## IN THE SUPREME COURT OF THE STATE OF NEVADA



## APPENDIX TO APPELLANT'S OPENING BRIEF

(Appeal from Judgment of Conviction (Jury Trial))

KRISTINA WILDEVELD, ESQ.
Nevada Bar No. 005825
CAITLYN MCAMIS, ESQ.
Nevada Bar No. 012616
The Law Offices of Kristina Wildeveld
\& Associates
550 E. Charleston Blvd., Suite A
Las Vegas, Nevada 89104
(702) 222-0007

STEVEN B. WOLFSON
Nevada Bar No. 001565
District Attorney
STEVEN OWENS
Nevada Bar No. 004352
Chief Deputy District Attorney
Office of the District Attorney
200 Lewis Ave., Third Floor
Las Vegas, NV 89155
(702) 671-2750

AARON FORD
Nevada Bar No. 007704
Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3420

Attorneys for Respondent

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Q Okay. And, in fact, they had brown teeth; right?
A Yes.
Q And that was brown teeth that was documented at that initial home visit, meaning that they'd already had the decaying teeth prior to entering the Solander home; right?

A Yes.
Q Okay. Now, as part of your home visit on May 2013, you conducted body checks of all of the Diaz-Burnett children; right?

A Yes.
Q Okay. And had you seen anything that caused you alarm, you have an obligation as a mandatory reporter to actually report that; correct?

A Yes.
Q And you would have documented it in your Unity notes if you observed anything that alarmed you and that you had to -- strike that -- that alarmed you and triggered your duty to report; right?

A Yes.
Q And your Unity notes from May of 2013 don't reflect any such observations or triggered a duty to report; right?

A Correct.
Q Now, you made another home visit on June 28th of 2013, to the Solander to home to see the Diaz-Burnett sibling group; right?

A Yes.
Q And you again observed the children to be properly dressed and groomed?

A Yes.
Q And at that time, on the June 2013 home visit, you met with each child individually?

A Yes.
Q And at that time, you documented how the biological parents had been missing weekly visitation with those children; right?

A Yes.
Q And that the visits that they actually did show up for were not always successful; right?

A Yes.
Q And that was the word you used was successful?
A Correct.
Q And because part of your duty as a caseworker is to try to successfully reunify the foster children into, you know, family placement or their biological home if possible?

A Yes.
Q Okay. You documented that it caused the Diaz-Burnett children grief when their parents did not show up for visits?

A Yes.
Q And in particular, Kaeshia would be extremely upset?
A Yes.

Q So after that home visit, you noted nothing that caused you to make a CPS referral in June of 2013?

A No.
Q And then pursuant to your duties as the case worker, you made another home visit on July 19th of 2013; right?

A Yes.
Q Okay. And at that time you made again individual face-to-face contact with each of the children?

A Yes.
Q And you documented that they were receiving therapy services from Legacy Health and Wellness?

A Yes.
Q And at that time, you documented that the children met reasonable expectations with regard to their physical development and that their weight and height are proportionate with the exception of Areahia who was overweight?

A Yes.
Q And nothing at that visit triggered any reporting duty; right?

A No.
Q You met individually with each of the Diaz-Burnett kids, and no undisclosed anything that caused you to make -nothing that caused a trigger for your mandatory reporting duty; right?

A No.

Q And again, in July of 2019, (sic) you documented that the children were well dressed with clothing that fit properly and that there was nothing wrong with the home; right?

A Yes.
Q Okay. Now, you conducted another home visit on August 16th of 2013; right?

A Right.
Q Okay. And at that time you documented that Kaeshia was petite in stature?

A Yes.
Q And you documented that she had been taken to a pediatrician who advised that she may be anorexic because she refused to eat, and when she did eat, she ate very little?

A Yes.
Q And you documented that Kaeshia would peel her toenails and fingernails until they bled?

A Yes.
Q And you documented that Kaeshia would attack her brother by hitting him and yelling at him?

A Yes.
Q Okay. And it's that same home visit you documented Kaeshia was tantrum; she would scream, yell and bang her head?

A Yes.
Q And then actually Janet, the foster parent, showed you a video of one of these such tantrums; right?

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A Yes.
Q Okay. And you actually advised Janet to take that video with her to a hospital or to Montevista if the behaviors that Kaeshia demonstrated continued so that way the facility could review it for treatment purposes?

A Yes.
Q But you and Janet talked about the other kids as well; right?

A Yes.
Q Janet wanted to make sure that all of the children in the home were meeting, you know, certain educational or developmental goals; right?

A Yes.
Q She expressed some concern that the youngest baby wasn't walking yet, and the baby was about 1 at that time; right?

A Yes.
Q Okay. And she asked you what to do?
A I don't know that.
Q You don't know that. That's okay. But you made a referral for Novaleih to go to NEIS; right?

A Yes.
Q What's NEIS?
A Nevada --
Q Is it Nevada Early Intervention Services, something JD Reporting, Inc.
like that?
A Yes. Nevada Early Intervention Services.
Q Okay. And so that's in response to Janet's concern. You made a referral so that way the baby would receive additional services?

A That is part of the protocol that all children get referred to the Nevada Early Intervention Services.

Q Okay. But that's something that after you had that conversation with Janet the referral was made after that August of 2013 home visit?

A Right.
Q Okay. Now, after that home visit on August 20th of 2013, you received a call about Medicaid billing information for services on Kaeshia; right?

A Yes.
Q You knew that Kaeshia had been taken to Montevista, and that Medicaid was calling about billing for an x-ray on Kaeshia's stomach?

A Yes.
Q So then you actually followed up and called Montevista?

A Yes.
Q And you spoke with a nurse about Kaeshia's admission and confirmed that she'd been admitted to the Montevista Hospital?

A Yes.
Q You confirmed that Kaeshia received an ultrasound?
A Yes.
Q And then in that follow-up call to the hospital directly that the ultrasound showed Kaeshia had possibly ingested something that was not food?

A Yes.
Q And so all of that came from the hospital and not from a conversation with Janet Solander?

A Yes.
Q Now, you know that the Solanders had also taken all of the children for different medical appointments; right?

A Yes.
Q So the Solanders had taken the kids for things like physical wellness and checkups?

A Yes, that's what they stated.
Q Okay. And they had also taken them to the dentist's office because of the tooth decay?

A Yes.
Q And you knew that they had to take their own personal car and pick up the kids and take them to all of these appointments and stay with the kids at these appointments; right?

A [No audible response.]
Q Okay. You knew that they had certain out-of-pocket JD Reporting, Inc.
expenses?
THE MARSHAL: I just need you to speak up a little bit for me.

THE WITNESS: Yes.
MS. MCAMIS: Thank you. That's much better. Okay. Sometimes I'm a little hard of hearing. So that helped.

Thank you, Ms. Anderson.
BY MS. MCAMIS:
Q All right. All right. So, Ms. Anderson, you knew that the Solanders were taking these children for regular checkups?

A Yes.
Q And that they had certain out-of-pocket expenses that they would have to do for these children, like co-pays; right?

A No.
Q Okay. But they had certain kinds of out-of-pocket expenses that they would incur, and they could later seek reimbursement from the Department of Family Services?

A No.
Q Okay. How much did Mrs. Solander and Mr. Solander get paid per child for the Diaz-Burnett kids?

A It's 681.92, I believe.
Q Okay. And that is supposed to cover food and housing; correct?

A Yes.

Q It's supposed to cover clothing for the children; right?

A Yes.
Q Because young children grow at different kinds of rates, and so they need clothes that fit?

A Yes.
Q And every time that you had a home visit, you documented that they had clothes that fit, and they were properly, you know, fitted for the season as well?

A Yes.
Q And you knew that they -- this would cover any kind of costs, including any potential medical costs that would come out of pocket that the Solanders had to use for these children; right?

A No. There is no out-of-pocket medical costs. There is no expense.

Q Okay. But nevertheless, you knew that the Solanders were using their own personal vehicles to transport these children, take them to appointments and spend time with the children at these appointments; right?

A Yes.
Q And you know that the practice and the policy is for the medical providers to actually fax over to the CPS medical side, the nursing office any kind of documentation about treatment and being seen by doctors; right?

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A Rephrase.
Q I said and you are aware of the policy that any time that the foster parents take the children to a service provider, like a medical service provider, that the medical service provider faxes over the orders to the nursing side of CPS; right?

A Yes.
Q Okay. So all of that documentation does get sent over to the nursing side; right?

A Sometimes.
Q Okay. But it's not sent directly to you?
A Sometimes.
Q Okay. If there was ever an issue about either orders not getting faxed when they needed to or, you know, not being sent over to you when requested, would that cause you concern?

A Yes.
Q Would that be something that you documented in your Unity notes?

A Yes and no.
Q Okay. Would it be something that if it was a reoccurring problem or you had serious concerns that the children were being taken to doctors when they should not be, is that something you could have staffed with your supervisor?

A Yes.
Q Is that something you would have documented in your JD Reporting, Inc.

Unity notes that you had that concern and had to actually take that extra step to go to your supervisor?

A Possibly.
Q Okay. Now, you'll agree that nowhere in your Unity notes you made any entry that you thought the children were receiving unnecessary medical care; right?

A Yes.
Q All right. So after Mrs. Solander had taken Kaeshia and gotten her treatment at Montevista and Kaeshia was discharged and went back home to the foster home, you made another home visit on September 13th of 2013; right?

A Yes.
Q And actually along with you at that home visit was Supervisor Le Mason [phonetic]; is that right?

A Yes.
Q And that was a supervisor that also worked in the government with you at Department of Family Services; right?

A Right.
Q So it's an extra set of eyes and ears in the home?
A Yes.
Q Conducting that home visit with you?
A Yes.
THE COURT: Was that person your supervisor?
THE WITNESS: No.
THE COURT: Okay.

BY MS. MCAMIS:
Q And you actually documented that the September 13th, 2013, home visit was unannounced; right?

A Yes.
Q So an unannounced visit means you don't give the foster parents a heads up that you're coming?

A Yes.
Q Now, at that unannounced home visit in September of 2013, you deemed the house to be safe and appropriate?

A Yes.
Q Based on your observations, nothing triggered your mandatory reporting duty?

A No.
Q Okay. The kids -- strike that. The Diaz-Burnett foster kids never made any disclosures to you that caused you to think the house was unsafe or that you needed to make a CPS referral?

A No.
Q So at no time between May and at this point September of 2013, there is nothing in that house that causes you any concerns?

A [No audible response.]
Q There's nothing that you documented in Unity that caused you any concern about the safety of this home?

A No.

Q And at that unannounced home visit in September of 2013, you didn't see any children sitting on pots or buckets, like the ones that you were shown in that photo?

A No.
Q Now, when you were the caseworker for the Diaz-Burnett sibling group, you were able to do individual face-to-face meetings with them; right?

A Yes.
Q And these were face-to-face meetings where Mrs. Solander wasn't part of that; right?

A Yes.
Q She wasn't within earshot?
A [No audible response.]
Q You were able to take the children, individually meet with them without interference; right?

A Yes.
Q And there were times that you were able to do so even out of the home; right?

A Yes.
Q Like you followed up with Areahia at school if I understand your testimony; right?

A No.
Q No. But you did see the children at least at different places outside of the home; correct?

A Yes.

Q Including at their therapy sessions; right?
A Yes.
Q Okay. Now, I understand you. And at their therapy sessions, the foster parents are not involved with the actual therapy sessions; right?

A No.
Q Okay. Now, at no point did the Diaz-Burnett sibling group disclose anything to you about anything going on with the Solander children in the home; right?

A No.
Q They didn't say anything about catheters; right?
A No.
Q They didn't say anything about Home Depot buckets; right?

A No.
Q They didn't say anything about there was spanking until people bled; right?

A No.
Q And as a caseworker and as a permanency worker, those are the kinds of things that would have triggered your mandatory reporting duty; right?

A Yes.
Q Had you heard those, as a conscientious caseworker, you would have actually taken the extra step of sending over a CPS referral; right?

A Yes.
Q And if you thought it was severe enough, you said, I would've stayed in that home, and I would have either called my supervisor, e-mailed my supervisor or made a CPS referral; right?

A Yes.
Q And, in fact, if it was so severe you could have even called 9-1-1; right?

A Yes. Uh-huh.
Q Because you have all of those options available to you; right?

A Yes.
Q You're not so powerless that you can't actually advocate on behalf of the children in your care; right?

A Yes.
Q And at no point while you were involved in the Solander home did you ever have to make any kind of referral or staffing or call 9-1-1; right?

A No.
Q Now, you're familiar with Lori Wells, the children's therapist; right?

A Yes.
Q And she's actually a personal friend of yours; right?
A No.
Q You don't have any relationship with her?

A Besides DFS, no.
Q Okay. But you're aware that she began treating the Diaz-Burnett children in July of 2013; right?

A Yes.
Q And now you were asked a number of questions about her contacts to you, and the prosecutor went through and showed you a whole bunch of different emails; right?

A Yes.
Q But based on your memory, you only recalled about three or four, maybe even five times that she had contacted you; right?

A Yes.
Q Because it was in a very short period of time that she was making all of these calls or statements; right?

A Right.
Q Okay. Well, I'll just -- those are your words. Then that's just fine. Okay. Now, those October or November 2013 contacts from Lori Wells where CPS referrals were made or she had made a request for investigation, nothing ever came back substantiated; right?

A No.
Q Okay. You actually had a conversation with your supervisor about Lori Wells; right?

A Yes.
Q I'm only asking --

A Well, I am -- I'm answering you with a question because you said I had a conversation with my supervisor. Me and my supervisor always talk about cases. So --

Q Fair enough.
A -- what kind of conversation?
Q Okay. So you frequently have conversations because you're reporting to your supervisor about what's going on in the home; right?

A Yes.
Q And so you're contacting your supervisor, and if there was anything that triggered an alarm in the home or you thought it was not a good fit, that's something that you could have documented in Unity and staffed with your supervisor; right?

A Yes.
Q Okay. Now, at some point you were aware that Areahia had an issue with the therapist because the therapist had disclosed something that Areahia thought was confidential, and it got disclosed to the biological parent; right?

A No.
Q You don't have any memory of that?
A I don't recall.
Q Okay. All right.
THE COURT: Counsel, approach.
(Conference at the bench not recorded)

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THE COURT: Ladies and gentlemen, it doesn't look like we're going to be able to finish up with this witness prior to the lunch break. So we're going to go ahead and take our lunch break now. It's now 12:50. We'll be in recess for the lunch break till 1:50.

During the lunch break, you're reminded that you're not to discuss the case or anything relating to the case with each other or with anyone else. You're not to read, watch or listen to any reports of or commentaries on the case, person or subject matter relating to the case. Do not do any independent research by way of the Internet or any other medium, and please don't form or express an opinion on the trial.

Please place your notepads in your chairs and follow the bailiff through the double doors. We'll see everyone back at 1:50.
(Jury recessed 12:53 p.m.)
THE COURT: And, ma'am, please do not discuss your testimony during the lunch break. And then obviously you have to be back at 1:50 as well to finish up.
(Proceedings recessed 12:54 p.m. to 2:03 p.m.)
(In the presence of the jury)
THE COURT: All right. Court is now back in session. The record should reflect the presence of the State, the defendant and her counsel, the officers of the court, and the ladies and gentlemen of the jury.

JD Reporting, Inc.

And, ma'am, of course, you are still under oath. All right. Ms. McAmis, you may resume your cross-examination. BY MS. MCAMIS:

Q Okay. Good afternoon again, Ms. Anderson. When we last were speaking, right before the lunch break, I had asked you some questions about that September 2013 home visit that you conducted, the unannounced home visit. So I want to redirect your attention to that. Ms. Anderson, it's fair to say you also photographed the children at home at that home visit; correct?

A Yes.
Q And you recall doing that and moving through the home just taking various pictures in the home; right?

A Yes.
Q And that's something that as a conscientious and responsible caseworker you do is to document the work that you were doing and the observations that you're making; right?

A Yes.
Q And that gets maintained as part of just the work that you do and the entries that you make for the Department of Family Services; right?

A Yes.
Q Okay. So I am going to approach with Defense's Proposed A through G.

MS. MCAMIS: I have shown those already to the State. MS. BLUTH: And I have no objection, Your Honor. THE COURT: All right.

BY MS. MCAMIS:
Q Ms. Anderson, I'd like for you to take a look at these seven photos. Just take a look at them, and when you're done, I'll ask you some questions.

Did you have an opportunity to look at those photos, Ms. Anderson?

A Yes.
Q And do you recognize these photos?
A Yes.
Q All right. If I could start with Defense's Proposed Exhibit A, is that your --

MR. FIGLER: Sorry, Your Honor. Court's indulgence. THE COURT: Sure.

BY MS. MCAMIS:
Q And are these a true and accurate representation -I'm sorry.

A No, that's all right. Go ahead.
Q Are these are true and accurate representation of the photos and the house as it appeared on your home visit on September of 2013?

A To the best of my recollection.
MS. MCAMIS: Okay. I move for their admission at JD Reporting, Inc.
this time, Your Honor?
THE COURT: No objection, State?
MS. BLUTH: No, Your Honor.
THE COURT: Those will all be admitted.
(Defense Exhibits A-G admitted.)
MS. MCAMIS: Permission to publish.
THE COURT: You may.
BY MS. MCAMIS:
Q Okay. So I am showing you what's been marked as Defense's -- or actually what's now been admitted as Defense's Exhibit A. Do you recognize yourself in this photo?

A I do.
Q And is that a photo that you took at the home in one of the bathrooms in September of 2013 at that Solander home?

A Yes.
Q Okay. I'm showing you what's been admitted as Defense's Exhibit B. Is that another photograph that you took that you appear in?

A Yes.
Q All right. And is that the children's bathroom that you took a photograph of?

A I believe so.
Q Okay. Showing you what's been marked as Defense's Proposed Exhibit C. Now, Ms. Anderson that's a photo of the pantry, the food pantry that was at the Solander home in

September of 2013; right?
A Yes.
Q I'm going to direct your attention to Defense's Exhibit D that's been admitted. And you recognize that as part of the kitchen and general dining area of the Solander home as it appeared on -- in September of 2013 at your home visit; right?

A Yes.
Q You see that's a bowl of fruit right here; right?
A Oranges.
Q The oranges, yeah.
A The oranges, yes.
Q Okay. I'm going to show you what's been marked as Defense's Exhibit E. This is a photograph that you took of the Solanders' fridge; right?

A This is not a photograph that I took, but, yes.
Q Okay. But you recognize it as the Solanders' fridge because as part of your home visit --

A Yes.
Q -- you conducted and inspected to make sure there was food in the fridge; right?

A Yes.
Q Part of your home visit, you make sure there's food in the fridge; right?

A Yes.

Q Okay. And that's consistent with your memory that there was food in the fridge?

A I didn't take the pictures of the refrigerator.
Q My question was is consistent with your memory of when you inspected the fridge, that there was food in the fridge?

A I did not inspect the refrigerator, so, no.
Q Okay. Okay. All right. Now, you recognize what's been marked as Defense's Exhibit F. This is a photograph including the family room; right?

A Yes.
Q And that's an accurate depiction of how the family room appeared when you did your home visit; right?

A Yes.
Q Okay. There's like a TV in the back?
A Yes.
Q There's actually an image of the TV on the back. So it's on?

A Yes.
Q You see all the photographs of the children?
A Yes.
Q And then as part of your home visit, you also were aware of the dining area where there were photographs of, you know, little pictures like this, like how do you feel today?

A Yes.

Q Okay. And you recognize these photos on the wall, different, like, chore charts or school charts?

A Yes.
Q Okay. And based on all of your home visits that you conducted in the home while you were on this case, you made no observations that prompted you to have to make a CPS referral pursuant to your mandatory reporter duties; correct?

A No.
MS. MCAMIS: Okay. I'll pass the witness at this time.

THE COURT: All right. Thank you.
Redirect.
MS. BLUTH: Thank you, Judge.
MS. MCAMIS: Permission to approach the clerk?
THE COURT: You may.

## REDIRECT EXAMINATION

BY MS. BLUTH:
Q I want to ask you just a few follow-up questions in regards to some of the CPS notes that Ms. McAmis had asked you questions about; okay?

A Yes.
Q So the first question $I$ have is in regards to -- and Ms. McAmis had asked you some questions about the time frame in which Kaeshia had gone to Montevista. Now, in regards to some of the other issues that Ms. McAmis was talking to you,
specifically about Novaleih, did you ever have any conversations with Janet where she discussed issues with Novaleih's feet and needing to see a foot specialist?

A Not to my recollection.
Q Okay. In regards to a note you wrote on August 26th, you stated that,

Ms. Solander is a nurse and appears to be diagnosing and making recommendations with regard to medical care, most of the time in opposition to what the actual treating doctors are recommending?

## A Yes.

Q Why did you believe that? What was making you think that?

A In regards to Kaeshia -- Kaeshia, when she was at Montevista was that the doctor had made some recommendations to clear the blockage in her stomach and was provided her with different foods and drinks, and the --

THE COURT: Keep your voice up.
THE WITNESS: Keep my voice up. I'm sorry.
THE COURT: Yeah.
THE WITNESS: In regards to Kaeshia.
THE COURT: That's so much better. Thank you.
THE WITNESS: Okay. I'm sorry.
In regards to Kaeshia, in regards to the services JD Reporting, Inc.
that was being provided by Montevista, the doctors there was giving her different foods to try to get the obstruction to move that was inside her stomach, and then the foster parents would be in opposition to that saying that she's not allowed to eat, like, candy or, say, cinnamon rolls, drink soda or things like that because of her teeth, one, and, two, because of the diets that they provide for them in the home, and they also had sent like a sheet of things that the girl couldn't have -Kaeshia couldn't have in the --

BY MS. BLUTH:
Q The Solanders sent the sheet --
A Yes.
Q -- to the doctors?
A To the doctor's office. They sent the sheet to me asking me to provide that to the doctors in the hospital, and our thing was why are they questioning what the doctor's doing? The foods was provided to try to move the obstruction without medication or being invasive to the child.

Q And Janet had stated that Kaeshia was anorexic?
A Yes.
Q Had mental issues?
A Yes.
Q And she noted -- do you remember her notating to you that she had distended -- a distended stomach -- distended stomach issues?

A Yes.
Q And then you already discussed about -- we already talked about the Areahia and diabetes issue. At any point in time did she talk to you about her daughter Ava having Crohn's disease?

MS. MCAMIS: Objection. Beyond the scope of
cross-examination.
MS. BLUTH: I think we talked about different medical
diagnoses. So I just --
MS. MCAMIS: As to the foster children.
THE COURT: I think it is a little beyond the scope. Counsel, approach.
(Conference at the bench not recorded) BY MS. BLUTH:

Q Did Ms. Solander ever tell you that her oldest adopted child had Crohn's disease?

A Not to my recollection.
Q Did she tell you that her middle adopted child had a twisted colon?

A Not to my recollection.
Q Or hyperthyroid?
A I don't recall.
Q Or mental issues?
A Yes.
Q She told you that she had -- that Amaya had mental
issues, the middle child?
THE COURT: Which one had mental issues?
THE WITNESS: The foster children in general, well, the adopted children. BY MS. BLUTH:

Q The adopted children?
A Yes.
Q And then in regards to Anastasia, the youngest child, whether or not Anastasia had diabetes?

A Not to my knowledge.
MS. BLUTH: Okay. Nothing further, Your Honor.
Thank you.
THE COURT: Any recross based on that?
MS. MCAMIS: Yes, briefly. Court's indulgence.
THE COURT: Sure.
RECROSS-EXAMINATION
BY MS. MCAMIS:
Q Ms. Anderson, you are just -- I didn't mean to startle you.

A No, you didn't.
Q Okay. Thank you. Ms. Anderson, you were asked questions on redirect examination. As far as Kaeshia's contact with the Montevista Hospital and the issues that came up around her teeth, now you recall Kaeshia had tooth decay; right?

A Yes.

Q Okay. And so she was admitted into Montevista Hospital on or approximately August 20th of 2013. You recall that; right?

A Yes.
Q And then you also recall right around that same period in August, late August of 2013, that's when there were referrals and approvals needed to be made about Kaeshia and Demyer's dental surgery; right?

A Yes.
Q So it all coincided at the same time; right?
A Yes.
Q So Mr. and Mrs. Solander were concerned about the children's additional tooth decay; right?

A I assume.
Q Okay. That's fair. I'm not asking you to assume, just to your knowledge; okay? I'm not trying to put words in your mouth.

A Rephrase your question.
Q Okay. So how about I ask you this. You actually spoke with Nurse Alicia at Montevista Hospital as far as Kaeshia and the dental concerns; right?

A Yes.
Q So you entered a Unity note on August 22nd of 2013: This writer called to Montevista and spoke with nurse Alicia of the concern that JD Reporting, Inc.
the dental recommendations are not being followed with regard to her dental care. Correct?

A Yes. Uh-huh.
Q So that was actually your contact about the dental care and making sure that Montevista was following that; correct?

A Correct.
Q And this writer did provide a copy of the list of things Kaeshia should not have. That was a note entered by you in Unity; right?

A Yes.
Q Now, you recall that I asked you questions about Kaeshia and her different malnourishment and eating issues; right? So I'm going to redirect your attention to that. You're aware that the pediatrician actually prescribed Kaeshia PediaSure; right?

A Yes.
Q And that's something that they Solanders followed that recommendation and were giving her PediaSure?

A Yes.
MS. MCAMIS: Thank you. Pass the witness.
THE COURT: Any additional questions, Ms. Bluth?
MS. BLUTH: Just one question.

JD Reporting, Inc.

BY MS. BLUTH:
Q How do you know that they were giving her PediaSure?
A Well, they told me they were giving it to her. It was prescribed by the doctor to give it to her, so provide it, yes.

Q So they told you? They told you it?
A Yes.
Q The Solanders told you it?
A Yes.
MS. BLUTH: Okay. Thank you.
THE COURT: Anything based on that, Ms. McAmis?
MS. MCAMIS: Yes, thank you -- actually, nothing
further.
Thank you, Ms. Anderson.
THE COURT: All right. Do we have any juror
questions for the witness?
I'll see counsel at the bench, please.
(Conference at the bench not transcribed)
THE COURT: All right. Ma'am, we have some juror questions up here.

A juror asks, Did the Solanders ever get a rate increase for the Diaz-Burnett children either while you were on the case or, if you know, after you were off their case? Do you know if at any time they got that rate increase?

THE WITNESS: No, I don't know if they ever got the rate increase.

THE COURT: All right. Was the \$681 monthly amount received by the Solanders for the Diaz-Burnett children the total for all four children, or was it $\$ 681$ for each child?

THE WITNESS: It $\$ 681.92$ per child.
THE COURT: All right. And then how much more would the Solanders have received with a rate setting or higher level of care granted? How much more would they have gotten?

THE WITNESS: It's based on a point system for a rate setting. If I recall correctly, the lowest amount is 30, and then you have 90, and 120. So $\$ 30$, $\$ 90, \$ 120$ based on a point system. That's for a rate setting. That would be in addition to the 681.92. It could be per child or child specific in this case. Also, for a higher level of care, it can be anywhere from an additional 200 -- 200, 300, 400 or $\$ 500$ per kid.

THE COURT: Per child.
THE WITNESS: Per child.
THE COURT: So a very disabled child --
THE WITNESS: Yes.
THE COURT: -- you might get as much as \$500 is
that --
THE WITNESS: You could. Say wheelchair-bound, severely like medical, maybe wheelchair-bound, bedridden, lots of medical things, feeding tubes, paralysis [unintelligible] or JD Reporting, Inc.
disease. They used to give for HIV kids it was an automatic 500. It just depends.

THE COURT: Okay. And then another juror asks, Did you ever see buckets with toilet seats on them during any of your home visits?

THE WITNESS: No, I did not.
THE COURT: And would the buckets be a reportable concern for someone in your position if you saw buckets with toilet seats?

THE WITNESS: Yes. THE COURT: All right. Ms. Bluth, any follow-up? MS. BLUTH: And, Judge, I apologize because Mr. Hamner was asking me to ask something. So can you repeat your last question. I apologize.

FOLLOW-UP EXAMINATION
BY MS. BLUTH:
Q Or do you know it, Ms. Anderson?
THE COURT: The question was would the buckets not be a reportable concern for someone in your position if you saw buckets with toilet seats on them?

THE WITNESS: Yes.
BY MS. BLUTH:
Q That would be a concern?
A That would be a concern.
Q Okay. So you obviously you were shown the photos of JD Reporting, Inc.
my direct examination of the toilet seat with the bucket?
A Yes.
Q And that picture was taken when you and -Is it Ms. Le Mason?

A Yes, Ms. Le Mason.
Q -- were in the home; correct?
A Correct.
Q Did you see that bucket?
A I did not see that bucket.
Q Okay. After you do a risk assessment or a safety check or whatever that is, then is it protocol to go back with the supervisor and look through the photos?

A No.
Q Go ahead.
A The protocol is that the pictures are uploaded, sent to the supervisor. It's in our system. So it's uploaded, and a supervisor can look through them.

Q Okay.
A And then if there's a question or concern he or she has, then we go over them together, and they point them out in either, A, they send us questions, send us back or, you know, we contact the foster parent, tell them what to correct.

Q So let's say you take those photos or Ms. Le Mason takes those photos. You don't see that. It doesn't pop out to you. Then a supervisor should have been able to see them, and JD Reporting, Inc.
if they had any questions, they could contact you or contact the Solanders?

A Correct.
Q In regards to your testimony about the additional money, you were talking about it could be $\$ 682$ per child; right?

A No. What I said was base rate pay is $\$ 681.92$ per child.

Q Okay.
A Rate setting is in addition to the $\$ 681.92$.
Q Okay.
A So \$681.92 plus \$30.
Q Okay.
A $\$ 681.92$ plus $\$ 90$, or plus $\$ 120$ or --
Q Depending on the issue that a child has?
A Yes.
Q Is 120 the max you can get, or you're not sure on those rates?

A I'm not sure now. That's what it was before to my recollection, and it's based on per child, per issue, whether it be behavioral or physical and what the foster parent has to provide and the education that the foster parent has completed to complete the service the child needs.

Q So for instance, if a child is diabetic, would they get more money?

A Not necessarily, no.
Q If they had -- go ahead.
A If the child was diabetic and had to have -- some children have to have shots at a certain time of day, food measured out, things like that, and the foster parents got to go to classes for this and learn how to do this, then, yes.

Q And then, like, children with mental issues?
A Yes.
Q Children with autism?
A In some cases, yes.
Q And children with learning issues or like on IEPs or something like that?

A No.
MS. BLUTH: Thank you so much.
Nothing further.
THE COURT: Ms. McAmis.
MR. FIGLER: Court's indulgence.
Court's indulgence. I'm sorry.
FOLLOW-UP EXAMINATION
BY MS. MCAMIS:
Q Ms. Anderson, to your knowledge, Ms. Solander was never reported for fraud by the Department of Family Services?

A To my knowledge, no.
Q All right. And you never made that report for fraud as to Mrs. Solander; right?

A No.
Q Okay. And this additional, like, subsidy you were talking -- or subsidy you were talking about, the $\$ 681.92$ plus the 30 , plus the 50, plus whatever, that's a figure that comes from the Department of Family Services based on if they deem that child to need those additional services, then the additional funds are based on those services; right?

A Yes.
Q That's not a figure that comes from the foster parents; right?

A No.
Q Okay. That's something that the department assesses. If it's necessary, this is the additional amount; right?

A Correct.
Q Okay. Now, you recall that Kaeshia went to Montevista; right?

A Yes.
Q Okay. And you recall that an x-ray and/or an ultrasound was actually done, and there was something actually found in her stomach; right?

A Yes.
Q And that's why there was an additional doctor intervention in trying to figure out how to naturally get something to dissolve that, whatever that was in her stomach; right?

A Yes.
Q That's not something that Mrs. Solander fabricated out of thin air when she took her to Montevista? Meaning Kaeshia actually had something in her stomach, and a doctor, not Mrs. Solander, found it?

A It was -- Can I speak freely?
THE COURT: Well --
BY MS. MCAMIS:
Q My question was there was something that was found in her stomach, and that was reported to you from Montevista?

A Bowel -- that was reported to me from Montevista. The child was sent to the hospital, and they found what was in her stomach.

Q Okay. So again the child was sent to hospital under medical care, and that something was found in her stomach?

A Bowel, not --
THE COURT: Oh, it wasn't in her stomach. It was in the bowel?

MS. MCAMIS: Bowel.
THE WITNESS: Yeah, it was --
BY MS. MCAMIS:
Q I apologize. I didn't understand what word you were saying.

A [Unintelligible.]
THE COURT: Was it in her upper intestine or lower JD Reporting, Inc.
intestine? You're not sure?
MS. BLUTH: No. She wants to ask you a question.
THE WITNESS: I need to ask you a question.
THE COURT: Well, it doesn't really work that way.
Counsel, approach for a minute.
We all get to ask you questions, but you don't get to ask us questions.

THE WITNESS: I want to know how to say it.
(Conference at the bench not recorded)
THE COURT: Ms. McAmis, did you have any other
questions for this witness?
MS. MCAMIS: Yes, just briefly.
BY MS. MCAMIS:
Q I want to redirect your attention to that figure that you said, the $\$ 681.92$. That's a figure that the department came up with; right?

A Yes.
Q So it covers a number of things, including rent for the child, like housing cost for the child, clothes, food, other kinds of incidentals, shoes, things like that?

A Yes.
Q That's not a figure that any of the foster parents come up with on their own; right?

A No.
Q And a foster parent isn't -- it's fair to say a JD Reporting, Inc.
foster parent can't just request more money, and then it's just granted; right?

A Correct.
Q And actually the department has to actually go through and assess if that's merited; right?

A Yes.
MS. MCAMIS: Okay. Thank you. Pass the witness.
THE COURT: Ms. Bluth, follow up.
FURTHER REDIRECT EXAMINATION
BY MS. BLUTH:
Q Wait. So I'm confused. What was in the bowel or the stomach or --

A Ms. Solander had advised that Kaeshia had gauze in her stomach. That was part of the -- she had eaten gauze, and that was what was in the stomach, and they took an x-ray at Montevista showing that it was something there, but they wasn't exactly for sure what it was, and that's why they was giving the child soda and other types of medication, MiraLAX, to dissolve it; however, her stomach remained distended. She didn't use the bathroom. So she ended up going to Sunrise Hospital, and they did a more in-depth x-ray and everything and found that it was actually fecal matter, constipation.

Q She was constipated?
A Yes, and then --
Q There wasn't any gauze in her stomach? JD Reporting, Inc.

A No. And then --
Q There wasn't any gauze in her bowel?
A Not to my knowledge, not according to them, and then they started the process.

MS. BLUTH: Thank you.
Anything else, Ms. McAmis?
MS. MCAMIS: Nothing further. Thank you.
THE COURT: Any additional juror questions for the witness?

All right, ma'am. I see no other questions. Thank you for your testimony. Please do not discuss your testimony with any other witnesses in this case.

THE WITNESS: Yes, ma'am.
THE COURT: Thank you, ma'am, and you are excused.
MS. BLUTH: Your Honor, before we call our next witness, may I approach with Ms. McAmis and speak with her about a scheduling issue?

THE COURT: Sure.
(Conference at the bench not recorded)
THE COURT: State, call your next witness.
MS. BLUTH: Thank you, Your Honor. The State calls Crystal Rosas.

THE COURT: Okay. This lady right there.

## CRYSTAL ROSAS

[having been called as a witness and being first duly sworn, JD Reporting, Inc.
testified as follows:]
THE CLERK: Thank you. Please have a seat. State and spell both your first and last name for the record. THE WITNESS: It's Crystal Rosas. That's
$C-r-y-s-t-a-l, R-o-s-a-s$.
THE COURT: All right. Thank you.
Ms. Bluth.
MS. BLUTH: Thank you.

## DIRECT EXAMINATION

BY MS. BLUTH:
Q Ms. Rosas, how are you employed?
A I work for the Department of Family Services, currently in the intake unit.

Q Okay. And how long have you been working with the department?

A It'll be 10 years soon, so 9 years.
Q Okay. Can you explain your training and education that allowed you to have the position within the department?

A I have a bachelor's in social work and a master's in social work with an emphasis in child welfare.

Q Okay. And you said that you currently work in the intake unit?

A That's correct.
Q And tell me, like, the job duties of a person working in that position.

A At intake, I take community calls, law enforcement, schools, professionals in the community that are calling in to make a report regarding concerns of abuse or neglect. I assess the information, do some research on my end if we have any history, formulate a report, and it gets in over to supervisors who make the final decision in making on screening in a report or not for investigation.

Q Okay. So I want you to walk me through the process of, you know, you get a phone call at intake, and, you know, someone says, oh, you know, whatever it is they tell you. As the intake individual, what are your choices? What can you do next with the information that they give you? Like how do you screen it?

A Okay. So once I take all the information from the source is what we call the individual that calls in, I complete a search within our system, our Unity system to see if the family has any sort of prior history with us, whether it was investigated or just screened in for information only. I run checks as far as welfare, criminal stuff, if anything is relevant to just sort of documenting to the reports.

I make my evaluation at the end of the report whether it should be screened out for information only when it does not meet criteria for an investigation, and if it does meet criteria for investigation, we have three different priorities is what we call it to assign an investigation. A Priority one JD Reporting, Inc.
response is within three hours. Priority twos are 24 hours. Priority threes are 72 hours. And we also can document if it's a licensing complete. That gets sent over to the licensing unit to address.

Q So how is it determined though if it's just going to be, you know, just going to go to licensing versus it's going to be opened up for an investigation?

A So licensing is a specific unit that looks into homes that are licensed foster homes. So if the allegations are regarding a foster home and are regarding foster children, the information gets sent over to that unit to investigate or look into.

Q Okay. And then so as you are the person on the telephone, someone calls in, and it's up to you to decide what that next step is; is that right? I mean, you're either going to screen it out as info only, or you're going to say no, I think we need to respond to this or open up an investigation?

A I'm not the final decision maker on that.
Q But you are the first decision maker?
A I recommend.
Q And then your supervisor looks at everything and decides whether or not you made the right call?

A That's correct essentially.
Q Okay.
A And if my recommendation is not agreed upon by the JD Reporting, Inc.
supervisor, they have the ability to change it, and I either screen it in if I decided to screen it out as information only, or they have the ability to change the priority of response if I did assess to screen it in for a particular response or not.

Q Now, you said that the priority -- I think you called it priority one. Is that like would be the most serious or the most severe?

A Yes.
Q And that means that someone goes out to the home within three hours?

A That's correct.
Q Okay. And what if it's a very, very serious situation? Obviously people can call the police. I know that. But does CPS still have three hours? It has to be a three-hour window?

A If it's law enforcement related or a law enforcement calls us in and they want us to go out, it's usually within 30 minutes.

Q Okay. Thank you.
A You're welcome.
Q All right. So I want to actually go back to 2013. Were you working in intake then?

A I was not.
Q And where were you working?
A I was an investigator in the North Unit.

JD Reporting, Inc.

Q And when you say North Unit, are the -- well, you tell me what North Unit means.

A It's based off of ZIP Codes. So all of the ZIP Codes are divided into I think it's four zones. So based off of a ZIP Code is which unit gets that specific case.

Q Okay. So in 2013, you are an investigator. I want you to explain to me what an investigator in your position -during that time period, what was your role? What were your job duties?

A Well, in investigations, we were assigned investigations of abuse or neglect to children. They were screened by the intake unit, then submitted to our supervisors who would then distribute the cases amongst their unit. Upon receiving that, we review history if there's any. We go out and we meet the children, meet the family. We contact collateral sources and essentially investigate what has been reported, see if we can gather the significant information that would allow us to either substantiate the allegation, meaning we have enough information to substantiate that maltreatment, abuse or neglect has occurred, or if we don't have the sufficient information to substantiate a report, we complete it as unsubstantiated.

Q Okay. So substantiated means we found enough evidence. There's some type of corroboration, and the department finds it substantiated?

JD Reporting, Inc.

A Correct.
Q But if those standards aren't met, and you don't find either corroborative information or credible information, it's unsubstantiated?

A Correct.
Q Now, you were called in as the investigator in regards to the Solanders' three adopted children -- Ava, Amaya and Anastasia; is that right?

A Yes.
Q And what was the date that this investigation was called into the hotline?

A I believe it was February 26th, 2013.
Q Okay. And so walk us through the process when, like, how a call comes in and how it gets to you.

A Okay. So essentially this report came in through the hotline, through intake. The intake worker at that point collected the information, completed their assessment of the report, screened it in. I believe it was a Priority 2. I can't recall exactly to be exact.

Q Okay.
A Once it's sent over to our supervisors to provide to their investigators, I was provided that specific case.

Q Okay. And then once you get that, does it include the information given to the hotline so you can figure out whether you need to substantiate it or unsubstantiate it?

JD Reporting, Inc.

A Well, substantiation or unsubstantiated gets completed at the end of the investigation. So what the information that we get from hotline is what we have to go out and investigate, what we have to go out and see, speak about with the children, speak about with the parents. Then I make my own assessment after collecting the information, staffing with the supervisors if we substantiate or unsubstantiate at the end of the investigation.

Q So my question is in the beginning you received the information that's reported over the hotline; right?

A Right.
Q And then through the course of your investigation, you look to see if you can either at the end substantiate what's being said or unsubstantiate it?

A That's correct.
Q So on this call that comes into the hotline on February 26th of 2013, who was the source calling it in?

A Well, that information is confidential on our end. I don't know if I'm allowed to present that if ordered to or not.

Q Okay. So we all have all the reports. So we know who the source is, and the source already testified. So actually I appreciate what you're doing because I know you guys are under strict guidelines for that.

A Right.
Q But we all know who it was.

JD Reporting, Inc.

THE COURT: And you can answer the question. THE WITNESS: Thank you. Her name was Jane Finnegan. If I am pronouncing her last name correctly, it was the individual that was the nanny at the home. BY MS. BLUTH:

Q Okay. And so Jan Finnegan, does that sound a little more familiar?

A Yes.
Q That's okay. And Jan was actually a live-in nanny at the residence?

A Yes.
Q Now, what information in the report that was called in on the hotline gets to you to do your investigation?

A It was reported that there were adoptive children and foster children in the home. Our reporting source indicated, that the foster children were treated better in the home than the adoptive children, that the foster children were given better meals and the adoptive children were given liquid meals that had to be blended, that they had to check their underwears all the time for poop. There was concern about an adult sibling which I believe was the biological daughter of the adoptive mother, who had slapped, I believe it was the middle child Amaya, and that information -- well, she indicated what had transpired and described her face. It had been red and swollen; that's all I can remember.

Q That's okay. Did she report that the children slept in a loft upstairs?

A Oh, that's correct, yes.
Q And that the foster parents treated the adoptive children like prisoners?

MS. MCAMIS: Objection. Foundation. Argumentative and leading.

MS. BLUTH: She can't remember. I'm impeaching pursuant to Crowley.

THE COURT: Well, okay. You can answer.
THE WITNESS: Yes, that is how she described it. BY MS. BLUTH:

Q Did she discuss that the children where not given water or liquids after 12:00?

A She did indicate that.
Q Did she state that the children are very skinny and very weak, constantly asking for food?

A That is how the report described them, yes.
Q That there were cameras all over the house to keep nannies from giving food to the children?

A That's what was indicated, yes.
Q That the food is limited if the children misbehave?
A I don't recall that.
MS. BLUTH: Okay. Court's indulgence, Your Honor.

BY MS. BLUTH:
Q I apologize. Let me rephrase. That the children are skinny and very weak and they were constantly asking for food?

A Yes. The report did that say that.
Q That the source stated that the mother has been talking about unadopting the children?

MS. MCAMIS: Objection. Hearsay.
MS. BLUTH: As for her investigation as the investigator on the unit. These are the notes that she relied on to do her investigation. So it's offered for what she did next as well as the effect on the listener.

MS. MCAMIS: Well, it's also --
THE COURT: Counsel, approach.
(Conference at the bench not recorded)
BY MS. BLUTH:
Q I apologize. Did you say that it was reported that the children were not allowed to use the bathroom alone? I can't remember if we covered that or not.

A Yes, it was reported that they couldn't use the bathroom alone.

Q Okay. And then lastly that the children have thought of ways to run away and look for somebody nice to ask them for help?

A That's what the report indicated.
Q Okay. So when you get these reports, you know, as an JD Reporting, Inc.
investigator, at that point in time, are you concerned and feel like more investigation needs to be done?

A Definitely with anything, I don't just take the report at face value and make a determination. I have to go out and see the children and speak to the parents and such.

Q Okay. So then what is -- after you look at, you know, what the source is saying, where in your head are you going to go first with the investigation?

A I did call the source to review the report with the source and to see if there was anything additional that needed to be reported that the individual might have missed when initially calling in just to review the report and make sure that what my report said was what she had reported.

Q Okay. And before -- as soon as you get the report, do you actually get your supervisor involved -- I'm sorry, before either -- strike that. Before you contact the person making the report, do you get your supervisor involved with your investigation?

A My supervisor gives me the report and reviews it with me upon giving it to me. They don't just hand it over.

Q Okay. So you review it together?
A Yeah.
Q In every situation?
A Yeah.
Q All right. And then was your supervisor more active JD Reporting, Inc.
in this investigation than in any of your other ones?
A It depended. Sometimes she would go with me. Sometimes not. If she wanted to, she could. If I asked her to go with me, she would. If I didn't feel I needed any assistance or anything, I would go by myself or with a coworker.

Q So in this investigation, did you ask her to come with you?

A I did ask her to go with me when speaking to Mr. Solander.

Q Okay. Now, during this investigation, did you make contact with Cherina Davison, who was the CPS permanency worker for Autumn and Ivy Stark?

A I don't remember the name of the children, but I did have a conversation with Ms. Davison.

Q Okay. And why did you do that?
A The report indicated that there were some foster children in the home. So I wanted to obtain her perspective if she had ever had any concerns when going to the home or observing her children in the home.

Q Okay. And did she observe anything in the home that she talked to you about?

A Yes. She indicated that initially she had some concerns regarding the cameras and their specific use in the home until she spoke to them.

Q And did she also discuss with you that she saw cots in the home?

A I don't remember.
Q Would looking at a note from February 27th of 2013, help refresh your recollection in regards to the conversation that you had with her?

A Absolutely.
MS. MCAMIS: Page number, please.
MS. BLUTH: 16 of 35, October 27th of 2013.
BY MS. BLUTH:
Q Does that help refresh your recollection?
A Yes.
Q And did she discuss with you that she had seen cots in the home?

A Yes, she did. She indicated she had seen cots in the home once.

Q Okay. Did she discuss with you whether or not toileting and eating were an issue between her foster children, so Ivy and Autumn, with the Solanders?

A No.
Q Did you read through any of the Unity notes in regards to her case?

A No.
Q And when I say Unity notes, what would be the best way to explain Unity notes?

A Unity is a system that Department of Family Services uses to document all of the contact that they have with children, people that they investigate, parents, foster kids, things of that nature.

Q So this nanny is discussing concerns that she has in the home during this time period with how the Solanders are treating the adoptive kids in comparison to the foster children; correct?

A Yes.
Q But you didn't go into the Unity reports and look at any of the issues that were going on with the Stark children?

A I didn't.
Q And why is that?
A Because basically back then my concern was with the adoptive children. There was no indication that I had obtained from reading the report and speaking to Ms. Jane (sic) about any abuse or neglect to the foster children, nor was there anything that Cherina indicated of concern to her children when I spoke to her. So my focus was on the adoptive children and what had been reported against them.

Q Doing an investigation -- I mean, you have another CPS worker in this home, and you have children that are in this home 24 hours a day, seven days a week. So wouldn't it be important to go through those records as well to make sure that the investigation was thoroughly done?

JD Reporting, Inc.

MS. MCAMIS: Objection. Asked and answered.
THE COURT: Overruled. The question is a little different.

THE WITNESS: If I recall correctly, the report didn't indicate that they were there 24/7. It's my understanding that they had home visits, and they were at home certain periods as well. So as I advised, in speaking to the worker that saw them regularly, and they didn't have any concerns voiced to me, I didn't feel the need to at that time have to go read something that that worker would have documented if she just voiced to me no concerns. BY MS. BLUTH:

Q So it was your understanding that the Stark girls didn't live there?

A They were fostered there, but I believe that they had home visits with their biological parent, parents. I don't recall exactly.

Q Because you were basing it on what Cherina told you?
A And the report. I believe the report indicated that the foster children had home visits also.

Q I'm sorry. The initial report?
A The initial report.
Q I'm going to approach you with the report from February 26th of 2013. Go ahead and take a look at that report and let me know --

A Okay. You are correct. It's not in here.
Q Thank you.
A You're welcome.
Q So now on October -- excuse me. On February 27th of 2013, you make contact with Jan Finnegan, and that's by phone; is that right?

A Yes.
Q And I think you testified earlier that the point of that is to see if there was any other information that you could gather; is that right?

A Yeah.
Q And in regards to -- on CPS Unity notes, there is usually, when you speak with someone, there's like a start time and a stop time where you monitor how long you're speaking to this person; is that right?

A Yes.
Q And when you spoke with Jan Finnegan by phone, do you remember how long you spoke to her on the phone?

A I don't.
Q And if your Unity notes show 10 minutes, would that be accurate?

A I believe so.
Q Okay. And so when you talked to her, did she provide any additional information that wasn't included in the original report?

JD Reporting, Inc.

A I recall in speaking to her about having to check underwear and pooping in underwear. She did indicate that they were given a specific amount of toilet paper squares to use when they used the bathroom.

Q Okay. And did she talk about how many times the Solander girls were fed a day?

A Twice a day.
Q And did she talk about if they were allowed to drink any water during the day?

A She indicated not after 12:00 p.m.
Q So after speaking to Jan, what's the next thing you do?

A One of the senior coworkers of mine and I went out to the home to --

Q And -- I apologize. Go ahead.
A We went out to the home to find the children and the parents.

Q And would this be announced or unannounced?
A Unannounced.
Q And who was at the home?
A It was Danielle, which would be Ms. Solander's biological adult daughter, and the children.

Q And when we say the children, are we talking about Ava, Amaya and Anastasia?

A Yes. Sorry for not clarifying. Yes.

Q No, that's okay. And were the Stark girls there as well, or it was just the adopted children?

A I don't remember the foster children being there.
Q All right. And did you know where Janet and Dwight were at that time?

A Yes. Janet was out of town with another one of her adult daughters who had just had a baby.

Q Okay.
A And Mr. Solander was out of town, I believe work related.

Q Okay. And so on that day, do you sit down and speak to each of the Solander girls?

A I do.
Q And so it has been reported to you that, you know, these children are -- that the nanny is concerned for their well-being.

A Uh-huh.
Q And is it typical to interview the child in the home where the alleged abuse or neglect is taking place?

A If that's the place where we can find them, yes.
Q Okay. When you say if that's the place we can find them, what do you mean by that?

A For example, if they're school-age or they do attend school, I would attempt first at the school.

Q Why is that?

A To get them out of the home that I'm investigating, to find them outside of the home that I'm investigating.

Q Is the idea that they may feel more comfortable if they are outside the place where these things are supposedly going on with them?

MS. MCAMIS: Objection. Leading. Foundation.
THE COURT: State your question again.
BY MS. BLUTH:
Q Is the idea -- the point of trying to interview the child away from their home is to make them feel more --

THE COURT: Yeah. Well, what's the point of
interviewing the child away from the home or away from the foster parent?

THE WITNESS: Just to give them more comfort, just to let them speak freely. Yeah.

BY MS. BLUTH:
Q Okay. In this situation, the children were homeschooled?

A That's correct.
Q So was the Solander home your only option?
A Yes.
Q Okay. Now, in regards to Anastasia, your interview says it started at about 11:05 and ended at 11:35, so about 30 minutes. Would that be fair?

A Sure.

Q And did Anastasia confirm any of the things that Jan Finnegan had reported?

A She did indicate that she did get blended meals. She did confirm that after 12:00 they cannot drink water. That's not within their meal.

Q Did she say why they couldn't have water?
A She indicated medical issues with their tummies and their tummies hurting if they did have solids.

Q Did she state anything about no liquids after 12:00 so they didn't have accidents?

A Yes.
Q How old were these children?
A I believe Anastasia was 8 at the time that I saw her. Amaya, if I remember correctly, was the middle one and was 10, and Ava was 11.

Q Okay. Did you think that that was kind of old to be having accidents?

MS. MCAMIS: Objection. Calls for an opinion, medical opinion.

THE COURT: Well, overruled.
THE WITNESS: Can you repeat that question for me.
MS. BLUTH: Sure.
BY MS. BLUTH:
Q The ages 8, 10 and 11, in your mind, was that old to be having accidents?

A I mean, I can't -- I can't confidently say that that's too old or not because there are children who have medical issues that cause them to have accidents. So it's just based on the child themselves.

Q When you've seen those children who have medical issues that create those accidents, is there medical documentation that shows you they have those accidents, or do you take their word for it?

A Either/or. It depends if I ask them for the medical documentation. You know, I don't want to press the children on can you tell me who told you that this is going on, just having a basic conversation on how she feels things are going on with her.

Q Sure. And I apologize. That was a bad question. I don't mean pressing the child. I mean the adult, the caregiver.

A Oh. In this situation, I don't remember asking them that specifically.

Q So what else did Anastasia confirm to you?
A We discussed toileting and having to use squares. She did advise that they did have to use a certain amount of squares. I don't remember specifically how many whether they had to go Number 1 or Number 2. What else did she indicate? We talked about her blended meals. She did indicate that they would get hungry between meals, but they would wait.

THE COURT: That they would what?
THE WITNESS: Wait.
THE COURT: Oh, wait. I'm sorry.
BY MS. BLUTH:
Q They would wait?
A Wait for their next meal.
Q They would wait, or they wouldn't be allowed to have snacks?

A Well, they weren't allowed to have snacks.
Q And were the nannies allowed to give them snacks?
A No.
Q Did she tell you where she slept?
A Yes.
Q Did she discuss anything that she was being medically tested for?

A I don't want to get the girls confused.
Q That's okay.
A But I think diabetes and a blood clot disorder, I think.

Q Thank you. And did she discuss whether or not she was present when her sister was hit by Danielle?

A She did discuss that incident having occurred.
Q Did you do a body check?
A Yes, of her exposed areas.
Q Explain to me what you mean by that when you say "of
her exposed areas," please.
A When doing a body check, we observe areas of the body that are exposed or not private. So if she has short sleeves or if she has a long sleeve that can be rolled up or pants that can be rolled up to see her legs, those are the areas we observe. So the face, the neck, the arms, the legs, the back of the legs, those areas that are not typically covered by clothes are private.

Q So what if someone's wearing a turtleneck and jeans?
A Do you want to know what I did when I was an investigator and they had that?

Q Yeah, I would like to know.
A If they were of age and were comfortable with either changing into something else so that I can see those areas, I would ask them to do so.

Q And what was Anastasia wearing on the day of the body check?

A I can't remember.
Q Okay. Do you notate it anywhere?
A What she was wearing, no.
Q So did you notate what areas you viewed?
A If I notated anything that I observed and indicated no marks or bruises were observed, it would have related to the arms, the face, the neck or the legs.

Q Okay. So if someone's being hit where clothes are,
then you wouldn't necessarily know?
MS. MCAMIS: Objection. Calls for speculation.
THE COURT: Overruled.
You can answer the question.
THE WITNESS: Okay. When the children are of age, I would ask them if they were comfortable showing those areas or if they had any marks or bruises to those areas. BY MS. BLUTH:

Q Do you --
THE COURT: I'm sorry. What do you mean "of age"? What age are we talking about?

THE WITNESS: 5 and older.
THE COURT: Okay. So if a child is wearing pants, I mean, typically you can pull their pant leg up to expose below your knee. Did you normally ask them to change into shorts or just kind of just look at the bottom portion of the leg?

THE WITNESS: We would try and raise up the pant leg as far as possible. If we were at school, they usually have PE or nurses have clothes, separate clothes, and I would ask them if they felt comfortable maybe putting on some shorts so we can look, and that's how we would go about it.

MS. BLUTH: May I approach the witness, Your Honor?
THE COURT: You may. You may move freely.
MS. BLUTH: Thank you.

JD Reporting, Inc.

BY MS. BLUTH:
Q I'm showing you what's been marked for purposes of identification as State's Proposed 1 through 31 and ask you some questions. Showing you State's Proposed Exhibit 4, did you see any scarring to the shoulder or back of Anastasia?

A I don't recall.
Q If you would have seen it, would you have notated it?
A Yes.
Q Showing you State's Proposed 9, showing a scar to the right flank, did you notice that? Did you notate that?

A No.
Q Do you think you saw that part of her body?
A I don't believe so.
Q Showing you State's Proposed 13, a scar to the right elbow, did you see that scar or notate it?

A I don't believe so.
Q Showing you State's Exhibit 15, a scar to the back -I'm sorry --

A It's okay.
Q -- a scar to the back of the right ear. Did you see that or notate that?

A I did not see that or notate that.
Q Showing you State's Proposed 22, did you see any of those scars on the bottom on Anastasia's buttocks?

A No.

Q So did you not see those, or did you not -- did you not physically see them with your eye, or did you not look at those areas?

A I did not see them with my eyes or look at those areas.

Q Okay. So --
A So the last picture that you showed me was of a buttocks area. That is a private area that I wouldn't have asked to see.

Q What about an ear?
A If the report indicated injuries to an ear or if it was obvious some injury, otherwise, I don't -- I would not have checked it or the back of it.

Q An elbow?
A Yeah, no, an elbow is visible.
Q What about right here with the, you know, flank area, right where you would lift up a shirt? Would you have checked that area?

A Sometimes I do ask children if they're comfortable raising up the tummy area, but I don't recall if I did that with them or not.

Q Okay. So during that same day, did you interview Amaya as well?

A Yes.
Q And that would be -- I said on the same day; is that JD Reporting, Inc.

A Yes.
Q All right. And do you have any idea how long that lasted?

A No.
Q If you put 11:35 to 12:15, would that be accurate?
A Yeah.
Q All right. And in regards to Amaya, did she -- was she able to confirm any of the things that Jan Finnegan had stated?

A Yes. She did indicate that her sister Danielle had hit her across the face. I asked her if she had any marks from that. She said she had some redness to the area for the moment, but nothing further.

Q Okay.
A She also did indicate about the blended foods, eating twice a day, no water after 12:00. We spoke of having to check panties to see if they had -- if they had had any accidents or if they were dirty and the toilet paper squares.

Q What did she say happens if -- if the sisters check each other's underwear for marks and someone has marks in their underwear?

MR. FIGLER: Your Honor, can we approach for a moment?

THE COURT: Sure.

JD Reporting, Inc.
(Conference at the bench not recorded)
THE COURT: Does anyone need a break? No? Maybe in about 15 minutes? Everybody --

THE JURY: Yeah.
THE COURT: Okay. All right. Ms. Bluth, go ahead. BY MS. BLUTH:

Q All right. Let's go back. Okay. Sorry. Were you able to corroborate the fact that with the children that when the nanny was there she did sneak them food?

A Yes. I don't remember which child indicated that the nanny would give them sandwiches or snacks.

Q Were you able to corroborate the fact that the children had had thoughts of running away?

A I did ask them. They indicated that they thought of it. I believe it was Anastasia -- no, I'll take that back. I don't remember which child said it, but they indicated that they thought about it, but liked their home and didn't want to leave, that they were safe, and I did speak to all three of them about it, and I can't remember specific -- it was all surrounding the same reason as to why they thought of it and never attempted it -- oh, I apologize. I do take that back. One of them did indicate she has thought of running away when her parents don't listen to her, and then the other one indicated that she thought of running away when she was upset at her parents.

Q Okay. And then in regards to Amaya, did you do a body check on Amaya, the middle child?

A I did.
Q And did you note any -- anything in regards to her?
A She had little scab marks on her legs, like if they were like little -- this is not what she said exactly, but I'm trying to describe it like little bug bites, little scabs. I asked her what it was, and she said it was a skin condition but, she could not clarify what that was, and it didn't look anything out of the ordinary of typical play or having had been scratching herself.

Q You noted it as lots of healed scabs or scars; is that right?

A Yeah.
Q And that the child herself said she had a skin condition?

A Right.
Q I'm approaching you with State's Proposed 48 through 91. In regards to State's Proposed 51, are these the kind of, like, little marks or scars that you're talking about?

A No, I don't remember looking like that.
Q On the elbow?
A No.
Q Okay. In regards to State's Proposed 60, do you remember seeing any, like, linear or, like, straight marks like JD Reporting, Inc.
that?
A No, not linear marks.
Q Same thing in regards to State 62, the somewhat linear on the wrist?

A No.
Q You didn't see that?
A No. I didn't see any linear.
Q In regard to State's 68, did you see any of those marks or scars on the butt?

A No, I did not.
Q If you would have seen any of those, would you -would you have marked them?

A Yes. I would have described them.
Q And would they have concerned you?
A On the bum, yes, I would have asked. How you typically don't get scars or marks on your bum like that. So I would have asked her about it.

Q Okay. And then did Amaya tell you that she had any health issues?

A She did indicate. I don't remember exactly what she had indicated -- oh, I take that back. A twisted colon.

Q Thank you. And now let's move on to Ava. Did you interview her on the same day?

A I did.
Q And if the interview says it started at 12:20 and JD Reporting, Inc.
ended at 12:45, would that be accurate?
A Yes.
Q And were you able to corroborate the fact that when Jan Finnegan told you that the children are sleeping on cots, were you able to corroborate that?

A Yes, we did discuss that.
Q And did Ava describe to you why she was sleeping on cots?

A Yes. They described that they were having accidents in their own beds. I don't know if she's the one that told me or not, but one of the bedrooms was for a nanny. The other one the foster children slept in, and specifically they slept in the cots in the loft area because Amaya had recently had a seizure a few months prior to that, and the cameras were accessible to the loft area. So it gave the parents an opportunity to be able to see them and get to them faster while being in the loft area.

Q Do you know if the children were sleeping in the loft long before the seizure?

A No. It was my understanding, and I think it's more based off what the children had said that it all transpired about the time Amaya had her seizure.

Q Okay. And you said that at that point in time Ava was 11 years old?

A I believe so, yes.

JD Reporting, Inc.

Q And she reported that she was still having accidents?
A I don't know that she said specifically that she was having accidents.

Q Isn't it true that she states that she and her sister sleep on the cots in the loft because they kept having accidents on their beds?

A If that's the documentation that you see, then that's what I had obtained.

Q Okay. And did she also corroborate the fact that they couldn't go to the bathroom and had limited toilet paper? They couldn't go to the bathroom whenever they wanted?

THE COURT: Did who corroborate?
BY MS. BLUTH:
Q Did Ava corroborate that they weren't allowed to go to the bathroom by themselves and that toilet paper was limited?

A She did indicate that they all went together, and she also indicated how many squares they had to use per -- the one or two that they had to use.

Q Did she state whether or not she has any illnesses?
A I think she had some digestive issues, but I can't recall exactly if she gave me a specific name for it.

Q Do you remember her discussing the fact that she had Crohn's disease?

A Yes. She's the one that had Crohn's. JD Reporting, Inc.

Q And you stated that she seemed like an age-appropriate behavior, appeared to be well groomed and an 11-year-old African-American child?

A She was appropriately dressed. I didn't see anything wrong with her. She did look healthy, but I don't -- I don't recall putting African-American, or maybe I did, but I wouldn't think I would have described them that way.

Q Okay. She's not African-American; right?
A I don't think so unless I saw them identified as such in one of my previous reports or what I had researched, but I can't go based on appearances.

Q So if you put African-American female, do you think that was just a mistake?

A Possibly.
Q And did you do a body check on Amaya -- or on --
A Ava.
Q -- Ava?
A I did.
Q Okay. And in regards to that, do you remember exactly what areas that you did of Ava?

A The areas I would have observed on her would be the same as her siblings, the legs, the arms, the face, the neck.

Q Okay. Do you remember what clothes that she was wearing?

A I don't.

THE COURT: All right. Maybe it's a good time for a break while you go through -- since my staff is abandoning me one by one. Let's go ahead. I guess that's the signal it's time for a break.

Ladies and gentlemen, let's just take a 10-minute break. That'll put us a little past 3:35.

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

Please leave your notepads in your chairs and follow Officer Hawkes through the double doors.

And, ma'am, please do not discuss your testimony with anyone during our break; okay?
(Proceedings recessed 3:28 p.m. to 3:41 p.m.)
(In the presence of the jury)
THE COURT: Court is now back in session. The record should reflect the presence of the State, the defendant and her counsel, the officers of the court, and the ladies and gentlemen of the jury.

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

JD Reporting, Inc.

THE WITNESS: I do.
THE COURT: All right. Thank you.
Ms. Bluth, you may resume your direct examination. MR. FIGLER: Sorry, Your Honor. I don't think we have all the jurors already yet.

THE COURT: No, we have one bent over.
MR. FIGLER: All right.
THE COURT: We have one juror hiding. All right. Ms. Bluth.

BY MS. BLUTH:
Q I am approaching you with State's Proposed 32 through 47. I believe we were just talking about Ava.

A Okay.
Q Did you document any of the injuries on her arm and wrist as seen in 34 and 35 ?

A No.
Q Did you document any of the injuries to the buttocks you see on 39?

A No.
Q Or 40?
A $\quad$ No.
Q Did you document any of, like, the linear injury underneath her right buttocks, upper thigh in State's Proposed 44?

Q If you would have seen those, would you have notated them?

A Yes.
Q Would they have been concerns?
A Yes.
Q Now, you go back out to the house on March 1st, and what was the point of that?

A To see Mr. Solander.
Q Okay. And was Mr. Solander home from, like, a work trip?

A Yes.
Q And do you remember how long your interview was with him?

A I don't.
Q If your notes show 40 minutes, would that be accurate?

A Yes.
Q Okay. Did he discuss that he had fired the nanny?
A Yes.
Q And why had he fired her?
A I believe it was because she was not following the nutritional plans and giving them food they weren't supposed to get.

Q Okay. And did he discuss the fact that they blended the food?

A Yes, he did. He showed me.
Q He showed you how they blended it?
A He showed me the items that he used for the meals for his girls.

Q And what were those items?
A For breakfast, he would blend oatmeal with some other nutrient with a lot of water.

Q Okay.
A And I don't remember what he said for dinner.
Q Okay. Did he discuss with you the fact that Ava had Crohn's disease?

A Yes.
Q Did he provide you any medical documentation supporting that diagnosis?

A I can't recall if it was a documentation for Ava or Amaya.

Q If I represent to you that there is nothing in here about documentation for Crohn's disease, would you accept that, or would you like to look at your records?

A I would accept that.
Q Okay. Did he discuss with you the fact that Anastasia currently had serious medical issues, and they were trying to figure out what was wrong with her?

A If I recall correctly, he stated that they were still trying to do tests to see what was going on with her.

Q Did he provide you any documentation to show the tests that they were doing?

A No.
Q Did he tell you Amaya had a hypothyroid?
A Yes.
Q A seizure condition?
A Yes.
Q A hypothalamus condition?
A Yes.
Q And I honestly don't even know how to pronounce this. It's spelled or it looks like pustular psoriasis [phonetic].

A Yes.
Q And a twisted colon?
A Right.
Q Did you get any documentation for any of those besides the stay at the hospital for the seizure?

A I don't know if it was specific to one aside from all the documentation from the seizure and the medical stay over December, Christmastime.

Q But did you ever see anything that said she had a hypothyroid?

A No.
Q Or that she had a seizure condition, not just a one time seizure?

A No.

Q Did you ever see anything about a pustular psoriasis diagnosis?

A No.
Q Or a twisted colon?
A No.
Q Did he discuss the fact that they do check the girls' underwear for hygiene?

A Yes.
Q That they limit toilet paper?
A Yes.
Q That they do limit food and water?
A Yes.
Q What was the reason he gave as to why the children were homeschooled?

A He indicated that the children when they were in school, they would indicate that they were hungry or ask staff for food which they were given, which then resulted in issues where their digestion and their bowels.

Q Okay. Did you ever reach out to the school to either confirm or --

A I did not.
Q Did you have any contact with neighbors to see if they ever saw the children?

A No.
Q In his interview, Dwight states that for fun the JD Reporting, Inc.
children play educational games. Do you remember that?
A He did mention that as an activity.
Q Did you see any educational games in the home?
A I remember seeing some items in the living room, but I can't recall specifically what they were, but they were like some different games.

Q Okay. Did you see any toys in the home for the children?

A If I can recall correctly, they were up, like, in the living room. It wasn't like blocks or cards or anything like that, but if I recall correctly, it was like board games kind of stacked.

Q Did he discuss with you why the children didn't get TV?

A He indicated they did watch TV, but it was limited, and they limited that time due to Amaya's seizure disorder and didn't want anything to trigger that too much. So they had limited TV time.

Q Did he discuss or did he confirm that Danielle had slapped Amaya?

A He said that he was notified of that, yes.
Q And did he admit to you that they hit the children with paint sticks, and they're struck four to five times on the butt?

JD Reporting, Inc.

MS. MCAMIS: Objection. Leading. BY MS. BLUTH:

Q Or what did he say to you about how they discipline the children?

A He indicated that he would talk to them. He would also put them in timeout, and he did indicate four to five times hitting them on the butt with a paint stick -- paint stick for things like lying or being disrespectful.

Q And did he say that that was on the bare butt or a clothed butt?

A I believe he said bare butt.
Q Okay. But you didn't check their butts to see if there were any marks?

A No.
Q In your note on March 5th, I have a question for you. You stated that the children had significant medical and mental health problems. What is your basis for that statement?

A I couldn't tell you without reading the rest of the information.

Q Oh, no, that is it. The children were present, as they are homeschooled. No safety concerns noted in this home. The children have significant medical and mental health problems. All three girls are on special diets due to ongoing medical concerns.

A Okay. That would have been an assessment based off JD Reporting, Inc.
the information that I've gathered. After speaking to Mr. Solander, he also described Amaya to having outbursts and having, you know, having been to, I believe, it was Spring Mountain treatment and all of the medical issues that he had discussed with me about them and how they were treating them.

Q Okay. But the report came in from a nanny who said that Janet and Dwight were abusing these children; right?

A Yes.
Q And so you're taking Dwight's word that these children have these issues?

MR. FIGLER: Argumentative.
MS. MCAMIS: Objection. Argumentative.
THE COURT: Well, no. Overruled.

## THE WITNESS: Yes.

BY MS. BLUTH:
Q Now, around a month goes by on March 25th, and you interviewed Janet. So why did Janet's interview -- I think we're now almost 30 days past the phone call from the hotline report.

A Uh-huh.
Q So what's that -- why is it that lag time?
A She was still out of town till about that time.
Q Okay. And when you sit down, do you sit down with her at her home?

A $\quad$ I do.

Q And how long is your interview with her?
A I don't recall.
Q If it says 55 minutes, would that be accurate?
A Yes.
Q All right. And how would you consider Janet's demeanor when you met with her?

A She was open to discussion, but she was guarded.
Q Did you use the term defensive?
A Yes.
Q And what did she discuss with you in regards to the children's medical issues?

A She talked to me about why they were feeding them the way they were, the items that she blended to provide them with the most fiber and nutrients, vitamins that she could while in the blended foods. I recall her indicating if the dinners she made were soft enough or easy to digest for the girl she would provide them those types of food instead of the blended foods, so as not to cause them any irritation to their bowels or their digestive system.

Q Did she tell you that, you know, they have a variety of medical issues that we've already kind of named that Dwight had also said?

A Yes.
Q But did she add now that Ava also has von Willebrand's bleeding disorder?

A I don't recall if she said that's what she had or -MS. MCAMIS: Objection. As to characterization of added.

THE WITNESS: -- or was being tested --
THE COURT: Well, overruled.
MS. MCAMIS: Argumentative.
THE COURT: I mean, do you recall her mentioning this von Willebrand's disorder?

THE WITNESS: Yes. She did mention it to me and indicated it was a blood clotting disorder. BY MS. BLUTH:

Q And I apologize. I said -- the A's are confusing. I said Ava. I meant Anastasia.

A Yes.
Q And that Ava and Amaya had gone through multiple colonoscopies?

A I recall her stating that they had some colonoscopies, yes. You said Amaya and Ava?

Q Yes. Ava and Amaya had both had multiple colonoscopies.

A Yes.
Q Did she also discuss with you the same type of toileting habits that Dwight had discussed in regards to the toilet paper and things like that?

A Yeah, we discussed why they were doing that as well. JD Reporting, Inc.

Q And why did she say the children were homeschooled?
A The same reasons that I spoke of before asking other staff to provide them with foods that in turn would cause them irritations to their bowels and intestines.

Q Isn't it true that Janet told you that the children were stealing food, not that the people were providing it to them, but that they were stealing it?

A Yes, you are right.
Q She admitted to checking their underwear?
A She did.
Q Did she confirm or deny that Danielle had slapped Amaya across the face?

A She indicated that she was made aware by the nanny about the incident.

Q Did she discuss whether or not a paint stick was used on the girls?

A She indicated also using a paint stick as a form of discipline.

Q Did she talk to you about a book that she was writing?

A Yes.
Q And what did she say about that?
A She indicated a subject topic of unadopting and having a conversation with Mr. Solander about it, and she was basically writing the book about her experiences in foster
care, children, things of that nature.
Q And writing a section about unadopting children?
A Unadopting.
Q Did she discuss with you what it was that she did for a living?

A She indicated she has a profession in nursing.
Q Okay. And did she also tell you -- did she tell you where she got her nursing degree from?

A She named I believe two or three universities or higher level education places.

Q Did she state she had another degree as well as her nursing degree?

A I can't recall.
Q Did she state that she had a Bachelor of Arts in Healthcare Administration?

A If it's in my documentation, she would've mentioned that to me, but I don't recall.

Q So your case notes show that you attempted to reach Dr. Nyarko, who was a pediatrician for the children twice, but that you did not receive callbacks?

A Right.
Q Or for medical records?
A Right.
Q The children had been in foster care at that point for almost five years. Did you check any of their records
before going to the Solanders, so like with their bio parents or with any of their other foster parents?

A No.
Q Did you contact any of their other foster parents to see if these children had had any of these same issues?

A No, I did not.
Q Why didn't you do that?
A The concerns that $I$ was investigating at that time were regarding the adoptive parents and the situation of the home, and anything that I had reviewed had not previously indicated any concerns with -- concerns of the form that they -- excuse me, not disciplined, provided them their food and their nutrients.

Q But how were you going to verify that these children had these issues -- let me ask it a different way. The Solanders are telling you that we have to treat them this way, and we have to feed them this way because of all these medical issues?

A Right.
Q And you don't have any medical documentation to back that up. So how were you going to figure that out?

A I mean, at that point I took the conversations that I had with the children, and I did speak to the children separately, not together or in the presence of anyone else, and I also took the information that was given to me by the parents
and discussed it with my supervisor.
Q So you have a report of the nanny saying she's seeing these things in the home; correct? And then the children are confirming everything that the nanny is saying?

A Yes.
Q The parents are even confirming what the nanny is saying?

A Right.
Q You don't have any documents to show that there are these medical issues?

A No.
Q And you have no documents to show that Ms. Solander is a nurse?

A No.
Q Was there any confusion about the degree? Was it I work in nursing? I'm a nursing assistant? Or I'm a nurse?

A I don't think that I spoke to her about exactly what you're asking.

Q In your notes, does it notate that she told you she was a nurse?

A I think I documented she was in the profession of nursing.

MS. BLUTH: May I approach, Your Honor?
THE COURT: You may.
MS. BLUTH: Case Note April 25th, page 26 to 35. JD Reporting, Inc.

BY MS. BLUTH:
Q If you could read this section right here. Let me know when you're done.

A You said just this section.
Q Yeah, the little blue square, please.
Does that help refresh your recollection?
A Yes.
Q And what does Ms. Solander tell you?
A That she has a BA in nursing.
Q In your notes it states -- and I believe in your testimony today you stated, There is no reported or documented pattern of similar instances; is that correct?

## A Correct.

Q In conducting your investigation, did you find that in August of 2011, there was a call made in by a mandated reporter about physical abuse to the middle child about stating she was hungry? Did you know that?

A I didn't -- I don't recall that information.
Q Okay. Were you aware that just six months after that another mandatory reporter who works in your office had seen that same child in her words covered in a tremendous amount of bruises and had called it in?

MR. FIGLER: Objection.
MS. MCAMIS: Objection. Calls for speculation and characterization.

MS. BLUTH: No. If she --
THE COURT: No, she said was she aware of a prior report from somebody in your office. BY MS. BLUTH:

Q Were you aware of that?
A I was aware a coworker got a report about the family, but I did not ask as to what that whole investigation was about.

Q So you did not look into the previous two investigations involving physical abuse by Janet Solander?

A What do you mean the previous two?
Q There were two previous investigations about physical abuse to the children in that home by Janet Solander.

A Prior to mine?
Q Yes.
A In my job I would have reviewed it, but I don't recall it.

Q Well, in your notes though you state, There are no similar -- There is no reported or documented pattern of similar instances?

MS. MCAMIS: Objection. Asked and answered.
THE COURT: State your question.
MS. BLUTH: So it's in response to her answer. Her answer was if she would've seen those, then it would've been her normal course to look into those.

BY MS. BLUTH:
Q Did I phrase that right, Ms. Rosas? Did I phrase your answer right that you just said?

A Say that again.
Q That in your normal course, if you would've seen things like that, you would've looked into them.

A Yes.
Q So here you state, There is no reported or documented pattern of similar instances. So did you not see those previous investigations?

MS. MCAMIS: Objection. Argumentative.
THE COURT: Overruled. She can --
Did you not see those previous reports?
THE WITNESS: I don't recall; hence it's why I said it's something that I would've done, but I don't remember doing it or could talk to you about it.

BY MS. BLUTH:
Q If you did that, would that have been in your notes?
A Yes.
Q So when you started your direct examination, you talked about certain things that you looked to see if you can substantiate certain concerns or reports; is that right?

A Yes.
Q And one of the things you talked about is is kind of corroborating what the reporter is saying, what the source is JD Reporting, Inc.
calling in?
A Yes.
Q And in here you have the children corroborating what the nanny was saying; is that true?

A Yes.
Q And you had the parents corroborating what the nanny was saying?

A Right.
Q And the reason why they were saying all those things is because they said there were medical issues?

A Right. That's --
Q You had no --
A Go ahead.
Q You had no documentation for those medical issues besides the hospital stay to the seizure?

A I had no documentation based on those. It was just our conversations with the children and the parents.

Q And you unsubstantiated that and closed it out saying, There are no safety or risk concerns noted to be present at this time; the children will remain?

A Correct.
Q Do you stand by that decision today?
A With the information that I had at that time, yes.
Q Now, looking back, were there other things you could have done, separate from just taking the Solanders' word for JD Reporting, Inc.
it, in your investigation?
MS. MCAMIS: Objection. Relevance. It's speculative.

MS. BLUTH: I think she can answer.
THE COURT: Well, what else could you have done or what other -- what other steps were available to you?

THE WITNESS: I mean, the only thing that when I close the case out, it's not something that I submitted and said this is all that we can do. It's approved by a supervisor. So in -BY MS. BLUTH:

Q My question --
THE WITNESS: -- so in completing that, it wasn't just what they said. It's understanding why the children were taking the meals the way they were, getting checked -- checking their undies, what type of issues would become if their undies were dirty and not checked, and understanding the frame or thought as to how the parents were coming to these formulations of blending the meals or checking the undies or why they had to have different squares. It wasn't just, yes, this is what I did. We spoke at length about why things were done the way they were, and speaking to my supervisor about it and getting her approval with is this enough is when it was closed. BY MS. BLUTH:

Q Well, when you say you spoke "at length," your JD Reporting, Inc.
conversation with Dwight was 40 minutes, and your conversation with Janet was 35 minutes. So is that "at length" to you? MS. MCAMIS: Objection. Argumentative. MS. BLUTH: Judge, these are questions. I mean -THE COURT: Overruled.

THE WITNESS: I mean, we spoke about the justification as to -BY MS. BLUTH:

Q My question is though -- I'm sorry. My question is is 40 minutes and 35 minutes is that considered "at length" to you?

A I guess I used the wrong word for that.
Q And you relied on their representations that everything that they did in the home to these children was because of these children's illnesses?

MR. FIGLER: Objection. Misstates the testimony. Everything. BY MS. BLUTH:

Q In regards to the toileting and the feeding issues, everything in revolving those two issues they said they did because of the children's medical issues?

A To prevent them from being in any pain that not following those specifics would cause them.

Q And you did not have one piece of medical documentation to back that up?

JD Reporting, Inc.

MS. MCAMIS: Objection. Asked and answered.
THE COURT: Did you have one piece of medical
documentation to back that up?
THE WITNESS: Not aside from the documents that was given by Mr. Solander, and I can't tell you for sure what or recall what those documents indicated at this time.

THE COURT: Ms. Bluth.
MS. BLUTH: Nothing further.
THE COURT: Cross.

## CROSS-EXAMINATION

BY MS. MCAMIS:
Q Ms. Rosas, on that last question, you were asked about documentation corroboration. Isn't it true that the girls said that this diet helped them so that they didn't have abdominal pain?

A They did.
Q And you found that to be credible; right?
A I did.
Q Because as a CPS investigator you have a number of tasks including determining whether or not someone is telling you the truth?

A Yes.
Q Okay. And you have a lot of experience doing that; right?

A At that time I had a few years.

JD Reporting, Inc.

Q At that time you had years' experience. Okay. So let's talk a little bit more in detail about all of the work you did to investigate this call that came in in February of 2013. Okay. So you came to be assigned as a CPS investigator for the Solander home in February 2013; right?

A Yes.
Q Now, that report came from a recently fired nanny; right?

A Yes.
Q Okay. Now, that nanny had only been in the home for three weeks; right?

A I believe so, yes.
Q Okay. She was no longer in the home at the time of the referral; right?

A No.
Q Okay. And she made that report after she had already been fired and out of the home; right?

A Yes.
Q Okay. So you were assigned to investigate into basically the general welfare of the Solander children to determine if they'd been abused or neglected?

A Right.
Q And you did so?
A Yes.
Q So you're also trained in being able to determine how JD Reporting, Inc.
to interview children without being suggestive or influential to them; right?

A Right.
Q Okay. And you're trained in to looking at their body language or word choice when you interview them, again, to determine if they are telling you the truth or if they are hesitant to be disclosing to you?

A Yes.
Q Okay. And you were able to do so with each of these three girls; right?

A I would say so, yes.
Q Okay. And you found them to be credible and reasonable when they talked to you; right?

A Yes.
Q So part of your investigation wasn't just spending a couple of minutes interviewing people. In fact, you actually interviewed over a couple of different days, didn't you?

A I did.
Q You conducted multiple home visits; right?
A Yes.
Q And some of those visits, like at the first, neither of the biological parents were even in the home?

A No.
Q And then at one of your other visits, Mr. Solander was home, but Mrs. Solander wasn't there either; right?

JD Reporting, Inc.

A Right.
Q Okay. And then you took an additional day and you interviewed Mrs. Solander separately?

A Yes.
Q Okay. And that's all part and parcel of being a CPS investigator is taking the time to actually investigate and speak to different people?

A Right.
Q Okay. Now, I want to direct your attention to that first home visit that you did on February 27th of 2013, okay? So my questions are about that. And again just to orient all of us, Dwight and Janet were not home, but their adult daughter was?

A Right.
Q Okay. And you documented that Danielle invited you in and basically give you free access to interview all of the children?

A Right.
Q She didn't try to interfere; right?
A No.
Q She didn't try to interrupt and speak with them
before you got to speak with them; right?
A No.
Q She just opened the door said, come on in and let you in; right?

A Yes.
Q And so when you were going to do these investigations into the home, you're also taking a look at the actual home; right?

A Right.
Q So you're checking to make sure that there's no safety or environmental hazards; right?

A Right.
Q So even if you are -- well, I'll ask it this way. You physically inspect the home; right?

A We see the living space, yes.
Q All of the living space, including the kitchen and where the children sleep and the rest of the home; right?

A I don't recall going into their bedroom, but --
Q Okay. But --
A -- the other rooms, yes.
Q You weren't prevented from going into any of the rooms?

A No, not at all.
Q Okay. And so at this February 27, 2013, home visit, you had face-to-face contact with Anastasia, the youngest one regarding allegations of a physical injury or just neglect risks; right?

A Right.
Q And Anastasia corroborated to you that she and her JD Reporting, Inc.
sister sleep in the loft area?
A Yes.
Q Okay. And she reported they slept in the loft because the room is closer to their parents in case one of the girls got sick during the night?

A Yes.
Q And she confirmed they were on liquid diets and eat two meals per day?

A Yes.
Q Okay. And she confirmed that they don't have liquids outside of meals after noon so they don't have bathroom accidents; right?

A Yes.
Q But after 12:00 noon, she confirmed that they did have water and liquids with their meals; right?

A Blended into their meals.
Q Okay. But she did have liquids with her meals?
A Yeah.
Q Okay. And at that same February of 2013 interview, Anastasia confirmed that they are homeschooled, and they take bathroom breaks together during homeschool hours?

A Yes.
Q Okay. And she confirmed to you that they used three squares of toilet paper if they went Number 1?

A Yes, if that's the number used in my documentation.

Q Okay. And if I suggested to you in your documentation that you were specific and that you confirmed three squares of toilet paper, would you have any reason to doubt that?

A No.
Q Do you have a preference? Would you like to actually review your notes?

A No.
Q Okay. And she also confirmed that they could use as much toilet paper as they needed if they went Number 2, meaning defecation?

A Right. She indicated that.
Q She indicated that. Okay. Now, Anastasia also
corroborated that the previous Friday Danielle had hit Amaya?
A Yes.
Q Okay. Now, you conducted a body check of Anastasia that day; right?

A Yes.
Q You were asked a lot of questions on direct examination about if you saw, you know, this or that, and you were presented pictures, and my question to you is you didn't take any pictures, did you?

A I did not.
Q Okay. And there's nothing entered in Unity as far as I took photos on this day; right?

A No.
Q Okay. So you were relying on your memory of what you would've investigated back in February of 2013; right?

A And the documentation that I would have --
Q And the notes that you entered in Unity; right?
A Yes.
Q Okay. And you documented no visible marks or bruises; right?

A Right.
Q And you don't make that entry lightly, do you?
A No. If I saw one that needed to be described, I would've described it.

Q Okay. And you're looking for things of a nonaccidental nature; right?

A Right. In areas that are not typical to have any marks or bruises.

Q Okay. And you documented nothing in Unity; right?
A Right.
Q In fact, you documented that the girls appeared physically healthy and developmentally appropriate?

A Yes.
Q And you didn't document anything of a fresh or recent injury as to Anastasia?

A No.
Q And you didn't document any fresh or recent injury as JD Reporting, Inc.
to Ava?
A No.
Q And you didn't document any fresh or recent injury as to Amaya?

A No.
Q Okay. But you did document that Anastasia appeared to be well cared for and well groomed?

A Yes.
Q Now, there was a report from the nanny about the girls wanting to run away because of how the house was. So when you confronted Anastasia with this allegation, Anastasia told you that she had thought of running away, but had never tried it because she liked her house and her parents; right?

A Yes.
Q And she made this statement to you when you were having a one-on-one face-to-face; right?

A Yes.
Q Not with her sisters around, not with her parents around; right?

A No.
Q And you were shaking your head as to no as to both of those questions; right?

A That's correct. No, for both.
Q I appreciate that. I appreciate that. I apologize. I asked you two questions, and then I didn't wait for your
response, and just as a gentle reminder, we are being recorded. So if you shake your head, and I say something like you shook your head, it's no disrespect to you. It's just because we are being recorded.

A Okay. It was no to both.
Q Thank you. So Anastasia reported that she was not afraid of anyone she lives with?

A That's correct.
Q Okay. She reported that she felt safe at that home?
A She did.
Q Now, at home Anastasia told you that she likes to read books, draw, ride her bike and take walks?

A Yes.
Q Now, you interviewed Amaya, the middle child, on that same day, February 27th, 2013?

A I did.
Q Okay. Now, Amaya confirmed that Danielle, the older adult sister had slapped Amaya in the face because Amaya had been yelling at Danielle?

A Yes.
Q And the nanny called Janet to report that?
A Yes.
Q And that Danielle was instructed by Janet to take pictures of Amaya's face and send the pictures to Janet?

A Yes.

Q And Amaya confirmed that much of the same information that Anastasia provided to you as far as food and as far as bathroom?

A Yes.
Q Okay. And Amaya confirmed that all the girls slept in the loft since about Christmas time because Amaya had a seizure, and her parents wanted to be closer to her?

A Right.
Q And that they installed cameras in the house to watch the girls in case anything happened to them; that's what Amaya disclosed to you?

A I don't recall that that was the reason or if she mentioned that that's why they were there.

MS. MCAMIS: Okay. Court's indulgence.
BY MS. MCAMIS:
Q To be fair, you entered a whole lot of Unity notes about this investigation; right?

A Fair.
Q You entered notes at each time that you had a contact; right?

A Yes.
Q So you have to bear with me for just a moment as I go through your notes; okay?

A Sure.
Q Okay. All right. So I'm going to direct you to your JD Reporting, Inc.
note as to February 27th, 2013, entered at it looks like 11:35 a.m. I'm asking you to review that note as to Amaya specifically. If I could direct your attention, you can read as much as you like, but this is the part I was going to ask you about. Please read that, and when you're done, look up and indicate when you're done reading.

A That underlined part is what you're asking me about? MS. MCAMIS: For the record, that was yes. I just nodded. THE COURT: Okay. BY MS. MCAMIS:

Q Okay. Does that refresh your memory about your contact with Amaya on February 27th, 2013, regarding her statements on the cameras?

A Yes.
Q Okay. And she reported to you that there were cameras in the loft so the parents could keep an eye on them in case anything happens to them; right?

A Yes.
Q Okay. And then Amaya also corroborated that they were on liquid diets?

A Yes. Sorry.
Q That's okay. And that they were homeschooled and got to do bathroom breaks with all three of the sisters?

A Yes.

Q She also corroborated the use of the three squares of toilet paper for urine and six squares if they did anything else?

A Yes.
Q She corroborated to you that they checked each other's underwear to make sure they did not have accidents?

A Right.
Q And she disclosed to you that if they did have accidents they would get spanked?

A Yes.
Q And Amaya disclosed to you that she felt like running away when her parents don't listen to her?

A Right.
Q Okay. She didn't say anything else about running away for any other reason?

A No, just about not listening to her.
Q Okay. And Amaya disclosed that she did not like Danielle?

A I think she indicated she didn't think Danielle liked her.

Q Okay. All right. Well, if that's your memory, that's your memory. Okay. But she nevertheless reported that she was not afraid of anyone she lives with?

A Right.
Q And that she felt safe in the home? JD Reporting, Inc.

A [Unintelligible.]
Q And at home she reported that she likes to paint, color or play?

A Yes.
Q And you were able to corroborate that there were activities in the home for the girls to do, like boardgames; right?

A Yes, I recall that.
Q And you recall there being like a Wii video game?
A Oh, I don't remember that.
Q Okay.
A I can't say if there was any video games.
Q Okay. But you did remember that at least there were boardgames?

A Yes.
Q Okay. And, in fact, you actually saw the girls riding the bikes on one of your days?

A Not Amaya. She was outside. She was playing outside. Her sisters were on the bike, and she advised me that she wasn't riding because of her seizures --

Q Because of -- right.
A -- the fear of her having a seizure while riding --
Q And she didn't want to fall off the bike --
A -- and causing more harm.
Q -- and hurt herself?

A That's correct.
Q But she was out with the other two girls, the sisters?

A She was.
Q Who were riding their bikes?
A Yes, she was.
Q Okay. So returning to this initial interview with Amaya, you did a body check that day; right?

A Yes.
Q You documented no fresh and recent marks or bruises?
A Right.
Q You took no photo documentation that day as to Amaya?
A No, I didn't.
Q Okay. But you did enter in your notes that Amaya had lots of healed dots on her legs, which she told you is a skin condition?

A Right.
Q And you found Amaya to be credible and reasonable when she was explaining her marks on her body to you?

A Yes. She couldn't explain to me what the skin condition was, but it wasn't anything that was -- any marks that were out of the ordinary of kid play or anything like that.

Q Nothing out of the ordinary, just kid playing or roughhousing?

JD Reporting, Inc.

A Kid play, like on the shin areas and typical areas that would kind of get scraped up when playing.

Q Okay. Now, if you did not believe those dots to be a skin condition, you would've kept questioning her; right?

A Right.
Q Okay. Now, the nanny reported to you that at least one of the girls had disclosed that boiling water had been thrown on her or somehow she'd been injured because of boiling water; right?

A No.
Q No, that's not reported to you?
A I don't think so.
Q Okay. Well, nevertheless, if that had been reported to you, you did body checks with the girls; right?

A Yes.
Q And in your notes you didn't document anything about there being burn marks on these girls; right?

A No.
Q Nothing around their head?
A No.
Q Okay. Now, as far as Amaya, you documented that Amaya was taking prescription medication for her seizures, thyroid and some antibiotics?

A Right.
Q Okay. And you documented Amaya appeared physically JD Reporting, Inc.
healthy and developmentally appropriate?
A Yes.
Q And you documented that she was well cared for, well groomed?

A She was.
Q And again, as to Amaya, Janet and Dwight weren't around at the time that you interviewed Amaya on February 27th of 2013?

A They were not.
Q You were able to do a one-on-one uninterrupted with Amaya to interview her?

A That's right.
Q Now, you also did the interview one on one with Ava, the last child, on February 27th of 2013; right?

A Yes.
Q And she confirmed much of what her sister told you?
A Right.
Q She reported about Danielle slapping Amaya because Amaya was talking back and not listening?

A Yes.
Q She confirmed that she and her sisters sleep on cots in the lofts since about Christmastime because they were having accidents on their beds?

A Yes.
Q Okay. And she also told you that they slept in the JD Reporting, Inc.
loft because of Amaya having the seizure over Christmas time, and the parents wanted to be able to be closer to them in case there was a problem; right?

A Yes.
Q And she confirmed the use of the parents having cameras as to the loft so they could check to make sure nothing was wrong with the girls?

A I mean, I don't remember clarifying with them that it was for that specific reason, but they did indicate there were cameras to the loft that allowed the parents to see that they were okay while they slept.

Q Okay. And Ava was the one who disclosed that they are on a liquid diet because solid foods hurt their stomachs?

A Right.
Q And when she made this disclosure to you, you documented it in your Unity notes?

A I did.
Q You found her to be reasonable and credible?
A Yes. There was no hesitation when speaking to her.
Q Okay. And she also disclosed that the liquid diet helped them stay regular for the bathroom to avoid any issues?

A That's correct.
Q Okay. Now, you conducted a body check of Ava as well on that day?

A Yes.

Q Okay. And you documented no fresh or recent marks or bruises as to her?

A Right.
Q Okay. Instead you actually documented that she appeared physically healthy?

A She did.
Q And that she was well cared for and well groomed?
A Right.
Q Right. So after you did all of these meetings, the individual meetings with the girls, your investigation didn't stop there?

A No.
Q You actually did more. On March 1st of 2013, you returned to the home and you interviewed the adoptive father, Dwight?

A I did.
Q And he corroborated that the girls slept on cots in the loft so they can be monitored?

A Well, they slept, yeah.
Q While they slept. He indicated to you Amaya had a seizure around Christmastime?

A Right.
Q Dwight confirmed that they stopped liquid intake -that was not part of their regular meals -- after 12:00 p.m. noon because the girls would have frequent accidents on
themselves?
A Right.
Q And he explained that the girls previously had bathroom issues and would go through rolls of toilet paper in a day?

A Yes.
Q And to fix that, they separated the toilet paper into sheets and would lay it out for the girls to use?

A Right.
Q Okay. Now, he had also disclosed you that the reason they checked the girls underwear was to prevent UTIs and yeast infections?

A Yes, he indicated they got those frequently because they weren't cleaning correctly. So that was another reason they checked to ensure that they were able to change themselves appropriately and not have to sit in soiled undies.

Q Right. Their concern was to make sure the girls were in clean underwear, not soiled underwear?

A Correct.
Q Okay. And Dwight disclosed to you how he disciplined the children?

A Yes.
Q He told you that they do a number of things, but they used verbal discipline, like verbal redirection and then timeouts?

A Yes.
Q He told you that they would put the children in a corner if they acted up?

A Yes.
Q He disclosed that he has a thin paint stick and would spank them on the bottom four to five times for issues such as being disrespectful and lying?

A Yes.
Q Okay. Now, you work for the government; right?
A The county.
Q The county. The county is a government agency.
A Yes.
THE COURT: You work for the county government; is that right?

THE WITNESS: The county government, yes.
THE COURT: Clark County.
MS. MCAMIS: Okay. Fair enough. Thanks, Your Honor. BY MS. MCAMIS:

Q Dwight and Janet told you that they disciplined all three children with paint sticks on their bare bottoms?

A Right.
Q Okay. And you didn't tell either Janet or Dwight that the paint stick punishment was unlawful?

A Not unlawful, but I didn't document that, but we do discuss whenever I have a parent that indicates what I call
using an extension of the hand, meaning an object, a belt, hanger, stick, anything like that, that they need to be very careful because there's disciplining and abuse, and things that are outside of your hand can cause an injury that was not meant to happen, but it can cause an injury. So we discussed that.

Q Sure. You discussed that, and you discussed -- after they disclosed that they would use the paint stick four to five times on the bottom, you did not tell them that that was unlawful?

A I did not.
Q Okay. And you didn't tell either Dwight or Janet that the paint stick punishment was -- was an indication of unjustifiable abuse in and of itself?

A I did not say that.
Q Okay. Now, you actually documented that Dwight appeared to be a very loving and caring father?

A $\quad \mathrm{He}$ did.
Q And you disclosed that he called it a struggle to manage all of the girls' medical issues?

A Yes.
Q And he also disclosed it had been scary for them because the Solanders were not given any prior warning of the girls' medical issues?

A That's what he indicated.
Q Okay. But your interviews and your investigation JD Reporting, Inc.
didn't stop there. You went back another time to the home on March 25th of 2013?

A Right.
Q And you met all three girls outside of their home, and that was the day that two of them were riding their bikes, and the other one was chasing along?

A Yes.
Q Okay. And you documented that the girls looked great?

A They looked good, yes.
Q And you documented that the girls were happy and laughing?

A They were.
Q Okay. And you documented another body check at that time for all three girls?

A Right.
Q And at that time, you did not document any recent were fresh injuries as to any of those girls that day?

A None that I had observed, no.
Q Okay. And on March 25th, 2013, the girls reported no concerns or issues in the home at that time?

A Right.
Q Okay. By that time they had already seen you in the home more than once?

A Yes.

Q Okay. So they'd been talking to you at least this would've been the third time now?

A Right.
Q Okay. And at the time that you showed up, the girls were playing outside and the parents, all the adults were inside?

A Yes.
Q Okay. So it's on March 25th, 2013, that you had your face-to-face interview with Janet Solander, the adoptive mom?

A Yes.
Q And Janet told you, just like Dwight did, that the girls were on a liquid diet for their own medical benefit and not because she wants to be mean to the girls?

A Right.
Q And that's the language she used?
A Yes.
Q Okay. And she told you that she fed the girls fresh greens with a variety of beans, rice and ground meat; right?

A Right.
Q And that's what was blended and given to them?
A Yes, that was blended and given to them.
Q Okay. And for breakfast she told you that the girls have oatmeal with different ingredients to supply the most vitamins and nutrition?

JD Reporting, Inc.

A Right.
Q Okay. And Janet told you that she gives this food to the girls because that's what their bodies could tolerate; right?

A Yes.
Q And she told you that she gave them this food so they would not be in pain?

A Right.
Q And that was corroborated to you by the girls back when Janet wasn't even at home. One of the girls said if we eat solid food, it hurts our stomach?

A Right.
Q Okay. And Janet told you at that March 25th, 2013, interview that she stayed at home with the girls to homeschool them?

A Yes.
Q And that she would help them with the homework if they needed the help?

A Right.
Q Janet actually told you that her girls do very well, and she was proud of them?

A She did indicate that.
Q She also confirmed that there were cameras in the home, just as you had already interviewed and heard about?

A Yes.

Q Now, she also indicated that there were cameras in the home because Amaya had made false allegations against them in the past?

A She did mention that, yes.
Q And that Janet said that Amaya can exaggerate things?
A Yes.
Q Okay. Nevertheless, she confirmed that they slept in the cots, just like you'd already investigated?

A Yes.
Q And Janet confirmed that the girls slept in the loft, and so in case of an emergency, they could get to the girls quicker?

A Yes.
Q And it was important for them to get to the girls quicker in case Amaya had another seizure?

A Yes.
Q And she actually told you that when Amaya had the seizure she had to perform CPR on the child?

A I recall she indicated that.
Q And she said having the girls sleep in the loft gave her piece of mind?

A Because they were closer, yes.
Q Because they were closer to her?
A To her bedroom, yes.
Q Okay. Now, Janet confirmed that she pre-tore the JD Reporting, Inc.
sheets of toilet paper because the girls will go through multiple rolls in a day?

A Yes.
Q And Janet also said that she would direct Anastasia to go to the bathroom even when Anastasia didn't say she had to go because Anastasia had bladder problems and would pee on herself?

A Yes.
Q Okay. And then she reported that all the girls did not have to go to the bathroom at the same time if they did not want to?

A She indicated that.
Q That's right. That was my question is if she indicated that.

A Yes.
Q Now, she confirmed that she used timeouts in
increments of 15 minutes for discipline?
A Yes.
Q And then she also confirmed that she spanked the girls with a thin paint stick on the bottom if they smarted off, stole or lied?

A Yes.
Q Now, Janet disclosed that they had to hire a nanny because Janet had to go out of town. Do you remember that?

A I don't recall the exact reason why, but nonetheless JD Reporting, Inc.
they did have to hire a nanny, and she was going out of town. Q And you documented that in your Unity note at the time?

A I don't know if it was in that wording, but I did document that there was a nanny hired, and she was out of town.

Q Okay. Now, she also -- strike that. So after interviewing Janet, you determined that Janet appeared to be a loving and caring mother?

A Yes, she appeared as so.
Q And that's something that you wrote in your Unity note?

A Yes.
Q And you documented that she has seven children, including four biological?

A Yes.
Q Now, she told you that her adopted children were planned and very much welcomed?

A Yes.
Q She told you that she loves being a mother?
A She did.
Q She told you that she learned parenting skills from taking classes and helping her own siblings with their children?

A That's correct.
Q And she also learned her parenting skills from JD Reporting, Inc.
raising her own four children prior to having the adopted children?

A Right.
Q And you met one of them, Danielle?
A Danielle, yes.
Q And Janet told you that she and her girls play games, go out, take walks, go to the park, or they like to travel?

A Right.
Q Okay. And you documented that Janet appeared to know and understand age-appropriate development and behavior of her children?

A Right.
Q And you documented that Janet does not obtain any federal benefits or public assistance?

A Right.
Q Now, as you were interviewing Janet and making all of these Unity notes, you entered these because Janet appeared reasonable and credible to you?

A To me, yes.
Q Now, as part of your investigation, you took another step, and you actually called Cherina Davison, the permanency worker for the foster children?

A Right.
Q Okay. And as part of that contact, you learned that the -- or you were able to confirm that Cherina had even seen
the cots on one occasion but had no concerns with that?
A Right.
Q Okay. That initially her only concern was over the cameras in the residence and what the purpose was for?

A Right.
Q But as part of your investigation, you were able to thoroughly examine what the cameras were for?

A Well, I didn't investigate what the cameras were for, but in speaking to the children and the parents, they were used for observing the children while they slept and also when Ms. Solander indicated that they also used it to protect themselves with any allegations that could come up.

Q So you investigated what the cameras were used for in the home based on not only the statements of the Solanders, but also the children?

A Yes. I obtained their information about it.
Q Okay. Now, Cherina also confirmed to you that Danielle made lunches for the adopted children in the blender?

A Yes.
Q And that Cherina confirmed that Danielle was in the home at that time that you were doing the investigation, and she was also making lunches for the foster children?

A Right.
Q Okay. And after all of those home visits and all of those interviews and all the steps you took even calling
another permanency worker, you made a finding of unsubstantiation as to the CPS referral?

A I did.
MS. MCAMIS: Okay. Court's brief indulgence.
MS. BLUTH: Dayvid, you're putting them on the overhead.

MS. MCAMIS: That was an oversight. Sorry.
MR. FIGLER: My bad.
MS. MCAMIS: Apologies to everyone.
MR. FIGLER: I'll stop doing that.
THE COURT: We can't read Mr. Figler's handwriting anyway.

MR. FIGLER: No, we can't, not even Ms. McAmis. She's had many years to learn it.

MS. MCAMIS: Okay. All joking aside. I apologize.
Court's indulgence.
BY MS. MCAMIS:
Q All right. Now, Ms. Rosas, you testified that in the ordinary course of your investigation, you will look at prior allegations of possible abuse?

A Right.
Q Okay. And you type in the person's name, and if they are in your system, the name and the prior allegations are listed?

A Yes.

Q And that's something that you can actually read through yourself?

A Yes.
Q Okay. And that the database will tell you if the allegations -- the previous allegations have been substantiated or unsubstantiated?

A Yes.
Q And it is your ordinary course to review those as part of any active investigation?

A Yes.
Q And if you felt that there was a verifiable substantiated pattern of abuse or neglect in this home, you would have noted it?

A I feel like I would have, yes.
Q Now, the prosecution said you only had a limited medical information about Amaya's seizure.

A Right.
Q Okay. Do you have any reason to doubt the veracity of Dwight and Janet Solander having taken their girls for medical testing or treatment?

A What do you mean?
Q Do you have any doubt as to them telling the truth about taking their girls for medical treatment?

A No.
MS. BLUTH: I'm just going to object -- I'm sorry, JD Reporting, Inc.

Your Honor -- as to vague. I don't know if we're talking about just the seizure incident or all the --

MS. MCAMIS: All the.
THE COURT: Okay.
MS. MCAMIS: I'll rephrase.
THE COURT: Rephrase.
MS. MCAMIS: Happily.
BY MS. MCAMIS:
Q Do you have any reason to doubt the veracity of Janet and Dwight having to take any of their girls for any of the medical treatment that they disclosed to you?

A Define veracity to me.
THE COURT: Did you have any reason not to believe the Solanders, either Dwight or Janet, when they told you they took the children, the adopted children, for medical treatment? THE WITNESS: No.

BY MS. MCAMIS:
Q Okay. Did you have any reason to doubt that they took one of the girls to Red Rock Radiology prior to your investigation?

A [No audible response.]
Q Is that a no?
A Can you repeat that question.
Q Yes. Do you have any reason to doubt that they took the -- that they had taken one of the girls to Red Rock

Radiology prior to your investigation?
A I don't even think that $I$ was aware of that.
Q You don't think you were aware of that?
A Huh-uh.
MS. MCAMIS: Court's indulgence.
BY MS. MCAMIS:
Q Well, let me ask you this. Ms. Rosas, even though you didn't have extensive medical documentation, you had no reason to disbelieve that these children had been seen by doctors while in the care of the Solanders?

A Right.
MS. MCAMIS: Okay. Court's indulgence.
BY MS. MCAMIS:
Q Ms. Rosas, I have a final list of questions if that helps kind of orient where we are. Let me ask you this. As part of investigating, when speaking with Ava, Amaya and Anastasia, when you did between February and March of 2013, you didn't make any note that they disclosed physical injury of a nonaccidental nature where they might have suffered unjustifiable physical pain as a result of abuse or neglect by repeatedly being struck about the buttocks or body with a stick resulting in substantial bodily harm?

MS. BLUTH: Judge, I'm going to object as to the form of the question and the reading of the criminal Information. MS. MCAMIS: I'm not reading all of it.

THE COURT: Okay. State your question. BY MS. MCAMIS:

Q Okay. My question was, Ms. Rosas, as a part of interviewing each of these girls, you didn't make any note in Unity about the girls disclosing physical injury of a nonaccidental nature where they might have been suffering unjustifiable physical pain as a result --

THE COURT: Well, that's kind of a compound question. Did you make a note as a result of your investigation of any of the girls disclosing any physical injury to you?

THE WITNESS: I did not make any documentation of that nature.

BY MS. MCAMIS:
Q Okay. Now, if you had made that documentation as part of your investigation, you would have reported it; right?

A If I had obtained some sort of information to cover that, it would've been in there.

Q You would have --
A Documented it.
Q Documented that. You would have taken it to your supervisor; right?

A Yes.
Q And if it was severe enough, you might have even called the police and referred it for a criminal investigation?

A Absolutely.

JD Reporting, Inc.

Q Okay. Because you have that authority as a CPS investigator?

A Yes.
Q Okay. Now, as part of your speaking with the girls and investigating all three of them, you didn't make a note of any disclosure that one of the kids said that she had been repeatedly struck or slammed her head into the counter resulting in substantial bodily harm?

MS. BLUTH: Judge, I'm going to object to the form of the question and the reading from the Information.

THE COURT: State your -- well, state your question. BY MS. MCAMIS:

Q Okay. I said you didn't note as part of your interview with any of the girls that they disclosed that they had been repeatedly struck or had their head slammed into a counter resulting in substantial bodily harm?

THE COURT: All right.
MS. BLUTH: I object --
THE COURT: Just rephrase.
You didn't note that any of the girls had told you
that they had had their head struck or had been struck? MS. MCAMIS: Right.

BY MS. MCAMIS:
Q It was no note of that?
THE COURT: Okay. Counsel, approach.

JD Reporting, Inc.

THE COURT: All right. Ms. McAmis, rephrase your question.

MS. MCAMIS: Thank you, Your Honor.
BY MS. MCAMIS:
Q Ms. Rosas, you didn't have any evidence as to any of the girls that they had a catheter inserted or a plastic tube inserted into their genitals?

A I was never advised of that or had any --
Q None of the girls disclosed that to you?
A None of them, nor was it in the report.
Q Right. Because you documented everything that was disclosed to you in your Unity notes?

A Right.
Q And had you had something like this reported, you would've reported that, wouldn't you?

A I would've asked about it and documented it in my report.

Q You would have taken it even to your supervisor?
A Absolutely.
Q If something this serious was disclosed or reported to you, you could have even called the police for investigation?

A Yes.
Q Now, Ms. Rosas, you had no evidence that or JD Reporting, Inc.
disclosures that any of the girls had had their heads or bodies held under hot water or had hot water poured on them on their heads resulting in burns; right?

A That was never discussed, and I was never made aware of that.

Q And you didn't have any evidence of that; right?
A Right.
Q Because you did body checks of their heads?
A I mean, I didn't thoroughly examine their hair or scalp, but obvious face and neck, chin area there was no indication of such.

Q Okay. And if there had been an indication of such, you would have documented it?

A Yes.
Q You would have reported it even to your supervisor?
A We would have discussed it, yes.
Q And you would have discussed if there was a further need for a referral for police intervention?

A If I observed it, discussed it and that was something that the children disclosed to me, yes.

Q But none of that occurred?
A No.
Q Okay. Now, Ms. Rosas, you had no evidence or disclosures of a paint stick being inserted into any of the girls' genital openings, did you?

JD Reporting, Inc.

A Absolutely not.
Q No. Because that's a serious enough of an allegation you would have documented it?

A Right.
Q You would've investigated it?
A I would've gone further, yes.
Q You certainly would've gone to your supervisor and had even potentially a discussion about going to the police with that?

A Absolutely.
Q Okay. You were asked a lot of questions about just generally your investigation on direct examination and if you stand by what you said. Ms. Rosas, it's fair to say that you conducted multiple interviews?

A Yes.
Q You conducted multiple home visits?
A I did.
Q You conducted an actual investigation into all of the allegations of abuse or neglect?

A Yes.
Q And you made a finding of unsubstantiation when you did all of that investigation into this home?

A After completing everything, yes.
MS. MCAMIS: Okay. Pass the witness.
THE COURT: All right. Thank you.

JD Reporting, Inc.

Redirect.

## REDIRECT EXAMINATION

BY MS. BLUTH:
Q When you did the body checks, did you check the back of the ear, that area where I showed you the scar in the pictures?

A I did not.
Q Ms. McAmis was asking you questions about did you have any reason to doubt the veracity of, you know, the Solanders saying these children were having medical issues and taking them to doctors. So I want to ask you if -- those children had been in DFS care for five years. So had you looked at the situation before they got to the Solanders and found no medical issues compared with they get to the Solanders, and they're, I mean, Crohn's disease, mental issues, hypothyroid, twisted colon, would that have stuck out to you? MS. MCAMIS: Objection. Compound and facts not in evidence.

THE COURT: That's sustained. It's assuming --
MS. BLUTH: In regards to the compound?
THE COURT: Well, Ms. Bluth, I'm not going to argue with you.

MS. BLUTH: Well, no, I'm just asking if I need to reask it.

THE COURT: I mean, did you look at the records of JD Reporting, Inc.
the Solander girls prior to their placement into the Solander house?

THE WITNESS: I did not.
THE COURT: So as you investigated this, you were not aware if there had been any medical complaints prior to their placement in the Solander house?

THE WITNESS: I had not looked at any documentation aside from the children being in their home and my report.

THE COURT: All right. I think it assumed facts not in evidence. BY MS. BLUTH:

Q The parents, the Solanders, admitted to disciplining the children with a stick on the bottom, and you had conversations with both of the Solander parents about that; correct?

A Yes.
Q And you stated that you discussed with them that there's a line, when you use an implement or anything other than your hand, that there is a line between I think you used the word discipline or abuse?

A Right.
Q And did you have that discussion with both of them?
A I believe I did.
Q And what was that discussion? Like, what did you say?

A Just as I advised the Court, when speaking of how they discipline, like with any other parent that I would have come in contact with and indicated they used some other object aside from their hand, I would have discussed with them, you know, the concern of what using an object can have when disciplining your child because you don't know how hard you hit your child with an object as opposed to with your hand or what the object can cause a child because you have really no indication on how hard an object can hit or what that object can do to the child.

Q And did you discuss with them where that line becomes abuse?

A Yeah. I think we did it, as I just discussed with you.

Q I'm sorry. I don't know. When did that line become abuse?

A I mean, there's -- in speaking to parents about how they discipline, and in speaking to them about using an extension of the hand, when there is excessive use of it and there becomes marks, scars, bruises, cuts, things of that nature, that becomes abusive.

Q Okay. So that's what I was asking is did you discuss when -- what you just said to me, did you discuss that with the Solanders, if there's marks, scars, scabs, whatever the things you just said?

A Yes.
Q And then lastly, you had stated on cross that Mr. Solander had stated the reason why they checked the underwear and some of the toileting issues is because they have constant UTI issues and yeast infections. Do you remember that line of questioning?

A Yes.
Q Did they -- did either Solander ever provide to you any documentation of continuous UTIs or yeast infections?

A No.
MS. BLUTH: Okay. Nothing further, Your Honor.
Thank you.
THE COURT: Any recross?
MS. MCAMIS: Yes, Your Honor. RECROSS-EXAMINATION

BY MS. MCAMIS:
Q Ms. Rosas, you were just asked a whole lot of -- or you were asked some questions about the use of an implement and spanking and as it related to your statements to the Solanders. Now, you did not tell them that it was unlawful to use an implement to spank?

A I did not use "unlawful," no.
Q Okay. And based on your comments about the use of an implement and spanking, the Solanders could infer that it was okay for them to continue using an implement like a paint stick JD Reporting, Inc.

A I didn't indicate that it was okay to continue it, but I did not indicate that they had to stop that.

Q Okay. So yes or no, you did not tell them to stop using the paint stick?

MS. BLUTH: Objection. Asked and answered.
THE COURT: I think it is asked and answered.
MS. MCAMIS: Okay. Pass the witness.
MS. BLUTH: Nothing else. Thank you, Your Honor. THE COURT: I think we have some juror questions. Counsel, approach.
(Conference at the bench not recorded)
THE COURT: We're going to have to look through them. So maybe we should take a quick break. Can you folks stay past 5:00, just a little past 5:00? Is there anyone with Safekey issues or anything like that that can't stay a few minutes past 5:00?
(No audible response)
THE COURT: All right. We're going to take a quick break then till 5:00. Well, finish up with these questions, and then we'll take our evening recess.

So remember, do not discuss the case or anything relating to the case with each other or with anyone else. Do not to read, watch or listen to any reports of or commentaries on the case, person or subject matter relating to the case. Do
not do any independent research by way of the Internet or other medium, and please don't form or express an opinion on the trial.

Please place your notepads in your chairs and follow the bailiff through the double doors.
(Jury recessed 4:53 p.m.)
THE WITNESS: May I step out as well?
THE COURT: Yes. Oh, and, ma'am, don't discuss your testimony during the break with anybody else.

These are some good questions.
(Proceedings recessed 4:54 p.m. to 4:56 p.m.)
THE COURT: Are you objecting to any of those?
MR. FIGLER: Yes. So Question Number 9 reads -- I'm sorry. A question from Juror Number 9 reads: Is it considered abuse only if there are marks or scars left? I think both sides would agree that that is a legal standard and that that would call for a legal conclusion. That's going to ultimately be up to the jury.

MS. BLUTH: I do agree with the form of the question. I think --

THE COURT: Do you --
MS. BLUTH: Well, are you only concern, as the investigator, are you only concerned if there are marks or scars left?

THE COURT: Or do you only report it to your JD Reporting, Inc.
supervisor if there are marks or scars? I can ask it that way. MS. BLUTH: I'm fine with that.

MR. FIGLER: Right. Because we don't like considered abuse.

MS. BLUTH: I agree with that.
THE COURT: No, because that's a legal -- that's the jury's job.

MR. FIGLER: Right.
THE COURT: So is everybody okay with do you only report it to your supervisor, or do you only consider it abuse --

MR. FIGLER: Okay. Also from Juror Number 9, from Juror Number 9, the last part of the question, so the full question reads: Did you ever question the reason all the girls required liquid diets? They all have the same illnesses, yet no actual diagnosis. So the second part of that question we would object to. Don't have a --

THE COURT: Right. Because --
MR. FIGLER: Right. Because are there actual
diagnosis or not, that's assuming facts not in evidence that there were no actual diagnosis, and the defense will prove that there are diagnosis, and that's not the right --

THE COURT: Well, okay. So did you ever ask why all three girls would require liquid diets?

MR. FIGLER: That's a fine question. JD Reporting, Inc.

MS. BLUTH: That's fine.
MR. FIGLER: I don't have a problem with that.
All right. Juror Number 8 asks, In your experience as a DFS worker -- this is a CPS investigator -- is punishment, physical or nonphysical, a proper course of action when children have an accident? I don't believe that this witness would have the proper foundation to be able to answer what is or isn't a proper response to having an accident.

MS. BLUTH: Well, I think --
MS. MCAMIS: Isn't that a legal question that they're actually supposed to answer because that's one of the charges? MR. FIGLER: I mean, if you want to rephrase it, is there anything inherently improper about --

MS. BLUTH: Disciplining for accidents.
MR. FIGLER: Discipline for having an accident, that would be a better way to phrase that question.

MS. BLUTH: I'm fine with that.
MR. FIGLER: Or having constant accidents. See, that's the problem with that question. Or having intentional wetting.

MS. BLUTH: Well, that you can get up and talk about. MR. FIGLER: And we might do that in the -- okay. Juror Number 8.

THE COURT: Well, and you guys get follow up too.

Yeah, Juror Number 8 is very involved. MR. FIGLER: Yes. And again this is very argumentative. Juror Number 8 also asked, Why would a DFS worker of your stature deemed claimed medical issues that the Solander girls had by foster parents credible without any form of credible medical documentation?

MS. BLUTH: That's not argumentative. That's what he's -- what he's asking --

THE COURT: Well, why don't I just say why would you not have sought to obtain medical documentation from one of the providers?

MR. FIGLER: That's fine.
MS. BLUTH: That's fine.
MR. FIGLER: I'd rather it be that way.
THE COURT: Right. Okay.
MR. FIGLER: Okay. Did you, yourself, ever see any signs or symptoms that indicated that the girls did indeed have medical conditions --

THE COURT: That's fair.
MR. FIGLER: -- that are being claimed?
THE COURT: That's fair.
MS. BLUTH: Totally fair.
MR. FIGLER: Okay. All right. Also Juror Number 8, Why would having these girls accompany each other on each rest room trip not cause any concern? That's an ambiguous question. JD Reporting, Inc.

What is concern? She noted everything that she felt was relevant. I think it's an irrelevant question. MS. BLUTH: No, that's a fine question. THE COURT: I think this one's fine. MR. FIGLER: All right. So we object to that. Question, Juror Number 1 asks, Regarding interviews with the children, if a child gives you the medical information, is it possible they got the information from their parents? And then further, Can the children be telling the truth, but still be inaccurate about their medical issues? I think that's a confusing question.

THE COURT: I think these are improperly phrased. I think this is essentially the same as the other question that I am going to say did you --

MR. FIGLER: Right. And I don't think we need to ask that.

THE COURT: -- try to learn or did you ask the children whether they got their medical information from -MS. BLUTH: From a doctor or from -THE COURT: -- from one of the Solanders?

MS. BLUTH: Yeah, that's good.
MR. FIGLER: If she knows.
THE COURT: Or where they got their medical information?

MR. FIGLER: If you know.

THE COURT: Well, did you ask --
MR. FIGLER: Okay.
THE COURT: Or did you find out or --
MR. FIGLER: Okay.
MS. BLUTH: That one's fine.
MR. FIGLER: Juror Number 1, Were your visits announced or unannounced, that's fine.

THE COURT: That's a good question.
MR. FIGLER: Although it's already been asked.
This is marked from Juror Number 12: Did the girls have a different room with beds prior to sleeping on cots in the loft?

MS. BLUTH: She's not going to know, but we can ask her.

THE COURT: She wouldn't know.
MR. FIGLER: She wouldn't know that.
THE COURT: Unasked.
MR. FIGLER: Question from Juror Number 15, Did you ever get to see or hear any of the footage on the cameras?

THE COURT: I think that's a good question.
MR. FIGLER: I don't think that they retained
footage. I think that it was live. I think if there was retained footage they would've seized it.

MS. BLUTH: You can ask her though.
THE COURT: Well, I can ask her.

MS. BLUTH: She can say I didn't --
MR. FIGLER: Do you know if it was retained footage or not?

THE COURT: Well, no because --
MR. FIGLER: Would be the precursor.
THE COURT: -- did you ever try to see or hear? Did you ever ask to see or hear it?

MS. BLUTH: Right.
THE COURT: If she didn't ask, then she wouldn't know.

MR. FIGLER: Okay.
THE COURT: Because they talked about the headbanging and all of that. So I was thinking that same thing.

MR. FIGLER: Question Number 7, Has it been confirmed that Ava and Amaya have had multiple colonoscopies?

THE COURT: That's a good question.
MR. FIGLER: But she wouldn't know the answer to that.

MS. BLUTH: No, it's documented in her report.
THE COURT: It is?
MS. BLUTH: That's where I got it from.
MR. FIGLER: That it was confirmed?
MS. BLUTH: Is her CPS records?
MR. FIGLER: So it is confirmed? So the answer is, yes.

JD Reporting, Inc.

THE COURT: Okay. Well, is this just -- so she did confirm it?

MS. BLUTH: Oh, she said that that's what Janet told her.

THE COURT: Right. But well I can say did you confirm with a medical provider or through billing records whether or not they obtained colonoscopies? Because if they get the Medicaid records -- by the way, I don't think there's a co-pay with Medicaid. If they got the Medicaid records, that would show a bill. So she could confirm it a number of different ways.

MR. FIGLER: I do co-pay for my mom's Medicaid.
THE COURT: You did?
MR. FIGLER: Uh-huh.
THE COURT: Are you sure your mom had Medicaid?
MR. FIGLER: Uh-huh.
THE COURT: Oh, well, who knew?
MR. FIGLER: Oh, no. Medicare.
THE COURT: Did your mom have Medicare?
MR. FIGLER: Medicare, not the co-pay.
THE COURT: Medicare is the one for older people. Medicaid is for low income people.

MR. FIGLER: All right. And finally, from Number 10, As an investigator is it not standard procedure to take pictures of suspicious marks on the children's torso? That's
fine.
If there are pictures, are there enough to get the children out of the house.

MS. BLUTH: So if there were pictures of the marks, are those enough to get children out of the house?

THE COURT: I don't know that she can say that because it's not her decision to remove the kids from the house --

MR. FIGLER: Right. So we would --
THE COURT: -- so I would say --
MR. FIGLER: Number 1 is fine, Part 1.
THE COURT: -- 1 is fine, but the second one, it's not her decision so I don't think --

MR. FIGLER: Okay.
MS. BLUTH: Yeah, whatever works. Yep.
THE COURT: Okay. I'll be back in two or three minutes.
(Proceedings recessed 5:03 p.m. to 5:07 p.m.)
(In the presence of the jury)
THE COURT: All right. Court is now back in session, and we have some juror questions up here.

So, ma'am, in no particular order, I'm going to ask you these questions from the jury. A juror asks, As an investigator, is it not standard procedure to take pictures of suspicious marks on the children's torso?

JD Reporting, Inc.

THE WITNESS: Torso meaning?
THE COURT: Like, you know --
THE WITNESS: A covered area.
THE COURT: Right.
THE WITNESS: If it was suspicious and I observed it, I could take a picture, but it's not necessarily stipulated that I have to.

THE COURT: Okay. So is it true then that it's up to sort of the discretion of the investigator whether or not to take a picture?

THE WITNESS: Right. For example, if it was a case of significant abuse, and it's described that the children have these marks here or those marks there, and they look -- if it's hard to describe, but it's going to go criminal, we do take pictures. We do have those little rulers that I guess you see in CSI type of things so it can --

THE COURT: You can measure the size of the mark.
THE WITNESS: You can measure and also have something to put it against so you can get a picture as to how big it is and such. Yeah.

THE COURT: Okay. But it's sort of up to you how to do that; is that --

THE WITNESS: Right.
THE COURT: Okay. Has it been confirmed -- oh, I'm sorry. Have you obtained any records to confirm whether or not JD Reporting, Inc.

Ava and Amaya have had multiple colonoscopies, like medical records or medical billing records or anything like that to confirm that?

THE WITNESS: I did not collect any documentation or records.

THE COURT: Okay. Did you ever see -- okay. Did you ever request to see or hear any of the footage from the cameras? So did you ask to view any of the camera --

THE WITNESS: I did not.
THE COURT: -- footage?
THE WITNESS: I'm sorry. I did not.
THE COURT: All right. Were your visits with Mr. or Mrs. Solander announced or unannounced?

THE WITNESS: My visit with Mr. Solander was announced because he did contact me when he came back into town to let me know he was there, and I told him when I'd be out.

THE COURT: Okay. And the other visits, were those unannounced?

THE WITNESS: Those were unannounced.
THE COURT: All right. Why did having three girls accompany each other to the rest room not cause you concern?

THE WITNESS: I mean, at that point I didn't -they're siblings. I understood that they took bathroom breaks together. There was no indication from the girls that it was uncomfortable to them or that they didn't like it or anything JD Reporting, Inc.
of that nature. So I didn't question them further if it was not okay for them to go together.

THE COURT: Okay. Did you, yourself, ever see any signs or symptoms on the girls that indicated to you that they may have medical problems or medical conditions? Did you, yourself, observe anything?

THE WITNESS: Visibly, no.
THE COURT: Okay. Why did you not try to obtain any medical documentation to corroborate what you were told regarding the girls' medical conditions?

THE WITNESS: Like I said, I did obtain documentation, and I can't tell you exactly what those were because I can't remember. It was a while back.

THE COURT: Okay.
THE WITNESS: And I did not document it, but we were presented with records, and like I said, I can't tell you exactly which ones they were, and I did contact the doctor several times to speak to him about it. So that's as far as I tookit.

THE COURT: Okay. So the records, whatever records you got would have been from the Solanders?

THE WITNESS: Yes.
THE COURT: Okay. And then you had a doctor's name. Was that given to you by Mr. or Mrs. Solander, or was that on one of the records, or how did you learn the name of the

THE WITNESS: I was given doctors' names by Mr. Solander. Yeah.

THE COURT: Okay. And then you tried to call the doctor. Do you remember the name of the doctor you tried to -THE WITNESS: I don't.

THE COURT: Okay. And did you ever actually speak with a doctor, or did you just leave a bunch of messages, or what happened?

THE WITNESS: I left several messages, and by the conclusion of when I had to close the case and it was time to close, I had not received a call back.

THE COURT: Okay. Is there anything inherently improper about punishing a child when the child has an accident, in your opinion?

THE WITNESS: Is there anything improper about it? THE COURT: Uh-huh.

THE WITNESS: In my opinion. You're asking my opinion?

THE COURT: Well, as the investigator -- I misphrased that. As the investigator, is there something inherently improper under the DFS guidelines when a child is punished for having an accident?

THE WITNESS: There is nothing that I can recollect that indicates a parent can't discipline their child because of JD Reporting, Inc.

THE COURT: Okay. Did you ever question the reason all the girls required liquid diets?

THE WITNESS: Yes, we discussed it, and we discussed their digestive and bowel issues and how having a normal meal like any other child would would cause them pain to get backed up, pain having to go Number 2. So we discussed as to why blending their foods and having it become more fluid like to help with digestion pass smoother.

THE COURT: Was it your understanding that the three girls all had the same digestive issues?

THE WITNESS: Not the same, but they all had some sort of digestive and/or bowel issue.

THE COURT: Okay. Do you only report an incident of physical discipline if there are marks or scars left?

THE WITNESS: What do you mean by that?
THE COURT: Well, do you only report something as physical abuse if there are marks or scars?

THE WITNESS: Not necessarily. With physical abuse, there's more to it. Sometimes, you know, you do receive a mark by getting disciplined, and it's not specifically intended to do that, but it happens, as I explained with an extension of the hand, but I would not necessarily say that all physical discipline is physical abuse.

THE COURT: Ms. Bluth, do you have any follow-up -JD Reporting, Inc.

Oh, wait. I had one more. I apologize. MS. BLUTH: Okay.

THE COURT: Did you ask the Solander girls, any of the Solander girls during your interviews with them whether or not the medical information they were relaying to you had come from their parents?

THE WITNESS: No.
THE COURT: Okay. Did you ask them any questions as to the source of the medical information, meaning whether it came from the parents or from the doctor or from a school nurse or anything like that?

THE WITNESS: No, I did not ask them that. THE COURT: All right. Ms. Bluth, follow up? MS. BLUTH: Yes, Your Honor.

## FOLLOW-UP EXAMINATION

BY MS. BLUTH:
Q In regards to the medical documentation that Mr. Solander provided, that was for the recent stay in the hospital due to the seizure with Amaya; is that correct?

A I want to say that was included, but I can't recall if that was the only thing provided.

Q Okay. And the doctor that you reached out to in the note states Dr. Nyarko, which was the children's pediatrician; is that right?

A Yes, if that's what's in my document, yes. JD Reporting, Inc.

Q And then you said by the time it was time to close out your case you hadn't received the medical documentation. Are there timing concerns --

MR. FIGLER: I think that misstates --
THE COURT: I think she said she hadn't received a call back from the doctor. BY MS. BLUTH:

Q Okay. But -- so, sorry. My question is is in regards to you said, by the time it was time to close out the case, are there -- is there a time frame in which you have to work a case? Like you have to make a decision by so-and-so date?

A Not specifically have to. It's best practice to close a case within 30 days if we're able to, but if we can't and we go further past, then that's what we have to do, but at that time, in speaking to my supervisor, obtaining those records at that time would not have -- or in speaking to that specific doctor would not have changed, I think. I mean, it was so long ago, I just -- I don't remember.

Q Okay. But had you spoken to that doctor and he said these children have none of these ailments, that would've changed?

MS. MCAMIS: Objection. Speculation.
THE COURT: Yeah, that's sustained.
Is there any pressure in your job to close a case JD Reporting, Inc.
within the 30 days? I mean, is there some kind of, like, goal setting or something like that that you're supposed to close a case in 30 days?

THE WITNESS: It's recommended that we do, but if we can't, then we can't.

THE COURT: Okay.
BY MS. BLUTH:
Q You closed this case out within 30 days?
A I did not.
Q How many days was it?
A About 60.
Q About 60?
A It was two months I think.
Q On -- do you remember the --
A It was sometime in April that I closed it, I believe.
Q And is that the date that you issued the letter, or what do you count as the day you closed it out?

A When I submit it to my supervisor.
MS. BLUTH: Okay. Let me -- if I could have the
Court's indulgence for one second, Your Honor.
THE COURT: Sure.
BY MS. BLUTH:
Q Okay. So you sent the letter was -- the letter was completed on April 30th, so that would be the day of the substantiation or unsubstantiation, so 60 days?

JD Reporting, Inc.

A I don't recall -- I don't -- I don't recall printing out that letter or formulating -- if I recall correctly how the cases were closed, once I submit it to my supervisor and they agree with the finding and closure at that time, they formulate the letter and send it off as they close it.

Q Okay.
A Yeah.
MS. BLUTH: All right. Thank you.
Nothing further, Judge. THE COURT: Ms. McAmis. MS. MCAMIS: Yes.

## FOLLOW-UP EXAMINATION

BY MS. MCAMIS:
Q Ms. Rosas, the nanny did not record any suspicious marks to you?

A Not that I recall.
Q And, in fact, the nanny did not report any suspicious fresh or recent marks to you?

A Aside from the slap from Danielle.
Q Just the slapping?
A Right.
Q And the children did not report to you any injuries to them besides the slap?

A Besides the slap, that's correct.
Q In fact, they didn't report any fresh or recent JD Reporting, Inc.
injuries to you besides that slap?
A Right.
Q Do you have any reason to doubt that Janet Solander was treating the children in a way she believed helpful to them?

A Can you repeat that.
Q Did you have any reason to doubt that Janet Solander was treating the children in a way she believed helpful to them?

A Yes.
Q You had no reason to doubt that?
A I had no reason to.
Q Okay. Did it appear to you that the children were getting their nutrition?

A Yes.
Q So you saw no reason to request their medical documentation?

A No.
Q All right. But, in fact, Dwight Solander actually provided you with the contact information for all the medical providers and also signed a release of information in order for you to obtain medical records?

A He did. So, yes, he did sign it and gave me the phone number.

Q Okay. And that's something that you documented in JD Reporting, Inc.
your Unity notes as part of your investigation?
A I think so. I don't recall.
Q If I suggested to you that it does appear in your Unity notes that specifically you documented that adoptive father provided worker with contact information for the medical providers and also signed a release of information for the worker to obtain medical records, do you have any reason to dispute that?

A No.
Q Okay. Did Janet or Dwight resist any of your efforts to complete your investigation?

A Not at all.
Q Is it unlawful to give children limited toilet paper? MS. BLUTH: Objection, Judge. Calls for a legal
conclusion in regards to unlawful.
THE COURT: That's sustained.
MS. MCAMIS: Okay.
THE COURT: Is it, you know, inappropriate or reportable to do that? Does that violate the DFS rules?

THE WITNESS: It does not.
BY MS. MCAMIS:
Q Okay. Let me ask you this. Does it violate the DFS rules or become reportable if a parent is worried about children peeing on themselves?

MS. BLUTH: Judge, I'm going to object as beyond the JD Reporting, Inc.
scope of the questions of the jurors. THE COURT: That's sustained.

BY MS. MCAMIS:
Q Okay. If a parent is mistaken about a medical condition, is it abuse to get the child tested by a doctor? MS. BLUTH: Again, objection.

THE COURT: Yeah, that's sustained. This is just -MS. MCAMIS: I will rephrase.

THE COURT: This is just as follow-up to either what Ms. Bluth asked or to, you know, clarify maybe some of the answers to the juror questions.

MS. MCAMIS: I do understand that. My question was in response actually to some of the jurors questions about inquiry into medical care. Perhaps I could rephrase.

THE COURT: Okay.
BY MS. MCAMIS:
Q If a parent is mistaken about a medical condition, is it reportable to you that the parent takes the child to get tested at a doctor?

A Okay. Doctors are mandated reporters as well. So in the event that they feel it was neglectful or it's not supposed to be conducted, I think they have the ability -- actually, they have to call us and let us know. So I would not think that them taking their child to get treated for a medical condition they believe they have or have been told that they JD Reporting, Inc.
have would be wrong of them. Am I answering your question?
MS. MCAMIS: You are. Okay. Thank you, Ms. Rosas. No further questions.

THE COURT: Anything else, Ms. Bluth?
FURTHER REDIRECT EXAMINATION
BY MS. BLUTH:
Q You said that the girls looked, I don't know if you used the term well or healthy. Did you know what they looked like before they went to the Solanders? Do you have a comparison?

A I did not. I just observed them the times that I had seen them and assessed them as to what I was visually looking at at that moment in time.

MS. BLUTH: Okay. Thank you.
Nothing further, Judge.
MS. MCAMIS: Nothing further.
THE COURT: Any additional juror questions?
All right. Ma'am, I see no additional questions.
Thank you for your testimony. Please do not discuss your testimony with anyone else who may be a witness in this case. Thank you, and you are excused.

All right. Ladies and gentlemen, we're going to take our evening recess. We will reconvene tomorrow morning at 9:30, 9:30 a.m. tomorrow.

During the evening -- I'm required to admonish you JD Reporting, Inc.
again that you are not to discuss the case or anything relating to the case with each other or with anyone else. You're not to read, watch or listen to any reports of or commentaries on the case, person or subject matter relating to the case. Do not do any independent research by way of the Internet or any other medium, and please do not form or express an opinion on the trial.

Please place your notepads in your chairs and follow the bailiff through the double doors. We'll see everyone back at 9:30 tomorrow.
(Proceedings recessed for the evening 5:24 p.m.) --00-

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


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JURY TRIAL - DAY 9
FRIDAY, FEBRUARY 23, 2018

APPEARANCES:

FOR THE STATE:

FOR THE DEFENDANT:
CAITLYN L. MCAMIS, ESQ. DAYVID J. FIGLER, ESQ.
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LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 23, 2018, 9:43 A.M.
(In the presence of the jury)
THE COURT: All right. Court is now back in session.
The record should reflect the presence of the State, the defendant and her counsel, the officers of the court and the ladies and gentlemen of the jury.

And is the State ready to call its next witness?
MS. BLUTH: Yes, Your Honor. Thank you. The State calls Nona Ocloo.

THE COURT: Okay.

## NONA OCLOO

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

THE CLERK: Thank you. Please be seated. And will you please state your full name, spelling your first and last name for the record.

THE WITNESS: I'm Nona Ocloo. N-o-n-a, O-c-l-o-o. THE COURT: All right. Thank you.

MS. BLUTH: Thank you, Judge.
Nona, before I get started, can I just put your purse behind you just so it doesn't --

THE WITNESS: Sure.
MS. BLUTH: Thank you. And I'm just going to move this a little bit closer to you.

JD Reporting, Inc.

THE WITNESS: Okay. Sure.
(Pause in the proceedings)
MS. BLUTH: All right. Are you good?
THE WITNESS: Yes.
MS. BLUTH: Okay. May I proceed, Judge?
THE COURT: Yes.
MS. BLUTH: Thank you.

## DIRECT EXAMINATION

BY MS. BLUTH:
Q Good morning, Ms. Ocloo. How are you employed?
A I'm employed with the Clark County Family Services as a senior family services specialist.

Q Okay. And how long have you been with Clark County?
A I've been with Clark County six years now.
Q And how long have you been doing social work in general?

A Thirty years.
Q Okay. And does that include your work here in Clark County but in various other states as well?

A Yes. Yes, it does.
Q And the position you hold right now, what are your traditional job duties in that role?

A The position I hold now, I'm in Family Clinical Services, but I was in Child Protective Services for four years before I transferred.

Q Okay. And can you just explain a little bit about background in regards to your training and education.

A Like I said, I've been in social services for 30-plus years. I've done substance abuse, mental health, child welfare. I have a bachelor's degree, a master's degree in human services.

Q Okay. Thank you. Now walk me -- you said four years ago you were in a bit different position.

A Yes, I was in a different position. I was in Child Protective Services.

Q And what was your role? What was your specific job in CPS?

A CPS I got the reports through our intake department, and I went out and investigated to ensure that children were safe in their homes and in their placements.

Q So after a call comes in, it's assigned to you?
A Yes, it is.
Q And then just generally -- of course, in a moment, I'm going to get into some specifics about an investigation that you did involving the Diaz-Burnett children, but can you just walk me through, like, general steps of an investigation that you do once a call comes in.

A Well, a call comes in. It's reviewed with the supervisor. I check Unity. I look if there's any past history, and then I go out in the field, making a visit to the JD Reporting, Inc.
home or the hospital or wherever the children are, first I make contact with the children, and then I make contact with the parents.

Q Okay. When you make contact with the children, is there, like, a preferential setting in which you want to be able to speak to them?

A It could be either in the school. It could be in the home. It could be in the hospital.

Q Is there a place that you prefer though out of those?
A Usually the school because I can talk to them in private without the parents being around.

Q So when children are homeschooled, then what?
A I have to go to the home.
Q Okay. Now, you said that one of the first things you do when the call comes in is you check Unity to see if there's a history.

A Yes.
Q And normally I would ask you what Unity is, but you're about the 10th person from CPS to come in here. So we do know what Unity is, but can you explain to me why you take that step.

A Well, I look at the past history of the case to see if there's any previous reports of what the issues were, if it was the same issue, you know, that I have the report for currently and what the disposition for the previous reports, if
it was unsubstantiated, if it was substantiated, if it was information-only reports, that type of thing.

Q Okay. All right. And so now I want to turn your attention back to the fall of 2013. During that time period, did you receive an investigation that was assigned to you after a call had been placed into the hotline?

A Yes, I did.
Q And that call comes in on October 31st of 2013?
A Correct.
Q And accompanying that call, a letter comes in on November 4th as well; correct?

A Correct.
Q Now, first of all, who is the individual who makes that call?

A Well, it's a reporter source. We don't really say the name of the reporter source, but someone actually had called into our hotline and made a report.

Q Okay. And so are you saying that you are not allowed to say the name or that you don't know the name?

A I know who it is, but I'm not allowed.
Q Okay.
A You know, we don't share our reporter source with everyone.

Q Right.
A It's confidential as far as our records are JD Reporting, Inc.

Q Sure. And I can make a representation as an officer of the court -- and I'll ask Her Honor in a moment -- we all have those records, and so we know who it is.

A Okay.
Q And I don't want to get you in trouble.
A Yes.
MS. BLUTH: So I'd ask Her Honor if she would be able to order the witness.

THE COURT: Okay. And, ma'am, would you answer the question. I'm directing you to answer the question.

THE WITNESS: Yes. Okay. It was the therapist. BY MS. BLUTH:

Q Lori Wells?
A Lori Wells, yes.
Q Okay. Thank you. I know that that's a touchy subject.

A Therapist for the foster children, yes.
Q Okay. And then Ms. Wells, after her phone call, also sends in a detailed letter as well?

A Yes.
Q Now, were you, as the investigator, were you privy to the information on the hotline as well as the information in the letter?

A I was privy to the report from the hotline, not the JD Reporting, Inc.
information from the letter. As far as I can remember, the information from the letter was included in the actual investigation report.

Q So as part of your investigation, no one forwarded you the four-page letter?

A No, I didn't see the letter.
Q Right. But you --
A I just received the report.
Q But you knew the letter existed?
A Yes.
Q Okay. And so in looking at your records, you are assigned the investigation on November 5th; is that right?

A Yes. Correct.
Q Now, what is the information reported that you were going to be looking into?

A The information, it was actually an institutional investigation.

Q What does that mean?
A Because it was regarding the foster children in the home.

Q So if it regards someone's bio children or adopted children, is it called something else?

A Yes. It's just called a regular CPS report, but because there were foster children in the home, it was an institutional investigation, although in the report, there were
some allegations regarding the adoptive children as well.
Q Okay. And what was the allegation regarding the adopted children?

A That they were required to sit on potty chairs 10 hours a day. They were homeschooled and that there were -there were issues with the foster parents -- the adoptive parents meeting their mental, physical and educational needs.

Q Okay.
A Their exceptional needs.
Q Now, what were the concerns in the report related to the foster children -- so Areahia, Kaeshia, Demyer, Novaleih?

A There were reports, there were concerns that the foster parents had issues with the therapist that was assigned, Lori Wells. There were concerns that they had issues with the DCS permanency caseworker assigned to the case.

Q Is that Gail Anderson?
A Yes, it is. There were concerns that about discipline in the home. There were concerns regarding the children's toileting issues. There were also concerns about visitation with the biological parents for these children.

Q Okay.
A There was a myriad of concerns, and there were also concerns with one of the children's medical issues as far as being a diabetic.

Q And that was Areahia?

A Yes, the older one. Yes.
Q And was it also reported that foster parents stated that the baby Novaleih was autistic?

A Yes.
MS. MCAMIS: Objection. Foundation. Leading. MS. BLUTH: She's listing the --

THE COURT: That's overruled.
BY MS. BLUTH:
Q There were concerns regarding that Novaleih --
A There were concerns about the 1 year old, the baby at the time, yes.

Q Was one of the reports of the concerns in the report discussing that the foster parents were checking the children's underwear?

A Yes. There were concerns about toileting issues -the underwear being checked, the children on potty chairs, required to sit on potty chairs. And one of the children, the foster kids was in pull-ups, the 3 year old or 4 year old at the time. So those were some of the concerns.

Q And was one of the concerns that the children are being told by the foster parents that they cannot speak about what is going on in the home?

MR. FIGLER: Your Honor, that's all leading.
MS. BLUTH: Judge, I asked open-ended question.
THE COURT: I think you're getting a little leading. JD Reporting, Inc.

But you can answer the question. Just be mindful. You can answer the question.

THE WITNESS: Well, I don't remember that.
THE COURT: Okay. You don't remember that.
THE WITNESS: To be honest, yeah, I don't remember that. Yes. Yes.

MS. BLUTH: May I have the Court's indulgence, Your Honor. BY MS. BLUTH:

Q If I showed you a copy of the report, would that help refresh your recollection?

A Sure.
Q Okay. If you could just read this line right here that starts with therapist, just read that line, look up when you're done, and I'll ask you a quick question.

A Okay. The therapist --
Q Oh, wait. You're not allowed to read it out loud. You just have to read it to yourself. I apologize if that wasn't clear.

A Okay.
Q And just let me know when you're done.
A Yes.
Q Does that help refresh your recollection?
A Yes, it does.
Q Okay.

A Yes.
Q So one of the concerns was that the children were being told not to discuss what was happening in the home?

A Correct.
MR. FIGLER: And, Your Honor, I'm going to just object to the continued categorization of the word concern. This is an allegation that was made by a nanny who got fired. So I want to be clear --

MS. BLUTH: But this is the --
THE COURT: This is the therapist.
MR. FIGLER: Or the therapist rather, that was also removed.

MS. BLUTH: They are -- their --
THE COURT: I mean, I don't see the word concern as
particularly --
MR. FIGLER: Concerning.
THE COURT: Thank you.
-- concerning or prejudicial or --
MS. BLUTH: May I proceed, Judge?
THE COURT: You may.
BY MS. BLUTH:
Q The individual reporting, Lori Wells, did she discuss a concern in regards to the foster parents exaggerating certain things?

A Yes.

Q And what were those things?
A The actual visitation with the biological parents. There were issues with communication between the foster parents and Ms. Wells, and there were issues as far as disciplinary practices.

Q Were one of the concerns also that the foster parents were exaggerating the children's medical, educational and mental health --

MR. FIGLER: Leading, Your Honor.
MS. BLUTH: I'm impeaching.
THE COURT: Well, it is a little bit leading. I think more open would be were there any concerns regarding the medical situation or -- was that your question?

MS. BLUTH: Yeah. I said, What were their concerns in regards to exaggerating, and then she only asked a few. So that's why I'm impeaching with the rest of the sentence.

THE COURT: Okay. Do you remember --
MR. FIGLER: That's improper impeachment, Your Honor.
THE COURT: -- if there were concerns regarding the children's medical situation?

THE WITNESS: Yes, there were. Yes. Yes, there were.

THE COURT: And do you remember what those concerns were?

THE WITNESS: Well, some of the concerns were the JD Reporting, Inc.
child -- the oldest child's diabetic condition, also the toileting issues. Those were also a concern -- concerns, and also I guess that Ms. Wells did not observe these concerns during her sessions with the children.

MS. BLUTH: Okay. Thank you.
THE COURT: Go on, Ms. Bluth. MS. BLUTH: Thank you.

BY MS. BLUTH:
Q Now, did you conduct a Unity check and look at any past history?

A I looked at the Unity as far as there were some -several previous reports that came in. They were institutional investigations, and it was the same information, the same type of concerns.

Q Okay. So in looking at those, did you see that in February of 2011 Janet had been investigated after a call from a mandated reporter about using physical discipline on the middle adopted child, Amaya Solander, for striking her when she was stating she was hungry? Did you know that?

A I didn't see that one, no.
Q Okay. As part of your investigation, did you learn that Janet and Dwight had been investigated for physical abuse against that same middle child, Amaya Solander, after a CPS worker who knew the child saw her at the dentist with the word they used is, A tremendous amount of bruises?

MR. FIGLER: And, Your Honor, can we approach? THE COURT: Sure.
(Conference at the bench not recorded) MR. FIGLER: So, Your Honor, our objection is sustained in part.

THE COURT: In part. And Ms. Bluth is instructed to rephrase. BY MS. BLUTH:

Q Okay. So, Ms. Ocloo, in looking at the prior history, did you see in August of 2011, a call made to the hotline by a CPS worker in regarding bruises that she saw on the same middle child at the dentist?

A I don't remember viewing that [unintelligible] can't answer that.

Q Okay. As part of your investigation, did you see the report from the children's live-in nanny in February of 2013, in regards to abuse and neglect committed by Janet Solander and Dwight Solander towards the adopted children?

MR. FIGLER: Objection, Your Honor. It's the phrasing of the question, same objection.

THE COURT: Overruled.
BY MS. BLUTH:
Q You can answer.
THE WITNESS: Yes. Yes, I did see that one.
THE COURT: Did you see that report from the nanny -JD Reporting, Inc.

THE WITNESS: Yes.
THE COURT: -- regarding what she observed in -THE WITNESS: Yes. Yes.

THE COURT: Okay.
BY MS. BLUTH:
Q And in --
THE COURT: Well, she purportedly observed.
BY MS. BLUTH:
Q In February -- so February of 2013, that would have been three months before the Diaz-Burnett children were placed in that home; is that right?

A Correct.
Q Did you know or did you learn in your investigation that there had also been two foster children in the home -Autumn and Ivy Stark -- during the I believe it was 2011-2012 year?

A No. No, not aware of that.
Q Did you make contact with Gail Anderson, the children's caseworker?

A When I received the case, she was no longer assigned. There was a different caseworker that had been assigned when I actually made contact with the family.

Q Did you know why Gail was removed from the case?
A From what I was told or understood, she -MR. FIGLER: I'm going to object, Your Honor, to JD Reporting, Inc.
hearsay at this point.
THE COURT: Well, overruled.
And we are not interested in what you may have since learned.

THE WITNESS: Okay. Okay.
THE COURT: We want to know --
I'm assuming, Ms. Bluth, what you want to know is what she knew at the time.

MS. BLUTH: Right. When she was investigating.
THE COURT: That you were working on this. What you've since learned is not relevant, so what you knew about the prior worker at the time.

Is that your question, Ms. Bluth?
MS. BLUTH: Yes, about Gail Anderson. Yes.
THE COURT: About Gail Anderson.
THE WITNESS: What I know about Gail Anderson at the time was that the Solanders were not happy with her services, and they asked her to be removed. That's what I know. BY MS. BLUTH:

Q But you never made contact with Gail Anderson?
A No. No.
THE COURT: So you never got her to find out her side of the story, so to speak?

THE WITNESS: No. No.

JD Reporting, Inc.

BY MS. BLUTH:
Q So in regards to those three reports that I discussed with you that you weren't aware of --

You said you are aware of the report where the nanny had called in?

A Yes.
Q -- but in those other ones that I had talked to you about, those previous ones, is there a reason that you didn't look into those?

A The only thing $I$ can say is it was not showing. See, certain reports we have access to in Unity, and certain reports we don't.

Q Okay.
A So the only thing I can say is, and sometimes cases come in with different numbers, so all I can say is I was not aware of those reports.

Q Okay. So what is the first thing that you choose to do as part of your investigation?

A Well, the first thing is staffing the case with my supervisor, of course, and then making contact with the family.

Q Okay. And would that be done at the home?
A Yes.
Q And so you do go out to the home?
A Yes.
Q And your records are showing November 7th. Would JD Reporting, Inc.
that be fair?
A Yes.
Q And who was present at the home?
A Present at the home were the foster children and the two adoptive daughters. The oldest foster child was not present the first time I went there.

Q Okay. And was this announced or unannounced?
A This was unannounced.
Q All right. And so I want to ask you some questions about Demyer, who was the 3 year old.

A Yes.
Q Did you make contact with Demyer?
A Yes.
Q And were you able to speak with him?
A Yes.
Q And as part of your report, do you document the times in which you speak with each child or each person you interview?

A I document when I go to the house, the time I'm there -- it's in Unity -- and who I make contact with in the home.

Q And so do you remember in regards to sitting with Demyer or standing with Demyer how much time you believe you spent with him?

A I observed him the total time I was there in the JD Reporting, Inc.
home.
Q Okay. In your report it states that you had contact with him from 3:30 to 3:35. Would that be accurate, the start and stop?

A Yes. Yes.
Q Okay. And when you were meeting with Demyer, was he wearing a diaper or a pull-up, whichever word you want to use?

A He was wearing a pull-up.
Q And did you assess whether or not he could use the bathroom on command?

A Yes.
Q And how did you do that?
A I asked -- it was part of the report. I asked why he was in a pull-up, and I was told by the foster mother that sometimes he has accidents, and that's why he had a pull-up on, and during the course of me talking to him, I observed him going to the rest room on his own.

Q And did he properly use the bathroom?
A Yes, he did.
Q Okay. And when you use the word "the foster mother," what was her name?

A Janet Solander.
Q And do you see Ms. Solander in the courtroom today?
A Yes.
Q Can you please just describe an article of clothing JD Reporting, Inc.
that she's wearing.
A She's wearing like a maroon top.
MS. BLUTH: Your Honor, may the record reflect --
THE WITNESS: Glasses, yes.
MS. BLUTH: -- the identification of the defendant?
THE COURT: It will.
MS. BLUTH: Thank you.
BY MS. BLUTH:
Q Did Janet discuss how he was doing in regards to the toileting issues?

A I asked her why he was wearing a pull-up if he could use the rest room on his own, and she told me sometimes he has accidents, but not as often as when they first came to her home.

Q Did he discuss that he -- did she discuss that Demyer regresses in potty training after certain events?

A Yes. She discussed that after he has visits with his parents he regresses; he has accidents.

Q And one of the things that you stated earlier that was reported is that the writer had concerns in regards to the Solanders wanting to terminate visits with the parents?

A Yes. Correct.
Q Did you have the opportunity to speak with Kaeshia?
A I saw Kaeshia. Yes, I did see her. I didn't really have an opportunity to interview her because she was sick that
day.
Q Okay. And then did you have the opportunity to speak with Janet?

A Yes, I did.
Q All right. So I want to ask you a few questions about your conversation with Janet. How long, if you know, did you talk to Janet for? I know that you were in the home for a while, but when you're sitting down able to have a conversation.

A Yes. I probably talked to her for at least a half an hour, 20 minutes to half an hour.

Q Okay. And if your report says 12:00 to 12:10, would that be accurate?

A It was longer than that. It was during the total time I was in the home.

Q Okay. So that timing wouldn't be accurate?
A No. No.
Q And who puts in the specific times?
A Well, we put it -- it goes into Unity.
Q But who puts it in there?
A I do.
Q Now, in regards to speaking with Janet, as kind of part of your role, do you have to sit down and inform the foster parent, well, these are the allegations or these are the concerns?

A Yes.
Q And did you let Janet know what the caller had stated?

A Yes, I reviewed the report with her.
Q Okay. What did she say in regards to you reading, you know, the concerns or the allegations? What was her response into that?

A She stated that the report was not true.
Q Okay. And did she -- what words did she tell you that when you read her the report, or do you remember?

A She said something to the effect that it was a malicious and it was untruths.

Q And did she discuss whether or not she felt she was getting support from either DFS and/or the therapist?

A Yes. Yes, she did.
Q What did she say about that?
A She stated that there had been ongoing problems with the therapist and the caseworker from DFS and that her family was not receiving the support that they needed.

Q And did she discuss whether or not they had requested a new CPS worker?

A Yes. Yes, she did.
Q And had they requested a new CPS worker?
A Yes.
Q And by the time -- and I think you already said this, JD Reporting, Inc.
but by the time you were meeting with Janet, Gail Anderson had already been taken off?

A Yes. She was not on the case anymore.
Q Did Janet discuss with you whether or not she had a meeting with the Department of Family Services in the near future?

A She stated that the next day she had a meeting with DFS to voice her concerns.

Q You said that the oldest child wasn't there, Areahia. Where was Areahia?

A Areahia, according to Ms. Solander, she was at a psychiatric appointment. Her husband had taken her to a mental health appointment.

Q Did she say that any of the children in the home during that specific time period were sitting on either potty chairs or pots, whatever you want to use?

A When I went to the home, there was no one sitting on a potty chair when I was there.

Q Did Janet state whether any of the children currently were sitting?

A Well, she stated that there was a potty chair in the home, and she stated that was for one of her adoptive daughters who had accidents.

Q And did she say which adopted daughter that was?
A I believe it was Anastasia.

JD Reporting, Inc.

Q Which would be the youngest; is that correct?
A Yes.
Q And did she state where, if anywhere, she was sending Anastasia because of this issue?

A She stated that Anastasia was scheduled to go to a treatment program in Texas.

Q And that was like an inpatient treatment?
A A residential treatment program, yes.
Q Did she have any comments in regards to the allegation that she was watching Areahia shower?

A Yes, she did.
Q And what did she say about that?
A She stated that sometimes she helped her take her bath or clean herself properly because she was not cleaning herself properly. So sometimes she would assist her in showering and bathing.

Q Did you discuss with her the concern about the Solanders trying to terminate or suspend visitations between the children and the bio parents?

A Yes.
Q And what did she say about that?
A She said that that was not true.
Q I'm just going to approach and ask you to read just the box in blue if you wouldn't mind, and just look up when you're done, and I'll just have a quick question for you.

JD Reporting, Inc.

Does that help refresh your recollection?
A Yes, it does.
Q What did she say about that?
A She stated that she had suggested to the therapist about suspending visits with the birth mother because she was late and that the older foster child -- Areahia, I believe, gets upset after the visits with her mother.

Q Okay. And while you were at the home, you stated that there were two adoptive children in the home, and those were the older two; is that correct, Amaya and Ava?

A There were three in the home.
Q So I'm sorry. So downstairs doing their homework --
A Yes. There were two at the table doing their homework downstairs.

Q And did you document their age, the two at the table?
A I'm sure I did. I don't remember their ages now.
Q That's okay. In your report, it says, Ava is 12, and Amaya is 10.

A Okay.
Q Would that be accurate?
A Yes.
Q Okay. And did you have the opportunity to sit down with them and speak with them?

A Yes.
Q And do you know how long you were able to speak with JD Reporting, Inc.
them for?
A I don't remember the time, how long.
Q If your report states 4:00 to 4:10, about 10 minutes, would that be accurate?

A Yes.
Q And how would you describe their behavior while you were at the home?

A The two that were doing their homework?
Q Yeah.
A They -- they spoke with me. They were kind of, you know, hesitant, but they spoke, and they were doing their homework, and they said they like their school work. And I asked them about the potty chair, you know, whose it was, and I asked the foster mother, and she stated it was for Anastasia, but there was a potty chair there.

Q So at any point in time while you were at the home, did you see any, in regards to the adoptive children, did you see any screaming, tantrums, any behavioral issues?

A The only thing I noticed, the 3 year old was very quiet, the little boy --

Q So I apologize. I mean the adoptive children.
A Oh, the adopted children. Did I see any screaming or tantrums? No. No.

Q Okay. Did they seem to be well behaved?
A They were quiet I would say.

JD Reporting, Inc.

Q Now, when you get upstairs, do you see the third adopted child?

A Yes.
Q Explain to me what you see.
A She was coming out of the bathroom. She had urinated on herself, and so she was wiping things up up there and changing her clothes, and she had gloves on.

Q What kind of gloves?
A They were like the Playtex gloves, Playtex gloves.
Q Like the kind we wash dishes --
THE COURT: Like kitchen gloves?
THE WITNESS: Like kind of cleaning gloves, you know, rubber gloves, you know.

BY MS. BLUTH:
Q Okay. And was she cleaning the bathroom? What was she cleaning?

A She was kind of wiping things up, and she was changing her clothes, and, you know, she had put on clean clothes, and she was kind of wiping things up. She was coming out of the bathroom.

Q What was her demeanor towards you?
A She was very quiet. She kind of stared at me, and she had a -- I noticed she had a flat affect.

Q What does that mean?
A She showed really no emotion.

JD Reporting, Inc.

Q Okay. And what did Janet tell you about Anastasia when you spoke to her about Anastasia?

A She told me she was the one that was -- had severe psychiatric problems, mental health issues, and she was going to be sent to a treatment program in Texas.

Q And did she state where she was sending Amaya and Ava?

A She stated they were going to their grandparents in Nebraska.

Q And did she provide -- and I know you were there for the Diaz-Burnett children, but did she provide any medical documentation to show these severe psychiatric mental illness --

A No. No, she didn't.
Q -- that Anastasia had?
A No.
Q You stated in your report that the adopted children appeared to be of a thin stature?

A Yes.
Q Did you know -- did you have anything to base it on or compare it to, like what they looked like before they got to the Solanders?

A No.
Q Were there any body checks done on that day?
A I did body checks on the oldest foster child, not JD Reporting, Inc.
the -- well, I did look at Anastasia. I did look at -- I noticed that she had some missing hair over her ears when she came out of the bathroom, and I did look at that.

Q What did you --
A She had some bald spots.
Q Did Janet say anything about that?
A She stated that -- I asked why she had the gloves on, and she stated she had gloves on so she would stop pulling her hair out.

Q But other than looking at that area --
A I didn't see any, no.
Q Did you look at arms and legs or --
A Yes. Yes, I looked at arms and legs, and there was nothing. That was the only thing for the adoptive children that I noticed about Anastasia was the bald spots over her ears.

Q And did you do that same on Amaya and Ava?
A I looked at them, yes.
Q And did they have pants and long sleeves on?
A I can't remember what they had on. I can't remember.
Q Okay. Did you look on either their backs or their bottoms?

A No.
Q Now, while you are doing -- have started this investigation, does another call come into the hotline, and
you're assigned a new investigation?
A I can't remember.
Q Okay. That's okay. Just read as much of that as you want, and when your recollection is refreshed, just look up, and I'll have a few questions for you.

Does that help refresh your recollection?
A Yes. Yes.
Q So was another call reported in and assigned to you?
A Yes. Yes.
Q And I'd ask you to look at the highlighted portion here. As a part of that report, does the intake writer list out all the previous investigations or -- investigation or concerns reported to the hotline regarding the Solanders, their adopted children as well as the Diaz-Burnett children?

A Yes, it's here. Uh-huh.
Q So at that point, DFS had notated all of the reports, and they were there for you to access?

A They were there, yes.
Q What was the call into the agency about on -- let's see. What day was it -- 11/16, is that what it said? Let me make sure because I don't want to -- yeah, 11/16.

A Okay. The information only. That was the issue with the visitation with the older child not attending her visitation with her parents.

Q And does it discuss that Lori Wells is again the JD Reporting, Inc.
reporter?
A Yes. Yes.
Q And she reports that she feels that the foster parents are impeding visitation with --

A Yes.
Q -- their parents as well as therapy sessions?
A Yes.
Q So as part of that -- well, as part of the initial investigation and now the new investigation, do you get the opportunity to meet with Areahia?

A Yes.
Q And in regards to Areahia, where did you attempt to meet her at?

A I attempted to meet her at her school first, and when I was there at the school, she was leaving the school with her foster parent.

Q Which one?
A Mrs. Solander.
Q Okay. And why was she leaving the school?
A She was sick at school, had her blood sugar -- I guess she was weak and dizzy. So the foster parent came and picked her up and was taking her back home.

Q Okay. And but you had the opportunity to sit with her?

A I followed them back to the house, yes. JD Reporting, Inc.

Q All right. And how long would you say that you got to speak with Areahia for?

A Areahia, I was with her about 15 minutes.
Q Okay. And where was Janet when that interview took place?

A She was -- I was talking to Areahia in the living room. She was in the back of the house.

Q And Areahia did not disclose any abuse was going on in the home?

A No.
Q But she did state Janet was watching her shower?
A She --
Q Or had had -- I apologize -- had watched her shower?
A She said she had watched -- watched her shower
because she didn't clean herself properly.
Q And that they check her underwear?
A Yes.
Q Now, you again interviewed Janet on that same day?
A Yes.
Q 11/19. And the timing states that you sat down with her for 25 minutes. Would that be accurate?

A Yes. Yes.
Q And during the -- in speaking with Janet, why did you speak to her again?

A After I interviewed the children, then I decided to JD Reporting, Inc.
talk to her again when we came back to the house with Areahia.
Q Okay. And did she report -- did she talk -- or did you talk to her about the new report, the new call in for concern from the hotline?

A I reviewed the same report with her again with some of the same issues in the original report. So I reviewed some of the same concerns that I was investigating initially.

Q Did she discuss with you whether or not they were now asking for Lori Wells to be removed from the case?

A Yes.
Q And did she say that she was?
A Yes.
Q Where were the adopted children?
A I can't remember now to be honest with you.
Q Okay. The second to last little area, please.
A Okay.
Q And where did she state that the adopted children were?

A She stated that they were in Nebraska with their grandparents.

Q Okay. Now, because when there are issues with foster children, sometimes investigations can be dually done, both by licensing as well as someone like you; is that right?

A Yes.
Q And were you contacted by an investigator by the name JD Reporting, Inc.
of RC Nelson, who was working, like, the licensing aspect of it?

A I don't remember.
Q If you could read the -- what's in the orange and the pink, and I'll have a question for you.

A Okay.
Q Does that help refresh your recollection?
A Yes, it does.
Q And did Mr. Nelson reach out to you on November 20th?

A Yes, he did.
Q And in speaking with him, did he ask you in regards to the issues with the Solanders watching their foster daughter bathe and making their own children sit on potty chairs for 10 hours a day? Did he ask you about that?

A Yes.
Q And he states, Nona said that those concerns did not come up in her interviews; is that right?

A Yes.
Q Now, you also had -- you also spoke with
Mr. Solander, who was away on business; is that right?
A Correct.
Q And it looks like that conversation was on December 14th. So the last time you spoke with Janet was on November 19th. So what was going on in, like, that month period
between November 19th and December 14 th in regards to the investigation?

A Well, it was still ongoing. Mr. Solander had been out of town. So I had to wait till he returned so I could interview him.

Q Okay. And I apologize. I said that was on the phone. That was after he got home, and it was done in person?

A Yes. Yes, when he returned. Yes.
Q What did he say in regards to the allegations?
A He said they were entirely false.
Q And what did he state in regards to the foster children's mental, physical and educational needs?

A He stated that since the children had been in their home for seven months the children had improved greatly.

Q Did he discuss with you the fact that the foster children have, in his words, A host of mental, physical and educational problems?

A Yes, he did.
Q Did he tell you whether or not he had discussed with the old therapist, Lori Wells, proper disciplinary --

A Yes.
Q -- actions, but she was not able to provide answers --

A Yes, he did.
Q Did he state to you that Areahia was diabetic?

JD Reporting, Inc.

A Yes, he did.
Q Did he provide any documentation for Areahia being diabetic?

A No, we didn't.
MR. FIGLER: Your Honor, can we approach?
THE COURT: Sure -- actually, you know what, this is a good time for our morning recess.

So, ladies and gentlemen, we're just going to take a quick recess, just about 10 minutes. Is that enough?

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

Please place your notepads in your chairs and follow the bailiff through the double doors.
(Jury recessed 10:43 a.m.)

THE COURT: And, ma'am, during our brief recess -just wait till the jury exits, you can use the rest room, sure -- just don't talk about your testimony with anybody else okay.

And, ma'am, you are excused if you -- you said you needed to use the rest room.

THE WITNESS: Okay, yes.
THE COURT: Yes, that's fine.
Yes.
MR. FIGLER: Thank you, Your Honor. First, at the bench, the defense had objected to a line of questioning from the State that was continually looping in hearsay information of a prior unsubstantiated charge that was investigated by CPS with individuals who claimed that they had not seen those reports. So it was our objection that continually presenting that information as true to the jury or the implication that it is true to the jury in great detail was an improper line of questioning.

Your Honor, had granted that motion in part or rather had sustained that objection in part and indicated to the State that while what they were doing was, quote, effective, that you also felt that the prejudicial impact of the phrasing of the questions had become more prejudicial than probative. That was Your Honor's ruling at the bench, and then the --

THE COURT: That's correct. And more specifically, I said that they didn't have to read the entire hearsay statement of the report, but that they could summarize it more by saying, you know, bruises seen at the dentist's office or what have you --

MS. BLUTH: Right. And --
THE COURT: -- to minimize any potential prejudicial impact of the question, but that the Court felt that the line of questioning was appropriate and that the point of the questioning was to indicate that this worker went into the home without adequate preparation, and as Ms. Bluth I think pointed out at the bench, you know, part of the defense in this case is that you had all of these CPS workers are coming in the home. They're not seeing anything. You know, everything is copacetic. Everything is fine.

So, Ms. Bluth, anything you want to add to that?
MS. BLUTH: Just that I wasn't reading in the entire report. I was reading in the reporter, the date, the child and what the report was. In regards to this time I said that she had seen a tremendous amount of bruises which was the call into the hotline, but I definitely didn't get into the rest of the hearsay. I understood the Court's ruling from that point forward. I just said the date, the child and whether it was a bruise or the call was for a neglect issue or an abuse issue, not in the legal terms, but as how it screened out, and then I moved on from there.

THE COURT: Right. And I didn't even intend that she had to minimize it that much to either abuse or neglect.

MS. BLUTH: I know.
THE COURT: I felt it was okay if she said the JD Reporting, Inc.
specific allegation, you know, sitting on buckets or hit with a paint stick or whatever that specific allegation might have been. So --

MR. FIGLER: And we had made another --
THE COURT: -- then you wanted to just approach. So what was that about? I actually needed a break. So that's why I took the break, but what did you just now approach about.

MR. FIGLER: Okay. So the objection is going to be on this line of questioning that the State now has looped numerous times and now which we feel has placed the defense in a very unfair position because of the State engaging in a line of questioning that does not make more probative than not any of the elements in the -- in the Amended Information.

Specifically, the State keeps looping, Did you look at any documentation? The suggestion of these repeated questions and the manner that it's being done by the State.

THE COURT: Are you talking about documentation of the children's medical conditions?

MR. FIGLER: Of medical or mental health conditions. And the implication is that there is none, that all is made up --

THE COURT: Right. That she is making everything up.
MR. FIGLER: Correct. But as Your Honor knows from prior evidentiary hearings and from Your Honor knows from your review of numerous documents that there is a bevy of

JD Reporting, Inc.
documentation, indeed hundreds of pages of documentation from doctors, from therapists, from counselors regarding the adoptive children, regarding the foster Burnett children, quite frankly relating to the Stark children as well, that follow them from the removal of their house from their bio parents through their time with the Solanders that would justify a reasonable person saying that there are some issues.

Now, the State may take issue into the severity of them, but there is documentation out there. So I -- here's the thing. The defense has hundreds of pages of documents that relate to the mental health and medical records of all children who have been discussed in this case that was in the information and not.

We would like to introduce as self-authenticating to this witness to have this witness and any other witness that the State is going to engage in this line of questioning to review those entire documents and then asked the question does that suggest that these children did indeed, as the Solanders told you, have some mental and medical health issues, and that might take a little bit of time.

If the State is going to object to that, we'd ask that the State stop with this line of questioning that unfairly paints our clients as completely misrepresenting that there are medical and mental issues relating to the children. Now, they can argue that they were overstated. That's one thing, but to

JD Reporting, Inc.
argue that they do not exist or to suggest or leave the impression with this jury that they do not exist is a fraud upon the jury, and so that is absolutely prejudicial.

And in light of the fact that this line of questioning makes none of the allegations in the information, there's not a single allegation that Mr. or Mrs. Solander improperly or illegally gave information about children to CPS or DFS. There's no allegation that by doing that that that is somehow criminal neglect or negligence, and so it is absolutely unfair to the defense, and so our request is that the State be prevented from continuing on that line of questioning or that the defense be allowed to present the entirety of the medical records of all the children to anyone they ask that question of for review and assessment.

MS. BLUTH: So I --
THE COURT: Two things. First of all, I think the import of the question is twofold. Number 1 --

Kenny, would you keep the witness in the vestibule.
THE MARSHAL: She's gone in there, Judge.
THE COURT: I think she is going in there.
MS. BLUTH: She had to go to the bathroom.
THE MARSHAL: She was in the rest room.
THE COURT: Right. She's in the area right now. I don't want her to come in since we are discussing her --

MS. BLUTH: Oh, Mr. Hamner is in there with Danielle JD Reporting, Inc.

I think.
THE COURT: -- since we're discussing her testimony.
I think the import of the question is twofold, number one, to suggest, as you correctly state, that there wasn't any documentation, but also to show that the CPS workers weren't doing their jobs, that they're just taking everything the Solanders say at face value without bothering to say, well, is there any documentation of any of these things --

MS. BLUTH: Right.
THE COURT: -- without talking to the school nurse or talking to the teacher or doing anything else. So I think it's twofold, and I think you correctly state that part of the impact is that they're making stuff up, but part of the impact is nobody is bothering to do a thorough investigation here because they're not requesting anything. Everything the Solanders tell them they just believe.

MS. BLUTH: Right.
MR. FIGLER: But CPS is not on trial here. My client is, and her rights are being violated by that line of questioning.

THE COURT: Let me just add this.
Ms. Bluth, do you have an objection to admitting the medical records of the children?

I don't know that -- okay. If they never looked at the medical records, to hand a stack of medical records to a JD Reporting, Inc.
witness and us all sit here while they look through them, I think, doesn't accomplish anything. If Ms. Bluth doesn't have any objection to the medical records regarding the children coming in, then why don't you have your investigator or somebody look at them and summarize them and put that on your case in chief.

MS. BLUTH: So I do have an objection --
MR. FIGLER: Or rebuttal.
MS. BLUTH: -- because here's the deal --
MR. FIGLER: Because we didn't list our investigator because we didn't have an investigator at the time, but one has been appointed now by the office of appointed counsel today.

THE COURT: Well, the State can make their objection as to timely notice --

MR. FIGLER: Well, we think it's rebuttal.
THE COURT: -- and then the Court could rule on that.
MR. FIGLER: Thank you, Your Honor.
THE COURT: But you're not going to have -- you mean surrebuttal because your case in chief -- if they don't have a rebuttal case, then you don't have a surrebuttal case.

MR. FIGLER: Well, actually there's a really interesting line of Supreme Court cases which we've argued.

THE COURT: Well, it doesn't matter because I'd let you do it anyway.

So, Ms. Bluth.

MS. BLUTH: Okay. My question was, Was there any documentation that Areahia had diabetes? It wasn't about anything else, and we can go on and on. These kids didn't have any issues. The Solanders had some -- the Ramirez girls had some issues when they were brought out of their bio home. So that is our position. Our position is is that she makes up issues, and you will hear testimony from the Solander girls that all of a sudden everything is okay with them. They don't have problems eating. They don't have problems going to the bathroom. From the minute they leave that house and go to Grace Girls Academy, they have no issues. So that is our entire --

Because the defense is is CPS was always in the home, and these kids were so out of control, and they were so ill. We were trying to help them. Our defense to their defense is there was nothing wrong with these children. There's something wrong with her --

THE COURT: Right. And CPS isn't doing their job --
MS. BLUTH: Exactly.
THE COURT: -- in investigating. That's why said I think the import of the records or the lack of records or the lack of inquisition about the records is twofold, that CPS didn't bother to double check anything in this case. They took whatever the Solanders told them as gospel, and they didn't verify.

MR. FIGLER: How does it make it more probative or not of any of the listed allegations in the complaint? I understand that they want to muddy Janet.

MS. BLUTH: No.
MR. FIGLER: I understand that they want to paint her as an ass who exaggerates things or make up things, but how that somehow suggests a motive for the actual charges in there is a disconnect. They are making her into a bad person. They're making CPS into an ineffective agency to get a conviction for specific elements that have nothing to do with either one of those.

MS. BLUTH: Because in her statement -- or in Dwight's statement and in her statements to CPS, she has to do these things because these kids are ill.

MR. FIGLER: Has to do what in the complaint?
MS. BLUTH: All the toileting problems, all the showering problems, the checking of underwear, all the discipline for the toileting. Because they're so sick and they won't stop behaving this way, this is how we had to treat them. How is that not relevant that there is nothing freaking wrong with them?

MR. FIGLER: The justification for the discipline is not an element of the offense. It is the scope and nature of the discipline.

THE COURT: What about the instruction motive is not

JD Reporting, Inc.
an element of the crime --
MR. FIGLER: Right.
THE COURT: -- but absence of motive is something to or motive or absence of motive is something for the jury to consider? So isn't that then by definition relevant that her motive, whether it was -- look, it may have been a legitimate belief on the Solanders' part, and I'm not saying the girls weren't sick. I mean, I'm saying that's the State's theory, but whether it was legitimate belief or an illegitimate belief, doesn't that provide motive for then her actions?

MR. FIGLER: So let's follow that line, Your Honor. THE COURT: I'm asking --

MR. FIGLER: If it's an illegitimate belief, then what is the motivation? Then what is the motivation? Is my client mentally ill? Because if she is mentally ill, then that is a different type of defense that we have to go through. So she's mentally ill. So she's coming up with all these things. Okay. And that is why to [unintelligible] the State has proven beyond a reasonable doubt that she struck the child with a ruler causing substantial bodily harm. So what's --

MS. BLUTH: She left them on pots for 10 hours a day, that she wouldn't let them go to the bathroom for hours, that she would withhold food and water for hours. This is the entire case. The entire case revolves around toileting and eating. Their defense of that is because these kids were sick. JD Reporting, Inc.

Our defense to that defense is that these kids weren't sick. It's the entire case.

THE COURT: So, I mean, like I said, whether she legitimately thinks that -- look, even if the kids had some bathroom issues, then the question is was her response appropriate --

MR. FIGLER: Well, again --
THE COURT: -- and if they didn't have any bathroom issues, and she created the bathroom issues -- I mean, look, if a child isn't given a normal -- we know now what came out, which I did not know or didn't recall, what came out yesterday is a child is receiving hospitalization for being constipated. I'm sorry. That's not normal. That suggests --

MR. FIGLER: Also not a charge in this case.
THE COURT: No. I know. But that suggests that there's a dietary problem --

MS. BLUTH: Well, and I have hospitalization --
THE COURT: -- and there's a lack of liquids. I mean, everybody knows -- it's pretty basic -- that in order to function properly digestively you have to have adequate liquids.

MR. FIGLER: None of that is a neglect charge in this case.

MS. BLUTH: Actually that's wrong. I can tell you that I'm going to present at least six hospitalizations for the JD Reporting, Inc.
exact same thing and two colonoscopies where they found fecal matter in the colon. That was what was wrong with it. MR. FIGLER: Okay, great. Which charge is that? MS. BLUTH: Withholding food and water.

MR. FIGLER: Okay. So now if the State is going to suggest that, then the entirety of the medical records come in. So that brings us back to our original motion is can we bring the entirety of all the medical records of all the children, including those [unintelligible], even this complaint into all the witnesses that the State is suggesting these records don't exist.

MS. BLUTH: Absolutely not. That's what cross-examination is for. Doctor --

THE COURT: Well, but on their -- I don't think it comes in on cross-examination. Okay. If CPS reviewed a record, then you can ask them about the record they reviewed. If they didn't review the records, then you can't bring it in and through the CPS worker.

MR. FIGLER: But can I say would it have made any difference to you if you would have reviewed this stack of records?

THE COURT: No. Because how would it have made a difference when the claim was unsubstantiated?

MR. FIGLER: Because it doesn't make a difference. THE COURT: Would it have been more substantiated had JD Reporting, Inc.
you reviewed this big stack? But in your --
MR. FIGLER: Well, the State is suggesting that -THE COURT: Mr. Figler.
-- in your case in chief, that's another matter. If you want to refute whatever their medical information is or lack of medical information in your case in chief, that's different than bringing it in through cross-examination of the witnesses. Again, if the witness unsubstantiated the claim, it can't be more unsubstantiated. So what's your point?

MR. FIGLER: But the validity of the unsubstantiation is the point. The State is trying to suggest that the government --

THE COURT: No, I get it, that they didn't look at anything.

MR. FIGLER: -- unsubstantiation was an invalid conclusion.

MS. BLUTH: Absolutely.
MR. FIGLER: That's their point.
MS. BLUTH: Absolutely.
MR. FIGLER: And we need to be able to counter that by saying, look, even if you've got all these medical records -- which by the way, jury, do exist contrary to the implication of the State -- you would have come to the same conclusion that it's unsubstantiated. It would've made no impact or difference had you read all these documents.

MS. BLUTH: No. But I'm not saying that they didn't have any issues. I'm saying Areahia isn't diabetic. That's what I'm saying. Areahia isn't diabetic.

MR. FIGLER: We know the whole diabetic story because there was an evidentiary hearing about that. Your Honor ruled that there was enough evidence in the record that we don't get into the diabetic stuff.

THE COURT: But you got into it.
MR. FIGLER: We did not. The State's --
MS. BLUTH: Oh, my gosh.
THE COURT: Well, Mr. Figler, okay. You can show that, hey, if you had seen this stack of records, would your unsubstantiated had been any different, but they're not admissible through the witness who never saw them.

MS. BLUTH: She never even saw them.
THE COURT: So you can ask her the question, but you can't admit it through her because she never saw them. Like I said, if you want to get into that in your case in chief, that's a different issue.

MR. FIGLER: I think they are self-authenticating in that.

THE COURT: Well, and some of them may come in through the State's own witnesses.

MS. BLUTH: Yes. Definitely.
MR. FIGLER: Okay. All right.

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THE COURT: So, I mean, they may be self-authenticating.

MR. FIGLER: I'm just really disturbed at the prejudice of this line of questioning that suggests that there is no documentation out there and that the Solanders are purely lying versus exaggerating or misstating.

THE COURT: So you just want her to show her this record. If you had seen this record of Areahia Diaz being in the hospital, would that have made any difference to you in your unsubstantiation of this claim?

MR. FIGLER: If you went through Areahia Diaz's medical passport and saw all the diagnoses and treatments and all the traumas that she had sustained over the years, is there anything in there that causes you to either dispute or corroborate --

MS. BLUTH: She didn't look at them.
MR. FIGLER: -- the Solanders' communication to you about these children having serious issues.

MS. BLUTH: She didn't look at them.
THE COURT: But if she didn't look at them, I mean --
MR. FIGLER: But, see, the State is having it both ways.

THE COURT: Well, no, Mr. Figler --
MR. FIGLER: We all know she didn't look at them, but we also all know they exist.

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THE COURT: Well, if there's --
MS. BLUTH: But they exist, and they say that she's not diabetic. That's the beauty of it.

MR. FIGLER: Well, let's talk about diabetic again. We know we had that doctor testify in this courtroom who said, Look, because of her weight, there were some issues of possible prediabetes, and they gave that information to the Solanders, but we were more concerned about the other end of the spectrum now because the child --

THE COURT: The hypoglycemic.
MR. FIGLER: Right. And so Your Honor correctly ruled that, hey, let's not get into this diabetes stuff because there is some basis for a diabetic, but now the State continually --

THE COURT: Well, why don't you ask her on redirect then, were you aware of the, you know, 50 entries or whatever it was in the medical passport relating to the children's hospitalization? No, I wasn't aware of that. Well, would it have made any --

MR. FIGLER: The hospitalization, treatment, the prior history.

THE COURT: Whatever. Would it have made any difference to you.

MS. BLUTH: And nobody found it.
MR. FIGLER: Right. JD Reporting, Inc.

THE COURT: No. Because I unsubstantiated the claim --

MR. FIGLER: Right. Because that would corroborate what they are --

THE COURT: If you want to ask that, then ask that question --

MR. FIGLER: Okay.
MS. BLUTH: But here's the deal --
THE MARSHAL: Okay. Counsel, one at a time.
Everybody is speaking over each other.
MS. BLUTH: Dr. Dewan is coming in. He's coming
in --
THE COURT: Well, he can still ask --
MS. BLUTH: But she didn't see it.
THE COURT: I know.
MS. BLUTH: So why are we -- so did you see it? No, I didn't see it. Okay. Because if he does that, I'm coming back, right back up, and I'm saying if you looked in there, and there was one not one diagnosis diabetes is for high blood sugar, she had low blood sugar --

THE COURT: You've been asking her did you see this report, did you see that report, did you see this other report, and it's no, no, no. So Mr. Figler can ask her did you see anything in the medical passport? Did you see any of the entries in the medical passport? And the answer is no.

MR. FIGLER: Right.
THE COURT: And then we're done.
MS. BLUTH: Okay.
THE COURT: We're not then going to go into the medical passport in more detail that she never saw, but since you went into all the things she didn't check, you can go into all the things she didn't check if you want to do that.

MR. FIGLER: Right.
THE COURT: She didn't check anything. That's the bottom line.

MR. FIGLER: And just so the record is clear, if anyone has to review this in the future --

THE COURT: No. Okay. So --
MR. FIGLER: -- we're all talking about Areahia Diaz who is not one of the victim's named in the case. We're spending all this time --

THE COURT: Well, no --
MS. BLUTH: You are.
MR. FIGLER: -- on that.
THE COURT: No. No, no. Because the questions that the State was asking about concerned the Solander girls and those reports of abuse --
$\operatorname{MR}$. FIGLER: That last line of questioning where $I$ asked to approach was about Diaz.

THE COURT: But I'm just saying, I mean, look, if you JD Reporting, Inc.
want to point out -- she's pointed out the negative things that the CPS investigator didn't look at. If you want to point out the positive things that she didn't look at, you can do that. I'm going to let you do that. Look, she didn't look at this, and she didn't look at that.

MS. BLUTH: She didn't look at anything.
THE COURT: And then we are moving on. She didn't look at anything.

MS. BLUTH: But I do want to point out and the record is going to say it, we weren't allowed to get into any of this. It was through defense cross-examination that opened the door after they asked did Janet --

THE COURT: I think that's clear because --
MS. BLUTH: I just want to make sure because I wasn't getting into any of it.

THE COURT: No. I think it's clear that the Court said they couldn't get into Areahia's diabetes because it was --

MS. BLUTH: Not clear and convincing is what Your Honor said.

THE COURT: Right. And because it was too complicated.

MS. BLUTH: Agreed.
THE COURT: She did possibly have a blood sugar issue. She clearly had an obesity issue, and I felt like it JD Reporting, Inc.
was too complicated. You didn't prove it by clear and convincing evidence.

MS. BLUTH: Right.
THE COURT: That's what I had held.
MR. FIGLER: Right. And we just --
THE COURT: I need a break.
MR. FIGLER: I know, but the last thing I just want to say just is that the defense still disputes and respectfully disagrees with the Court that we opened any door specifically with diabetes because the question that Ms. McAmis asked on cross was any medical diagnoses or something along those lines, and the State honed in on that and said somehow we wide opened the door to what was otherwise excludable, and so we respectfully disagree with us becoming --

THE COURT: Well, I think the record speaks for itself.

MR. FIGLER: Fair enough.
THE COURT: So I don't know that we really need to add to it.

MS. BLUTH: Okay.
MR. FIGLER: Do we have a five minutes?
MS. BLUTH: Yeah, we are like negative 10 now.
(Proceedings recessed 11:04 a.m. 11:22 a.m.)
(In the presence of the jury)
THE COURT: All right. Court is now back in session. JD Reporting, Inc.

And, ma'am, obviously you're still under oath. And, Ms. Bluth, you may resume your direct examination. BY MS. BLUTH:

Q Okay. In doing your investigation, were you aware that the therapist who was the caller to the hotline for both of the reports we've been talking about that she had contacted CPS in writing a minimum of nine times regarding the well-being?

A No, I was not aware of that. No.
Q Did you ever reach out to speak to her? Did you already answer that? I apologize.

A No.
Q You did not reach out to her?
A No.
Q Now, she was the individual calling in the concerns on both occasions. So why did you not reach out to her?

A I can't remember, to be honest, why.
Q And you stated that you never viewed her four-page letter that she wrote as well?

A No.
Q And that four-page letter was documented in writing in the report you received?

A In the actual report.
MS. MCAMIS: Well, objection. Calls for speculation. JD Reporting, Inc.

She said she didn't review it.
THE COURT: If you know if it was documented -THE WITNESS: No.

THE COURT: -- if you didn't see it then --
THE WITNESS: No, I didn't see the letter. No. BY MS. BLUTH:

Q Sorry. I'm not asking if you saw the letter. Did you see that there was a letter in the report?

A Yes.
Q Okay. But you did not look at that letter?
A No.
Q On December 14th, you closed this case out as unsubstantiated saying that there were no safety threats identified and that the children should remain in the home; is that correct?

A Correct.
Q And the reason, as part of your safety assessment conclusion, You stated that the foster parents have shown sufficient protective capacity by ensuring the children receive visits with their parents, therapy, medical appointments and assessments as scheduled; is that correct?

A Yes.
Q Now, one of the main issues was whether or not the children -- whether or not there were issues between the Solanders and providing them, taking them to therapy or taking
them to visits; correct?
A Yes.
Q And but you never spoke with the therapist who had called in the fact that she believed these things weren't being done?

A No.
Q And so you took the Solanders' word for it?
A Well, the children were currently in BST and PSR services and going to therapy.

Q Per whom?
A Per the Legacy, they were going to therapy. I
knew --
Q So you contacted --
A No, I didn't contact her, but I knew they were going to therapy. They were going because they had PST, BSR -- BST workers coming to the home because actually one day I went to the home. The children had just come back from therapy. They were at therapy daily.

Q Did you contact Legacy -- Wells to see --
A No. No.
Q So you made that conclusion based on seeing workers in the home?

A Yes.
MS. BLUTH: Nothing further. Thank you.
THE COURT: All right. Cross.

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BY MS. MCAMIS:
Q Good morning, Ms. Ocloo. Am I pronouncing that correctly?

A Yes.
Q Okay. Thank you. Now, you testified that you have been employed in the capacity of social worker for $30-\mathrm{plus}$ years now?

A Yes.
Q So at the time that this investigation came about, this would've been approximately fall time, like November through December of 2013; right?

A Yes.
Q Okay. Well, at that time, you had at least let's say 20-plus years of experience in social work?

A Yes.
Q And your experience in social work, that includes speaking to children; right?

A Yes.
Q It includes being able to interview children; right?
A Yes.
Q It also includes being able to, you know, assess if children are communicating in a way that's open and honest to you?

Q It also includes, you know -- and you're able to make your own observations about whether or not a child is telling you the truth or if you need to make further inquiry; right?

A Right.
Q So you have all of that experience, and that's the same experience that you applied when you did the investigation in this case?

A Yes.
Q Naturally; right?
A Yes.
Q Because that was your job?
A Yes.
Q Now, and correct me if I'm wrong, but you testified that you were a CPS worker, so a Child Protective Services investigator for four years; right?

A Yes.
Q So again you had all of the skill set in order to go out into the homes or go out to the schools and interview children where there was an allegation of abuse or neglect; right?

A Right.
Q So you already had all that experience when you were assigned this case in November of 2013?

A Yes.
Q Okay. Now, when this call initially came in, it was JD Reporting, Inc.
under a report from the therapist that the three foster children that are for her concern that the three foster children and the caregivers' ability to meet the exceptional needs of the children; right?

A Yes.
Q And that's something that you documented or that was documented in the Unity notes?

A Yes.
Q It was the language that the -- in this report, this language that the foster children had exceptional needs actually came from the therapist and not from either of the Solanders?

A Is that a question or --
Q It is a question.
A Okay. That was in the -- that was documented in the report.

Q And as coming from the therapist?
A I'm not able to answer. I don't -- I don't understand your question.

Q Okay. So at the time that these reports are entered and they are staffed and assigned, everything's entered into Unity; right?

A Yes.
Q And that's something that you're familiar with reviewing when you get a case assignment; right?

JD Reporting, Inc.

