paragraph.

6 THE COURT: Jurors may not move freely about the
7 courtroom.

8 BY MR. HAMNER:

9 Q And if that helps refresh your recollection.

10 A Yes.

11 Q Okay. So was a test actually scheduled for her?

12 A Yes.

13 Q Okay. And were the results pending while this was
14 happening?

15 A Yes.

16 Q Okay. As far as you know from your interactions,
17 does Ivy have HIV?

18 A No, not that I'm aware of.

19 Q But you made notes of all these things; is that
20 right?

21 A Yes, I did.

22 Q Because you felt they were important?

23 A Yes.

24 Q You were asked about a meeting you had, a home visit,
25 in April of 2002 -- 2012, and I think it was some of the

1 questions were about how the Solanders continued to kind of
2 take them to doctors as they needed. Do you remember being
3 asked that?

4 A Yes.

5 Q Okay. Do you remember, if you remember off the top
6 of your head, do you remember if the Solanders decided to kind
7 of switch doctors with respect to these -- I think the
8 questions were in relation to ear infections. I think there
9 was a bunch of questions about Ivy having ear infections. Do
10 you remember that?

11 A I remember her having ear infections, yes.

12 Q Do you remember being asked that on
13 cross-examination?

14 A Not specifically in regards to ear infections.

15 Q Okay. What do you remember about the different
16 doctors that Ivy saw for that? Do you remember much about
17 that?

18 A I do recall that she did have frequent ear
19 infections. That was being reported to me.

20 Q Do you remember whether Janet was satisfied with the
21 first set of doctors --

22 MR. FIGLER: I'm going to object, Your Honor, as
23 outside of the scope of cross.

24 THE COURT: State your question.

25 MR. HAMNER: I said, Do you recall if Janet was

1 satisfied with the work that the first set of doctors did with
2 respect to these ear infections, and I believe that was
3 cross-examined on.

4 MR. FIGLER: I didn't ask about --

5 THE COURT: I don't think specifically the ear
6 infections, but I think --

7 MR. FIGLER: And I didn't ask about satisfaction. I
8 didn't ask about different doctors.

9 THE COURT: Well, overruled. She can answer.

10 MR. HAMNER: May I --

11 THE COURT: Do you remember the question?

12 THE WITNESS: No.

13 THE COURT: Fair enough.

14 THE WITNESS: Sorry.

15 BY MR. HAMNER:

16 Q Do you recall if Janet expressed to you whether she
17 was satisfied with the work the first set of pediatricians did
18 with respect to Ivy and her ear infections?

19 A I believe that she wasn't, and I believe that they
20 were switched because I remember she had, again, frequent ear
21 infections.

22 Q At one point there were some cross-examination
23 questions about Autumn relaying to you about one of the
24 Solander girls being mean or the meanest of the -- do you
25 remember being asked that on cross-examination?

1 A Yes.

2 Q And when you were being asked those questions, do you
3 remember kind of interjecting and saying, Hey, just so you
4 know, and then it was like a there's no question pending? Do
5 you remember that?

6 A Uh-huh.

7 Q What did you want to say with respect to that talking
8 about one of the Solander girls being mean?

9 MR. FIGLER: I'm going to object, Your Honor. Vague.

10 MR. HAMNER: I don't know what she --

11 THE COURT: Well, she can answer the question. I
12 think the preamble in the form of the question was
13 objectionable, but there wasn't a contemporaneous objection to
14 that. So the question itself is okay, and she may answer the
15 question.

16 After all that, do you remember the question?

17 THE WITNESS: Yes.

18 THE COURT: Okay.

19 BY MR. HAMNER:

20 Q When you said just so you know --

21 A Right.

22 Q -- what did you want to say?

23 A Just that, you know, the children were of similar age
24 during that time. So when they were reporting that the
25 children are mean to them, you know, I would document it as a

1 concern because that's what my children were reporting to me,
2 but sometimes, you know, when little children are in the home
3 together, they do fight.

4 Q What was your impression? Based on your interaction
5 with the children talking to you, was this squabbling amongst
6 kids living in the house or something different?

7 A To be very honest, it just seemed like kids who live
8 in a home together.

9 Q You were asked on cross-examination about the fact
10 that Dwight had sent you an email indicating that he had seen
11 Autumn getting in the trash.

12 A Uh-huh.

13 Q Okay. During all your conversations -- and so the
14 source of that email was Dwight; is that right?

15 A Yes, it was.

16 Q During any of your conversations with Autumn, did she
17 ever indicate she ate in the garbage -- ate food out of the
18 garbage?

19 A No. I asked her directly, Did you eat out of the
20 garbage, and she would say, No, I did not.

21 Q Okay. How many times did you pose that question to
22 that kid?

23 A I'm not sure exactly how many times, but I'm clear on
24 her response because I did ask her, and she said she didn't do
25 that.

1 Q Was it more than one time?

2 A It may have been, maybe once or twice. I'm not sure.

3 Q Did you ever ask Ivy if she ever saw her sister
4 eating out of the garbage?

5 A I don't believe I asked her that direct question.
6 She was only 3. I don't know that I'd ask her that.

7 Q And then there were some questions addressing the
8 fact that there was -- there was fighting. Do you remember
9 this, that Ivy was fighting with Autumn?

10 A Well, yeah, I believe it was maybe once. I don't
11 recall. Those little girls are very close. I don't recall
12 them having quarrels amongst each other all the time.

13 Q Do you remember what sort of -- and who was the
14 person reporting that to you? Was it Dwight or Janet?

15 A About the fighting? To be honest, I'm not sure. I'm
16 inclined to maybe say Janet because me and her had frequent
17 conversations.

18 Q Would it help refresh your recollection to see your
19 notes?

20 A Yes, it would.

21 Q Okay. Referring to pages 93 and 96.

22 MR. HAMNER: Let the record reflect I'm showing the
23 witness pages 93 and 96.

24 BY MR. HAMNER:

25 Q That's just the date on that page.

1 A Gotcha.

2 Q But I'd like you to take a look here, and read this
3 in particular, and let me know when your memory is refreshed
4 about --

5 A Do you want me to read the whole thing?

6 Q Well, just in particular I think this, that first
7 paragraph.

8 A Oh, gotcha. Okay.

9 Q All right. Well, actually just read the whole thing.

10 A Gotcha.

11 Okay.

12 Q So does that help refresh your memory as to who
13 reported this to you?

14 A Yeah, but I'm pretty certain that it was Janet.

15 Q Okay. What sort of words would she use to describe
16 the way Autumn -- Ivy was dealing with Autumn? What was her
17 word choice?

18 A That she was slapping them. You know, she just
19 described the incident, hitting each other, out of control.

20 Q Extremely aggressive, do you remember that?

21 A Yes.

22 Q And describing her as being out of control?

23 A Right.

24 Q You mentioned that you had spoken with Autumn pretty
25 regularly about kind of how things were going on?

1 A Yes.

2 Q Did Autumn ever describe her sister in that -- in
3 those sort of terms?

4 A No.

5 Q And the source again on this was Janet?

6 A I believe so, yes.

7 Q When she reported this to you, what did she tell you
8 that she thought was the cause of this?

9 A The visits or the lack of visits from the biological
10 parents, being that they weren't being consistent with seeing
11 the kids.

12 Q Did Janet ever -- did Janet tell you what she thought
13 should have happened with the natural parents' rights when she
14 was reporting this to you?

15 A Right. She didn't -- in that specific instance, she
16 didn't want the children, you know, being, I think, placed with
17 another relative. So she had concerns about that, and she
18 indicated that, you know, that she recognized that they were
19 family, but she just didn't agree with that decision.

20 Q Okay. Did she ever express to you a thought as to
21 whether or not the natural parents should be able to keep their
22 rights at all?

23 A I believe she did in that email. I need to see it.
24 It was so long. I only read the top portion. I apologize.

25 Q Okay. Same page, 96.

1 MR. HAMNER: Let the record reflect I am showing the
2 witness a portion of her notes.

3 THE WITNESS: Yes.

4 BY MR. HAMNER:

5 Q What did she think?

6 A In that instance, she had indicated that if the
7 parental rights were terminated that the parents will still
8 have an opportunity to see the kids weekly.

9 Q And I don't know if you know this, but when someone
10 fosters a child, do they receive some sort of monetary stipend
11 or something from the State?

12 A Yes.

13 Q Are you aware of whether or not there is an increased
14 monetary benefit to adopting a child versus simply fostering?

15 MR. FIGLER: I'm going to object. First of all,
16 outside the scope of the cross. Second, this is not the
17 appropriate witness for this type of testimony.

18 THE COURT: State your question.

19 MR. HAMNER: I simply asked the CPS worker if she was
20 aware if there was an increase in, like, a monetary stipend
21 from the State if you go from fostering in to adopting a kid.

22 THE COURT: That's sustained.

23 BY MR. HAMNER:

24 Q You were asked about kind of the garbage, a lot about
25 Autumn eating out of the garbage. And I think you were asked a

1 question and something along the lines of no one had that same
2 assessment. Do you remember that, being asked that?

3 A In regards to them eating out of the garbage?

4 Q Uh-huh.

5 A No one having that same assessment?

6 Q About the eating out of the garbage or differing from
7 what was being reported to you?

8 A Well, there was differences, yes.

9 Q Okay. When? Who reported a difference?

10 A I went to the children's school to inquire about what
11 I had been receiving from the foster parents, and I did speak
12 with school staff, and she did indicate that there was a
13 difference of what was going on from her understanding.

14 Q Did she indicate that the Solanders had an inaccurate
15 perception of what was going on?

16 MR. FIGLER: I'm going to object, Your Honor.

17 THE COURT: Sustained.

18 BY MR. HAMNER:

19 Q What did they tell you?

20 MR. FIGLER: Objection, Your Honor.

21 THE COURT: Sustained.

22 BY MR. HAMNER:

23 Q When you asked Autumn about eating food, did she ever
24 indicate -- did you ever make any notations that she actually
25 indicated the food she found on the ground she actually ate?

1 A No.

2 Q If she had told you that she actually ate that food;
3 would you have noted it?

4 A Yes.

5 Q Okay. Because that would have been important to
6 note?

7 A Right.

8 Q So at no point did she say -- even though she picked
9 up food, she didn't actually eat it?

10 A Right. I don't recall her saying she ate food off
11 the floor. I think she said she picked it up. I asked her if
12 she ate it out of the garbage. I know she said she didn't, but
13 I don't believe her telling me that she ate the food that she
14 picked up off the floor.

15 MR. HAMNER: All right. Thank you very much.

16 No further questions.

17 THE COURT: Any recross?

18 MR. FIGLER: I do, Your Honor. Court's indulgence.

19 RE CROSS-EXAMINATION

20 BY MR. FIGLER:

21 Q All right. Let's just pick up on that last one.
22 Then we're going to go back to where the redirect started.

23 A Sure.

24 Q I'm going to refer you to page 139 where you talk to
25 Autumn about eating food off the ground.

1 A Sure.

2 Q Okay. Here's where you have Autumn by herself
3 talking to her about the issue. Why don't you read that to
4 yourself.

5 A Which part? Do you want me to read the whole thing?
6 I'm sorry.

7 Q You could if you like, I mean, whatever it's going to
8 take to refresh your recollection.

9 A Okay.

10 Q But there is a point where she talks about that food
11 issue.

12 A Uh-huh.

13 Q Okay. So you indicated that Autumn didn't tell you
14 that there were any problems at the school on redirect, but
15 isn't it true that Autumn told you she sneaks food in her
16 pocket and eats it when the teacher is not looking?

17 A Yes, she did say that.

18 Q Okay. And that Autumn told you she doesn't get food
19 out of the trash --

20 A Right.

21 Q -- but she does get it off the ground from the
22 lunchroom; correct?

23 A She did say that.

24 Q Okay. All right. I just want to clear it up.

25 A Sure. But I didn't get her saying she ate it.

1 That's why I --

2 Q I got it. She didn't use the words, and then I ate
3 it.

4 A Yes. That's all I'm saying.

5 Q But, you know, I'll let the jury draw their own
6 conclusions.

7 A Sure.

8 Q The actual thing that you wrote down in your Unity
9 note was she said, No, I don't eat the food out of the garbage,
10 but I do pick it off the ground from the lunchroom?

11 A Uh-huh.

12 Q And that she finds food outside on the ground?

13 A Right.

14 Q But she's unsure why she does it, but she does it?

15 A Right.

16 Q Okay. Did she tell you that she just keeps the food
17 in her pocket and runs around with it later? She didn't tell
18 you anything?

19 A Right. She didn't say at all. That's why I'm not
20 sure. I'm telling you what she told me.

21 Q But it was in a context of you just asking her does
22 she eat food out of the garbage, and she says, No, but I find
23 food up off the ground?

24 A Yes.

25 Q Okay. All right. Let's start from the start of the

1 redirect. Inhaler.

2 A Uh-huh.

3 Q All right. I think the suggestion was that the
4 Solanders gave her that inhaler. That's not true, is it?

5 MR. HAMNER: Objection. That's argumentative.

6 THE COURT: Well, overruled.

7 BY MR. FIGLER:

8 Q The Solanders didn't give her that inhaler, did they?

9 A No, they just mentioned they found it in her pocket
10 or something.

11 Q They found it in her pocket on one of the first days
12 of her being there; correct?

13 A I believe so.

14 Q Okay. And they were the ones that told you that it
15 didn't have any markings, and it did not appear to be
16 appropriate. So they brought it to your attention?

17 A Yes.

18 Q Okay. I just wanted to clear that one up. Now,
19 let's talk about medical treatment. You, as the caseworker,
20 you are very involved with the children. That's most
21 important, and the safety in the home and any attendant issues
22 around that; correct?

23 A Yes.

24 Q And it's also important for you to read the Unity
25 notes as it relates to any of the medical issues; correct?

1 A Correct.

2 Q Okay. I think you stated all that before. But you
3 also stated that you are not the one who puts in the medical
4 notes, that there is a different government worker who puts in
5 those medical notes; isn't that correct?

6 A Right.

7 Q Okay. And if I understand the foster care system
8 correctly, a foster parent is not allowed to just go start
9 taking children to doctors. That would be disallowed; correct?
10 They have to let CPS or DFS know?

11 A Yes.

12 Q And there's a fax number, a hotline that's set up to
13 make sure that every time there's documents or documentation it
14 goes into that fax and goes to DFS; isn't that correct?

15 A Right.

16 Q Okay. And that would be entered by someone not you?

17 A Right.

18 Q Okay. Is there any indication in 174 notes that the
19 Solanders violated the policy and didn't make sure the
20 documentation was faxed to the number at DFS?

21 A Not that I'm aware of.

22 Q Okay. So to your knowledge, they followed the
23 protocol with regard to all medical visits; correct?

24 A I don't have that information to say that they didn't
25 fax it.

1 Q Correct. And if they were doing stuff that was
2 outside the scope of the policy, that certainly would've been
3 noted?

4 A Yes.

5 Q Because that's an "oopsie." That's a bad thing for
6 the foster parents to be doing?

7 A Right.

8 Q And the reason is that the foster care system is
9 creating these medical passports for the children; isn't that
10 correct.

11 A Yes.

12 Q So if they have to be unfortunately placed in yet
13 another home, they'll know about the doctors' visits, and all
14 that will be accessible; correct?

15 A Right.

16 Q And all those faxes, all those medical
17 documentations, those aren't in the Unity notes. That's in a
18 separate place; isn't that correct?

19 A It depends. They typically can be in there. What
20 you're describing is a, you know, they have a form. They take
21 it to the doctor with them.

22 Q Right.

23 A And then it's in turn faxed to, like, the nursing
24 department.

25 Q Correct.

1 A And they normally will document, like, medical
2 passport, whatever.

3 Q Right. Okay. But the Unity notes and the medical
4 passport are two different documents?

5 A Yes.

6 Q Okay. Just to make that sure. So you're not going
7 to attach that faxed document from the doctor's office into the
8 Unity notes?

9 A No.

10 Q That's a medical passport, separate set of documents?

11 A Right.

12 Q Okay. Do you have that with you today?

13 A No, I do not.

14 Q Okay. Do you know if the prosecution talked to you
15 about that?

16 A No.

17 Q Okay. All right. Now, there's some discussion on
18 redirect about the vetting process. To make sure that the home
19 is appropriate for children, foster children to go into;
20 correct?

21 A Yes.

22 Q Okay. Now, you are the caseworker. You're not doing
23 that vetting; correct?

24 A Correct.

25 Q Okay. You're not the person -- of all the various

1 government workers, you are not the government worker who went
2 out and did the research to make sure that that was an
3 appropriate home; correct?

4 A Right.

5 Q Okay. But you do know as a DFS worker that whenever
6 there is a CPS investigation that person's name is put into a
7 database; correct?

8 A Yes.

9 Q Okay. And you know from your training and experience
10 that if you type in that person's name into the database every
11 single allegation, substantiated or unsubstantiated, comes up
12 on that document; isn't that correct?

13 A Yes, it does.

14 Q In fact, it's kind of a burdensome piece of paper,
15 because every time you run it, it runs everything every time;
16 isn't that correct?

17 A Yes.

18 Q I mean, I've seen it where it's the same document
19 over and over and over, but it's all in there; isn't it?

20 A Right.

21 Q Okay. So if there was an allegation in 2011 that the
22 Solanders had done something to the adoptive children, that
23 would've been inputted into that CPS database?

24 A Right.

25 Q And that would've been accessible from the DFS worker

1 checking out that house; correct?

2 A Yes.

3 Q Okay. Same thing. This incident at a dentist in
4 August of 2011, that would've been made available as well in
5 the CPS database; correct?

6 A Yes, if it was being sought for. Yeah, put her name
7 in like you described.

8 Q Okay. And if the claims were substantiated, what
9 happens then?

10 A They wouldn't be licensed.

11 Q Okay. You wouldn't allow to keep those Stark kids in
12 there?

13 A Right.

14 Q Okay. And there are different consequences. If
15 they're substantiated, they may have to go over to family
16 court; correct?

17 A Right.

18 Q Okay. There may be criminal charges. You don't
19 know; correct?

20 A No.

21 Q Okay. That's beyond where you're involved?

22 A Right.

23 Q Okay. So now when something is put into CPS, it is
24 investigated; right?

25 A Yes.

1 Q Okay. So let's talk about the CPS report first that
2 was made by the Solanders about this possible person named
3 Grant, okay. Now, Grant was a 20-year-old something that was
4 living with the natural parents; isn't that correct?

5 A Yeah. I believe he was their roommate.

6 Q And you talked to Ivy about Grant, and Ivy told you
7 that Grant, this 20-year-old person, was the 3-year-old's
8 boyfriend? Didn't she tell you that?

9 A Yes, I believe she did.

10 Q She told you that Grant was her boyfriend?

11 A I believe so, yes.

12 Q Okay. And, of course, that was also put into the
13 notes done by -- let me get her name right -- Felicia Taylor;
14 correct?

15 A Tucker. Tucker I believe.

16 Q Tucker. I'm sorry.

17 A Uh-huh.

18 Q You know, I can't read my own writing. Felicia
19 Tucker noted that as well?

20 A Yes.

21 Q Okay. And that there was some language that little
22 3-year-old Ivy had learned that seemed to be somewhat sexual,
23 and the natural parents said, Oh, she just picks that up from
24 all the kids. Do you remember that?

25 A That sounds about right. Yes.

1 Q Okay. All right. Now, they never were able to find
2 Grant; correct? There was no indication in any of the Unity
3 notes that Grant was found?

4 A Not that I'm aware of.

5 Q Okay. But there was still concern; correct?

6 A Yes.

7 Q And there was a consequence meaning it was talked
8 about with FACT; it was talked about with the mental health
9 counselor, et cetera; correct?

10 A Yes.

11 Q Okay. So there was a report made, and there was a
12 consequence and things that happened because of that; correct?

13 A Right.

14 Q Okay. So just because CPS finds something
15 unsubstantiated doesn't mean that CPS doesn't still care about
16 the children; right?

17 A Correct.

18 Q The children's safety and health is always cause
19 number one; correct?

20 A Yes.

21 Q Okay. So now you testified on redirect that if you
22 had heard that there were these -- that Myra Solander was
23 beaten by Janet Solander, that would give you cause for
24 concerns, to put it into -- put the Stark kids into that house;
25 correct?

1 A Right.

2 Q You testified to that?

3 A Yes.

4 Q But if the allegation is not true, that doesn't
5 impact your decision; isn't that correct?

6 A Correct.

7 Q Okay. And if Myra Solander was beaten with a belt --

8 MR. HAMNER: Objection.

9 BY MR. FIGLER:

10 Q By her --

11 MR. FIGLER: I'm just following up. I didn't ask my
12 question yet.

13 MR. HAMNER: Who is Myra?

14 MR. FIGLER: I'm sorry. Amyra.

15 THE WITNESS: Amaya.

16 MR. FIGLER: Amaya. Sorry. Amaya.

17 THE COURT: I assumed that as --

18 MR. FIGLER: It's a tongue twister.

19 THE COURT: Yeah, I got confused too.

20 MR. FIGLER: And lawyers do that sometimes. You
21 know --

22 THE COURT: And then I thought, oh, this is what he
23 means, but I was --

24 MR. FIGLER: Amaya.

25 THE COURT: -- I was also confused. So thanks for

1 clearing it up.

2 MR. FIGLER: I apologize to everyone in the room who
3 was confused by misspeak.

4 BY MR. FIGLER:

5 Q But if you had heard that Amaya was actually beaten
6 by her maternal grandmother with a belt that caused marks, that
7 would have no impact on the Solanders when they became adoptive
8 parents; correct?

9 A Correct.

10 Q And the same thing. You testified on redirect that
11 if you heard that one of the Solander kids was covered with
12 bruises at a dentist's office, but that CPS investigated it,
13 you said if you found that information that would impact your
14 placement of the Stark children; right?

15 A Yes.

16 Q All right. But if it was never determined or if it
17 wasn't in any way substantiated that Janet or Dwight were the
18 cause of that, that there could have been other causes or that
19 they weren't in line with the observations of the one person
20 who saw it that one time or that they weren't documented and
21 then they were unsubstantiated, that doesn't give you a cause
22 for concern, does it?

23 A Correct.

24 Q Okay. So if I was to represent to you that there
25 were no -- those two instances brought up on redirect were not

1 substantiated by CPS after investigation, then your putting the
2 Stark kids in there is not affected at all. You don't regret
3 that decision based on that information, do you?

4 A Right.

5 Q Because that's what the government does. They go out
6 and investigate those things, and that's a different department
7 from your office; correct?

8 A Yes, it is.

9 Q Okay. Now, you talked on redirect about sleeping
10 arrangements, and where the Stark kids were sleeping, and you
11 said they were in bunk beds. Do you remember that on redirect?

12 A Yeah, I believe so.

13 Q Okay. You also testified that you didn't see the
14 Solander kids too much, just that one time you remember.

15 A Right.

16 Q But isn't it true that you also knew that they were
17 living on cots?

18 A No.

19 Q You didn't know that?

20 A No.

21 Q Okay. Have you ever had a conversation with a person
22 over at CPS named Crystal Rosas?

23 A Crystal, yes.

24 Q Okay. And do you remember talking to Crystal Rosas
25 on February 27th of 2013?

1 A No, I don't, to be honest with you.

2 Q Okay. That's fine. So if you don't remember talking
3 to her, you don't remember talking to her about cots?

4 A No.

5 Q Okay. Speaking of sleeping arrangements, do you know
6 where the Stark kids slept when they were reunified?

7 A Where the Stark kids slept?

8 Q Yeah. Once they were reunified with the natural
9 parents.

10 A Not --

11 MR. HAMNER: Objection. Relevance.

12 MR. FIGLER: But we're talking about the --

13 THE COURT: I'll see counsel.

14 (Conference at the bench not recorded)

15 BY MR. FIGLER:

16 Q Ms. Davison, if you found out that a child in your
17 care was sleeping on a cot with their bio parents -- let me
18 rephrase. The kids at -- at -- sometimes house at Child Haven;
19 correct?

20 A Yes.

21 Q At Child Haven they sleep on cots; correct?

22 A Yes. Sorry.

23 Q Okay. You're not reporting Child Haven for putting
24 kids on cots, are you?

25 A No.

1 Q Okay. So there's nothing inherent about being on a
2 cot that would cause that to be a report of suspected child
3 abuse; correct?

4 A That would be; correct.

5 Q Okay. And after the Stark kids left the Solander
6 home where they had bunk beds, you know they were sleeping in
7 weeklies?

8 A That's possible yes.

9 Q Okay. And there's only so much room in a weekly;
10 isn't that correct?

11 A Yes.

12 Q And you know that the natural parents were battling
13 with drugs the entire time that the kids were in the foster
14 care; isn't that correct?

15 A Yes, they were.

16 Q And they had told you that they were going and
17 getting Mesa Counseling, which is counseling for people on
18 drugs, but when you verified, they hadn't even signed up, let
19 alone paid for it; isn't that correct?

20 A I believe so.

21 Q And that was an issue raised at one of the CFTs,
22 wasn't it?

23 A I believe so, yes.

24 Q Okay. And while they started to get their act in
25 order 14 months later, Janet did express some concerns that

1 because they're still missing things and that the kids were
2 being impacted, that maybe it's not the best idea. She just
3 expressed her opinion to you; isn't that correct?

4 A I believe she may have been like a CFT or some form.

5 Q Okay. Back to any sort of testing or anything like
6 that that was done by the pediatricians, again they would have
7 had to send those notes into fax, and that's not your
8 department; correct?

9 A Yes, sir.

10 Q Finally, you testified that there were rumors,
11 plural, about a book that emerged later on about Janet
12 Solander; correct?

13 MR. HAMNER: Objection. Beyond the scope of
14 redirect.

15 THE COURT: State your question.

16 MR. FIGLER: I'm asking her about the book.

17 MR. HAMNER: Beyond the scope.

18 MR. FIGLER: The rumors about the book.

19 THE COURT: I can't remember if it was direct or --

20 MR. HAMNER: It was on direct.

21 MR. FIGLER: It was on direct, but it also has
22 implication for a question I'm going to ask.

23 THE COURT: Go ahead and ask the question.

24 MR. FIGLER: Thanks.

25 / / /

1 BY MR. FIGLER:

2 Q Do you remember how long ago you learned about that?

3 A No, not -- I mean, years ago. To be honest, I --
4 years --

5 Q But before the time that you talked with the
6 prosecutors; right?

7 A Oh, yes.

8 Q Okay. And when you said rumors, that means multiple
9 people over at the government office might have been talking
10 about it?

11 A It just came up. Like I think she had a book or
12 something like that, yes.

13 Q And do you know what the subject of the book was?

14 A I believe it was about our department.

15 MR. FIGLER: Okay. Pass the witness.

16 THE COURT: Anything else, Mr. Hamner?

17 MR. HAMNER: Just very, very briefly.

18 FURTHER REDIRECT EXAMINATION

19 BY MR. HAMNER:

20 Q You were asked about cots. Do you remember that? Do
21 you remember kind of noting, observing a cot or something at
22 some point?

23 A No. My kids weren't sleeping on cots in their home,
24 no.

25 Q Would it help refresh your recollection at least to

1 see maybe a notation?

2 (Pause in the proceedings)

3 MR. HAMNER: Let the record reflect I'm showing a CPS
4 note.

5 BY MR. HAMNER:

6 Q I'd like you just to take a look here.

7 A Gotcha.

8 Q This entry, but read this paragraph, particularly
9 this last sentence read that paragraph silently to yourself.

10 A [Witness complies.]

11 Q Okay. So do you recall at some point in February
12 of 2013 observing cots in the residence?

13 A To be honest, that's my note -- that's what Crystal's
14 notes indicates, but I don't recall seeing a cot there. I
15 mean, I really don't.

16 Q Okay. So you just don't have any real memory of it
17 whatsoever?

18 A I don't. I apologize.

19 Q Okay. So it doesn't really help refresh your memory?

20 A No. I'm so sorry.

21 Q That's fine. You were asked on cross-examination
22 that if it's substantiated, like a claim or complaint, then
23 they don't get a license; is that right?

24 A Right.

25 Q And then they said, but if it's unsubstantiated, then

1 it's not a concern of yours; is that right?

2 A Yes.

3 Q Okay. So the bottom line is, leading up to that
4 placement, there was nothing substantiated up to that point for
5 you to be concerned about?

6 A Right.

7 Q Because someone else had made a call to
8 unsubstantiated two reports prior to 2011?

9 A Yes.

10 Q Okay. In your own experience, how many
11 unsubstantiated reports would you have to see before you
12 started becoming concerned?

13 MR. FIGLER: I'm going to object. I think it's an
14 improper hypothetical.

15 THE COURT: Sustained.

16 BY MR. HAMNER:

17 Q In your experience, have you ever seen a situation
18 where there's multiple unsubstantiated reports for a particular
19 home?

20 A Yes.

21 Q Have you been concerned?

22 A Yes.

23 Q Okay. But to be clear, just kind of the way it's set
24 up in your office, your role doesn't have you review any Unity
25 notes with respect to any other kids living in a particular

1 foster home?

2 A No, that's not typical. So, no.

3 Q Okay. Did you do that in this case?

4 A No.

5 Q Did your supervisor instruct you to do that in this
6 case?

7 MR. FIGLER: I'm going to object, Your Honor, what
8 her supervisor did. Well, I'm sorry. Was the question did her
9 supervisor instruct her, or did her supervisor --

10 THE COURT: Well, if her supervisor told her to do
11 something. She can answer.

12 MR. FIGLER: Okay. I'll withdraw the objection.

13 THE COURT: All right.

14 BY MR. HAMNER:

15 Q So did your supervisor ever instruct you to do that?

16 A No.

17 Q Okay. So it sounds like it's not policy. Was it
18 something you typically did just in your own career?

19 A No.

20 MR. HAMNER: Okay. Thank you.

21 No further questions.

22 THE COURT: Anything else based on that, Mr. Figler?

23 FURTHER RECROSS-EXAMINATION

24 BY MR. FIGLER:

25 Q There's an entity of the government called the Nevada

1 Department of Health and Human Services; correct?

2 A Yes.

3 Q And in that is the Division of Child and Family
4 Services; correct?

5 A Yes.

6 Q And the Department of Family Services; correct?

7 A Yes.

8 Q Okay. You're all government workers who all have
9 your assigned tasks; correct?

10 A Yes.

11 Q Okay. And you all have the same mission as it
12 relates to children, that you are always looking out for the
13 best interests of the children, making sure that they're placed
14 in places that are healthy and safe for them; correct?

15 A Yes.

16 Q And again, your relation with the Stark children,
17 they were in a place that wasn't healthy and safe or really
18 loving, and then they were placed in the Solander home for
19 almost a year and half; isn't that correct?

20 A Correct.

21 Q And you, through your notes, found that that place
22 continually was healthy, safe and loving; isn't that correct?

23 A Yes.

24 MR. FIGLER: No further questions.

25 THE COURT: Anything else based on that?

1 MR. HAMNER: No, Your Honor.

2 THE COURT: Do we have any juror questions for this
3 witness?

4 All right. We have a few juror questions. I'll see
5 counsel at the bench.

6 (Conference at the bench not recorded)

7 THE COURT: We have a number of juror questions up
8 here.

9 THE WITNESS: Okay.

10 THE COURT: And I'm asking these in no particular
11 order. A juror asks, Are the Solanders made aware of visits
12 prior to the in-home visits?

13 THE WITNESS: Uh-huh. Not all the time. Some of the
14 visits are unannounced.

15 THE COURT: Okay. So they don't always occur on the
16 30th day of the month or something like that?

17 THE WITNESS: No.

18 THE COURT: Okay. Would DFS deny a doctor visit for
19 a child when requested by the foster parents?

20 THE WITNESS: Will we deny a visit?

21 THE COURT: Right. If the foster parents requested
22 that a child see a doctor, would DFS say, no, that child can't
23 see that doctor, or does DFS always approve the request?

24 THE WITNESS: Typically, no. We'll let the children
25 go ahead and move forward with the visit and kind of see where

1 that goes.

2 THE COURT: Okay. Would DFS need to be advised about
3 an adult person living in the foster home?

4 THE WITNESS: Yes.

5 THE COURT: Okay. And then the follow-up to that is
6 what is done if there is another adult living in the foster
7 home? Are there background checks done, drug testing done?

8 THE WITNESS: Uh-huh.

9 THE COURT: What kind of investigation of that other
10 adult would be done?

11 THE WITNESS: If another adult is in the home,
12 they're supposed to go to a very similar process as a foster
13 parent. So we do background check them and make sure that
14 they're an approved caretaker for the kids.

15 THE COURT: Okay. And then another question. During
16 the redirect by the plaintiff, there was something about the
17 Solander girls going to McDonald's with the Stark girls being
18 common or being a concern -- I'm sorry -- to you. Why would
19 that have been a concern, or was that a concern?

20 THE WITNESS: Well, what it was is that the Solander
21 children never accompanied the kids to visits or, like, the
22 little trips after visits when parents weren't there. So
23 sometimes when you have foster children you do things together.
24 So that's what that's in [unintelligible].

25 THE COURT: So it was the issue that just the Stark

1 girls were going, not the Solander girls?

2 THE WITNESS: Right. Which isn't it again always
3 uncommon, but, you know, throughout the case, after a year, if
4 you're just watching, and there's not a lot of contact
5 together.

6 THE COURT: And did you think it was unusual that you
7 saw the Solander children on only one occasion, that you didn't
8 see the Solander children typically when you would visit the
9 home? Did that seem unusual to you?

10 THE WITNESS: It did to me because I did go to the
11 home sometimes unannounced, and sometimes I was announced, and
12 generally in a family setting, you know, sometimes you hear the
13 kids running around or you just see them playing outside. When
14 I come up or just generally when I do have contact with foster
15 parents, I typically have the similar amount of contact with
16 their children as well because I'm in the home, and they know
17 me as well. So it was odd to me that I'd only seen them one
18 time.

19 THE COURT: Okay. Mr. Hamner, did you have follow-up
20 to that last series of juror questions?

21 MR. HAMNER: Just real briefly about that last
22 question.

23 FOLLOW-UP EXAMINATION

24 BY MR. HAMNER:

25 Q Did you even hear other kids kind of running around

1 or playing or, you know, tutoring of other kids while you're in
2 there?

3 A No. I mean, the one time I did go in and see the
4 kiddos, like I said, they were just -- it looked like they were
5 maybe doing homework or something on a table. They were quiet.
6 I never heard them, no laughing, crying, screaming, nothing.
7 It was nothing.

8 MR. HAMNER: Okay. Thank you.

9 No further questions.

10 THE COURT: Any follow-up, Mr. Figler?

11 MR. FIGLER: Just a couple.

12 FOLLOW-UP EXAMINATION

13 BY MR. FIGLER:

14 Q So you do recall that there were unannounced visits
15 when you would go over to the Solander house as well; correct?

16 A Yes.

17 Q Okay. And then, let's see. You have no indication
18 that the Solanders didn't follow all the rules with regard to
19 adults in the house or anything like that. They were rule
20 followers as far as your Unity notes went; correct?

21 A Yes.

22 Q Okay. You didn't note anything in your Unity notes
23 about it being unusual not seeing the kids. You really didn't
24 say anything -- strike that. Had you seen anything unusual,
25 you would have put that in your Unity notes; correct?

1 A Correct.

2 Q And you have nothing unusual with regard to the
3 Solanders' care or treatment of the adopted Solander kids in
4 your Unity notes, do you? You don't have anything like that?

5 A Right.

6 Q Okay. And, again, those were done at the time that
7 you made your observations; correct?

8 A Right.

9 Q Okay. And that would have been between six and seven
10 years ago; correct?

11 A Right.

12 MR. FIGLER: Okay. May I approach, Your Honor, for a
13 second? Just can I see the questions again for just a moment?

14 THE COURT: Oh.

15 MR. FIGLER: I'm sorry. I know they're being marked.

16 Oh, that's it. [Unintelligible.]

17 BY MR. FIGLER:

18 Q So the Solanders would dutifully and on time take the
19 Stark children to their parent visits; correct?

20 A Yes.

21 Q And you testified to that. The Solander kids would
22 not be allowed to come per foster care rules. You wouldn't
23 have the Solander kids there with those girls for their parent
24 visit; would you?

25 A No, we wouldn't do that.

1 Q No. Okay. And so when the parents didn't show up
2 and they were crying and Janet and Dwight took them over to
3 McDonald's to cheer them up or whatever, that's a good thing,
4 not a bad thing; right?

5 A Yes.

6 Q And there's nothing unusual about the Solander
7 adopted kids not being at McDonald's with them, is there?

8 A It was just an observation.

9 Q Okay. But then you also testified just now, based on
10 that question, that you would expect to see the families doing
11 activities together; correct?

12 A Yes.

13 Q Okay. So there's the two weeks in Florida that they
14 were all together; correct?

15 A Yes.

16 Q Okay. And they all interacted there.

17 A Apparently, yes.

18 Q Okay. And then there were multiple beach trips that
19 you heard about?

20 A I just know the one. I thought that was all in one
21 visit, the Disneyland and the beach, but I could be wrong.

22 Q Okay. And certainly there were other activities that
23 the Stark girls were reporting to you, and there was no
24 indication that the Solander girls weren't involved in it?

25 A Again, I never heard them mentioned like the other

1 children like I would have expected them to for, you know,
2 family setting. That's all I mean. Yes.

3 Q Okay. But you had no indication the other way that
4 would have required a Unity note that there was a problem?

5 A Right.

6 MR. FIGLER: Got it.

7 No further questions, Your Honor.

8 THE COURT: Anything else, Mr. Hamner?

9 MR. HAMNER: No, Your Honor.

10 THE COURT: Any additional juror questions before we
11 excuse the witness? All right. Ma'am, I see no additional
12 questions. Thank you for your testimony. Please do not
13 discuss your testimony with anyone else who may be a witness in
14 this case.

15 THE WITNESS: All right. Thank you.

16 THE COURT: Thank you, ma'am. You are excused.

17 And the State may call its next witness.

18 MS. BLUTH: Your Honor, Ms. Richardson is back. I
19 believe that she was still on cross-examination by Ms. McAmis.

20 THE COURT: That's correct. All right.

21 And, ladies and gentlemen, we're now going to
22 continue with the testimony from the witness who was called, I
23 believe, on the first day of testimony.

24 **HEATHER RICHARDSON**

25 [having been called as a witness and being first duly sworn,

1 testified as follows:]

2 THE CLERK: Thank you. Please have a seat. State
3 and spell your first and last name again for the record.

4 THE WITNESS: Heather Richardson. H-e-a-t-h-e-r,
5 R-i-c-h-a-r-d-s-o-n.

6 THE COURT: All right. Thank you.

7 And, Ms. McAmis, you may resume your
8 cross-examination.

9 MS. MCAMIS: Thank you, Your Honor.

10 CONTINUED CROSS-EXAMINATION

11 BY MS. MCAMIS:

12 Q Welcome back, Ms. Richardson.

13 A Thank you.

14 Q So last week, if you recall, I asked you questions
15 about H.O.P.E. Counseling therapy notes documenting Yarely
16 Jiselle and her treatment, a.k.a. Anastasia.

17 A Yes.

18 Q That's what she was subsequently called.

19 A Yes.

20 Q Okay. So and H.O.P.E. Counseling is a licensed
21 facility where trained individuals, they treat children there
22 who have any host of challenges; right?

23 A Yes, adults and children.

24 Q Adults and children.

25 A Yes.

1 Q But specifically, as far as any referrals for
2 H.O.P.E. Counseling and the Department of Family Services goes,
3 that's for children with any host of problems; right?

4 A Yes. We refer both though, adults and children. We
5 refer parents there too.

6 Q Oh, okay. Excellent. And so the children, as far as
7 their referrals, that can include challenges from being
8 survivors of physical abuse; right?

9 A Physical abuse, neglect as well.

10 Q Okay. Including emotional or even sexual abuse
11 unfortunately; right?

12 A Yes. We do actually typically refer sexual abuse
13 specific -- to specific providers. There's a few, like there's
14 about three specific providers in town that specialize
15 specifically in sexual abuse. So in sexual abuse cases we tend
16 to refer to those children to those specific providers.

17 Q Certainly. But some of those initial disclosures
18 about different types of abuse could come out, like, at
19 H.O.P.E. Counseling; right?

20 A True.

21 Q Okay. And so as part of your duties, specifically as
22 to the Solander girls and referring them for mental health
23 counseling through H.O.P.E. that you had contact with that
24 provider?

25 A Yes.

1 Q Okay. And so it would have been part of your duties
2 in your course of your regular job responsibilities to be
3 familiar with the treatment and potential disclosures that the
4 children were making, the Solander children were making at
5 H.O.P.E. Counseling?

6 A Correct. And as I stated before, in the client -- in
7 the client-therapist relationship, not all disclosures are
8 given to a case manager. If they are not in imminent danger to
9 themselves or being abused, that might not be disclosed up
10 front to a case manager right then. They would discuss what
11 their treatment plan is, the progress that they're making, but
12 they may not make a disclosure to us about what they have
13 disclosed necessarily.

14 Q It's fair to say they would disclosing things like
15 diagnoses; right?

16 A Yes.

17 Q And they would be disclosing things like I have
18 identified this behavioral issue, and this is how we need to
19 recommend treatment?

20 A Yes.

21 Q And that would be part of your regular responsibility
22 is at least to be aware of those minimum, for lack of a better
23 word, just disclosures in therapy?

24 A Yes.

25 Q Okay. And you recall that last week you recall that

1 we discussed Yarely aka Anastasia's DSM-IV diagnoses were PTSD,
2 feeding disorder and disorder in infancy?

3 A Yes. After reviewing the document again, after
4 refreshing my memory, after those documents are -- after a
5 child is adopted, those case files, those treatment plans are
6 submitted to the State. So the county doesn't maintain those
7 files. So not having been able to see those files after the
8 last ten years or eight years since the -- or seven years since
9 the adoption, even in preparing for this trial, I haven't been
10 able to review those even to prepare. So --

11 Q Right. But that's something that you would have
12 reviewed or --

13 A Back then.

14 Q -- at least been knowledgeable of back then when you
15 were the caseworker; is that fair to say?

16 A Yes.

17 Q Okay. Thank you. So you recall that Yarely Jiselle
18 aka Anastasia had been assessed for excessive frequent
19 tantrums?

20 A Yes. That's what the checkmark -- check box was
21 checked?

22 Q Right. It was a check box, and you recall that
23 Yarely aka. Anastasia qualified as severely emotionally
24 disturbed. You already testified to that.

25 A Yes.

1 Q Okay. Now, the same therapy notes document that in
2 October of 2009 Yarely aka Anastasia reported that her
3 schoolteacher was mean and hit her?

4 A Again. What the details of the document and just
5 scanning them momentarily and not seeing them for the last
6 eight years, it's difficult for me to go over every detail of
7 those assessments.

8 Q Okay. And would reviewing that assessment refresh
9 your recollection?

10 A Yes.

11 MS. MCAMIS: And permission to move freely?

12 THE COURT: You may.

13 BY MS. MCAMIS:

14 Q Okay. Now, Ms. Richardson, please review this
15 document. It's a H.O.P.E. Counseling record with an entry date
16 of October 27, 2009. Please review that silently to yourself.
17 You are not limited to just what I highlighted.

18 A Thank you.

19 Q Let me know when you've had an opportunity to look at
20 that, just look up and let me know.

21 A Thank you.

22 Q Of course.

23 A Yes. Okay.

24 Q Okay. I'll go ahead and approach and just ask that
25 you testify based on your memory if that refreshed your

1 recollection.

2 A Yes.

3 Q Now, Ms. Richardson, Yarely aka Anastasia informed or
4 disclosed to her therapist about school and said her teacher
5 was mean to her because she was in trouble for talking; right?

6 A That's correct.

7 Q And then she said that the teacher hit her and the
8 therapist asked again in a different way, and Yarely aka
9 Anastasia said, well, the teacher did not hit me; right?

10 A That's correct.

11 Q And that was documented in the H.O.P.E. Counseling
12 records from that October 2009 date; right?

13 A Yes, from that session.

14 Q Okay. Now, in that October 2009 period and, in fact,
15 when all of the Solander girls were at the H.O.P.E. Counseling
16 center, all of this predated their contact with Mr. and
17 Mrs. Solander?

18 A That's correct.

19 Q Okay. And then it was documented through H.O.P.E.
20 Counseling that Yarely aka Anastasia suffered physical abuse at
21 the hands of her mother's boyfriend?

22 A Yes, that she had been beaten by a belt.

23 Q That she had been hit by a belt, in fact, that's
24 what --

25 A Yes.

1 Q Thank you. But you don't know if it was the strap or
2 the buckle of the belt; correct?

3 A I don't have those details, no.

4 Q Or how many times she'd been struck by the belt by
5 her mother's boyfriend?

6 A No. That's just what she had disclosed to someone
7 else.

8 Q Okay. Ms. Richardson, is it still your testimony
9 that Yarely aka Anastasia only had neglect issues prior to her
10 placement in the Solander home?

11 A That is what the reason for removal was for.
12 Subsequent disclosures came out through their therapeutic --
13 during therapy about other traumas that, as my prior testimony
14 stated, that other traumas the children witnessed, as is
15 frequent in neglect cases, and that, yes, she disclosed having
16 been hit by a belt. I cannot testify that that was physical
17 abuse. So I can't because --

18 Q Well, let me --

19 A -- being hit by a belt in and of itself isn't abuse.

20 Q Okay. Let me ask you this. All right. So if I
21 understood your last testimony, a child being struck with a
22 belt in and of itself is not abuse according to the Department
23 of Family Services?

24 A Right. If that's the only detail that I have,
25 without having more information, that of itself, a spanking

1 with a belt, is not abuse. I need more information. I need to
2 know if there was marks, if it was excessive, what happened. I
3 need a lot more information to know whether it was abuse, to
4 assess whether it was abuse or not.

5 Q Okay.

6 A So I can't deem her a victim of physical abuse at
7 this time with the information given. Even with all the
8 records that I have, I still can't deem her a victim of abuse
9 through up until the end of my ending of her case which was
10 January 2011.

11 Q Okay. Now, based on your familiarity with all of the
12 H.O.P.E. Counseling assessment and diagnoses, are you willing
13 to admit now that Yarely aka Anastasia had significant
14 behavioral issues prior to her placement in the Solander home?

15 A No. I still don't agree that she had significant
16 behavioral issues. There's several therapeutic records after
17 that that dispute that.

18 Q But you can see that H.O.P.E. Counseling was a
19 referral from the Department of Family Services, and the
20 department placed children into H.O.P.E. Counseling for
21 assessment and treatment?

22 A To stabilize the placement, which is in my court
23 report for that same month.

24 Q And my question to you was you would agree that they
25 department made that placement and referral for the children to

1 be treated and assessed, diagnosed at H.O.P.E. Counseling?

2 A Yes, to be assessed.

3 Q Okay. So moving on to the next child -- that was all
4 a discussion about Yarely aka Anastasia?

5 A Right.

6 Q So moving on to Jaqueline aka Amaya, she was also
7 assessed at H.O.P.E. Counseling on that same October 30th,
8 2008, period?

9 A Yes.

10 Q Okay. And again, you know, based on the time that's
11 lapsed, I assume you don't remember all of her specific
12 diagnoses.

13 A Right. I also haven't seen that document since the
14 case closed.

15 Q But that is something that you would have been
16 familiar with at that time period; right?

17 A Yes.

18 Q And if I had it to you to review, would that refresh
19 your memory about her specific diagnoses?

20 A Yes.

21 Q And if I could just ask a small favor.

22 A Sure.

23 Q I know that you were absolutely answering my
24 question, but because this is a recording, we have to take
25 turns. So if you could just bear with me and let me get

1 through my long-winded question before you answer.

2 A Sure.

3 Q I would appreciate that. Okay. I'm going to
4 approach with a comprehensive mental health assessment for
5 Jocelyn Ramirez Castillo --

6 A Is it Jocelyn or Jaqueline? I thought you were going
7 to give me Jaqueline's first.

8 Q You're right. I was.

9 MS. MCAMIS: Court's indulgence.

10 THE COURT: That's fine.

11 BY MS. MCAMIS:

12 Q There we go. It would help if it was the right
13 child.

14 A Thank you.

15 MS. BLUTH: I'm sorry. Who are we on? Are we doing
16 Amaya?

17 BY MS. MCAMIS:

18 Q All right. So again, that same title, Comprehensive
19 Mental Health Assessment for Jaqueline, who later became Amaya,
20 from that October 30th date. If you would please review that
21 to yourself [inaudible].

22 A Thank you.

23 Okay.

24 Q All right. Ms. Richardson, did reviewing this
25 document refresh your recollection about the H.O.P.E.

1 Counseling agency's assessments and just various assessments
2 and diagnoses of Jaqueline aka Amaya?

3 A It did.

4 Q Okay. Now, H.O.P.E. Counseling documented that Amaya
5 was assaultive towards others; correct?

6 A Yes.

7 Q It was documented that Jaqueline aka Amaya showed
8 little ability to manage her emotions and did not listen to
9 adult directives in the home?

10 A Yes.

11 Q It was also documented that she hits her sisters?

12 A Yes.

13 Q Okay. And there was a documentation that the
14 biological grandmother disclosed, Amaya made her little sister
15 bleed for several days, preceding the report, preceding this
16 assessment?

17 A I might have missed that in that report, but I don't
18 recall that ever being disclosed to the department as well.

19 Q But as part of your familiarity of duties with this
20 case, you would have at minimum been familiar with this
21 particular mental health assessment?

22 MS. BLUTH: Can we have a page number about that,
23 please.

24 MS. MCAMIS: Yes.

25 MS. BLUTH: The bleeding --

1 MS. MCAMIS: It's not actually paginated on the
2 actual assessment, but it would be on page 14.

3 BY MS. MCAMIS:

4 Q All right. If I could direct your attention to the
5 passage that I was talking about in this same document from
6 that mental health assessment.

7 A Yes. Okay. Thank you.

8 Okay.

9 Q Okay. And in that there was a disclosure that the --
10 did that refresh your memory?

11 A Yes.

12 Q Okay. And --

13 A Can you repeat the question.

14 Q Yes.

15 A Thank you.

16 Q And in this there was a disclosure by the grandmother
17 that Amaya had made her little sister bleed in the days
18 preceding this assessment?

19 A Yes.

20 Q Okay. And it was documented that Amaya aka Jaqueline
21 had impulsive verbal outbursts?

22 A Yes.

23 Q Okay. And also that she fails to respond to limit
24 setting or other discipline?

25 A Yes.

1 Q H.O.P.E. Counseling documented that she had excessive
2 noncompliance?

3 A Yes.

4 Q And that she was extremely destructive, dangerous and
5 had violent behavior?

6 A Yes. Those boxes were checked.

7 Q H.O.P.E. Counseling also documented that Amaya aka
8 Jaqueline had persistent intentional aggression?

9 A Yes, those boxes were checked.

10 Q Okay. And H.O.P.E. Counseling documented that, like
11 the younger child Yarely Jiselle, Jaqueline aka Amaya continues
12 to wet the bed at night?

13 A Yes. That was reported -- that was reported by the
14 paternal grandmother. The department had never been reported
15 that she had enuresis.

16 Q Okay. And I appreciate that you want to, you know,
17 offer your commentary, but I would just ask you to answer the
18 question that I've presented to you, and, of course, the
19 prosecution --

20 A Right.

21 Q -- will have an opportunity to let you elaborate as
22 you see fit.

23 A Right.

24 Q But again all of this predated any disclosures by the
25 Solanders?

1 A Yes. The date of that assessment is October 2008.

2 Q Okay. And it was documented that Amaya aka Jaqueline
3 had judgment that was impaired to make reasonable decisions?

4 A Yes. That box is checked.

5 Q And at the initial assessment, her behavior was noted
6 to be -- or demeanor and behavior was noted to be tense,
7 soft-spoken, restless and that she cried?

8 A Yes. All those boxes were checked.

9 Q Okay. And there was a disclosure at that initial
10 assessment that the biological aunt reported the client
11 chronically complains of physical ailments yet when taken to
12 the doctor she is okay?

13 A Yes, that's what the paternal aunt reported.

14 Q Okay. And, in fact, based on this assessment by
15 H.O.P.E. Counseling, Amaya aka Jaqueline had a DSM-IV diagnosis
16 of PTSD and enuresis nocturnal; right?

17 A Yes, those are the diagnoses listed.

18 Q And enuresis nocturnal is nighttime bedwetting?

19 A Yes.

20 Q Okay. And based on this assessment, Amaya also
21 qualified as severely emotionally disturbed?

22 A Yes. That's correct.

23 Q Now, it was documented by H.O.P.E. Counseling that in
24 April of 2009 the foster mother at that time for the girls
25 reported to the therapist that she caught Jaqueline aka Amaya

1 sexually acting out with her younger sister?

2 A Yes. That's correct.

3 Q Okay. And the therapist did in fact call you to
4 inform you of this disclosure?

5 A Yes. I was aware of that.

6 MS. MCAMIS: Court's indulgence.

7 BY MS. MCAMIS:

8 Q And the foster mother at that time was Debbie
9 McClain; correct?

10 A That's correct.

11 Q Okay. And so this disclosure about the sexually
12 acting out, it was disclosed to H.O.P.E. Counseling by
13 Jaqueline aka Amaya that the mother's ex-boyfriend would --
14 actually, strike that. There were a number of disclosures
15 made, including the sexually acting out. In addition to that
16 disclosure to H.O.P.E. Counseling, it was indicated that
17 Jaqueline aka Amaya's mother's ex-boyfriend would pull her
18 pants down and hit her?

19 A Can you break that question down for me. I'm sorry.

20 Q Yes.

21 THE COURT: I'm sorry?

22 MS. MCAMIS: She just asked --

23 THE WITNESS: I asked her to break the question down
24 for me.

25 THE COURT: Okay.

1 BY MS. MCAMIS:

2 Q Okay. So it was documented by H.O.P.E. Counseling
3 that Jaqueline aka Amaya made a disclosure that her mother's
4 ex-boyfriend would pull her pants down and hit her?

5 A Yes.

6 Q Okay. And it was documented by H.O.P.E. Counseling
7 that Jaqueline aka Amaya honestly disclosed kicking her sister
8 in September of 2009?

9 A Jaqueline disclosed kicking her sister, I'm sorry, in
10 when?

11 Q In September of 2009?

12 A Did Jaqueline disclose that to her therapist?

13 Q Yes.

14 A Okay. I'm not sure.

15 Q Okay.

16 A I can't answer that.

17 MS. MCAMIS: Court's indulgence.

18 BY MS. MCAMIS:

19 Q Would reviewing the H.O.P.E. Counseling note from the
20 September 2009 documentation of that report refresh your
21 memory?

22 A Yes.

23 Q Ms. Richardson, I'm showing you the H.O.P.E.
24 Counseling entry from the September 2nd, 2009, report and
25 disclosure. Please review that to yourself and look up when

1 you're done.

2 A Thank you. Okay.

3 Q Okay. And did reviewing that document refresh your
4 memory on that September 2009 disclosure?

5 A Yes.

6 Q And in that disclosure, Jaqueline aka Amaya was
7 reported to be honest about kicking her sister this week and
8 why?

9 A Yes.

10 Q Now, I want to direct your attention to kind of the
11 order of the placement of all of the Solander girls after they
12 were removed or abandoned actually by their biological mother.
13 So they were abandoned --

14 A Yes.

15 Q -- by their biological mother with their grandmother?

16 A Yes. It was actually their aunt and their
17 grandmother. They lived together.

18 Q Aunt and grandmother. Thank you.

19 A Yes.

20 Q Okay. And there was an incident in February of 2009
21 where the grandmother was arrested and taken to jail for
22 domestic violence against the grandfather in the home?

23 A So you skipped a step. So --

24 Q My question to you is specific to an incident in
25 February of 2009 where the grandmother was arrested and taken

1 to jail for domestic violence against the grandfather. That
2 occurred; correct?

3 A Yes, that occurred.

4 Q Okay. And the Solander girls were in their
5 grandparents' home at the time of that incident?

6 A Yes.

7 Q And they witnessed that?

8 A Yes.

9 Q Now, ultimately there came a time where the Solander
10 girls could not achieve permanency through their grandmother or
11 their aunt that were in that home; right?

12 A Yes.

13 Q And they had to be removed, and then they were placed
14 into an initial foster care placement, and that was with Debbie
15 McClain?

16 A Yes. But to be clear, there was a foster placement
17 at the -- prior to the grandparents. So that's why I was --
18 what I was trying to say, that you skipped a step.

19 Q Fair enough. Fair enough. But at some point there
20 was a goal to try to reunify with the biological family,
21 specifically the grandmother and/or aunt; right?

22 A Yes. You mean after the February 2nd, 2009,
23 removal?

24 Q Before.

25 A Before that.

1 Q Before.

2 A So that wouldn't be a reunification. That would be
3 achieving permanency through adoption.

4 Q Okay. So that was your goal though.

5 A Yes.

6 Q The department wanted a goal of achieving permanency
7 for these children initially with the grandmother; correct?

8 A Yes.

9 Q And that did not succeed unfortunately?

10 A Yes.

11 Q Okay. And afterwards, then the girls were placed
12 with Debbie McClain, who was a foster parent?

13 A Yes.

14 Q Okay. And Debbie McClain was also involved as far as
15 making sure that the girls attended -- all three of the girls
16 attended their H.O.P.E. Counseling sessions?

17 A Right after, yes, for the first few months, and then
18 they switched providers.

19 Q Okay. But they were continuing through H.O.P.E.
20 Counseling at the time that Debbie McClain received the girls
21 into her home?

22 A Yes.

23 Q Now, with respect to Jaqueline aka Amaya, you
24 testified on direct examination that prior to being placed in
25 the Solander home she had no significant behavioral or medical

1 issues; correct?

2 A I said that she had no medical issues. I said that
3 she was the one that had the most behaviors out of the three.

4 Q Had the most behaviors out of the three, but you did
5 not -- but it's fair to say on direct examination you did not
6 testify that she had significant behavioral issues prior to
7 entering the Solander home?

8 A Yes. No more than any other foster children.

9 Q No more than any other foster children.

10 A Yes.

11 Q And going through all of the assessments and
12 diagnosis from H.O.P.E. Counseling, is it still your testimony
13 that she was placed into the Solander home without any
14 significant behavioral behaviors or conditions or diagnoses?

15 A Yes. No more than any other foster children.

16 Q Okay. Now, the therapist at H.O.P.E. Counseling
17 contacted you in May of 2009 after the foster mother Debbie
18 McClain told the girls, Stop acting like this. Just because
19 you witnessed domestic violence does not mean you can bring it
20 here; right?

21 A I don't recall that conversation.

22 Q Okay. Would reviewing the entry from that May 2009
23 date refresh your memory?

24 A What entry?

25 Q The entry from H.O.P.E. Counseling documenting the

1 comments that the foster mother made as far as just because you
2 witnessed domestic violence doesn't mean you can act like this?

3 MS. BLUTH: Judge, I'm going to object and ask if we
4 may please approach.

5 THE COURT: Approach.

6 MS. BLUTH: Yes, please.

7 (Conference at the bench not recorded)

8 BY MS. MCAMIS:

9 Q Okay. So in order to ask that question I was going
10 to do, I asked if reviewing the note would refresh your memory
11 on that. So if you would just give me a moment, please.

12 A Okay.

13 Q All right. All right, Ms. Richardson, if I could
14 direct your attention to this H.O.P.E. injury note from May
15 18th of 2009, I highlighted the relevant part, but, of
16 course, just read --

17 A Okay. Okay.

18 Q All right. Ms. Richardson, did that refresh your
19 memory about a statement made by Debbie McClain that the
20 therapist alerted you to back in May of 2009?

21 A No.

22 Q Let me direct you to your direct examination
23 testimony where you discussed an email you received from Dwight
24 Solander with language to the effect of the abused child excuse
25 only works so long, and then it's fair to say on your direct

1 examination that was not an acceptable statement to you?

2 A Yes.

3 Q Okay. Now, based on this disclosure from Debbie
4 McClain to the therapist, generally that just because you
5 witnessed domestic violence doesn't mean it's okay to act like
6 this, is that similarly an unacceptable response from a foster
7 parent to you?

8 A That would be -- that statement would be a concerning
9 statement to me, yes.

10 Q Okay. And it's documented in the H.O.P.E. Counseling
11 notes from May of 2009 that that statement was made by Debbie
12 McClain?

13 A Yes. That's in that document.

14 Q All right. Now, Ms. Richardson, turning to the last
15 child, H.O.P.E. Counseling also assessed and treated Jocelyn
16 aka Ava; correct?

17 A Yes.

18 Q Okay. And completed a similar comprehensive medical
19 health assessment in October of 2008; correct?

20 A Yes.

21 Q And again it's just been a while since you've
22 reviewed that document, but that would have been an assessment
23 you would have been familiar with at the time when you were
24 working as the caseworker for the Solander girls?

25 A Yes.

1 Q Okay. Would reviewing that document refresh your
2 memory on their individual assessments and diagnoses as far as
3 Jocelyn aka Ava?

4 A Yes.

5 Q Okay. All right. I'm going to ask you to review
6 this H.O.P.E. Counseling mental health assessment.

7 A Thank you.

8 Q Look up when you're done reviewing that.

9 A [Witness complies]

10 Q Ms. Richardson, did reviewing this document refresh
11 your recollection as far as Jocelyn aka Ava's specific
12 assessments and diagnoses?

13 A Yes.

14 Q Okay. So it was documented by H.O.P.E. Counseling
15 that Jocelyn aka Ava continues to wet the bed?

16 A That box is checked.

17 Q Okay. And in Jocelyn aka Ava's assessment, her
18 family was worried about her self-esteem?

19 A Yes.

20 Q Okay. In that assessment she was described as being
21 quiet and that she holds in a lot?

22 A Yes.

23 Q It was also documented by H.O.P.E. Counseling that
24 Jocelyn aka Ava doesn't play or interact with her peers?

25 A Yes.

1 Q It was documented and assessed that she was
2 excessively withdrawn?

3 A Yes. That box is checked.

4 Q It was also documented that she had persistent
5 difficulties or disruptive behaviors sufficient to jeopardize
6 home or school placement; right?

7 A Yes. That box is checked.

8 Q And those difficulties included constant challenging
9 of authority according to H.O.P.E. Counseling?

10 A Yeah. That box is checked.

11 Q And those difficulties included an assessment of
12 excessive noncompliance?

13 A Yes. The box is checked.

14 Q Now, Jocelyn aka Ava was assessed with some DSM-IV
15 diagnoses of PTSD and enuresis; correct?

16 A Yes.

17 Q And again enuresis is --

18 A Nighttime wetting.

19 Q -- wetting?

20 A Yes.

21 Q Well, with the other assessment, it was enuresis with
22 an indication specifically nocturnal; correct?

23 A Yes.

24 Q As to this child, it was a DSM-IV diagnosis of just
25 enuresis, no distinction; right?

1 A Right.

2 Q Okay. So in therapy was documented that Jocelyn aka
3 Ava would put her head down and appear shy; right?

4 A Yes.

5 Q And that she showed difficulty socializing?

6 A Yes.

7 Q And there was a disclosure that when all of the girls
8 lived with their biological mother there was not enough to eat?

9 A Yes.

10 Q Now, as part of Jocelyn aka Ava's therapy at H.O.P.E.
11 Counseling, she disclosed concerns that she and her sisters
12 physically fight each other; correct?

13 A Yes.

14 Q Okay. And Jocelyn aka Ava and, in fact, both of her
15 other two sisters all continued through H.O.P.E. Counseling
16 through November of 2009; correct?

17 A Yes.

18 Q So they were there for a period of at least one year,
19 just a little over one year based on the October 30th, 2008,
20 initial assessment; right?

21 A Yes.

22 Q Okay. So when you told the jury about issues of
23 neglect that caused removal of the Solander girls from their
24 biological home, and then you testified that prior to their
25 placement in the Solander home the girls did not have

1 significant behavioral or medical issues, you left out all of
2 these diagnoses from H.O.P.E. Counseling; correct?

3 A No, I did not.

4 Q You did not testify on direct about -- direct
5 examination, meaning when the prosecutors asked you questions,
6 you did not testify about any of these assessments or H.O.P.E.
7 Counseling entries and documentations; correct?

8 A PTSD is that --

9 Q My question to you was in your direct examination
10 testimony, when you were asked questions about the Solander
11 girls, you did not testify as to anything contained in the
12 H.O.P.E. Counseling diagnoses reports or assessments; correct?

13 A I did not leave them out.

14 Q You did not testify as to any of them; correct?

15 A I wasn't asked about what services they were --

16 Q Okay. You weren't asked those questions about what
17 their diagnoses or behavioral issues were before they entered
18 the Solander home?

19 A I was -- I wasn't asked what their diagnoses were.

20 Q Okay. So I'm going to direct your attention to your
21 Unity notes, and we talked a little bit I think about that when
22 you were with us last week.

23 A Yes.

24 Q So if I could direct your attention, you testified
25 that as a government worker you can't ever enter every single

1 thing into your Unity notes, but you do try to be very
2 thorough; correct?

3 A Correct.

4 Q And you do enter them pretty contemporaneously,
5 meaning right after you've had a contact or an observation
6 that's important for the case; right?

7 A That's correct.

8 Q Okay. And that you, in fact, prided yourself on
9 entering more thorough notes by comparison to some of the other
10 caseworkers?

11 A Yes.

12 Q Okay. Now, when you were assigned this case, you had
13 to familiarize yourself with the Solander girls' history;
14 right?

15 A Yes.

16 Q And that includes why they came into the foster care
17 system; right?

18 A Yes.

19 Q It included any kind of prior Unity notes that would
20 have been entered by their initial permanency worker; right?

21 A Yes.

22 Q And it includes any kind of treatment that the girls
23 were receiving while they were within the foster care system;
24 right?

25 A Yes.

1 Q Okay. So you weren't the only person who worked on
2 the Solander girls' case and made Unity note entries; right?

3 A Right.

4 Q Okay. And you were familiar as part of your duties
5 and responsibilities on the case that there were prior entries
6 made by the other permanency worker; right?

7 A That's correct.

8 Q And that you actually in fact read them to
9 familiarize yourself with the history; right?

10 A That's correct.

11 Q Okay. And in case it wasn't clear, I just want to be
12 clear. You recall that the previous caseworker did in fact
13 make entries into Unity?

14 A That's correct.

15 Q Okay. And that included a documented entry on April
16 25th, 2008, that Yarely had a bruise on her upper right ear;
17 right?

18 A I can't give you specifics of a child's one bruise.

19 Q Okay.

20 A I wish I could be that specific from 10 years ago.

21 Q But you acknowledge that you would have been familiar
22 at the time that you were handling the Solander case with the
23 prior Unity notes; correct?

24 A Yeah. I would have read them at the time I took the
25 case in September.

1 Q Okay. And would reviewing those Unity notes entry
2 based on that April 25th, 2008, date, refresh your memory?

3 A Yes.

4 MS. MCAMIS: All right. Court's indulgence.

5 BY MS. MCAMIS:

6 Q Ms. Richardson, if I could direct your attention to
7 the Unity note entry from April 25th, 2008, the specific
8 entry.

9 A Okay.

10 Q Just review that to yourself and look up when you're
11 done.

12 A I'm done.

13 Q Okay. Thank you. Now, did reviewing this Unity note
14 entry from April of 2008 refresh your memory as far as the
15 Unity note that was entered about this contact?

16 A Yes.

17 Q Okay. So it was documented on April 25th, 2008,
18 that Yarely had a bruise on her upper right ear; correct?

19 A That's correct.

20 Q Okay. And it was documented that all of the girls
21 had a grandmother who would pull on their ears as a method of
22 discipline when she deemed them to be misbehaving; right?

23 A That's not what that case note says, but, yes, that's
24 what the one child said, that her grandmother pulled on her ear
25 that day.

1 Q Okay. But based on your familiarity with the case
2 and the history and also the history of the grandmother in this
3 case, it was documented that the grandmother would pull on the
4 girls' ears as a method of discipline when she deemed them to
5 be misbehaving?

6 A I didn't -- I wasn't -- I did not work for the
7 department at that time. When I came to work for the
8 department in September of 2008, I worked for another
9 government agency prior to that.

10 Q Okay. So my question to you is based on your review
11 of the --

12 A I learned it in September of 2008 after reviewing
13 that. So, yes. Me and my supervisor reviewed appropriate
14 discipline with the paternal grandmother.

15 Q Okay.

16 A And that children in foster care are not to be
17 physically disciplined ever.

18 Q Okay. Because the paternal grandmother did
19 physically discipline the children and specifically seemed to
20 have this focus on pulling the ears as a method of discipline?

21 A I do know about that instance, but she believed in
22 physical discipline. I don't know how many times she pulled
23 their ears. Again, that predates me. So I don't know what the
24 disclosures were because again those weren't to me. So I
25 really can't answer that question.

1 Q But based on your testimony, you acknowledge that the
2 paternal grandmother had to be redirected as far as physical
3 discipline because of this documented injury at least one time?

4 A Yeah --

5 Q To the ear.

6 A -- I can say that I made clear to the paternal
7 grandmother that the children were never to be physically
8 disciplined.

9 Q Okay. And that included pulling on the ear as a
10 method of discipline?

11 A I was specific to any physical discipline, including
12 even spanking.

13 Q Okay. And just to orient everyone, at this time
14 period that we're talking about, in 2008, that predated the
15 Solanders; right?

16 A Yes.

17 Q Okay. Now, you're familiar as part of reviewing the
18 Unity notes in this case that the caseworker made an
19 unannounced home visit on July 25th, 2008; right?

20 A Yes.

21 Q And on that unannounced home visit on July 25th,
22 2008, the caseworker documented that she performed a body
23 check; right?

24 A Again, that's from 10 years ago.

25 Q Fair enough.

1 A And so we performed body checks every month. So --

2 Q But as part of your responsibility when you took over
3 this case, you would have reviewed all of the prior Unity
4 notes --

5 A Read the reports, yes.

6 Q -- entries, and it's also fair to say that you would
7 have reviewed any kind of documentation or injuries as far as
8 body checks as far as the girls; right?

9 A Yes.

10 Q So would reviewing the Unity entry dated July 25th,
11 2008, refresh your memory as far as the unannounced home visit
12 and body check?

13 A Yes.

14 Q Okay. And I'm going to ask you to review the Unity
15 note entry from the July 25th, 2008, date to yourself. It
16 does continue on to the second page briefly. So please
17 [unintelligible].

18 A Okay. Thank you.

19 Okay.

20 Q Okay. Ms. Richardson, did reviewing that Unity note
21 entry from July 25th of 2008, refresh your memory on the body
22 check that was conducted based on that unannounced home visit?

23 A Yes.

24 Q Okay. Now, that body check entry documented that the
25 caregiver at the time, the grandmother -- well, actually,

1 strike that.

2 The contact, the unannounced home visit, there was a
3 disclosure at that time that the caregiver -- the paternal
4 grandmother -- hit Yarely and her two older siblings with a
5 belt; right?

6 A Yes.

7 Q And that the body check, when there was that body
8 check with the caseworker, Yarely showed that caseworker a mark
9 on both ankles that she says was from the belt; right?

10 A Yes.

11 Q And the caseworker took a picture of the girls,
12 including the mark on both ankles for the file; right?

13 A Yes.

14 Q Do you know where that picture is?

15 A No. It says that she called in a report to the
16 hotline.

17 Q Okay. So you don't know where that picture was or if
18 it was ever produced?

19 A I don't because I don't have a hard copy of the case
20 file.

21 Q Okay. Now, you testified on direct examination
22 about, you know, the way that you did your body checks and that
23 you could take your photos; correct?

24 A Yes.

25 Q Okay. Now, those photos weren't produced; right?

1 A What photos?

2 Q The ones that you took from the body checks?

3 A I don't recall saying I took photos during my body
4 checks.

5 Q Okay. So you did not take your own photos from the
6 body checks?

7 A No. I didn't testify that I took photos during body
8 checks.

9 Q Okay. But you acknowledge that this prior worker who
10 made an entry not only documented the marks in writing, but
11 took a picture?

12 A Yes. That's what her case note says.

13 Q Okay. And it's your testimony you don't know where
14 that picture is?

15 A Right. We don't take photos during body checks.

16 Q Do you acknowledge that the entry on July 25th,
17 2008, indicated that that caseworker did take a photo?

18 A Yes.

19 Q Okay. So then you are testifying from your memory of
20 the body checks from almost 10 years ago about what marks were
21 on the Solander girls?

22 A Yes.

23 Q Ms. Richardson, you're familiar with renting a car;
24 right?

25 A Yes.

1 Q Okay. And you're familiar with part of renting a car
2 where there's a visual inspection, and the car place will give
3 you a form, and you make little notes about any marks or dings
4 or anything else that is not attributable to you before you
5 take the car out for rent; right?

6 A Right. You mark the damages.

7 Q Okay. You mark the damages. There's no such
8 inspection sheet the Department of Family Services used when
9 you were conducting your body checks of the Solander girls
10 nearly 10 years ago; right?

11 A You do the same thing. In your case note, you mark
12 the damage. So if there's damage, scars, Mongolian spots,
13 anything like that, it would be in your case note --

14 Q Okay. And you --

15 A -- in your monthly case note.

16 Q Okay. And you acknowledge that the prior worker not
17 only entered in her case note but took a picture of that?

18 MS. BLUTH: Objection. Asked and answered.

19 THE WITNESS: Right.

20 THE COURT: She answered it.

21 THE WITNESS: It --

22 THE COURT: Move on.

23 There's no question.

24 THE WITNESS: Okay.

25 / / /

1 BY MS. MCAMIS:

2 Q So is documenting damage to kids not as important as
3 documenting damage to a rental car?

4 MS. BLUTH: Objection. Argumentative.

5 THE COURT: Sustained.

6 MS. MCAMIS: Withdrawn.

7 BY MS. MCAMIS:

8 Q All right. So you documented in the Unity notes that
9 you made that you had an unannounced home visit with the
10 Solander girls at their foster home on July 15th, 2009?

11 A I'm sorry. Can you --

12 Q Of course.

13 A -- repeat the question.

14 Q Yes. You documented in a Unity note that you made an
15 unannounced home visit with the Solander girls at their foster
16 home on July 15th, 2009.

17 A I may have. I'm not sure what date my visit was that
18 month.

19 Q Fair enough. Would reviewing your Unity note entry
20 from the July 15th, 2009, date refresh your memory?

21 A Yes.

22 Q Okay. Ms. Richardson, if I could direct your
23 attention to the Unity note entry dated July 15th, 2009, it
24 starts on this page, and if you would, it continues to the next
25 page.

1 A Thank you. Okay.

2 Q Okay. Now, Ms. Richardson, did reviewing that Unity
3 note entry from July of 2009 refresh your memory on that home
4 visit?

5 A Yes.

6 Q So in that note, you documented that due to the
7 sexualized behaviors of Jaqueline and Jocelyn, Yarely is in a
8 room with another foster child?

9 A Correct.

10 Q Okay. And in that same Unity note entry, you
11 documented that Jaqueline and Yarely reported they were hit on
12 the butt and hands by their Aunt Jessica and grandmother?

13 A Yes.

14 Q And again this is all disclosures of conduct, the
15 sexualized behaviors and the physical hitting that predated the
16 Solanders' involvement with these girls lives at all?

17 A Yes.

18 Q Okay. Now, I want to direct your attention to when
19 the girls were living with their foster parents the McClains.
20 You documented in a Unity note dated March 10th, 2009, that
21 you conducted a home visit at the McClain's house? Do you
22 recall that?

23 A That may be correct. Yeah. I need to see my case
24 note.

25 Q Can I just show you the case note so I can refresh

1 your memory?

2 A Yes, please.

3 Q Page 5.

4 A Okay.

5 Q Okay. Did that refresh your memory on that home
6 visit from March of 2009?

7 A Yes.

8 Q Okay. Ms. Richardson, at that home visit, the girls
9 ate lunch while you were there at the home for the visit?

10 A Yes.

11 Q And you documented, The foster mother accommodated
12 the girls' individual tastes by puréeing an apple for Jocelyn
13 who would rather have applesauce than an apple; right?

14 A Yes.

15 Q And then as part of your other Unity notes entry in
16 January of 2009, you documented, Yarely continues to have
17 bedwetting issues, but they have lessened?

18 A Yes.

19 Q Okay. Now, Debbie McClain was the foster parent
20 before Mr. and Mrs. Solander; correct?

21 A Yes.

22 Q Okay. Debbie McClain was a higher level foster home;
23 correct?

24 A She was a sibling, also a sibling foster home.

25 Q Okay.

1 A They were on a sibling rate setting there.

2 Q But Debbie McClain was licensed as a higher level
3 foster home; right?

4 A Yes. She was also licensed as a higher level of care
5 home.

6 Q And that means that higher level of care homes get
7 paid more money for the children in her care; right?

8 A So, yes. They have that capability, but just so I
9 was clear, they were on a sibling rate setting there. So
10 there's a difference.

11 Q Uh-huh.

12 A So children that are three or more children, there is
13 also a sibling rate setting. So the children were there on a
14 sibling rate setting, not as a higher level of care
15 [unintelligible].

16 THE COURT: What's the higher level of care mean?

17 THE WITNESS: So a higher level of care is there are
18 treatment foster parents, and there are DFS licensed foster
19 parents. So DFS licensed foster parents are people just like
20 the Solanders. They're just parents in the foster or in the
21 community. They're licensed by the department. And then when
22 there are parents that are licensed through agencies, like
23 Ms. McClain was licensed through an agency, so she has a lot
24 more training hours. So she goes through 20 hours of training
25 a year to keep her license up. So she has a lot more skills

1 and has a lot more training in how to deal with behaviors and
2 things like that.

3 But there's also what's called a sibling rate set.
4 So a sibling rate set is when you have three or more siblings,
5 to keep them together, homes that can accommodate sibling rate
6 settings, she could also accommodate that. So that's what they
7 were placed under.

8 BY MS. MCAMIS:

9 Q And she received the money based on that willingness
10 to have the three or more sibling group in her home?

11 A So, yes. So she -- yes, it's a very minute rate
12 setting, the sibling rate set is.

13 Q But it's more than just a regular rate setting?

14 A I think it's \$15 more a month.

15 Q Per child; correct?

16 A No, like, \$15 more a month for all three of them.

17 Q Now, Debbie McClain was not an adoptive resource at
18 the time that the Solander girls were placed with her for
19 foster care in 2010; correct?

20 A No. She and I discussed it at times, but she felt
21 that she was of advanced age, and so she didn't -- she felt
22 that it was a disservice to the girls.

23 Q She identified she was not an adoptive resource at
24 that time. So you had to locate an adoptive resource at that
25 time; correct?

1 A Yes. And we actually started recruiting prior to
2 even placing with Ms. McClain when the paternal grandparents
3 were not doing what they were supposed to to complete the
4 adoption.

5 Q Right.

6 A So even prior to moving them with her.

7 Q Okay. But Janet Solander was an adoptive resource in
8 2010?

9 A Yes. The Solanders, yes, were an adoptive resource
10 when they came forward.

11 Q Okay. And Janet Solander was not a higher level care
12 foster home?

13 A No. They were a DFS licensed foster home.

14 Q But the department knew that she wanted to
15 participate in the foster to adopt program; right?

16 A Yes. I believe so. I mean, they came -- for this
17 particular sibling group, they came forward as an adoptive
18 resource. They did request a behavioral rate setting on these
19 children. So they did request a higher level of care payment
20 for these children, but they always came forward as an adoptive
21 resource for the children as well.

22 Q Yes. They identified that they wanted to adopt these
23 children --

24 A Yes.

25 Q -- and provide a permanent home for all of these

1 children?

2 A Yes. From the beginning.

3 Q From the very beginning.

4 A Yes.

5 Q Okay. Now, you testified on direct examination that
6 you had some adoption concerns and that you put I think your
7 words are the brakes on the adoption; correct?

8 A I think that was the DA's words, but I said I held
9 the adoption for about a month and a half. I think the DA
10 said, Pump the brakes. I didn't say that.

11 Q Okay. All right. You did not pump the brakes. You
12 just put it on a hold; right?

13 A I put it on a hold, yeah. I didn't make the
14 referral. So just so I'm clear, so I hadn't initiated the
15 referral.

16 Q Well, let me ask you this.

17 A -- so I didn't make the referral.

18 Q The Solander children were placed in the Solander
19 home in late July 2010; right?

20 A Early June.

21 Q Early June. Okay. And the adoption was finalized
22 January 19th, 2011; right?

23 A Yeah. Mid-January 2011.

24 Q Mid-January of 2011?

25 A Yes.

1 Q Okay. If I suggested to you that the adoption
2 finalization paperwork had a file date of January 19th, 2011,
3 would you have any reason to dispute that?

4 A That's the exact date.

5 Q Okay. So that was the date the adoption was
6 finalized. So isn't it true that the minimum time period in
7 which to finalize an adoption through the Department of Family
8 Services is six months?

9 A Yes. They could have finalized December 2nd.

10 Q Okay. And it took them an additional month more. So
11 it was a finalization period relatively close to that minimum
12 time period?

13 A Yes. It was relatively close. I didn't make the
14 referral when I could have. I waited.

15 Q But my question to you was it was a relatively small
16 window of time where the children were placed in the Solander
17 home and that adoption was finalized really close to that
18 six-month minimum period?

19 A Yes. About a month and a half.

20 Q Okay. All right. You testified on direct
21 examination that you had concerns about the Solanders
22 finalizing their adoption based on that email. Do you remember
23 that email about generally that was attributed to coming from
24 Dwight about stop the poor abused children excuse?

25 A It wasn't just the email.

1 Q Okay. But you recall that there was an email, and
2 you testified about that email and that it gave you cause for
3 concern; right?

4 A Yes.

5 Q But you also acknowledge in that same email right
6 after the quote about the poor abused children excuse, Dwight
7 said that their issue was because later in life she will have a
8 multitude of issues when she does something either illegal or
9 inappropriate, and that's why they didn't want to keep up with
10 this excuse; right?

11 A Yes.

12 Q So they wanted to correct the behavior to prevent any
13 further issues that may arise the later in life that the child
14 got; right?

15 A That was what they said.

16 Q Okay. So I want to direct your attention to this
17 encounter in the dentist where you made a CPS referral?

18 A Yes.

19 Q So the bottom line is that the government
20 investigated and the government ruled out that your allegation
21 against Janet was not going to be substantiated; correct?

22 A That's my understanding. Yes.

23 Q Okay. And the CPS investigation requires people to
24 actually go out and speak to not just the alleged, you know,
25 the child who's been alleged to have been the victim of either

1 abuse and neglect, but also the potential, you know, parents in
2 the home; right?

3 A Right.

4 Q Okay. And so there was an investigation into the CPS
5 referral that was made in this case; right?

6 A Yes.

7 Q And to your knowledge, there were no civil abuse and
8 neglect proceedings or court hearings initiated after your
9 August 2011 report; right?

10 A As far as I know --

11 Q You were never called to --

12 A -- I don't know.

13 Q You were never called to testify against the
14 Solanders in an abuse and neglect proceeding over in family
15 court; right?

16 A No.

17 Q Okay. Now, you only saw Amaya the one time at this
18 dentist encounter after the adoption was finalized; right?

19 A That's correct.

20 Q So you don't have any context about if the siblings
21 in the home were hitting each other; right?

22 A No.

23 Q You don't have any context for if --

24 MS. MCAMIS: Court's indulgence.

25 / / /

1 BY MS. MCAMIS:

2 Q Well, let me put it this way. You didn't document
3 the injury; right?

4 A Document in what way?

5 Q You didn't take a photograph of it?

6 A She's not my child, and I'm not investigating the
7 situation. So --

8 Q So that's a no. You didn't document it?

9 A No.

10 Q Okay. You never took a photo of it?

11 A No.

12 THE COURT: Look at the time.

13 MS. MCAMIS: I'm so close to being done.

14 THE COURT: Okay. All right.

15 MS. MCAMIS: I just -- if that would help.

16 THE COURT: Everybody okay staying a few minutes
17 after 5:00?

18 (No audible response)

19 THE COURT: Okay.

20 BY MS. MCAMIS:

21 Q So you just don't have any context about any
22 behavioral problems that Amaya might have been having for the
23 period postadoption and prior to your contact with the dentist
24 at the dentist's office; right?

25 A No.

1 Q And you claim that the doctor made a report or made
2 some sort of report either confirming or coming up to you, but
3 you don't have that -- you don't have that report; right?

4 A He made the contact with me and gave me his contact
5 information, and I provided that to the investigator and the
6 supervisor.

7 Q So in that CPS report, if there's no mention of the
8 dentist or orthodontist confirming that, you know, would that
9 surprise you?

10 A I'm not sure what -- in the initial report or in the
11 investigation? I'm not sure what you're asking.

12 Q In the initial report.

13 A In the initial report, I didn't have the information
14 when I called in the report. I had got that information
15 afterwards and gave it to the investigator that was assigned
16 and the supervisor assigned. So I didn't have it when I made
17 the call.

18 Q Nevertheless, you only saw Amaya the one time after
19 the adoption was finalized, and it was at the dentist office;
20 right?

21 A That's correct.

22 Q And the government investigated that and
23 substantiated nothing as to the Solanders; right?

24 A That's my understanding.

25 Q And to your knowledge, three months later, the Stark

1 children were placed in the Solanders' home; right?

2 A I know nothing about the Stark children.

3 MS. MCAMIS: Okay. Pass the witness.

4 THE COURT: All right. Unfortunately for the
5 witness, we won't be finishing with her today.

6 So, ladies and gentlemen, the Court does not have a
7 calendar on any matters tomorrow. So for that reason will be
8 able to start right at 9:00 a.m. tomorrow. Thursday I do have
9 a calendar just so you can plan your week. So it'll be a later
10 start, and then Friday again will be an early start.

11 So during the evening recess, you're reminded that
12 you're not to discuss the case or anything relating to the case
13 with each other or with anyone else. You're not to read, watch
14 or listen to any reports of or commentaries on the case, person
15 or subject matter relating to the case. Do not do any
16 independent research by way of the Internet or any other
17 medium, and please don't form or express an opinion on the
18 trial.

19 We'll see everybody back at 9:00 a.m. tomorrow, and
20 notepads in your chairs, and follow Officer Hawkes through the
21 double doors.

22 And, ma'am, please don't discuss your testimony with
23 anyone during the recess.

24 (Jury recessed for the evening 5:04 p.m.)

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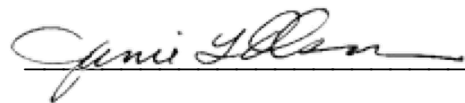
THE COURT: Counsel, approach.

(Conference at the bench not recorded)

(Proceedings recessed for the evening 5:06 p.m.)

-oOo-

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

A handwritten signature in cursive script, reading "Janie L. Olsen", is written over a horizontal line.

Janie L. Olsen
Transcriber

<p>BY MR. FIGLER: [35] 33/4 33/20 39/23 40/1 40/10 41/1 50/18 54/22 56/11 57/14 58/14 59/9 67/21 69/7 81/19 82/8 86/18 96/15 98/15 100/7 102/18 103/12 105/7 118/11 118/17 119/4 156/20 159/7 167/9 168/4 170/15 173/1 176/24 181/13 182/17</p> <p>BY MR. HAMNER: [39] 6/6 13/1 13/16 14/6 17/4 18/13 18/24 20/13 21/17 23/7 24/1 24/17 26/7 27/15 28/2 29/8 30/4 31/22 121/14 124/19 128/15 133/17 136/5 144/14 145/16 146/3 146/8 148/15 149/19 151/24 154/4 154/23 155/18 155/22 173/19 174/5 175/16 176/14 180/24</p> <p>BY MS. MCAMIS: [15] 185/11 189/13 194/11 194/17 196/3 199/7 200/1 200/18 205/8 213/5 220/1 220/7 224/8 230/1 230/20</p> <p>MR. 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MCAMIS: [16] 3/9 3/11 185/9 189/11 194/9 195/24 196/1 199/6 199/22 200/17 213/4 220/6 229/24 230/13 230/15 232/3</p> <p>THE CLERK: [2] 5/24 185/2</p> <p>THE COURT: [214] 3/5 3/7 3/10 3/17 3/22 4/1 4/7 4/9 4/12 4/21 4/23 5/4 5/7 5/11 5/19 6/3 12/23 13/14 13/25 14/4 17/1 18/5 18/8 18/11 18/23 20/10 23/1 23/4 23/25 24/8 24/15 26/2 26/5 27/14 27/25 29/7 31/15 31/18 31/20 33/1 33/12 40/4 40/6 40/18 50/17 54/20 56/7 56/9 57/12 58/10 67/20 68/15 68/19 68/24 69/2 69/5 71/13 71/15 71/18 71/21 71/23 71/25 72/16 72/22 72/25 73/5 73/7 73/22 74/6 74/9 74/16 76/10 76/14 76/16 76/21 77/3 77/5 77/14 78/6 78/11 78/20 78/23 79/4 80/2 80/6 80/11 80/13 80/20 81/2 81/8 81/16 96/9 98/3 98/5 98/8 98/11 98/13</p>	<p>100/2 100/5 102/10 102/12 102/15 103/6 103/8 105/5 118/10 118/15 118/22 119/1 121/11 124/14 124/16 128/13 133/11 133/14 133/16 136/1 138/7 138/9 138/22 139/3 139/5 139/9 139/11 139/17 139/23 140/1 140/8 140/19 141/5 141/13 141/15 141/17 141/22 142/6 142/9 142/17 142/21 143/3 143/6 143/12 143/16 143/23 144/5 145/4 145/8 145/11 145/13 145/23 145/25 146/2 146/6 147/24 148/5 148/9 148/11 148/13 149/11 149/18 154/18 154/22 155/17 155/21 156/17 159/6 167/17 167/19 167/22 167/25 170/13 172/15 172/19 172/23 173/16 175/15 176/10 176/13 176/22 177/25 178/2 178/7 178/10 178/15 178/18 178/21 179/2 179/5 179/9 179/15 179/25 180/6 180/19 181/10 182/14 184/8 184/10 184/16 184/20 185/6 189/12 194/10 199/21 199/25 205/5 219/20 219/22 220/5 223/16 230/12 230/14 230/16 230/19 232/4 233/1</p> <p>THE WITNESS: [55] 6/1 17/2 18/10 23/3 24/11 40/24 81/15 96/11 96/14 98/4 98/7 98/10 98/12 98/14 102/11 102/14 102/17 103/7 103/10 118/25 133/13 133/15 139/1 139/4 141/10 141/14 141/16 142/1 142/3 143/2 145/6 145/10 148/12 148/14 149/17 154/3 167/15 178/9 178/13 178/17 178/20 178/24 179/4 179/8 179/11 179/20 180/2 180/10 184/15 185/4 199/23 219/19 219/21 219/24 223/17</p> <p>\$</p> <p>\$15 [2] 224/14 224/16</p> <p>-</p> <p>-oOo [1] 233/4</p> <p>1</p> <p>1 and [1] 45/12 10 [14] 44/22 57/24 59/11 78/25 80/17 82/5</p>	<p>128/11 128/25 138/10 142/14 212/20 215/24 218/20 219/10 10th [9] 58/22 61/20 62/14 69/8 70/17 71/14 88/4 89/11 221/20 11 [4] 6/11 7/5 61/19 83/8 11:03 [1] 3/1 11:07 [1] 5/10 11th [2] 82/22 83/24 12 [5] 87/15 92/15 98/16 115/23 115/24 12/10 [1] 59/11 12/10/11 [1] 61/19 12:25 [1] 71/25 12:26 p.m [1] 72/15 12:36 p.m [1] 81/6 12th [2] 66/10 99/2 138 [1] 20/15 139 [3] 20/6 20/17 156/24 14 [11] 72/20 79/11 79/15 79/17 79/19 80/17 132/21 133/1 133/7 171/25 196/2 15 [1] 132/12 15th [4] 220/10 220/16 220/20 220/23 16 [4] 4/3 4/11 4/12 4/24 174 [5] 35/6 38/4 39/11 72/21 160/18 18th [1] 205/15 19 [1] 59/8 19th [4] 20/5 44/17 226/22 227/2 1:30 [2] 72/1 72/12 1:34 p.m [1] 81/6</p> <p>2</p> <p>2 to [1] 4/8 2/3/12 [1] 87/15 20 [12] 1/14 3/1 3/15 4/7 4/8 4/15 4/17 4/25 59/8 128/6 132/12 223/24 20-something [1] 56/15 20-year-old [2] 165/3 165/7 2002 [2] 16/11 146/25 2008 [18] 193/8 198/1 206/19 209/19 212/16 213/2 213/7 213/14 213/17 214/8 214/12 215/14 215/19 215/22 216/11 216/15 216/21 218/17 2009 [27] 189/2 189/16 190/12 190/14 198/24 200/8 200/11 200/20 200/24 201/4 201/20 201/25 202/22 204/17 204/22 205/15 205/20 206/11 209/16 220/10 220/16 220/20 220/23 221/3 221/20 222/6 222/16</p>	<p>2010 [3] 224/19 225/8 226/19 2011 [39] 7/6 7/18 9/14 28/10 39/2 39/8 39/11 39/14 43/14 44/14 44/17 44/22 44/22 45/4 45/17 46/10 54/4 57/16 58/22 61/20 62/14 83/1 83/4 103/13 113/21 117/4 123/8 124/9 124/20 125/3 163/21 164/4 175/8 192/10 226/22 226/23 226/24 227/2 229/9 2012 [39] 11/10 11/16 12/16 16/12 16/13 16/25 17/5 17/17 19/15 20/5 25/5 25/9 25/16 65/2 65/14 66/10 69/9 82/16 82/23 83/7 83/8 83/24 86/10 88/4 89/11 92/13 92/16 93/16 97/17 97/20 98/16 99/8 100/8 105/10 106/23 108/16 130/22 143/8 146/25 2013 [6] 7/19 9/15 113/21 117/4 169/25 174/12 2018 [2] 1/14 3/1 21 [1] 128/6 25th [10] 212/16 213/2 213/7 213/17 215/19 215/21 216/10 216/15 216/21 218/16 27 [2] 128/20 189/16 27th [1] 169/25 2:46 p.m [1] 138/21 2:47 p.m [1] 139/24 2:54 p.m [1] 139/24 2:55 [2] 138/11 138/11 2:59 p.m [1] 144/4 2nd [3] 200/24 202/22 227/9</p> <p>3</p> <p>3 as [1] 129/23 3-year-old [1] 165/22 3-year-old's [1] 165/7 30 [2] 37/19 65/2 30th [4] 178/16 193/7 194/20 209/19 34 [1] 72/21 35 [1] 80/18 3rd [1] 86/10</p> <p>4</p> <p>40 [4] 4/4 4/11 4/12 4/24 48 [1] 89/2 49 [1] 89/3</p> <p>5</p> <p>50 [2] 89/10 135/23 5:00 [1] 230/17 5:04 [1] 232/24 5:06 [1] 233/3 5th [1] 39/11</p> <p>1406</p>
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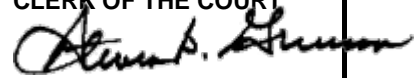
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER,

Defendant.

CASE NO. C299737-3
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 7

WEDNESDAY, FEBRUARY 21, 2018

APPEARANCES:

FOR THE STATE:

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CHRISTOPHER S. HAMNER, ESQ.
Chief Deputy District Attorneys

FOR THE DEFENDANT:

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I N D E X
W I T N E S S E S

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1 **LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 21, 2018, 9:17 A.M.**

2 *** * * * ***

3 (In the presence of the jury)

4 THE COURT: All right. Court is now back in session.
5 The record should reflect the presence of the State through the
6 deputy district attorneys, the presence of the defendant and
7 her counsel, the officers of the court, and the ladies and
8 gentlemen of the jury.

9 And, State, you may recall your last witness.

10 MS. BLUTH: Thank you. The State would recall
11 Heather Richardson.

12 THE COURT: And, ma'am, just have a seat. You are
13 still under oath. Do you understand that?

14 THE WITNESS: I do.

15 THE COURT: All right. Thank you.

16 And, we had finished Ms. McAmis's cross-examination
17 yesterday. So, Ms. Bluth, you may begin your redirect
18 examination.

19 MS. BLUTH: Thank you.

20 **HEATHER RICHARDSON**

21 REDIRECT EXAMINATION

22 BY MS. BLUTH:

23 Q Welcome back.

24 A Thank you.

25 Q All right. So I want to ask you a few questions

 JD Reporting, Inc.

1 about the behavioralist -- behavior assessment that Ms. McAmis
2 was talking to you about yesterday and the day before. I want
3 to make sure I'm using the right terminology. What is it?
4 What is the word? Is that right, the behavioral assessment
5 that H.O.P.E did?

6 A It's a mental health assessment. It actually -- it's
7 abbreviated as a CUMHA, which is a Comprehensive Uniform Mental
8 Health Assessment.

9 Q Okay. And now are you familiar with those?

10 A Yes.

11 Q You know, what happens during those types of
12 assessments?

13 A Yes.

14 Q Okay. Can you explain to me, you know, how those
15 assessments are done and what the point of them is.

16 A Yes.

17 MS. MCAMIS: Well, objection. Foundation. Also
18 calls for medical opinion.

19 THE COURT: Overruled.

20 THE WITNESS: Yes. So what happens is an initial
21 referral is made when families need services and a need is
22 identified by the department or a family requests services. So
23 I'll be specific in this case.

24 MS. BLUTH: Okay.

25 THE WITNESS: So we identified that the paternal

1 grandmother was struggling as far as maintaining the placement.
2 Specifically, she had -- she was financially struggling. She
3 had language barriers. She spoke primarily Spanish. She
4 merely understood barely any English at all. She had trouble
5 accessing any -- any services. So she had financial issues
6 primarily. So she couldn't apply for welfare. So she was
7 eligible for what's called a non-needy caretaker grant, which
8 is when a relative has placement of children, and they're not a
9 licensed -- a licensed relative. So relatives also can become
10 licensed after they take classes.

11 MS. BLUTH: Okay.

12 THE WITNESS: So she hadn't. So in lieu of that,
13 they can go to Nevada State Welfare at that time and apply for
14 a non-needy caretaker grant. She didn't understand the system.
15 It's difficult for most people to understand, but someone that
16 speaks Spanish primarily has even more challenges.

17 MS. MCAMIS: Objection. Narrative. Nonresponsive.

18 MS. BLUTH: Well, I'm asking her to explain the
19 situation.

20 MS. MCAMIS: It's the assessment.

21 THE COURT: Wasn't the question what is the process
22 for the --

23 THE WITNESS: Yes.

24 THE COURT: So I think the question was more general,
25 and then Ms. Bluth can follow up with specifics about the

1 issues involving this particular family.

2 THE WITNESS: Okay. So in general, when needs are
3 identified by the department or a family requests services, the
4 department makes basically a one-page referral saying assess
5 this child for services, and then the caretaker takes the child
6 actually to the assessment, and at that assessment, the
7 caretaker will give most of the narrative, what concerns they
8 have, and then the child will speak with the therapist to make
9 that assessment.

10 BY MS. BLUTH:

11 Q Okay. And then, in particular with this situation,
12 because the mother --

13 Or excuse me, the maternal grandma?

14 A Paternal.

15 Q -- paternal grandma had some language issues;
16 correct?

17 A Yes.

18 Q Who Spanish was her first language?

19 A Yes.

20 Q Was there problems with communication and setting up
21 these types of things with her?

22 A Yes.

23 Q How so?

24 A So she had difficulty setting up even the
25 appointment. So we had to set up the appointment for her, and

1 then we had to use the interpreter to actually tell her what
2 time it was, and she also had transportation issues as well.

3 Q Okay. So in the comprehensive mental health
4 assessment, the caretaker in this case would be the paternal
5 grandmother?

6 A Yes.

7 Q Is she the historian? Is she the one that provides
8 the facts to the doctor or to the therapist? Is that --

9 A Yes.

10 Q Do I have that correct?

11 A Yes.

12 Q Okay. Now, the assessment that we are talking about
13 in regards to Yarely, who is the youngest, would be October
14 30th of 2008; is that right?

15 A Yes.

16 Q So what was the date that the girls go to the
17 Solanders?

18 A The girls went to the Solanders on June 2nd, 2010.

19 Q Okay. So we're talking about almost two years later?

20 A Yes. Two years later they went to the Solanders.

21 Q And in that two-year period, were the girls going to
22 therapy, counseling, et cetera?

23 A Yes. They went to therapy for the majority of the
24 time. They changed providers during that time but they went to
25 therapy.

1 Q All right. So in dealing with paternal grandmother
2 for a period of time -- the children were placed with her for a
3 period of time; correct?

4 A Yes. They were with her for a year.

5 Q And would it be accurate to say that she had a lot of
6 distaste or dislike for the children's mother?

7 A Yes.

8 Q And can you see that in the comprehensive mental
9 health assessment?

10 A Yes.

11 Q Where she answers questions about the girls?

12 A Yes.

13 Q Now, after -- so I want to start with Yarely so
14 that -- Yarely will become Anastasia in a couple of years, all
15 right. So I am going to refer to her as Anastasia from this
16 point forward so that we can all be on the same page; okay?

17 A Yes.

18 Q So Anastasia, she's the youngest of the three
19 Solander sisters; is that right?

20 A That's correct.

21 Q Okay. So she does this comprehensive mental health
22 assessment in October of 2008, and the grandma provides the
23 information?

24 A That's correct.

25 Q And then at the end of it, the therapist diagnoses

1 her with the things that Ms. McAmis asked you about yesterday.
2 I think it was like PTSD, a feeding disorder and disorder in
3 infancy; correct?

4 A That's correct.

5 Q All right. And then after that, the children start
6 therapy services with H.O.P.E.; is that correct?

7 A That's correct.

8 Q And some of these questions are just foundational so
9 I can get into some of my actual questions, but I just want to
10 kind of go through what we went through yesterday. So I
11 apologize if it's repetitive. And as part of your job, you
12 would go through -- you would keep in contact with counselors
13 or therapists?

14 A Yes.

15 Q And you would also review records; is that right?

16 A That's correct.

17 Q Okay. So I know you've dealt with a lot of kids.
18 This is 10 years ago, and I'm going to have some specific
19 questions about certain therapy sessions. Do you have an
20 independent recollection of each therapy session that the girls
21 went to?

22 A No.

23 MS. BLUTH: Okay. So, Your Honor, I know you said
24 yesterday we could move through the well freely. May I
25 approach the witness?

1 THE COURT: Sure.

2 MS. BLUTH: Okay. Thank you.

3 BY MS. BLUTH:

4 Q So before I start getting into specific records, was
5 there ever a point in time where Anastasia was having
6 behavioral issues in therapy? And when I say behavioral
7 issues, I mean, you know, screaming tantrums, headbanging, had
8 to be removed from therapy, et cetera.

9 A No.

10 Q In each of the reports, they talk about a lot of
11 things, but how the child did in regards to the actual therapy
12 session is in a period called response. So there's usually
13 like a narrative, a goal, an objective, and then responses how
14 the child did that session. Am I saying that right?

15 A That's correct.

16 Q Okay. So do you remember how Anastasia behaved in
17 her therapy session on December 9th of 2008?

18 A Not independently, no.

19 Q Okay. Would looking at a copy of that refresh your
20 recollection?

21 A Yes.

22 Q Okay. Just please read the section Response to
23 yourself, and then when you're done, look up.

24 A Okay. Okay.

25 Q Does that refresh your recollection?

1 A Yes.

2 Q And how was Anastasia during that therapy session?

3 A She had a variety of emotions, but she talked to her
4 therapist. She discussed -- she was able to verbalize through
5 happy feelings about her older sister. She had -- she
6 discussed -- she drew pictures about her family, leaving out
7 her mom but of the paternal side of the family with dad. She
8 was able to verbalize her emotions more during that therapy
9 session.

10 Q Okay. Any outbursts?

11 A No.

12 Q Any behavior that the therapist noted was dangerous
13 or angry or anything like that?

14 A No.

15 Q Okay. Let's go to January 9th of 2009. Do you
16 remember how she behaved in that therapy session?

17 A No.

18 Q Okay. Could you read the response of that date and
19 look up when you're done.

20 A Okay.

21 Q Okay. Does that help refresh your recollection?

22 A Yes.

23 Q And how did the therapist discuss her behavior in
24 that appointment on January 9th?

25 A She discussed that she was able to verbalize that her

1 sister had hit her and how to deal with that, and she did
2 verbalize that she felt that her mother didn't love her, and
3 the therapist and her were able to process that and talk about
4 the people that did love her, and she again hugged her
5 therapist. I do recall that that was kind of an ongoing thing.
6 She regularly expressed love and hugged her therapist.

7 Q Okay. Any tantrums?

8 A No.

9 Q Any headbanging?

10 A No.

11 Q Okay. A couple more. January 22nd of 2009, any
12 independent recollection?

13 A No.

14 Q Would looking at it help refresh your recollection?

15 A Yes.

16 Q Please read Response and then look up.

17 Does that help refresh your recollection?

18 A Yes.

19 Q How was her behavior on that day?

20 A She was very talkative and able to express her
21 emotions and discusses how much she is improving in her
22 therapy.

23 Q Any angry outbursts?

24 A No.

25 Q Any hurting other people?

1 A No.

2 Q Okay. How about you pick one.

3 MR. FIGLER: Your Honor, at this point, here's what
4 we would suggest. We will stipulate that those records go to
5 the jury if the State will stipulate --

6 THE COURT: Well, Mr. Figler, first of all --

7 MR. FIGLER: All right. Secondarily --

8 THE COURT: Wait. First of all, it's up to Ms. Bluth
9 as to how she presents her case. So that's all I'll say there.
10 And, Counsel, approach.

11 (Conference at the bench not recorded)

12 THE COURT: All right. Ms. Bluth --

13 MS. BLUTH: Thank you, Your Honor.

14 THE COURT: -- lay a little more of a foundation.

15 MS. BLUTH: Okay. Is it okay if I stay here for a
16 second, Your Honor, and ask these questions?

17 THE COURT: Absolutely.

18 BY MS. BLUTH:

19 Q Okay. Ms. Richardson, when we spoke a couple days
20 ago -- I don't remember exactly what day it was -- I had asked
21 you tell me a little bit about each girl. Do you remember that
22 question?

23 A Yes.

24 Q And you talked about --

25 MS. BLUTH: You can't hear me? Can you hear me okay,

1 Susie?

2 THE COURT: I can hear. We can all hear you.

3 MS. BLUTH: Okay. Sorry. I thought you were --

4 THE COURT: Can the jurors hear?

5 THE JURY: Yes.

6 THE COURT: And just to remind the ladies and
7 gentlemen of the jury, I kind of go by what I can hear. So if
8 I think the witness is speaking loud enough, but you can't hear
9 the witness or one of the lawyers, just raise your hand and get
10 my attention, and we'll make sure the witness speaks up, or
11 we'll move the microphone or something like that.

12 THE WITNESS: I just moved it closer to my face.

13 So --

14 MS. BLUTH: Okay. Thank you.

15 THE COURT: Sometimes we have to put the microphone
16 up on books.

17 THE WITNESS: I'll try to speak louder.

18 MR. FIGLER: No, that's okay.

19 BY MS. BLUTH:

20 Q So I had asked you, like, tell me a little bit about
21 each girl and how were their behaviors, et cetera, and you
22 talked about them being well behaved, normal kids or whatever
23 the words you used; right?

24 A Yes.

25 Q What did you use as a basis for that opinion about

1 those kids? Can you talk about why you had those opinions and
2 how you got there.

3 A Yes. I used my experience working with children in
4 the foster care system as a measure, based on my 10 years of
5 experience working in the foster care system as a guide
6 measuring their age and their experiences, based upon how
7 neglected and abused children and their ages kind of each one
8 independently how their age is against -- I'll just give
9 specifics. So I apologize for stumbling over my words.

10 So Anastasia, for example, I would use a 5-year-old
11 child who has been in the foster care system who's been abused
12 and/or neglected as a measure, but also considering her age and
13 a normal child, so because all children's abuse and neglect
14 aren't equal to each other, so kind of a combination of a
15 normal 5 year old that has not been abused and neglected, but
16 also a 5 year old who has been abused and neglected and has
17 been in the system.

18 Q In doing those assessments and kind of making those
19 measurements, would you talk to caregivers?

20 A Yes.

21 Q Would you talk to family members that they would have
22 contact with?

23 A Yes.

24 Q Would you speak with therapists?

25 A Yes.

1 Q Would you not only speak with therapists but look
2 through records, like the kind we're looking at right now?

3 A Yes.

4 Q And did you use all of those tools to come up with
5 your assessment?

6 A Yes.

7 Q Of how these children --

8 A So along with my own observations.

9 MS. BLUTH: Okay. May I proceed, Your Honor?

10 THE COURT: You may, but I'd just direct the State to
11 ask the follow-up in an open-ended way.

12 MS. BLUTH: Okay. In regards to the direct records
13 or --

14 THE COURT: Right.

15 MS. BLUTH: Okay.

16 BY MS. BLUTH:

17 Q I'm just going to pick something at random.

18 A Okay.

19 Q Showing you August 17th of 2009, do you have an
20 independent recollection of that day?

21 A No.

22 Q Okay.

23 THE COURT: Let me ask you this. Did you -- I know
24 Ms. McAmis questioned you specifics on the records, but had you
25 had an opportunity to review any of those records prior to

1 coming into court to testify? Was that part of your pretrial
2 conference with the State or anything like that?

3 THE WITNESS: Mine?

4 THE COURT: Yes.

5 THE WITNESS: No. These specific records are part of
6 what I discussed. These were not accessible to the Department
7 of Family Services. So therapeutic records, those were all
8 sent to the State at the time of adoption. So those have all
9 been gone since January 2011.

10 THE COURT: And so when would the last time have been
11 that you reviewed those records as part of your job?

12 THE WITNESS: January 2011.

13 THE COURT: Okay. Counsel, approach.

14 (Conference at the bench not recorded)

15 THE COURT: Ms. Bluth, lay more of a foundation,
16 please.

17 MS. BLUTH: Okay. Thank you, Judge.

18 BY MS. BLUTH:

19 Q Okay. Can you explain the relationship or role
20 between you and the therapist and you and the therapy notes so
21 that we can kind of understand your job and how it works with
22 those two things.

23 A Yes. So like I explained, we make the referral for a
24 variety of reasons, whether it's to support a child that's
25 having behavioral issues. It could be to stabilize a

1 placement. It can be for a number of reasons. An assessment
2 is done. That assessment is usually about an hour long, an
3 hour and a half long where the caregiver reports what their
4 concerns are for the child. Then the therapist interviews the
5 child, like I explained.

6 Then they provide an assessment, and that's just that
7 initial assessment of what they believe may be the diagnosis
8 and what their goals -- they develop a treatment plan from
9 there of what their goals may be for that child and what that
10 treatment plan will look like.

11 So if it's therapy, which is traditional talk therapy
12 of what people know to be counseling, where you go talk to
13 somebody about your problems. It can also be psychosocial
14 rehabilitation -- and I think I referenced that on the first
15 day of trial -- known as PSR. So that's how a person interacts
16 with other people in society.

17 Q So, Ms. Richardson, let me stop you right there just
18 for a second because --

19 A Okay.

20 Q -- sorry -- my question is a little bit more direct
21 in regards to once the child starts therapy or, you know,
22 starts counseling --

23 A Right.

24 Q -- your role as the CPS worker and your relationship
25 between either the therapist and the therapy notes. Talk to me

1 about what you do in regards to those, please.

2 A So what I was trying to explain, there could be three
3 people involved. So after that assessment, they made that
4 recommendation, which is the treatment. There is an
5 assessment, and then there's a treatment plan that's developed
6 out of that assessment. So the treatment plan is what are we
7 going to do to work on those diagnoses, and that could also
8 include a psychiatric assessment so the psychiatrist can become
9 involved.

10 Therapy, so that therapist may refer out for a
11 therapist to do talk therapy, or they could be the therapist.
12 There could be a PSR worker, and there could be basic skills.
13 So they develop that treatment plan. So then there could be
14 four people involved.

15 After that treatment plan is developed, then they
16 start making progress notes, which is what you've got here.

17 So I'm sorry. I left one out. There could be day
18 treatment as well. So there could be five various people
19 involved.

20 So my relationship is not only reviewing progress
21 notes or the assessment, the treatment plan, the progress
22 notes, but also be having communications with those people too.

23 Q Okay.

24 A Sometimes we have great communication with all those
25 different people. Usually we don't have -- or back then we

1 didn't have a lot of contact with the psychiatrist themselves.
2 Current practice we do have a little bit more contact with the
3 psychiatrist --

4 THE COURT: And, ma'am, just focus on --

5 THE WITNESS: Okay. Sorry.

6 THE COURT: -- back at that time.

7 THE WITNESS: So back then --

8 THE COURT: -- and really more particularly how it
9 worked with respect to the Solander girls.

10 THE WITNESS: Okay. So with the Solander -- so with
11 the therapist, we might have conversations on the phone and,
12 typically, wouldn't pick up the phone unless there was a
13 significant concern, or I would initiate contact specifically
14 when I'm writing the court report for sure, but also I would
15 attempt to make contact with them at least every couple of
16 months to see how things are going with the therapist.

17 If there's a PSR and a BST worker at that time, we
18 also try to make contact with them because they have more
19 frequent contacts with the child.

20 BY MS. BLUTH:

21 Q And what about the records?

22 A So the records, we request the records at a minimum
23 of every six months when we are completing the court report,
24 but then every 90 days they renew the treatment plan. So they
25 complete the records then, and we request them then that they

1 send them to us. Some providers are great about that, and some
2 not so much. So --

3 Q Okay. And then when you get the records, what do you
4 do with them?

5 A So I review them. I review the treatment plan and
6 then the progress notes, see how a child is doing, and
7 specifically is this child making progress? Have they -- are
8 they starting to begin to meet the goals? I also -- does this
9 seem to be a good match? When I'm talking to the provider, do
10 they seem to be working well with the child, and I make that
11 assessment by also talking to the child. I ask the child if
12 they feel like they are able to talk to the provider. Do they
13 feel like that they can talk to them about whatever is going
14 on. We want to make sure it's a good match so they're making
15 progress. I also am looking for are they making progress
16 towards those goals. If they're not, then I need to assess
17 whether that provider is appropriate.

18 Q Okay.

19 THE COURT: And do you read the notes from every
20 session, or how does that work when you have to prepare your
21 report?

22 THE WITNESS: So, yes. I do review the progress
23 notes from every session because those can have important
24 nuggets of information, a disclosure, a significant event, and
25 I do that when I'm doing my court report every six months so

1 that because then I have to write a report to the court that
2 there is a specific section that's mental health, and I need to
3 tell them how they're doing in their mental health. So and
4 also it might also tell me some stuff about the placement. So
5 if the child disclosed something is going on in the placement,
6 I might need to report something going on, that it's not a good
7 match for the placement to the court.

8 THE COURT: And how important are those treatment
9 notes in you developing your report?

10 THE WITNESS: They're very important. These mental
11 health reports, I rely on the mental health reports along with
12 the collateral reports, et cetera, but they're very important
13 for me to make my report to the court. That's why it's so
14 important for us to get them from the provider in the first
15 place. So I rely heavily on them to be able to make a good
16 assessment to the court. I can't make a good assessment if I
17 don't have good information.

18 THE COURT: All right. So in other words, you may
19 not review the reports or the notes within a week or two after
20 the therapy session, but you do review them prior to making
21 your report. Is that how that works?

22 THE WITNESS: Absolutely. I try to review them as
23 they come in though, but if I'm out visiting children or I have
24 a particularly heavy court calendar that week, that might not
25 happen. There may be a delay in the time I'm able to read

1 them, especially if I receive them in bulk right then. If I
2 receive 90 days worth of progress notes, I might not be able to
3 get to them right then, but definitely a month prior to the
4 court report I receive them and I review them.

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

6 MS. BLUTH: Thank you. May I approach the witness,
7 Your Honor?

8 THE COURT: You may.

9 BY MS. BLUTH:

10 Q I just have two more that I want to ask some
11 questions about. Yesterday, Ms. McAmis asked you a question in
12 regards to -- or sorry. It might have been the other day, but
13 one of the days, Ms. McAmis asked you a question about
14 Anastasia grabbing the therapist at her neck. Do you remember
15 those questions?

16 A Yes.

17 Q Do you remember exactly what the therapy note said in
18 regards to that?

19 A No.

20 Q Okay. Would looking at it help refresh your
21 recollection?

22 A Yes.

23 MS. BLUTH: 8/12/09 for counsel.

24 BY MS. BLUTH:

25 Q If you could just read the highlighted portion under

1 Response in regards to the neck issue.

2 A Okay. Yes.

3 Q Does that help refresh your recollection in regards
4 to that incident?

5 A Yes.

6 Q Okay. And can you explain what it is that the
7 therapist was talking about in the Response section.

8 A The Anastasia was very clingy this day. She was
9 having difficulties. She was afraid that she was going to be
10 removed from her grandmother. So she was having boundary
11 issues. She was clinging to the therapist, and so she was
12 hanging on her, and she was grabbing her around the neck and
13 having difficulty letting go of her.

14 Q Was Anastasia being clingy with this therapist an
15 issue that can be seen throughout the records?

16 A Yes. She --

17 MR. FIGLER: I'm going to object, Your Honor. Again,
18 the therapist is the proper witness to bring that in.
19 Interpretation in this matter goes beyond the scope of what's
20 appropriate foundation.

21 THE COURT: I think the better -- okay. It's
22 partially sustained. You can ask were there other notes
23 relating to the --

24 MS. BLUTH: Sure. I'll withdraw the question, Your
25 Honor.

1 THE COURT: Okay.

2 BY MS. BLUTH:

3 Q Do you remember what the therapist said in regards to
4 Anastasia's behavior in regards to August 25th of 2009?

5 A No.

6 Q Would looking at that help refresh your recollection?

7 A Yes.

8 MR. FIGLER: And again, for the question, if it's
9 calling for hearsay in this instance, for that proper way we
10 think that the therapist would be the appropriate witness for
11 that.

12 MS. BLUTH: I understand the objection, Your Honor.

13 THE COURT: All right. Overruled.

14 MS. BLUTH: Thank you.

15 BY MS. BLUTH:

16 Q Go ahead.

17 A Yes.

18 Q Okay. And how was Anastasia's behavior on August
19 25th of 2009?

20 A Specifically that she was clingy. She was hanging on
21 the therapist, and they had to set some boundaries regarding
22 affection.

23 Q Okay. The behaviors that the grandma discussed in
24 the assessment that we went through yesterday, the outbursts or
25 excessive tantrums or those types of things --

1 You were with these children for three years;
2 correct?

3 A Yes.

4 Q -- did you have any concerns about their behavior?

5 A No.

6 Q I have the same mental health records for Anastasia
7 and Ava, and I don't want to have to go into every single
8 record like I am, like I had to do with Anastasia but again, as
9 the CPS worker, were you constantly, you know, in contact with
10 the therapist or reviewing the therapy notes?

11 A Yes, I was.

12 Q Was there anything in that note -- were there
13 anything in those notes that brought you concern of other
14 people's safety?

15 MR. FIGLER: Objection.

16 BY MS. BLUTH:

17 Q While around the Solander girls?

18 MR. FIGLER: Objection, Your Honor. The witness has
19 already indicated that she doesn't have any kind of
20 recollection of any of the notes. So she doesn't have a
21 personal knowledge for that.

22 THE COURT: Okay. As you sit here today, do you
23 recall being concerned about others' safety based on the
24 therapy notes?

25 THE WITNESS: No, Your Honor, I did review my court

1 reports prior to, in preparation for my testimony.

2 THE COURT: Oh, you did.

3 THE WITNESS: I did.

4 THE COURT: Oh, okay.

5 THE WITNESS: So I was able to review my court
6 reports, which as I discussed was a summary of those mental
7 health assessments, mental health progress notes, and so I
8 didn't indicate any concerns during that.

9 THE COURT: Okay.

10 MR. FIGLER: Your Honor, may we approach?

11 THE COURT: Sure.

12 (Conference at the bench not recorded)

13 THE COURT: All right. Since I'm still in the middle
14 of interrupting Ms. Bluth, I'm going to follow up.

15 And you said you reviewed your notes or your reports
16 that you made to the Court; is that correct?

17 THE WITNESS: That's correct.

18 THE COURT: And that was in preparation for your
19 testimony here today?

20 THE WITNESS: Yes.

21 THE COURT: Or I'm assuming you reviewed it before
22 you testified last week. Is that --

23 THE WITNESS: Yes.

24 THE COURT: Okay. And when did you review those
25 notes?

1 THE WITNESS: So immediately prior. I actually
2 started because the trial was supposed to start I believe the
3 week before.

4 THE COURT: Right. And we had some delays.

5 THE WITNESS: So, yes. So I've reviewed them
6 multiple times. So I reviewed them that week prior, and then I
7 reviewed them again. Because of my TBI, I continuously review
8 in preparation just so that I'm fresh.

9 THE COURT: Okay. And then do you have those notes
10 with you today?

11 THE WITNESS: They're in my car.

12 THE COURT: Okay. And then my next question is how
13 did you access those records? Is it just something that you
14 accessed on the computer or --

15 THE WITNESS: They're in Unity.

16 THE COURT: Okay.

17 THE WITNESS: I couldn't access them off Odyssey.

18 THE COURT: Okay. Because it's in family court.

19 THE WITNESS: Well, I have Odyssey access from family
20 court, but the case is so old, that's why, like a report, I
21 couldn't pull up the case. Cases that old in Odyssey don't
22 have the hyperlink. So I couldn't pull them up with the
23 attached mental health assessments. I could only pull up what
24 was in Odyssey which is my locked file, my locked court report
25 from when I wrote it.

1 THE COURT: And we're using a term that will be
2 unfamiliar to the jurors.

3 THE WITNESS: Yes.

4 THE COURT: So by Odyssey are you talking about the
5 case management system that is used in the District Court,
6 including the family court division of the District Court?

7 THE WITNESS: That's correct, Your Honor.

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

9 BY MS. BLUTH:

10 Q And what's a locked -- when you say a locked court
11 document -- I'm sorry. What word did you use?

12 A Okay. A locked court document. So after you write a
13 court report, you can lock it so that that way nobody can go in
14 and edit it.

15 Q What's a court report though?

16 A The court report is a permanency report. It's
17 written every six months to the court to update when you're in
18 the permanency part of a case. Every six months I'm required
19 to update the court to let them know how a child is doing, how
20 they're doing in placement, school, mental health, et cetera.
21 So I'm required to write that. Plus, there's often attachments
22 to that report, including mental health records, medical
23 records, et cetera. So that document in Odyssey, I couldn't
24 get it with the attachments.

25 Q Got you.

1 A But I was able to access the Unity portion of the
2 written report itself that I wrote.

3 Q And this is, when we keep using the term court, we're
4 talking about family court, not this court here?

5 A Yes.

6 Q Okay. Got it. Thank you.

7 THE COURT: And presume --

8 I'm sorry.

9 MS. BLUTH: It's okay.

10 THE COURT: And that would be something that goes
11 directly to the Judge, that report, for the Judge's review. Is
12 that how that works?

13 THE WITNESS: Yes. So it's e-filed. Well, back then
14 it wasn't. I delivered it to the clerk, then to the Judge, and
15 it also went to the parties in the case at that time. So the
16 parents were gone. So it just went to the children's CASA, and
17 then the department and the Judge.

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

19 BY MS. BLUTH:

20 Q Okay. So I actually had a question before we got
21 into this whole issue, and I don't even remember what my
22 question was.

23 A My apologies.

24 Q But I think it was I'm not going to go through every
25 single one of these with the older sister's Amaya and Ava, but

1 was there ever anything in the therapist records that you
2 reviewed that brought you any concerns about their behavior?

3 A Not that I can recall and not that I wrote about in
4 the court reports that I reviewed. I did talk about the
5 incident of the sexual acting out in Ms. McClain's home.

6 Q Okay.

7 A So I did write about that, and other than that, I
8 wrote about them improving in therapy.

9 Q Okay. And just briefly, yesterday when Ms. McAmis
10 was going through the behavioral assessment with Amaya and it
11 talked to about her having nocturnal enuresis, and that's
12 nighttime bedwetting?

13 A Amaya you said; right?

14 Q Yeah, Amaya.

15 A Okay.

16 Q And that was in the assessment in 2008. So this is
17 two years before the Solanders; correct?

18 A That's correct.

19 Q And did you guys work on some of these issues while
20 in the McClain home as well?

21 A For Amaya?

22 Q Yeah.

23 A So I was actually shocked by that because I don't
24 have any documentation of Amaya having any bedwetting.

25 Q Just Anastasia?

1 A Just Anastasia.

2 Q When the children were with Debbie McClain, were you
3 in constant contact with Debbie?

4 A Yes.

5 Q Did you have a good relationship with her?

6 A Yes.

7 Q Yesterday when you were answering questions, you said
8 that there is never to be any physical discipline with foster
9 children ever.

10 A That's correct.

11 Q Is that your rule, or is that a rule of the
12 Department of Family Services?

13 A That's a rule of the Department of Family Services.

14 Q So as a foster parent, you are not allowed to use any
15 form of physical discipline?

16 A That's correct; you're not.

17 Q Did Ms. Solander ever call you asking for
18 clarification on that rule in any way?

19 A No. That's something that's taught in the foster
20 parent classes.

21 And we discussed physical discipline each month.

22 MS. MCAMIS: Objection. There's no pending question.

23 THE WITNESS: I'm sorry.

24 THE COURT: There is no question pending. Ms. Bluth
25 can follow up.

1 THE WITNESS: Okay.

2 BY MS. BLUTH:

3 Q So as you also were asked some questions about when
4 of the girls disclosed being hit by a belt, but I believe that
5 was by their grandmother or their aunt; is that correct?

6 A Yes. That was a disclosure not made directly to me.

7 Q Okay. But do you remember being asked those
8 questions yesterday --

9 A Yes.

10 Q -- about that incident?

11 A Yes.

12 Q And in those records that Ms. McAmis went through, a
13 person saw the marks and actually photographed the marks of the
14 children?

15 A Yes. The worker prior to me.

16 Q And then also yesterday I thought you said, and
17 sometimes I can't read my writing, so correct me if I'm wrong,
18 but that at some point the Solanders requested more money for
19 the foster children or for the Solander girls?

20 A Yes. They did request -- in reviewing my case notes,
21 they did request a behavioral rate setting for all three
22 children.

23 Q Okay. And what is a behavioral rate setting?

24 A So when a foster parent is just a standard DFS
25 licensed -- Department of Family Services licensed foster

1 parent, if after -- if they feel that a child has excessive
2 behavioral issues, they can request more money to offset the
3 things that they are doing in excess of what other foster
4 parents do or property that's destroyed by a child that has
5 behavioral issues.

6 Q Okay. And then who decides if they get that money or
7 not?

8 A So I have to create documentation based off what is
9 being reported that the behavioral issues are, and then I need
10 to attach documentation that supports that, so therapy records
11 that support that their actual behavior is going on to support
12 that.

13 Q Okay. And were the Solanders given more money?

14 A I cannot recall what their subsidy actually ended up
15 being because that is approved by somebody other than me.

16 Q How much money do you get per child if that is
17 approved?

18 A There's three tier levels depending on the extent of
19 the behaviors. So each child is an individual -- assessed
20 individually. So they start at 50 and go up to 150.

21 Q Per child?

22 A Yes.

23 Q Okay. And you talked about doing regular body checks
24 with Ava, Amaya and Anastasia throughout the three years you
25 were with them; correct?

1 A Yes.

2 Q Okay. And I'm going to approach --

3 MS. MCAMIS: Objection. Beyond the scope of
4 cross-examination.

5 MS. BLUTH: Do you want me to respond right here
6 or --

7 THE COURT: No. You need to approach.

8 (Conference at the bench not recorded)

9 MS. BLUTH: May I approach, Your Honor?

10 THE COURT: You may. You may move freely.

11 BY MS. BLUTH:

12 Q Okay. I'm going to show you photos marked as State's
13 Proposed Exhibit 1 and 31. Do you recognize the little girl on
14 the top of that photo?

15 A Not --

16 Q Looks a little different?

17 A Yeah.

18 Q I'm going to show you -- sorry. We're going to get
19 past -- State's 4. Did you ever see any scars --

20 MR. FIGLER: I'm going to object, Your Honor, we
21 haven't laid a foundation that she even knows who's in that
22 photo.

23 THE COURT: Well, that's overruled because I don't
24 believe Ms. Bluth is going to seek to admit the photo, which at
25 this point in time has not been sufficiently authenticated for

1 admission; however, she can just ask her if she had ever seen
2 whatever is depicted in the photo before, and then if at some
3 time Ms. Bluth admits the photo through another witness, then
4 that may or may not become relevant.

5 MR. FIGLER: Well, the objection specifically is the
6 personal knowledge and foundation of the witness. So it
7 doesn't make a difference. The relevance would be irrelevant.
8 She goes, do you recognize this. Well, on who, where, when?
9 So and this is a legal term, competence of the witness.

10 THE COURT: It's overruled. I mean, I understand
11 what Ms. Bluth is doing. The witness can say whether she's
12 ever seen that marking before, and if she had seen it, what if
13 anything would she have noted or done about it or whatever --

14 MR. FIGLER: Our objection is for the record then.
15 BY MS. BLUTH:

16 Q Did you see any marks on the back of any of the
17 children like you're seeing here?

18 A No.

19 Q I'm going to get you to specific photos. State's
20 Exhibit 8, any of those type of marks on any of the children?

21 A No.

22 Q And then State's Exhibit 15, did you see any marks or
23 scars on the back of the ears of any of the children?

24 A No.

25 Q Did you see -- State's Exhibit 22, did you see any

1 marks or anything of that nature on any of the children's
2 bottoms or underneath their bottoms?

3 A No.

4 Q Same question for State's Exhibit 28, for that area
5 of the bottom, did you see any scars on any of the children?

6 A No.

7 Q If you were to have seen marks like that, what would
8 you have done?

9 A I would have documented that -- sorry. I would have
10 documented that in my case notes.

11 MS. BLUTH: I have no further questions, Your Honor.
12 I'll pass the witness.

13 THE COURT: All right. Any recross?

14 MR. FIGLER: If we could approach for a second, Your
15 Honor.

16 THE COURT: Sure.

17 (Conference at the bench not recorded)

18 THE COURT: Ladies and gentlemen, we're just going to
19 take a quick recess, just about -- is 10 minutes enough for
20 everybody?

21 People are nodding.

22 All right. So just about 10 minutes. That'll put us
23 a little bit after 10:30.

24 During the brief recess, you are reminded that you
25 are not to discuss the case or anything relating to the case

1 with each other or with anyone else. You're not to read, watch
2 or listen to any reports of or commentaries relating to this
3 case or anyone associated with it. You're not to do any
4 independent research by way of the Internet or any other
5 medium, and you're not to form or express an opinion on the
6 trial.

7 Please place your notepads in your chairs and follow
8 Officer Hawkes through the double doors. We'll see everybody
9 back after the brief recess.

10 And, ma'am, please don't discuss your testimony with
11 anybody during the brief recess.

12 (Jury recessed 10:24 a.m.)

13 THE COURT: All right. We're out of the presence of
14 the jury. Does anyone want the witness to stay regarding any
15 questions about the records or anything like that?

16 MR. FIGLER: We'd ask the Court to direct the witness
17 to bring up any records that she relied upon in preparation for
18 today since she said they were available in her car to come and
19 bring them.

20 THE COURT: All right. So you are asking us to send
21 the witness downstairs.

22 Where did you park, ma'am?

23 THE WITNESS: I'm in the district attorney's parking
24 lot, which is across from the Clark Place building.

25 THE COURT: Okay.

1 THE WITNESS: So I just have to walk, like, a block
2 down.

3 THE COURT: Any objection, State? That's probably
4 more of a 15- to 20-minute break, but --

5 MS. BLUTH: She needs to get them right now?

6 MR. FIGLER: Well, if we can do cross-examination
7 based on them, I think that even though --

8 MS. BLUTH: Well, first of all they need to go to Her
9 Honor for in-camera review, and then if they like to recall
10 her, they can do so but, I mean, we can't just give --

11 THE COURT: Right.

12 MR. FIGLER: Right. Well --

13 THE COURT: How voluminous are these records?

14 THE WITNESS: They're not incredibly voluminous.
15 They're just unsigned copies of my court report out of the
16 Unity. I do have my partial of my case notes, not all of them
17 in the binder that I have. They're highlighted in various
18 places and flagged, but they're not -- I didn't bring the whole
19 case with me.

20 THE COURT: Okay. How many reports are we talking
21 about?

22 THE WITNESS: I think there's a total of five or six,
23 and they're not -- they're not long. Some of them are as small
24 as 8 pages. Some of them are 15.

25 THE COURT: But that's still --

1 THE WITNESS: But, I mean, that would be you guys
2 reading them for the first time.

3 THE COURT: Right. I mean, I'm assuming they're
4 going to be relevant and discoverable, but I still have to -- I
5 still need to review them because --

6 MR. FIGLER: So it would be the defense request then
7 to have those provided to the Court for in-camera review and
8 that we could recall this witness for recross-examination at an
9 appropriate time that the Court feels would be enough time for
10 all of the parties to do what they need to do with regard to
11 these records.

12 THE COURT: State, any objection to doing that?

13 MS. BLUTH: No, I don't have any objection to --

14 THE COURT: That actually, I mean --

15 MS. BLUTH: Could we, before, Your Honor, could we
16 because I --

17 Ms. McAmis, there are still some things you need to
18 go -- you need to ask her from today; correct?

19 MS. MCAMIS: Yes. I still have some.

20 MR. FIGLER: Possibly. I mean, but it may be
21 impacted by these records. We just don't know.

22 MS. BLUTH: I know, Dayvid. If I could just lay my
23 thing without you interrupting.

24 So if Ms. McAmis could finish her questions for what
25 she has today, and then if we do have other questions, we can

1 recall her, but if they don't have anything else, then why are
2 we going to waste another -- so can we finish with cross is my
3 point?

4 MS. MCAMIS: Well, and in order to actually have an
5 effective cross-examination, I need to be able to review these
6 and to be able to -- be able to cross-examine her on the
7 issues, that I relied on these, this is what I refreshed my
8 memory on. This is what she was testifying is the basis of her
9 testimony. So in order to actually effectively cross-examine
10 and be able to compare on the points that I've already
11 developed, I need those reports.

12 THE COURT: Does anyone sitting or standing in this
13 room really believe that Ms. McAmis is not going to have
14 additional cross-examination based on those records? I mean,
15 here's my point, and that was in no way intended as any kind of
16 slur against Ms. McAmis.

17 MR. FIGLER: No.

18 MS. MCAMIS: I didn't take it that way.

19 THE COURT: My point is, if I reasonably believed
20 that there was likely to be no additional cross-examination and
21 this witness who is now here on her third day would not be
22 further inconvenienced, I would say Ms. McAmis start, but in my
23 opinion, based on how this is going so far and the thoroughness
24 of the cross-examination, it is my assessment that it is very
25 likely, highly probable, in fact, that Ms. McAmis is going to

1 have additional questions for this witness based on whatever is
2 in those records, and so the witness is going to have to come
3 back unfortunately for her a fourth day.

4 So for that reason, like I said, if I thought it was
5 likely that she wouldn't have to come back, because the poor
6 woman is now here again, and I think she's had to -- you know,
7 today was an early start. I don't remember the other days --
8 unfortunately she's going to have to come back I think a fourth
9 day.

10 MS. BLUTH: Okay.

11 THE COURT: In the meantime, ma'am, and now there's
12 no rush for this. I don't know, you know, you can go out to
13 your car and get the records, but if it's not all the records,
14 you can then bring the records to the district attorney's
15 office tomorrow or whatever is convenient for you. So however
16 you want to do that is fine. I mean, you don't necessarily
17 have to rush out right now and come back and whatever, but --

18 MS. BLUTH: I'll give her the -- if she wants to just
19 walk over to my secretary, I'll give her her number because
20 she's right across from the garage.

21 THE COURT: Right.

22 THE WITNESS: So do I go now? Do I --

23 THE COURT: No. You're done.

24 MS. BLUTH: You're excused. Excused.

25 THE COURT: You're done for the day. What I'm saying

1 is you can go to your car, get all the records, walk back over
2 here, drop them off with Ms. Bluth's secretary, or if they're
3 not complete and you need to get essentially other records, you
4 can, you know, you don't have to rush back like in the next
5 hour or two. You can --

6 THE WITNESS: Okay. So just give them to -- I'm done
7 for today.

8 THE COURT: Yeah. You're done for today.

9 THE WITNESS: Go to the DA. Give them to the DA's
10 secretary. They're all the -- there might be -- there's one
11 report I think that's not with me that is a modification of a
12 court order just regarding removing the kids from their
13 grandmother saying that there's the domestic violence incident.

14 MS. BLUTH: Okay.

15 THE WITNESS: And I removed them from their
16 grandmother, but all my permanency reports that I ever wrote
17 are in my car.

18 THE COURT: Okay. All right. And there be things
19 that need to be redacted from those reports that concern the
20 natural family --

21 MS. BLUTH: Judge, we'll redact them.

22 THE COURT: -- that maybe aren't relevant in these
23 proceedings, that again are issues concerning the natural
24 family.

25 MS. BLUTH: And, Judge, just so she's protected, on

1 the record, the Court is ordering Ms. Richardson to do that, so
2 just so she's not in trouble.

3 THE COURT: Right. Ma'am, and the Court is ordering
4 you to provide those to the district attorney's office and, you
5 know, put them in a sealed envelope because the district
6 attorney is not supposed to review the records until I've
7 reviewed the records and either provided some, provided all,
8 provided some with redactions, whatever. So just make sure
9 it's in a sealed, you know --

10 MS. BLUTH: I'll give her my number right -- the
11 secretary's number right now.

12 THE COURT: You don't have to duct tape the envelope
13 or whatever, but don't just hand it, you know, with a rubber
14 band around it or something like that. I know you already know
15 that but --

16 MS. BLUTH: I'll have Dena --

17 THE WITNESS: Do they have one?

18 MS. BLUTH: Yeah. Dena will bring an envelope to
19 her. She's not going to have an envelope in her car.

20 THE WITNESS: Right.

21 THE COURT: All right. Right. If you're going to do
22 it from your car, yeah.

23 MS. BLUTH: Yeah.

24 THE COURT: I'm just saying, you know, I know
25 sometimes, like, we take records, and we just put a rubber band

1 around them so anybody can read them.

2 MS. BLUTH: Yeah.

3 THE COURT: Just, you know, put it in an envelope so
4 that the secretary can't read it or whoever else may be there.

5 MS. BLUTH: All right. So come with me, Heather, so
6 I can give you her number, and I'll call her and let her know
7 you're on the way.

8 THE COURT: All right. And then who was the next
9 witness then since were interrupting the testimony of this
10 witness?

11 MR. HAMNER: Riley. She is a BST worker. She worked
12 with Jennifer Dowling [phonetic] with the Diaz-Burnett kids,
13 and her last name escapes me right now.

14 THE COURT: And then the next witness is Areahia
15 after that?

16 MR. HAMNER: I would think so.

17 THE COURT: And just off the record.

18 (Proceedings recessed 10:32 a.m. to 10:43 a.m.)

19 (Outside the presence of the jury)

20 THE COURT: Okay. We're on the record now, and I'm
21 just putting on the record that Mr. Figler and Ms. McAmis
22 approached the bench to make some objections during the
23 testimony of the last witness, and those contemporaneous
24 objections made at the bench are preserved, and Mr. Figler
25 wants to make a more detailed record.

1 But since the jury is waiting in the hall, Mr. Figler
2 and Ms. McAmis, any objection to making your detailed record at
3 the lunch break?

4 MR. FIGLER: No, Your Honor.

5 THE COURT: All right. I'm just going to tell the
6 jury that due to some scheduling issues we're going to
7 interrupt the testimony of the last witness and resume her
8 testimony another day.

9 All right. Kenny, bring them in.

10 (Jury entering 10:45 a.m.)

11 THE COURT: All right. Court is now back in session.
12 The record should reflect the presence of the State, the
13 defendant and her counsel, the officers of the court, and the
14 ladies and gentlemen of the jury.

15 And, ladies and gentlemen, due to some scheduling
16 issues, we are going to interrupt the testimony of the last
17 witness. She will be coming back at a future date, and the
18 State will now call their next witness.

19 MR. HAMNER: The State is going to call Riley Lewis
20 to the stand.

21 **RILEY CASTRO**

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

24 THE CLERK: Thank you. Please have a seat. State
25 and spell both your first and last name for the record.

1 THE WITNESS: First name is Riley, R-i-l-e-y. Last
2 name is Castro, C-a-s-t-r-o.

3 THE COURT: All right. Thank you.

4 Mr. Hamner, you may proceed.

5 MR. HAMNER: Thank you.

6 DIRECT EXAMINATION

7 BY MR. HAMNER:

8 Q Did you have a maiden name of Lewis?

9 A I did.

10 Q Okay. What do you currently do for a living, ma'am?

11 A I am currently a licensed social worker, and I'm
12 practicing in community mental health right now.

13 Q All right. I want to turn your attention back to
14 about December of 2013 to maybe June of 2014, that time frame.
15 Were you living here in Clark County, Nevada?

16 A Yes.

17 Q Okay. What were you doing at that time
18 occupationwise?

19 A I had two jobs. I was a server at Buffalo Wild
20 Wings, and then I was also a BST, PSR worker for Shining Star.

21 Q All right. Could you explain to the jury what a BST
22 worker is.

23 A A BST worker is like behavioral work. It could be as
24 basic as working with the children to self-care, like brush
25 your teeth, take a shower, wash your hands after you use the

1 bathroom. And then the PSR part is the physiological, so
2 understanding your emotions, how to handle those emotions,
3 recognize what is triggering those emotions and how to deal
4 with them in a healthy way.

5 Q Do you know somebody by the name of Janet Solander?

6 A Yes.

7 Q Do you see her here in the courtroom today?

8 A Yes.

9 Q Could you please point out where she is in the
10 courtroom and describe an article of clothing that she's
11 wearing.

12 A She is sitting between the two individuals right
13 there, and she has glasses on.

14 MR. HAMNER: Okay. And let the record reflect that
15 the witness has correctly identified the defendant.

16 THE COURT: It well. Thank you.

17 BY MR. HAMNER:

18 Q How did you meet Janet?

19 A I was placed on a case with two of her children that
20 were in her foster care.

21 Q Do you remember what their names were?

22 A Demyer and Kaeshia.

23 Q Were their last names Burnett?

24 A Yes.

25 Q Did they have an older sister?

1 A Yes.

2 Q And what was her name?

3 A Areahia.

4 Q Okay. Areahia Diaz --

5 A Yes.

6 Q -- that sound about right?

7 A Uh-huh.

8 Q About how long did you work -- how many months did
9 you kind of work with those kids?

10 A I worked for the company from September 2013 until
11 March 2014, and I worked specifically with those children I
12 would say about November time frame -- I don't remember
13 exact -- until February, I believe, 2014.

14 Q Okay. Around November of 2013 to February of 2014 --

15 A Correct.

16 Q -- you were working with those kids?

17 A Uh-huh.

18 Q So when you would work with those kids, would it
19 typically be -- would your sessions be at, you know, their
20 home, or would it be someplace else?

21 A We had outside of the home, and then sometimes in a
22 supervised setting depending on if they had visitation with
23 their biological parents.

24 Q Okay. So sometimes you'd even do a session with the
25 bio parents, not necessarily the foster parents?

1 A Correct.

2 Q Okay. Would you ever go over -- how would you get
3 the kids?

4 A We would take our own vehicles over to the house, and
5 then we would pick them up, and we would drive them in our
6 personal vehicle.

7 Q What do you remember -- when you say we, who's the
8 other person?

9 A I worked with another person. Her name is Jennifer.
10 I don't remember her last name.

11 Q Jennifer Dowling sound about right?

12 A Yes. Yes. She worked individually outside of the
13 visitation with the biological parents with Areahia, and then I
14 worked with Demyer and Kaeshia.

15 Q So when you would go over to Janet's house to pick up
16 Demyer and Kaeshia, describe their demeanor a little bit for
17 us.

18 A They --

19 MR. FIGLER: Objection. Relevance.

20 THE COURT: Overruled.

21 BY MR. HAMNER:

22 Q Please continue.

23 A Their demeanor, they would kind of like just walk
24 slumped, kind of down. Mopey, I guess, is a good word for it.
25 They would kind of just drag their feet almost, not literally,

1 but just kind of slowly, meesy [phonetic], measles [phonetic]
2 onto the front, and their eyes always looked sad, and --

3 Q Do you get a lot of --

4 MR. FIGLER: I'm going to object, Your Honor.
5 Foundation to eyes looking sad.

6 THE COURT: Yeah, that's --

7 MR. FIGLER: And these aren't the Solander kids.

8 MR. HAMNER: I can lay foundation.

9 THE COURT: We understand.

10 BY MR. HAMNER:

11 Q So when you go pick up these kids, would you see
12 them?

13 A Yeah. Well, Demyer and Kaeshia?

14 Q Yeah.

15 A Yes.

16 Q Would you stand in front of them?

17 A Yes.

18 Q Would you look at their faces?

19 A Yes.

20 Q How long would you spend with them in a session?

21 A About an hour, hour and a half.

22 Q So during that hour, would you be looking at them?

23 A Yes.

24 Q Watching them?

25 THE MARSHAL: Some of the jurors can't hear you. So

1 can you please make sure you speak up louder for me.

2 THE WITNESS: Okay.

3 MR. HAMNER: We can do this too. Let's move that
4 mic.

5 THE WITNESS: I'll scoot up.

6 BY MR. HAMNER:

7 Q So during this hour, would you be watching these
8 kids?

9 A Yes.

10 Q Seeing how they moved?

11 A Yes.

12 Q Seeing how they responded to questions?

13 A Yes.

14 Q Seeing how they talked?

15 A Yes.

16 Q All right. So describe their demeanor for us. Let's
17 start with Demyer first. What was his demeanor kind of like?

18 A He was always kind of hunched over, very sad looking,
19 slow-moving, dragging his feet, cowardice.

20 Q Okay. And how about --

21 THE COURT: And I'm sorry. I'm sorry if you already
22 said. How old is he?

23 THE WITNESS: At the time?

24 THE COURT: Right.

25 THE WITNESS: Oh, my gosh. 4 or 5.

1 THE COURT: And the other child?

2 THE WITNESS: Right around the same age, I would say
3 5 or 6. I really don't remember exact.

4 BY MR. HAMNER:

5 Q We're not talking 9- and 10-year-old kids here?

6 A Correct.

7 Q Okay. Tell us a little bit about Kaeshia's demeanor
8 when you were with her.

9 A Very similar.

10 MR. FIGLER: Can we just have a running objection so
11 I don't have to keep interrupting Mr. Hamner. I don't like
12 doing that, but the relevance of Demyer and Kaeshia and what
13 appears to be November to March when the Solander kids aren't
14 even in the home anymore.

15 THE COURT: All right. Your objection is noted.
16 Your continuing objection is noted --

17 MR. FIGLER: Thank you, Your Honor.

18 THE COURT: -- and overruled. Obviously if there's a
19 different line or a different type of questioning, you can make
20 a different objection.

21 MR. FIGLER: Thank you, Your Honor.

22 THE COURT: All right. Go on, Mr. -- do you remember
23 the question?

24 (No audible response)

25 THE COURT: Yeah, I don't either. So --

1 MR. HAMNER: I'll fill you in.

2 BY MR. HAMNER:

3 Q Could you describe Kaeshia's demeanor for us.

4 A Yes. It was very similar to Demyer's. She would
5 also walk around kind of hunched over, looking sad, slow-moving
6 and also very cowardice.

7 Q You mentioned that you would pick her up from the
8 house; is that right?

9 A Yes. Uh-huh.

10 Q So you had a chance to kind of be inside the house at
11 least for a little bit?

12 A In the foyer.

13 Q Okay. Did you get a chance to walk around the house
14 at all when you were there?

15 A No.

16 Q Did you ever talk to Janet during these kind of
17 pickups and drop off sessions?

18 A Yes.

19 Q What would she tell you about the kids that you were
20 working with?

21 A She would tell us that they had bathroom issues, as
22 in they would urinate and defecate on themselves.

23 Q And if you could explain it, what was her kind of
24 demeanor like when she was explaining that to you?

25 A She was -- she would use her hands a lot. She would

1 speak very loud, as in she was obviously agitated.

2 Q About that?

3 A Yes, when she would talk about the topic because they
4 were constantly in her words urinating and defecating on
5 themselves.

6 Q Okay. And you spent several months with these
7 children; right?

8 A Yeah.

9 Q Sometimes for about an hour at a time?

10 A Uh-huh.

11 Q When you had Demyer and Kaeshia outside of Janet's
12 home --

13 A Yes.

14 Q -- did you see Demyer pee on himself?

15 A No.

16 Q Did you see Demyer poop on himself?

17 A No.

18 Q Did he have any problems communicating to you a
19 desire to use the bathroom?

20 A No.

21 Q Let's shift into Kaeshia.

22 A Uh-huh.

23 Q During the times that you were not inside the foyer
24 of the Solander home and you had Kaeshia outside that house,
25 did she ever pee on herself?

1 A No.

2 Q Did she ever poop on herself?

3 A No.

4 Q Did she have any trouble explaining to you a desire
5 to use the bathroom?

6 A No.

7 Q Any difficulties with either kid when they went to
8 the bathroom?

9 A No.

10 Q Did you ever notice -- well, let me ask you this.
11 Did Janet ever talk to you about cameras?

12 A Yes.

13 Q What did she tell you about cameras?

14 A She said she had cameras in her home to see if the
15 kids would walk out of their bedrooms to sneak downstairs at
16 night.

17 Q I want to ask you about -- we talked a little bit
18 about their demeanor. I want you to describe what you noticed
19 about Kaeshia physically. Describe what she looked like
20 physically if you remember.

21 A I'm not sure I fully understand what you're asking.

22 Q Okay. Let's just first talk about, like, body type.
23 Were they heavy? Were they thin? Are they normal? What are
24 we talking about?

25 A They appeared a little thin, but nothing that, like,

1 alarmed me.

2 Q Okay. And how about Demyer?

3 A Same.

4 Q Same. Did you notice any bruising on them?

5 MR. FIGLER: I'm going to object. Can we approach,
6 Your Honor?

7 (Conference at the bench not recorded)

8 THE COURT: All right. Move on, Counsel.

9 BY MR. HAMNER:

10 Q Did you notice any differences with the kids -- you
11 worked for several months with them. Did you notice a
12 difference in their demeanor and how they kind of behaved when
13 they were in Janet's presence versus when you had them kind of
14 alone?

15 A Yes.

16 Q What did you notice?

17 A When they were in Janet's house, they were, as I
18 described earlier, you know, sad looking, cowardice, slow
19 moving, and when we'd get them out, sometimes we would go
20 outside if it were nice, and they were able to interact in a
21 more free manner. They were more willing to move about. They
22 were more willing to talk to me to say, you know, about what
23 they enjoy. And then in supervised visits, they interacted
24 with the biological parents, with each other and with us.

25 Q Okay. Would you ever just in general ask how things

1 were kind of going in the house?

2 A Yes.

3 Q And what would those kids -- what would their
4 response be to a question like that?

5 A I don't know.

6 MR. FIGLER: Your Honor, if we could just clarify
7 which child is responding, and then we --

8 MR. HAMNER: Sure. I can take it child by child.

9 MR. FIGLER: I mean --

10 MR. HAMNER: That's fine.

11 MR. FIGLER: I mean, we have a general --

12 THE COURT: No. No. Fair enough. He's going to
13 clarify --

14 MR. HAMNER: I can rephrase.

15 THE COURT: -- which child we're talking about.

16 BY MR. HAMNER:

17 Q Would you ever ask Demyer kind of how things were
18 going inside the house?

19 A Yes.

20 Q And what was his response to you?

21 A I don't know, and he would look down.

22 Q He would look down with his eyes?

23 A Uh-huh.

24 Q Would you ever ask Kaeshia?

25 A Yes.

1 Q What would her response be?

2 A Same response, I don't know, and looked down.

3 Q I know that you and Jennifer were working with -- or
4 I know Jennifer was working a lot with Areahia. Would you guys
5 kind of pick all three kids up around the same time?

6 A Yes. We would meet there in our separate vehicles at
7 the same time. She would take Areahia, and I would take the
8 other two.

9 Q Were you ever around -- did you or either you being
10 in the presence of someone asking Areahia, hey, how are things
11 going inside the house?

12 A Yes.

13 Q Okay. What would her kind of response be?

14 A Same.

15 Q Same demeanor? Same thing? The looking down? The
16 whole thing?

17 A Look down, I don't know.

18 Q What did Janet tell you she did for a living?

19 A She claimed to be a nurse.

20 Q Did any of the kids ever talk about, like, going to
21 the bathroom in the Solander house?

22 A Yes.

23 Q Who was that, if anyone or which ones?

24 A All the kids, all three. Areahia, Kaeshia and Demyer
25 at some point had said that they're afraid to use the bathroom,

1 and that when they do go, they were only given three to four
2 squares of toilet paper, no matter what they did.

3 Q When you were around Janet, how would she talk to the
4 kids in your presence?

5 A She was very -- she was almost always shouting. If I
6 had to give a percentage, I would say 90 percent of the time,
7 shouting at them to finish eating, to get their coat, to get
8 their shoes on, to get out of the house.

9 Q When you were there at these times, were these kids
10 having, like, extreme temper tantrums at these points in time?

11 A No.

12 Q Are they fighting or hitting each other or anything
13 like that?

14 A No.

15 Q Based on kind of your interactions with these kids
16 and things that you were observing, did you start to be
17 concerned for these children?

18 MR. FIGLER: I'm going to object, Your Honor.
19 Relevance. Foundation. Opinion.

20 THE COURT: Overruled.

21 It's just a yes or no question. Did you become
22 concerned?

23 THE WITNESS: Yes.

24 THE COURT: Did you do any --

25 Is that your follow-up?

1 MR. HAMNER: Yes.

2 THE COURT: Go on, Mr. Hamner.

3 BY MR. HAMNER:

4 Q Okay. Based on these concerns, what did you do?

5 A I reported to my supervisor.

6 Q And who was that?

7 A Diane, and I don't remember her last name.

8 Q Okay.

9 A She was the CEO of Shining Star at the time.

10 Q Okay. Did you take it a step further and report to
11 anyone else?

12 A No.

13 Q Okay. Do you ever remember contacting CPS?

14 A I never contacted CPS.

15 Q Okay. Did someone from your office, or did one of
16 your coworkers --

17 A To my understanding, it was Jennifer.

18 Q Okay. Prior to speaking to your supervisor, did you
19 spend any time talking with Janet about any concerns?

20 A No.

21 Q Okay. You said you went over there for several
22 months; is that right?

23 A Yes.

24 Q And during any of the visits that you were there, did
25 you see any other kids in the house?

1 A Just her older biological daughter. Danielle I
2 believe was her name.

3 Q But you didn't see any younger kids?

4 A No.

5 Q As you worked with them, did their skills kind of
6 improve, stay the same, regress?

7 A They regressed.

8 Q And in what ways? What was regressing?

9 A They were -- they were becoming -- so when I first
10 started working with them, they were a little bit more verbal.
11 They became less and less verbal as in, like, just saying
12 anything to me if I would ask how are you, what would you like
13 to do, interacted -- we would do puzzles -- they would become
14 less and less interactive, and you could just tell that they
15 were just -- I don't know. I don't know how to describe it.

16 Q I see you are kind of --

17 A Yeah, like --

18 Q You're kind of taking your hands, for the record --

19 A Their body language.

20 Q Yeah. And just for the record, you're taking your
21 hands, and you're kind of moving them in towards your body.

22 A Yes.

23 Q And so it sounds like they're becoming less
24 expressive about their wants, desires, feelings, things like
25 that?

1 A Yes.

2 Q As you continued to work with them, were all the
3 appointments -- did they make all of their appointments with
4 you?

5 A No.

6 Q Tell us about that.

7 A We -- well --

8 MR. FIGLER: I'm going to object as to relevance.

9 THE COURT: State your question.

10 MR. HAMNER: I said, As you continued to work with
11 them, did you -- did they continue to make their visits, and
12 she said, No, and I said, Tell us about that.

13 THE COURT: Overruled.

14 BY MR. HAMNER:

15 Q Please continue.

16 A I would at times get a text either late the night
17 prior to me supposed to be picking them up or hours the same
18 day that I was supposed to pick them up saying that they were
19 sick and they couldn't make their appointment.

20 Q Who was sending you that text?

21 A Janet.

22 Q Okay. Let me ask you sometimes you might have a
23 subsequent visit after they were out because they're sick?

24 A Yes.

25 Q Would you ever ask them, hey, about being sick the

1 time before?

2 A I would ask them how they were feeling, and they
3 would look at me, and they'd say that they weren't sick.

4 Q So you would ask about how are you feeling from the
5 last time?

6 A Can I correct myself?

7 Q Sure.

8 A I would ask them more specifically, you know, Janet
9 told me that you were sick. How are you feeling, and then they
10 would say --

11 Q And what would they --

12 A -- and then they would say that they were not sick.

13 Q So I know you mentioned sometimes you would get text
14 messages.

15 A Yes.

16 Q Were there ever times where you actually showed up at
17 the door, but still didn't end up taking the kids with you on
18 days where you would show up?

19 A I would remember one time.

20 Q Tell us about that one time.

21 A She opened the door -- Janet opened the door and just
22 basically kind of stuck her head out and said that they won't
23 be coming with us today -- Jennifer and I, us -- because
24 they're sick.

25 Q Okay. You didn't get a text or anything that night

1 before --

2 A No.

3 Q -- or anything like that?

4 A No.

5 Q Did you ever follow up with the kids the following
6 day about, hey, how are you feeling?

7 A I think that specific incident it was a couple of
8 days until I saw them again.

9 Q Okay. Did you follow up though when you saw the
10 kids?

11 A And asked them.

12 Q Yeah. And what was their response that time?

13 A They said that they weren't sick.

14 Q Did Janet explain what sort of sickness they had?

15 A No.

16 Q What was her demeanor like when she's kind of
17 cracking open the door --

18 A Rushed.

19 Q -- to talk to you?

20 A Rushed.

21 Q Did you ever -- did you ever feed the kids when they
22 were with you?

23 A They were given lunchboxes by Janet that Janet would
24 pack for our appointments.

25 Q Could you describe kind of how they would eat their

1 food in terms of pacing?

2 A They, a lot of times, they were very timid in their
3 eating. Sometimes they wouldn't want to eat as if they were,
4 like, scared; they were afraid to eat. And I'd ask them if
5 they just weren't hungry, and then they -- Demyer would
6 actually tear up whenever it was time to eat and I'd ask him if
7 he just wouldn't want to eat.

8 MR. HAMNER: Okay. Court's indulgence.

9 Okay. I have no further questions at this time.

10 THE COURT: Cross, Mr. Figler.

11 MR. FIGLER: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. FIGLER:

14 Q So, Ms. Castro, we're talking about things that
15 happened about four years ago; correct?

16 A Correct.

17 Q Do you still work with children in your current
18 capacity?

19 A Can you define ages of children?

20 Q Well, why don't you tell me. What is the typical
21 age --

22 A I do not work with kids under the age of 15 at this
23 time.

24 Q Why is that?

25 A I do tele-video counseling. So it's under over the

1 webcam. It's not age-appropriate.

2 Q And so I presume that you've gotten certain licensure
3 since -- I'm sorry, since 2014?

4 A Correct.

5 Q Okay. That was not in place when you were working
6 part time for Shining Star?

7 A Correct.

8 Q Okay. So it sounds to me like when you were -- when
9 you were -- were you working at Buffalo Wild Wings when you got
10 to Shining Star, or did you start at Shining Star and then pick
11 up the Buffalo Wild Wings?

12 A I was at Buffalo Wild Wings for three and a half
13 years, got the Shining Star job, quit at Buffalo Wild Wings
14 three or four months after Shining Star and then was full time
15 with Shining Star at that point.

16 Q Okay. And it seems like your time at Shining Star
17 was very close in time when you got with the Burnett kids; is
18 that correct?

19 A Can you repeat that.

20 Q I'm sorry. So the two children that you were
21 engaging with -- and I always have trouble saying their names.

22 A Demyer and Kaeshia.

23 Q Demyer and Kaeshia. Okay. You started working with
24 them shortly after you were at Shining Star; is that correct?

25 A Yes.