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7 *Social Security Numbers pursuant to NRS 239B.030*

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Elizabeth A. Brown  
Clerk of Supreme Court

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

9 **OFFICE OF THE CLERK**

10 IN THE MATTER OF THE  
11 GUARDIANSHIP OF THE PERSON  
12 AND ESTATES OF C.T.F. AND  
13 P.G.S., MINOR PROTECTED  
14 PERSONS.

**Supreme Court No. 83443**  
District Court Case No. PR-GU-18-67

**JOINT APPENDIX**  
**VOLUME II**

15  
16 Pursuant to NRAP 3E(d)(1), 3E(d)(4) and this Court's order dated July 21,  
17 2021, following is Appellant's Appendix in support of their Fast Track Statement.  
18  
19 Parties met and conferred and agreed to file this as a joint appendix.

20  
21 DATED this 27<sup>th</sup> day of October, 2021.

22  
23 AMENS LAW, Ltd.

24 

25 Debra M. Amens, Esq.  
26 Nevada Bar No. 12681  
27 *Attorney for Appellants*  
28

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## CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I hereby certify that I work for AMENS LAW, LTD,  
and that on the 21<sup>st</sup> day of October, 2021, I served a copy of the Joint Appendix  
by delivering a true and correct copy of same in a sealed envelope with a C.D.,  
properly addressed via first class mail, with postage thereon fully prepaid to the  
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HEATHER ANDERSEN, Paralegal

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CASE NO. PR-GU-18-49, PR-GU-18-56, PR-GU-18-67

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DEPT. NO. 1

4th JUDICIAL DISTRICT COURT  
CLERK \_\_\_\_\_ DEPUTY 18

THE FOURTH JUDICIAL DISTRICT COURT THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

BEFORE THE HONORABLE NANCY PORTER

DISTRICT JUDGE, PRESIDING

IN THE MATTER OF THE GUARDIANSHIP OF THE PERSON AND  
ESTATE OF

CARTER THOMAS FERGUSON (PR-GU-18-49);  
PAISLEY GRACE STONE (PR-GU-18-56);  
CARTER THOMAS FERGUSON and PAISLEY GRACE STONE  
(PR-GU-18-67),

MINOR PROTECTED PERSONS.

ORIGINAL

TRANSCRIPT OF RECORDED PROCEEDING

PETITION FOR GUARDIANSHIP

AUGUST 6, 2020

ELKO, NEVADA

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## 14 PRO PER

15 KRISTEN STONE (Mother)  
 16 KEVIN FERGUSON (Father of Carter Ferguson)

17  
 18  
 19 \* \* \* \* \*

20  
 21  
 22  
 23  
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## 1 TRANSCRIPT OF RECORDED PROCEEDINGS

2  
 3 THE COURT: I guess our new technology has  
 4 failed. What can go wrong will. So we've got the  
 5 witness on the phone now. And looking around the  
 6 courtroom, I see that we have everyone that was here  
 7 yesterday, except for Kevin Ferguson. We have Kristin  
 8 Stone back again today. Correct, counsel? Everybody  
 9 else is here.

10 MS. AMENS: Yes, Your Honor.

11 MS. RODRIGUEZ: Yes, Your Honor.

12 THE COURT: All right. This is your witness,  
 13 Ms. Amens, correct?

14 MS. AMENS: Yes, Your Honor. So I would call  
 15 Geri Goddard.

16 As a preliminary matter, the attorneys have  
 17 met, and we've stipulated to Exhibit C, D, and E, which  
 18 is her CV. And then she has done two letters,  
 19 basically, interim reports, one dated February 24th.  
 20 That's Exhibit D. And Exhibit E was a letter dated  
 21 April 15th, 2020. And those have been admitted.

22 The -- we've had her testify previously at the  
 23 status hearing. So we would ask that that be --  
 24 judicial notice taken to that testimony, if that's  
 25 possible.

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1 THE COURT: It's part of the record, so I can  
2 do that.  
3 MS. AMENS: Okay.  
4 THE COURT: Counsel, you stipulate to the  
5 admission of Exhibits C, D, and E?  
6 MR. GERBER: Yes, Your Honor.  
7 MS. RODRIGUEZ: Yes.  
8 THE COURT: Ms. Stone, do you have any  
9 objection to the admission of these exhibits?  
10 MS. STONE: No.  
11 THE COURT: Exhibits C, D, and E are admitted.  
12 (Exhibits C, D, and E admitted.)  
13 THE COURT: Are you ready to go forward?  
14 MS. AMENS: Yes.  
15 THE COURT: Ms. Goddard, will you please stand  
16 and raise your right hand.  
17 (Witness sworn.)  
18 THE COURT: Please state and spell your name.  
19 THE WITNESS: Geri Goddard. G-e-r-i. G-o-d,  
20 as in "David," D, as in "David," a-r-d, as in David.  
21 THE COURT: A-r-d, correct?  
22 THE WITNESS: Yes.  
23 THE COURT: Thank you.  
24 Go ahead, Ms. Amens.  
25

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1 GERI GODDARD,  
2 the witness herein, being first duly sworn, testified  
3 as follows:  
4  
5 DIRECT EXAMINATION  
6 BY MS. AMENS:  
7 Q Ms. Goddard, in this particular proceeding,  
8 you've been working with Paisley Stone, correct?  
9 A Yes.  
10 Q How long -- how much time have you spent with  
11 her?  
12 A (Unintelligible) you know what? I'm getting a  
13 lot of (unintelligible). I'm hearing myself echo.  
14 THE COURT: Are you on a speaker phone?  
15 THE WITNESS: I am. Let me hook up --  
16 THE COURT: Okay. If you take it off speaker  
17 it should work better.  
18 THE WITNESS: Okay. Oh, you're right. Thank  
19 you.  
20 THE COURT: Go ahead.  
21 THE WITNESS: I started working with Paisley  
22 last November, 2019. And, uhm, started seeing her with  
23 the -- with Pam and Mr. Lucero about twice a month in  
24 person. And then even prior to COVID starting, decided  
25 that some FaceTime and virtual meetings would be more

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1 effective and efficient, in terms of being able to see  
2 her more frequently. And then COVID happened, so I've  
3 actually increased my contact with her to almost  
4 weekly, FaceTime sessions and virtual sessions.  
5 So that's -- even if they're sometimes brief,  
6 I'm able to connect with her a little bit and have her  
7 stick with me, and just do some brief interactions.  
8 Q Have you been able to develop a rapport with  
9 Paisley?  
10 A Absolutely.  
11 Q Okay. So -- so based on the -- well, what  
12 were -- originally your object with Paisley?  
13 A Actually, being contacted by the Luceros, I was  
14 told that all three attorneys, uhm, Maria, the McGraths  
15 [sic], the Luceros, and then Paisley's attorney,  
16 Michelle Rodriguez, all agreed that Paisley would  
17 benefit from some clinical intervention, just with the  
18 number of psychological pressures that she was dealing  
19 with.  
20 Q Okay. And so what has been your clinical  
21 assessment of Paisley?  
22 A Well, that's a pretty broad spectrum. At first  
23 when I met Paisley, she was a very distressed little  
24 one for being, like, only three-and-a-half. I saw her  
25 as highly distressed, very anxious, even outwardly

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1 defiant and noncompliant. Very inattentive, angry, and  
2 emotionally unregulated. So that was the beginning.  
3 And then, you know, since then, you know, a  
4 number of things have changed.  
5 So how far can I go on to describe?  
6 Q Well, what has changed? Go for  
7 (unintelligible).  
8 A Well, uhm, so a few months in to it, until you  
9 mentioned that first report, I wrote that report based  
10 on the fact that one of the things that Paisley has  
11 consistently stated to me is that her Nanny, Maria  
12 McGrath, is mean. That's how she describes her. She  
13 states she doesn't want to go, feed her, she's upset she  
14 has to go feed her.  
15 And then I wrote that report, and then there  
16 was a request that Maria be involved. Even though,  
17 again, I want to state, I was under the impression that  
18 all parties were invited to -- certainly I continued to  
19 invite all parties to participate in Paisley's care.  
20 So I did do FaceTime and virtual meetings  
21 during exchanges where Paisley was dropped off at  
22 Vicky's house and then picked up by either grandparent,  
23 uhm, and watched her there. And then I also had some  
24 virtual sessions where Paisley was actually at her  
25 grandmother Maria's home, and watching her and her

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1 other cousins over there.

2 And over there, it was actually a little bit  
3 incongruent with what Paisley was reporting to me,  
4 because I didn't see the level of distress that Paisley  
5 was verbalizing to me. And so I saw that I was missing  
6 something, or that there was a clear, you know, hole of  
7 information.

8 Because Paisley, like I said, continued to  
9 verbalize her, uhm, dislike of -- of Nanny and how she  
10 would continue to describe her as a, quotation, mean.  
11 That is the word that she uses about Maria.

12 After -- after seeing Paisley with Maria, I  
13 wrote that second report. And like I said, that was --  
14 that was provided around April.

15 Fast forward to, like, the summer, there was an  
16 incident in where I had been hooked up with a meeting  
17 with Paisley, and she had said that she had been bad, I  
18 guess was her word. I don't have the exact report from  
19 that time. And Maria had admitted that she had spanked  
20 Paisley. Paisley said it was with a spanking spoon,  
21 and that led to a mandated report to DCFS.

22 The one thing that was positive as a result of  
23 that report to DCFS, not that I was expecting some  
24 grand intervention for, you know, Paisley on why the  
25 spanking thing, was that Paisley was no longer doing a

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1 week-to-week visitation schedule. I had been very  
2 clear from the beginning that week to week with the  
3 differences in parenting were distressful to Paisley.  
4 And a positive side effect of the fact that Paisley was  
5 no longer doing week to week definitely showed a  
6 positive impact on Paisley.

7 I saw her immediately after that had ceased.  
8 And even though she had had a visit back with Maria,  
9 Paisley's overall demeanor, well-being, was  
10 dramatically different.

11 So the first clinical impression that the  
12 week-to-week visitation was not good for Paisley was  
13 confirmed, because that was the only variable that  
14 changed. She was still continuing to see both  
15 grandparents. She was continuing to have contact and  
16 still actually saying to me that Nanny was mean. Her  
17 overall, like I say, well-being was dramatically  
18 improved.

19 I have a little wild kitty out back at my  
20 office, and Paisley's ability to be calm, compliant,  
21 follow directions and, I guess, practice the trust  
22 building was phenomenal, and just being patient with  
23 this kitty coming to her. So it was actually just a  
24 serendipitous practice, where Paisley, two days  
25 back-to-back, came and engaged with this little kitten,

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1 which five months ago she would have been absolutely  
2 incapable of doing. So that was actually very  
3 clinically remarkable.

4 And I saw Paisley again -- well, I guess that  
5 was actually probably the last time that I saw her. So  
6 that was, like, two weeks ago. No, it wasn't. Was it  
7 two weeks ago? Again, I don't have my notes right in  
8 front of me. So, yes, that was my most recent contact  
9 with Paisley.

10 Again, I want to emphasize, though, even at  
11 that time, Paisley reports that Nanny is mean, and she  
12 does not want to go over there.

13 So my next virtual meeting with Paisley was  
14 last week, and that is when she said that her cousins,  
15 Braxton, I think, and Bryson, and then there's one  
16 other boy that she said was being mean to her. And it  
17 wasn't Nanny, but it was these three boys. And she  
18 said Nanny got mad at them and used -- and she said,  
19 uhm, Maria whooped them. That was her word this time.  
20 And she said, she whooped them with the whooping spoon,  
21 not a spanking spoon, but a whooping spoon.

22 And I asked Paisley, I said, Did you get  
23 spanked, too? And she said, No. So the concern I had  
24 about that is that when I called Maria to say that I  
25 was mandated to report the first incident where Paisley

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1 had the little bruise on her bottom, and I had talked  
2 to Maria previously about not spanking, she agreed that  
3 not only would she not spank Paisley, she would no  
4 longer spank any of her grandchildren.

5 So there's a little disturbance here, where  
6 Paisley is viewing, uhm, the other children being  
7 spanked. And if Paisley is trying to establish some  
8 trust with Maria, I don't see that being very helpful.

9 Again, clinically, and it just contributes to  
10 Paisley's view of Maria, again, in quotations, mean.  
11 So that's where we kind of are currently. The -- like  
12 I said, my biggest clinical impression is that Paisley  
13 does best when she is not on this week-to-week, uhm,  
14 (unintelligible), you know, of back and forth. And  
15 especially because the households are so different.

16 But also because the relationship with Maria  
17 and Paisley is definitely strained, and it would need,  
18 I think, some clinical intervention to help redirect  
19 that and heal some of the things that are going on  
20 between the two of them.

21 Q Ms. Goddard, has there ever been any, uhm,  
22 disclosures or -- or, uhm, did you -- do you have any  
23 impression of Paisley's view of Mr. McGrew?

24 A Uhm, she has not really talked about him. I  
25 did view a -- the video exchange where Maria was

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1 picking up Paisley, I believe it was the second pickup.  
2 And John McGrew was there, and Paisley didn't have any  
3 response to him. So she hasn't really, to me, said  
4 anything about him, but she seems to have a little or  
5 no react -- negative reaction towards him. It was  
6 Maria that she has the most negative reaction to.

7 Q On the -- okay.

8 MS. AMENS: All right. I have no further  
9 questions.

10 THE COURT: Cross examination, Mr. Gerber.

11 MR. GERBER: Thank you, Your Honor.

12  
13 CROSS EXAMINATION

14 BY MR. GERBER:

15 Q Ms. Goddard, is it true that the only  
16 interaction you've had with these families is either an  
17 in-office appointment with Paisley and her great  
18 grandparents, the Luceros, and also video or phone  
19 conferencing?

20 A Yes.

21 Q Okay. And you said that when you observed  
22 Paisley in the McGrew home, you were surprised that the  
23 behavior was incongruent with what Paisley was  
24 verbalizing to you, correct?

25 A Right.

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1 Q And you said that you may be missing something,  
2 correct?

3 A Right.

4 Q Have you been able to figure out what you are  
5 missing?

6 A Well, little pieces. Uhm, when littles are  
7 saying words like mean, or they use broad, you know,  
8 strokes of, you know, trying to say how somebody is  
9 treating them, they don't have the language to say very  
10 specifically about what it is that is bothering them.

11 Once the incident of the spanking came up,  
12 Paisley has been able to give a more detailed, uhm, I  
13 guess description as to why she feels, you know, Maria  
14 is mean to her. And I think it has a lot to do with  
15 many more subtle behaviors than anything necessarily  
16 physical.

17 Paisley describes things of how she -- you  
18 know, eating is controlled. Nap time is very rigid.  
19 Like I said, the households are very different. And  
20 Paisley deals and senses this as being very punitive  
21 and angry from Maria, that Maria is very angry with  
22 her. And Paisley feels that Maria is angry with her a  
23 lot.

24 Q Okay. Did you consider that the Luceros may  
25 have hired you and were coaching Paisley to say things

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1 that were not true, or that were negative about her  
2 Nanny?

3 A Well, at three-and-a-half and four, that's  
4 really difficult for anybody to do. I'm really good  
5 with children, and it would be really difficult for me,  
6 even over a long period of time, to say something that  
7 wasn't accurate about a relationship that they were or  
8 were not enjoying. You know, kids at that age don't  
9 have that defense mechanism, which actually keeps the  
10 truth pretty clean.

11 Q Okay. But my question was, did you consider  
12 that as a possibility, that that's what was occurring?

13 A I always consider that.

14 Q Okay. And have you ruled that out?

15 A Which part?

16 Q That Paisley's being coached to say negative  
17 things, or to place labels on her Nanny, that she's  
18 mean.

19 A No. She's been very -- like I said, that's  
20 probably the thing she's been most consistent about,  
21 and it hasn't had anything to do with, you know,  
22 whether Pam or Michael Lucero are saying anything.  
23 Those are her verbalizations to me.

24 Q Right.

25 And the times when she's saying that to you is

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1 when she's in the custody of the Luceros, correct?

2 A Well, yes. But there's been times where she  
3 has immediately come from Maria's home, and I see her.  
4 So she could have said just as easily that she had a  
5 great time with Maria.

6 Q Okay. But she's still in the Luceros' custody  
7 when you've interviewed her, correct?

8 A Yes.

9 Q And she hasn't said those things when she's in  
10 the McGrews' custody?

11 A Well, I -- my interactions with Paisley when  
12 she was with Maria were really just to see if there  
13 was, uhm, like outward, uhm, distress, you know, in the  
14 relationship with Maria. And I really saw Paisley with  
15 a lot of her cousins most the time.

16 I -- I haven't had the opportunity to actually  
17 see Paisley with Maria, which would actually be the  
18 very next clinical piece that would need to be  
19 addressed to get this whole picture painted very  
20 clearly.

21 Q Okay. So you haven't been able to test that  
22 theory?

23 A I have not.

24 Q Okay. Have you re-interviewed any collateral  
25 sources, other than the Luceros and the other

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1 interactions you've had with Maria McGrew and Paisley?  
2 A I had Michael and Pam and Paisley. And I had  
3 one of Pam's daughter's present. And that -- that  
4 was -- those -- and then Maria. Those are the people  
5 that I have interviewed.

6 Q And that is everyone?

7 A Those are the people that I've interviewed,  
8 yes.

9 Q Okay. Did you at some time have occasion to  
10 discuss this case with the social worker, Brenda  
11 Kelley-Brace?

12 A In -- Brenda is the investigative social  
13 worker?

14 Q Yes.

15 A Yeah. Brenda -- actually, I called her to see  
16 the status of the case. But Brenda did not  
17 (unintelligible) me, no.

18 Q She did not what?

19 A She did not interview me. She and I did not  
20 have an open discussion. She just gave me the status  
21 of the case.

22 Q And what was the status of the case when you  
23 talked to her?

24 A That was right before our hearing, I believe.  
25 And at that time, she said that she had gone over and

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1 did not feel that there was any danger, was her words,  
2 I believe.

3 Q Okay. And do you agree with her assessment?

4 A I would say her -- I would agree with the idea  
5 that there's probably not, you know, not imminent  
6 danger, yeah. I would agree with that.

7 Q In your report that's marked Exhibit E, dated  
8 April 15th, 2020 --

9 A Uh-huh.

10 Q -- on page 2 -- oh, excuse me. Let me go back  
11 to Exhibit D page 2, dated February 24th, 2020.

12 Early on in your findings, you state, Paisley  
13 clearly has a fond and secure attachment with her  
14 maternal grandparents. That would be the Luceros,  
15 correct?

16 A Yeah.

17 Q And you had gone on to say her behavior -- her  
18 behavior literally screams that she does not have this  
19 bond and secure attachment with her paternal  
20 grandparents.

21 Do you still stand by that finding?

22 A Well, okay, so there's two levels of, uhm,  
23 bonding and secure attachment. So do I believe she has  
24 bonded with both grandparents? I do. But she --

25 Q Okay. So you've changed your opinion --

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1 A Does she have secure attachments with Maria?  
2 No.

3 Q So -- so you're saying she has a bond with the  
4 Luceros, correct?

5 A Yes.

6 Q And you're saying she does not have a bond with  
7 Maria?

8 A No. She does have a bond, okay. But there's  
9 the next phase of development that requires what is  
10 determined to be secure attachment. And the secure  
11 attachment has to do with trust and knowing that you're  
12 safe. And -- and Paisley does not experience that with  
13 Maria, not because she is, like, in danger 24-7, but  
14 because she is intermittently mistreated by Maria.

15 Q Okay. And that's based on your belief that  
16 Maria mistreated her?

17 A Yes.

18 Q Okay. And why do you believe Maria mistreated  
19 her?

20 A Because Maria admits to having spanked Paisley.

21 Q Okay. And is that your definition of  
22 mistreatment, when someone is spanked?

23 A When a child is hit, yes, that is mistreatment.  
24 The research is very clear that it is damaging, and it  
25 is -- it is an obvious (unintelligible) continuum of

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1 the abuse spectrum.

2 Q Okay. Is that the definition of Nevada law, or  
3 just your research?

4 A It's clinical research.

5 Q Okay. Do you know what Nevada law is on -- on  
6 mistreatment and abuse with the -- what the definition  
7 is?

8 A I believe it has to leave a mark.

9 Q Okay. When you spoke to Ms. Kelley, or  
10 Ms. Brenda Kelley-Brace, did she inform you that the  
11 allegations against Maria were unsubstantiated?

12 A I don't know that she had gotten that far,  
13 because she said she hadn't finished the report.

14 Q Okay. And you said you spoke to her just  
15 before the -- the last hearing.

16 A The hearing. Right.

17 Q Had she substantiated any abuse at that point?

18 A She said no. That's why I said I think she  
19 said she had found no danger, were her words. That's  
20 just my recall.

21 Q Okay. And so you knew that before the last  
22 hearing on July 7th?

23 A I did.

24 MR. GERBER: Okay. I have no further  
25 questions, Your Honor.

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1 THE COURT: Ms. Stone, do you have any  
2 questions for this witness?  
3 MS. STONE: Does anybody --  
4 THE COURT: Hang on a minute. We're gonna get  
5 you a microphone.  
6  
7 CROSS EXAMINATION  
8 BY MS. STONE:  
9 Q How come no one told me about any of the  
10 appointments, or any of the lawyers, or any of the --  
11 the --  
12 A Who may I talking to?  
13 THE COURT: This is Paisley's mother that  
14 you're talking to.  
15 THE WITNESS: Oh, hi Kristin.  
16 Q BY MS. STONE: Hi.  
17 I didn't -- I wasn't notified about any of  
18 the -- what are they called -- meetings that they had.  
19 A With me?  
20 Q Huh?  
21 A With me?  
22 Q Yeah.  
23 A I -- I wasn't aware that you were part of the  
24 process at the time, Kristin.  
25 MS. STONE: All right.

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1 THE COURT: Ms. Rodriguez, any questions?  
2 MS. RODRIGUEZ: She has no more questions,  
3 Judge? Sorry.  
4 THE COURT: No. She's handed the microphone  
5 back to the bailiff.  
6  
7 CROSS EXAMINATION  
8 BY MS. RODRIGUEZ:  
9 Q Ms. Goddard, I just have a few more questions  
10 following up on Mr. Gerber's. When you spoke with  
11 Ms. Kelley-Brace from the Division, did Ms. Brace  
12 indicate to you that she had been to the McGrew home  
13 and had physically investigated the surroundings in  
14 that home?  
15 A So remind me, is Kelley the one that I did the  
16 first report to?  
17 Q I can -- I can restate the question without  
18 giving you the answer.  
19 When you spoke to the individual from the  
20 Division who was doing the investigation on the alleged  
21 abuse with Paisley, do you recall that individual  
22 indicating to you that she had investigated -- had been  
23 in the McGrew home to determine whether or not there  
24 were objects -- well, whether or not there was a  
25 fireplace hearth there?

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1 A She gave me absolutely no information at all.  
2 I initiated the contact with her to see where the  
3 status was. So she did not call to interview me or  
4 tell me what she had done. There was none of that  
5 exchange.  
6 Q So, Ms. Goddard, that wasn't my question. When  
7 you spoke with her, did she tell you that she had been  
8 in the McGrew home?  
9 A She did not.  
10 Q And she didn't tell you that the statement that  
11 Paisley had fallen on the hearth -- the statement  
12 matched the bruise?  
13 A She did not. She did not. She actually was  
14 very clear that she could not state anything to me.  
15 Q Are you aware that there is a wood hearth in  
16 the McGrew home?  
17 A I am not.  
18 Q When you observed Paisley in the McGrew home,  
19 which room was she in, or rooms?  
20 A She was outside.  
21 Q Okay. During the time that you spoke with  
22 Ms. McGrew concerning this bruise that Paisley had on  
23 her bottom, did Ms. McGrew indicate to you that Paisley  
24 had fallen on the hearth?  
25 A She did.

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1 Q So prior to speaking with the Division, were  
2 you aware that -- or prior to making the report, were  
3 you aware that there was a hearth in the McGrew home,  
4 based on what Ms. McGrew had told you?  
5 A Like I told Maria when I spoke with her, I'm  
6 not the investigator. I'm telling you that as a  
7 mandated reporter, I needed to report.  
8 Q Okay. Ms. Goddard, my question: At the time  
9 that you made the report to the Division, had you  
10 already retained -- obtained, excuse me, the  
11 information from Ms. McGrew that there was a wood  
12 hearth in the home?  
13 A I reported the abuse after I spoke to Maria.  
14 And at that time, yes, she said that Paisley had fallen  
15 on the hearth.  
16 Q Okay. So you were aware, based upon  
17 Ms. McGrew's statement, that there was purportedly a  
18 hearth?  
19 A That's what she told me, yes.  
20 Q Okay. When you made your report to the  
21 Division, did you disclose that information?  
22 A I did.  
23 Q Okay. When you testified in this court on July  
24 7th of 2020, is there a reason you did not disclose at  
25 that point that you had had a conversation with the

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1 Division indicating they were not substantiating the  
2 report?  
3 A I don't think the question was asked.  
4 Q Do you believe that that information was  
5 important for the Court to know at that time?  
6 A Again, the question wasn't asked, and so a lot  
7 of times when I try to offer, I'm not allowed, and  
8 other times I'm allowed. So I usually just wait for  
9 the cue.  
10 Q Okay. I'm going to refer to your letter to the  
11 Court dated April 5th -- or, excuse me, to Ms. Amens  
12 dated April 15th. The Court has -- it has been marked  
13 and admitted as Exhibit E with the Court.  
14 A Okay.  
15 Q The second page of that, which is -- well, the  
16 second page of it, it indicates your statement, Upon  
17 most recent exchange, Maria reported Paisley  
18 spontaneously stated, Granny will tell Ms. Geri if you  
19 are mean to me. These are clear indications that  
20 Paisley feels responsible for transferring messages  
21 between the household.  
22 Is that a concern for you?  
23 A It had been a concern for me. It absolutely  
24 was.  
25 Q Okay. And that message that you quoted, does

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1 that indicate that Paisley was providing information to  
2 the McGrews or to the Luceros?  
3 A I would say she's reporting that to -- I would  
4 say Maria.  
5 Q So she's telling Maria that Granny will tell  
6 Ms. Geri if you're mean to me?  
7 A I don't think that's how she said it, but that  
8 would be the implication, yes.  
9 Q So this is quoted by you in your letter.  
10 A I'm just going on my recall.  
11 Q Okay.  
12 A I don't have my letter in front of me. That's  
13 all.  
14 Q Okay. Okay. You also make a recommendation  
15 thereafter, number one, it's clinically determined that  
16 Paisley is not in harm's way while in the paternal  
17 grandparents' home.  
18 What, if anything, has led you to believe that  
19 that statement is no longer true?  
20 A Well, the spoon spanking is disturbing. And  
21 then in interviewing Pamela Lucero a little bit more  
22 about some of the history. Then I guess some other  
23 pieces that were disturbing to me that kind of fit in  
24 the idea that what Paisley reports about Maria being  
25 mean, that there's some history about Maria being

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1 rather angry. And I guess it would be -- have some  
2 compulsions about how some things needed to be, that  
3 Paisley has stated to me in the past, like that really  
4 didn't -- like they didn't fit in to the big picture of  
5 things and now they do.  
6 Q Okay. May I ask, what has Ms. Lucero indicated  
7 that -- concerning Maria McGrew being mean;  
8 specifically?  
9 A Well, uhm, probably the most recent disturbing  
10 disclosure was her and, uhm -- well, like I say, Pammy,  
11 I don't remember everybody who participated, but she  
12 was describing TJ's funeral and service where the  
13 pastor was going on and on about how awful TJ was, and  
14 basically what a loser he was, and how awful he was.  
15 And that Joe, Maria's husband, was sobbing, and that  
16 somebody overheard Maria say, Knock it off. Be a man.  
17 And that John finally stood up in the middle of the  
18 service and said, Stop it. I loved my son.  
19 And that was disturbing, that Maria would  
20 somehow think that that was okay to treat her son, even  
21 after his death, at his funeral.  
22 Q So this is information --  
23 A That sounds like a very angry thing to do.  
24 Q Did you confirm this information with any other  
25 party?

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1 A I haven't had time, ma'am.  
2 Q I'm sorry?  
3 A I have not had the time.  
4 Q Okay. Were there any other specific statements  
5 made to you that would cause you to believe that Maria  
6 McGrew is an angry person?  
7 A Uhm, actually, there was several. Again, Pammy  
8 reported that when TJ was alive, there was more than  
9 one occasion where she had to go to a laundromat and  
10 pick him up because he had been kicked out by Maria.  
11 And it was wintertime. And he didn't have a coat and  
12 barely shoes on. And Pammy had also said to me that  
13 that was one of the reasons that TJ reported to her  
14 that he did not want Paisley in Maria's care.  
15 Q How, may I ask, do these statements from  
16 Ms. Lucero assist in play fair be for Paisley?  
17 A Well, Paisley keeps saying Maria is mean. And  
18 I have been an expert with children for over 30 years.  
19 But I know they don't live in a vacuum, and so that  
20 there are people that are around them that care for  
21 them, and they're in their watch and supervision, who  
22 can fill in those blanks for me so that I get a very  
23 complete clinical picture. Because that obviously  
24 cannot come from a three-and-a-half year old.  
25 Just as when you would take her to the dentist

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1 or the pediatrician, you would just not get her  
2 history, you would ask for the other people who are  
3 caring for her what has occurred.  
4 Q When did these statements that Ms. Lucero made  
5 to you, when did they begin concerning Maria McGrew's  
6 anger?  
7 A The, uh, the anger came up because of me. Pam  
8 and Michael, at the very beginning, were saying that  
9 they were upset about how Maria had, they feel,  
10 manipulated Kristin in to, you know, having Paisley's  
11 shared custody. Uh, but they didn't talk about  
12 Maria's anger. That was generated from me.  
13 Q Do you remember approximately when, in your  
14 clinical relationship with Paisley, that was brought  
15 forth?  
16 A Well, after the spanking incident, it really  
17 rose to the top very quickly. Because I think Paisley  
18 was, you know, all the sudden quite relieved that  
19 somebody was, that I was, actually believing her.  
20 Because prior to then I think she even looked at me,  
21 like, you're not believing me, even though she kept  
22 repeating herself and repeating herself and repeating  
23 herself. You know, I had some doubt.  
24 Q So, say, June of 2020?  
25 A Yes.

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1 Q Mid June. Sorry.  
2 Prior to that, you had been informed that there  
3 was a great deal of animosity during the exchanges for  
4 Paisley to go to the McGrews' home, correct?  
5 A Well, there's a lot of things going in to the  
6 exchange. But, yes, that was part of it.  
7 Q Were you also informed prior to that that  
8 Paisley would go to the Ferguson home with her brother,  
9 Carter, to facilitate that exchange?  
10 A That -- yes, I know that's where it occurred.  
11 Q At any time, did you reach out to the Fergusons  
12 to -- to determine what their impression was of the  
13 exchange and Paisley's demeanor?  
14 A I did not. Again, I -- I've got limited time  
15 that I can manage this. But, yes, I know that's a  
16 piece.  
17 Q Okay. And you said you did a couple of the  
18 FaceTime for a couple of the visitation exchanges?  
19 A Yes.  
20 Q How many of those were you able to FaceTime?  
21 A Well, when I got Maria involved, I think she  
22 and I did three. And then I -- I was doing them pretty  
23 consistently before and after with the Luceros.  
24 Q Would it surprise you --  
25 MS. RODRIGUEZ: Well, strike that, Judge.

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1 Q BY MS. RODRIGUEZ: Are you aware of how long  
2 Paisley continues to be upset once she goes to the  
3 Ferguson home for an exchange to the McGrew home?  
4 A I'm not sure how -- actually, I'm not. Because  
5 I'm not sure how long that exchange takes place. So,  
6 no, I am not aware.  
7 Q When Paisley was with Ms. McGrew and you were  
8 able to observe that interaction, did Paisley indicate  
9 that Maria was mean to her at that time?  
10 A Paisley has always been in the care -- excuse  
11 me. Paisley has always been in the company of other  
12 children when I see her with Maria McGrew. So like I  
13 said, that's one of the clinical pieces that I have not  
14 fully assessed, where it is just Paisley with Maria.  
15 Q Did you indicate to Maria that you would prefer  
16 to see them without any other children around?  
17 A I have actually asked Maria to be involved in  
18 Paisley's care a number of times. And that would  
19 include that.  
20 Q So you did ask Maria to have -- FaceTime you in  
21 to a time when it was just her and Paisley, no other  
22 children?  
23 A I didn't ask that specifically, no. I asked  
24 her specifically to be involved in Paisley's care and  
25 treatment.

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1 MS. RODRIGUEZ: Okay. I actually don't have  
2 any other questions, Judge. Thank you.  
3 THE COURT: Redirect?  
4 MS. AMENS: Yes, Your Honor. Just a few  
5 things.  
6  
7 REDIRECT EXAMINATION  
8 BY MS. AMENS:  
9 Q Ms. Goddard, going back to the incident that  
10 was reported to DCFS, I understood you to say that  
11 Ms. Brace never called to talk with you about what had  
12 been reported.  
13 Did you have a chance to give her -- did you  
14 disclose to her what Paisley had disclosed to you?  
15 A It was -- that was not a welcome conversation.  
16 She made it very clear that she wasn't interested from  
17 so -- so she did not -- she did not know that Paisley  
18 had disclosed about being in trouble, uh, and getting  
19 spanked --  
20 MS. RODRIGUEZ: I object. That calls --  
21 THE WITNESS: She got no --  
22 THE COURT: Just a minute. Just a minute,  
23 Ms. Goddard. There was an objection.  
24 What was your question?  
25 THE WITNESS: Sorry.

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1 THE COURT: What was your question?

2 MS. AMENS: My question was that she had not

3 disclosed --

4 MS. RODRIGUEZ: No. You said she didn't know.

5 MS. AMENS: No. That --

6 THE COURT: All right. Why don't you just ask

7 another question, and we'll see if Ms. Rodriguez still

8 has an objection?

9 MS. AMENS: Okay.

10 Q BY MS. AMENS: Okay. You were not able to

11 disclose what Paisley had told you, correct?

12 A Right.

13 Q Okay. Did she disclose anything about what

14 Paisley had told her?

15 A The social worker?

16 Q Yes.

17 A No. It was not a dialogue.

18 Q So would it surprise -- would it surprise you,

19 if her disclosure from Paisley was basically the same

20 as what you had disclosed, except she first said

21 Braxton had been the one who caused the problem, and

22 then she said Noah?

23 A Again, I -- it becomes inconsequential, because

24 the point was that Paisley was spanked by Maria, and

25 Maria admitted to spanking her. So the circumstances

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1 around it, I guess I don't see --

2 Q Is it --

3 A -- of what's going on.

4 Q Is it common for a child of her age to

5 interchange some of the cousins' names?

6 A I interchange cousins' names all the time.

7 Q Okay. So the fact that she would have said

8 Noah, meaning Braxton, that wouldn't concern you?

9 A Oh, (unintelligible) you know, the other three

10 people that were there. I mean, she's in two very busy

11 households.

12 Q Okay. All right. When she initially disclosed

13 the -- when she initially disclosed the spanking that

14 was reported to DCSF [sic], did she disclose whether

15 that spanking took place in front of all of the kids?

16 A I -- no. That was not -- I mean, that's --

17 I -- again, I'm not the investigator. All she told me

18 is that she had been bad, or that she had, you know,

19 had a bad day, or something, and she was very shame --

20 shameful. She had her eyes down and looking sad. And

21 then she said because she was bad, she got a spanking

22 with the spanking spoon. That was the -- that was the

23 disclosure from Paisley.

24 Q Okay. When she disclosed that there was an

25 additional spanking in the last couple of weeks, did

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1 she -- she disclose whether she saw that spanking, or

2 just knew about it?

3 A She said she saw it. She said they -- my

4 impression was very clear, that she knew they got

5 whooped with the whooping spoon, because she was there.

6 Q Okay. And that was concerning to you?

7 A Very.

8 Q In regards to her care and treatment?

9 A Yes.

10 Q Okay. Okay. On the exchanges, just real

11 briefly, is it your impression that the discomfort, or

12 the breakdowns at exchanges happened once or twice, or

13 did you understand them to be a regular occurrence?

14 A Paisley's breakdowns were prior to the

15 exchanges, or maybe up to the exchange, was a very

16 consistent behavior of Paisley's.

17 Q And were they just a tantrum that was over in a

18 couple of minutes, or how traumatic were these --

19 A They were --

20 MR. GERBER: Your Honor, I'm going to object --

21 THE COURT: Just a moment. Just a moment.

22 Ms. Goddard, there's --

23 THE WITNESS: -- (unintelligible) 45 minutes to

24 an hour.

25 THE COURT: Mr. Gerber, what's your objection?

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1 MR. GERBER: The objection is that Ms. Goddard

2 has not witnessed these occurrences or exchanges on a

3 regular basis, so she would have to speculate the

4 answer to this question. She's only going off of

5 hearsay of what the Luceros have told her or chosen to

6 show her.

7 THE COURT: Ms. Amens, lay more of a

8 foundation.

9 Q BY MS. AMENS: Well, let me ask a different

10 question. Of the exchanges that you have observed, do

11 you have an understanding of how long the distress was

12 for Paisley?

13 MS. RODRIGUEZ: Judge, I'm going to object.

14 THE WITNESS: The ones that I have witnessed?

15 MS. RODRIGUEZ: It's been asked and answered.

16 I asked that direct question, and Ms. Goddard indicated

17 she had no idea.

18 THE COURT: The objection is sustained.

19 MS. AMENS: I don't -- okay.

20 No further questions.

21 THE COURT: Recross, Mr. Gerber?

22 MR. GERBER: I have no further questions, Your

23 Honor.

24 THE COURT: Ms. Stone, do you have any other

25 questions?

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1 MS. STONE: No.  
2 THE COURT: Ms. Rodriguez, any recross?  
3 MS. RODRIGUEZ: No, Judge. Thank you.  
4 THE COURT: Thank you, Ms. Goddard. You are  
5 excused. We will conclude the phone call.  
6 THE WITNESS: Thank you. Appreciate it. Bye.  
7 (The witness left the stand.)  
8 THE COURT: All right. Before we get back to  
9 Ms. Ferguson's testimony, I want to put some things on  
10 the record.  
11 I read yesterday the Nevada Initial Assessment  
12 report regarding the 2014 investigation of Luceros. I  
13 redacted a name throughout the report. That person was  
14 not specifically identified as the reporting party.  
15 But reading the substance of the report, I got the  
16 sense that that person was. So that is the only thing  
17 that has been redacted from that report. That person's  
18 name has not come up in this case. So it's not  
19 relevant. And if that person was the reporting party,  
20 I needed to protect that person's identity by statute.  
21 So the redacted copy was given to the  
22 attorneys. That's pursuant to NRS 432(b).290(2)(a),  
23 that says that a Court, for in camera inspection only,  
24 can read records from the Division of Child and Family  
25 Services and can disclose those records to the public,

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1 or the Division can, unless the Court determines that  
2 public disclosure -- let me read this again.  
3 The Court can make a determination that public  
4 disclosure is necessary for the determination of an  
5 issue before it. So I've made that determination and  
6 provided those records to the attorneys.  
7 As I told you yesterday afternoon, you can't  
8 let your clients have copies of those. They can read  
9 them.  
10 So that will be -- the redacted copy will be an  
11 exhibit from Mr. Gerber, whatever next in line is. Is  
12 that 4?  
13 MS. RODRIGUEZ: Judge, I would ask that be  
14 confidential.  
15 THE COURT: It will be.  
16 This will be Exhibit 6, and that will be  
17 confidential.  
18 (Exhibit 6 marked and admitted.)  
19 THE COURT: Filed in the court file  
20 confidentially will be the copy that I received from  
21 the social worker when she testified yesterday. That's  
22 the complete copy that has the redacted information not  
23 redacted. So that's going to be filed in this case  
24 confidentially.  
25 Then as -- it will be Mr. Gerber's Exhibit 7,

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1 which will also be admitted confidentially, is the  
2 Nevada Initial Assessment report regarding the incident  
3 with Ms. McGrew and Paisley and the whooping spoon. I  
4 redacted nothing from that. So that will be admitted  
5 confidentially as Exhibit 7.  
6 (Exhibit 7 marked and admitted.)  
7 THE COURT: So I was thinking about this case  
8 last night and this morning. And there's something I  
9 want you all to talk about over the noon hour. I still  
10 do not have enough evidence to make a determination of  
11 whether Kristin Stone is unable to provide care for  
12 these children. I need more evidence of that before I  
13 can make that finding.  
14 However, if I make that finding, it sounds like  
15 the Fergusons, or at least Ms. Ferguson, is fine with  
16 sharing guardianship of Carter with the Luceros. So I  
17 would like you all to talk about if I order a  
18 guardianship, are the parties in agreement that they  
19 would share guardianship with Carter?  
20 If they are, you still need to present your  
21 case, Counsel, that the guardian is needed, but we  
22 wouldn't have to continue with what is becoming a  
23 custody case between the Fergusons and the Luceros. We  
24 can then just move on to the issue with the -- with  
25 Paisley, whether she needs a guardian and who that

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1 guardian, or guardians, should be.  
2 So I want you to discuss that over the lunch  
3 break. See if there's any agreement regarding Carter.  
4 But again, I've not make find -- made a finding  
5 yet, Ms. Stone, that your children need a guardian. I  
6 don't have enough evidence to do that yet. The only  
7 question is if I make that determination whether the  
8 Luceros and the Fergusons agree to sharing that  
9 guardianship.  
10 We're gonna go ahead and take our lunch break.  
11 We're gonna start back up again at 1:15. I have  
12 another case that's scheduled for two o'clock -- hang  
13 on a minute, Ms. Amens -- for two o'clock. I don't  
14 know if anyone is going to show up to object to that  
15 case. We may only have one side here. If that  
16 happens, we're gonna stop at two o'clock. That will be  
17 about a 10- or 15-minute hearing. I'll get that done,  
18 and we'll come back to your case.  
19 If someone shows up to object in that case so  
20 that I'm gonna have a longer hearing, we'll just finish  
21 your hearing and I'll take theirs when we're done.  
22 Ms. Amens, what did you need?  
23 MS. AMENS: Yes, Your Honor. Sorry.  
24 We had talked about Janell Anderson just giving  
25 a quick report. She is available by cell phone.

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1 THE COURT: Uh-huh.

2 MS. AMENS: And, yeah, I think she'll just give  
3 you an update of how many times she's met. She doesn't  
4 have -- what my understanding is, she's not spent  
5 enough time with these parties to -- to be able to give  
6 any kind of recommendation at all.

7 THE COURT: Is there any relevance, then, to  
8 her testimony?

9 MS. AMENS: Mr. Gerber and I had talked that  
10 that -- it would -- about that, that -- that it would  
11 be beneficial potentially for the Court. If you don't  
12 need it, I think I can just let her go. And we're fine  
13 with that.

14 THE COURT: Do you -- Counsel, can you enter in  
15 to a stipulation how many times she's met with  
16 everybody? Do you know?

17 MR. GERBER: Well, if she doesn't have any  
18 recommendations at this time, I don't think it would be  
19 productive. I haven't actually spoken to her to see if  
20 that is her position. I trust Ms. Amens at her word.

21 MS. AMENS: Well, I think the parties could  
22 tell us how many times they've met. I think it's only  
23 one, but I don't know.

24 MS. RODRIGUEZ: I believe it's twice. We could  
25 jointly, like the three of us, could call Janell, or

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1 Ms. Anderson, as soon as we step off, before we talk  
2 about settlement. And then we could make a disclosure  
3 to the Court based upon -- as officers of the Court.

4 THE COURT: Let's just do it that way.

5 MS. AMENS: Okay.

6 THE COURT: So I'll give you some time to do  
7 that, to talk about Carter, and we will resume at 1:15.

8 MR. GERBER: One more question about the  
9 exhibits, Your Honor.

10 THE COURT: Uh-huh.

11 MR. GERBER: You've placed Exhibit 6 in to  
12 evidence. Has it been admitted, or do I need to make a  
13 motion --

14 THE COURT: It's admitted. Both of those  
15 reports are admitted.

16 MR. GERBER: Okay. Thank you, Your Honor.

17 THE COURT: All right. We're in recess.  
18 (Recess.)

19 THE COURT: Counsel, is there any agreement  
20 about Carter?

21 MR. GERBER: Your Honor, my clients' position  
22 has not changed. They have petitioned for general  
23 guardianship. Although, Ms. Ferguson is willing to  
24 share visitation, I don't think that she was speaking  
25 as to legal custody. They want to be able to make

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1 medical, school decisions, and not have to share those  
2 decisions. That is their as to -- their position as to  
3 the Petition.

4 THE COURT: I understand. That is not what I  
5 understood of her testimony yesterday, but I understand  
6 that's the position.

7 MS. AMENS: My client -- basically, there is no  
8 agreement. My clients were willing to go -- to do a  
9 co-guardianship, which would include kind of like a  
10 legal custody arrangement. So -- but there's no  
11 agreement between the parties.

12 THE COURT: Okay.

13 MS. AMENS: Your Honor?

14 THE COURT: Yes.

15 MS. AMENS: Can I ask just one quick question  
16 for tomorrow morning. Can we get going at 8:30?

17 THE COURT: We can start at 8:30. But what I  
18 don't want you all doing is spreading it out to  
19 three-and-a-half hours instead of the three hours we  
20 have it scheduled for, because I have other work to do.

21 MS. AMENS: Yes, Your Honor.

22 THE COURT: So are you both going to be able to  
23 get it done within the three hours?

24 MS. AMENS: Yes, Your Honor.

25 THE COURT: If I can just kind of swap out of

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1 the time between the beginning and the end.

2 MS. AMENS: I think so.

3 MS. RODRIGUEZ: I hope so, Judge. Some  
4 circumstances came up with my client.

5 THE COURT: Uh-huh.

6 MS. RODRIGUEZ: I have been unable to speak to  
7 him or reach him, so I'm working very diligently to do  
8 that.

9 THE COURT: Okay. All right.

10 MS. RODRIGUEZ: But we can update you in the  
11 morning.

12 MS. AMENS: Thank you.

13 THE COURT: All right. Yesterday was my third  
14 ten-hour day in a row. I'm not whining. I'm a  
15 volunteer in this position. But I'm starting to get a  
16 little tired.

17 MS. RODRIGUEZ: Yes.

18 THE COURT: So we had Ms. Ferguson on the  
19 stand. And --

20 MS. RODRIGUEZ: Sorry. And we spoke with  
21 Ms. Anderson, Judge, during the break.

22 THE COURT: Yes.

23 MS. RODRIGUEZ: If I may?

24 THE COURT: Uh-huh.

25 MS. RODRIGUEZ: Ms. Anderson indicated she has

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1 met with the parties, the Luceros and the McGrews, two  
2 times. The first time was a two-hour meeting, the  
3 second time was a one-hour meeting.  
4 THE COURT: Met with them all together?  
5 MS. RODRIGUEZ: Yes. Sorry.  
6 THE COURT: Okay.  
7 MS. RODRIGUEZ: And she also spoke with  
8 Ms. Goddard. Ms. Anderson indicated that she feels  
9 there's a lot of work to do with these parties, that  
10 there is a lot of grief, a great deal of grief and loss  
11 issues that they all need to work through. She feels  
12 that the main issue with the parties is the conflict,  
13 and it's causing high stress for Paisley.  
14 She believes that it's important for the  
15 parties to have consistent routines that will help the  
16 child to adjust, consistent discipline, consistent  
17 bedtime, dinnertime, breakfast time, and eventually  
18 consistent homework routines. That's -- those are  
19 going to be necessary. She believes that the high  
20 conflict and disparagement is not emotionally safe for  
21 Paisley.  
22 Her goal is to have positive conflict --  
23 conflict resolution and reunification -- reinforcement.  
24 She believes that in the end, her goal is to help the  
25 parties treat each other like business partners and be

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1 positive and respectful with each other.  
2 The two times she met with them, Judge, was  
3 this month -- well, was July. I forgot we were --  
4 THE COURT: Thank you.  
5 Anything to add to that, Mr. Gerber?  
6 MR. GERBER: As to talking about scheduling, by  
7 my estimation, I do not believe that we are going to  
8 finish with all of the witnesses today. So I would  
9 make a motion that the Court continue with the hearing  
10 through five o'clock today, continue the hearing by  
11 scheduling additional dates to be able to complete the  
12 testimony.  
13 And in the meantime, I will motion the Court,  
14 that the Court, based on the evidence presented through  
15 five o'clock today, that the Court make a determination  
16 that the parties resume the status quo of  
17 one week on/one week off until we can get back to court  
18 and make a final determination in the matter.  
19 THE COURT: Okay. I'll see what evidence I  
20 have heard at that point. If the other hearing I have  
21 at two o'clock is going to be brief, I am going to take  
22 a break for that. But we will go until 5:00.  
23 MS. AMENS: Your Honor, when we were talking as  
24 a group in terms of the status quo, my understanding  
25 was the status quo would be the one week on/one

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1 week off for Carter, and the alternating weekends on  
2 Paisley. So that will be my counter motion.  
3 MR. GERBER: Yeah, we did not have an  
4 agreement. My motion is independent from anything  
5 Ms. Amens understood or is motioning. I'm asking the  
6 Court establish the status quo prior to the ex parte  
7 motion, because the allegations by the testimony and by  
8 the reports were shown to be unsubstantiated.  
9 THE COURT: Okay. I'm not making a decision  
10 either way at this point. Ms. Amens hasn't had a  
11 chance to put on any of her case yet. We'll see how  
12 far we get today, and I'll let you know whether I can  
13 make a decision. If I do, it will just be a temporary  
14 order.  
15 Ms. Amens, do you have anything to add to what  
16 Ms. Rodriguez said about the phone call with  
17 Ms. Anderson?  
18 MS. AMENS: No, Your Honor. We were all three  
19 on the -- on the call together. And Ms. Rodriguez took  
20 notes.  
21 THE COURT: Okay. All right. So,  
22 Ms. Rodriguez, do you have more questions for  
23 Ms. Ferguson?  
24 MS. RODRIGUEZ: Yes, Your Honor.  
25 THE COURT: Ms. Ferguson, please come forward.

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1 You can have a seat. You're still under oath.  
2 Go ahead, Ms. Rodriguez.  
3 MS. RODRIGUEZ: Thank you.  
4 (The witness resumed the stand.)  
5  
6 CROSS EXAMINATION (Continued)  
7 BY MS. RODRIGUEZ:  
8 Q Ms. Ferguson, we were discussing the  
9 relationship between Paisley and her brother, Carter --  
10 A Yes.  
11 Q -- when we ended, and the fact that you're --  
12 see Paisley quite often. How often do you see Paisley?  
13 Sorry.  
14 A When she was coming, we were seeing her until  
15 Maria got there to pick her up, or Maria was already  
16 there. And then during the week, we would go over to  
17 Maria's.  
18 Q Were there times during the exchange when the  
19 Luceros would drop Paisley off and the McGrew person  
20 was not there?  
21 A Maria -- I had asked Maria to come at 4:05,  
22 because there was an altercation between Maria and  
23 Pamela in my living room. Pamela had come in for the  
24 exchange. Maria had shown up. She was in the living  
25 room. And I asked Pamela if there was anything to pass

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1 down from Paisley. Maria is sitting on the love seat,  
2 and Pamela says, I will tell you, but I won't tell her.  
3 Q Do you remember approximately when that was?  
4 A I want to say in the beginning, when all this  
5 happened. And after that, I just asked Maria to start  
6 coming at 4:05 to avoid conflict.  
7 Q Where were the children, Carter and Paisley?  
8 A They were in the house.  
9 Q Were they in the living room?  
10 A Yes.  
11 Q Okay. And what was Ms. McGrew's response to  
12 Ms. Lucero's statement?  
13 A Well, I'm sure she was upset and hurt.  
14 Q Did she say anything?  
15 A No.  
16 Q Did she at all attempt to engage with  
17 Ms. Lucero based on Ms. Lucero's statement?  
18 A No.  
19 Q Have you observed any other engagements between  
20 any of the Luceros and any of the McGrews, which would  
21 cause you concern for Paisley's well-being?  
22 A No.  
23 Q Okay. Just that one incident?  
24 A Yes.  
25 Q Since you asked that the parties basically --

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1 A Come five minutes --  
2 Q -- have a space between their arriving --  
3 A It was Ms. McGrew that I asked to come later.  
4 Q Okay. Have you had any problems with  
5 Ms. McGrew complying with that?  
6 A No.  
7 Q Has Paisley's behavior during exchanges changed  
8 once Ms. McGrew waited to come?  
9 A No, they haven't. As a matter of fact, when  
10 Paisley comes, we're waiting for Maria, Maria will pull  
11 in to the driveway, and Paisley will sit there and say,  
12 I got to go hide. Nanny's got to find me. So Paisley  
13 will go hide, Maria will come in. And, like, she's  
14 hiding, you got to go find her. So Maria will start  
15 looking for her. And that's a game that they have  
16 played ever since all of this has started.  
17 Q Have you ever observed Paisley to be fearful of  
18 Ms. McGrew?  
19 A No.  
20 Q Have you ever observed Paisley to be fearful of  
21 Ms. Lucero?  
22 A No.  
23 Q Have you observed Paisley to be fearful of  
24 Mr. Lucero?  
25 A No.

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1 Q Mr. McGrew?  
2 A No.  
3 Q Did anyone from DCFS contact you regarding the  
4 allegations against Ms. McGrew abusing Paisley?  
5 A No.  
6 Q Has Paisley ever said anything to you during  
7 these exchange times concerning Ms. McGrew spanking  
8 her, or hurting her?  
9 A No.  
10 Q Have you ever had to convince Paisley that she  
11 needs to go with either party?  
12 A No.  
13 Q Okay.  
14 A Towards the last visit, when we were getting  
15 both kids together, uhm, Paisley was gonna go hide.  
16 Instead, Maria walked in the door, she almost got  
17 knocked -- knocked down because Paisley was giving her  
18 kisses and everything else.  
19 Q What interaction do you have with the  
20 children's biological mother? Any?  
21 A We used to be very close. I'd like to think  
22 that -- I mean, she'll still text me once in a while  
23 and say, Can I have a picture of Carter, and I'll send  
24 it to her. So, I mean, it's not great, but I think  
25 that we can rebuild that relationship.

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1 Q Okay. You testified on direct that at one time  
2 Ms. Lucero yelled, That's it, we're not doing this  
3 anymore, we are going back to court, during the  
4 exchange.  
5 A Yes.  
6 Q Do you recall approximately when that was?  
7 A No. She has said it two or three times. So I  
8 can't tell you when it all occurred.  
9 Q Do you recall when Paisley said that Granny  
10 said I can't see Nanny anymore, the approximate time  
11 frame?  
12 A That was back in -- let's see, we're in August  
13 now. It would have been back in July. I want to say  
14 July or June, before all of this talk with Maria.  
15 THE COURT: Is it Nanny or Nanny?  
16 THE WITNESS: She goes either way, Nanny,  
17 Nanny.  
18 THE COURT: Okay. Thank you.  
19 Sorry, Ms. Rodriguez.  
20 MS. RODRIGUEZ: No. I actually had it both  
21 ways in my notes, so thank you.  
22 THE COURT: Me, too.  
23 Q BY MS. RODRIGUEZ: So was it before the ex  
24 parte motion was filed?  
25 A Yes.

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1 Q Okay. Was it before the alleged spanking  
2 occurred?  
3 A Yeah.  
4 Q Since the ex parte motion has been filed, are  
5 you still seeing Paisley for exchanges for the  
6 weekends?  
7 A Only if Paisley wants to see me. Pamela  
8 brought her up one day and said that Paisley wanted to  
9 see me. So I went out there and sat, and she gave me a  
10 hug and a kiss.  
11 Q At the Lucero home?  
12 A No. At my home.  
13 Q Okay.  
14 A And it's when they were dropping off Carter.  
15 Q Has Carter been positive for any type of drug?  
16 A None that I know of.  
17 Q Okay. You testified yesterday that you quit  
18 your job to take care of Carter. Where were you  
19 working?  
20 A I was working at Highland Manor in the laundry  
21 department.  
22 Q Okay. Are you able to sufficiently meet  
23 Carter's needs without that income?  
24 A Yes.  
25 Q Do you have Carter on insurance?

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1 A Yes, we do. He's on my husband's medical.  
2 Q How long has he been on that insurance?  
3 A Ever since we started -- we put him on after we  
4 started the guardianship.  
5 Q Okay. After you got the first temporary order?  
6 A Yes.  
7 Q Have you been able to take Carter to the  
8 doctor?  
9 A Yes.  
10 Q Has he had any needs that you were unable to  
11 meet medically?  
12 A No.  
13 Q Was he up to date on his vaccinations when you  
14 started the vaccination --  
15 A He's up to date on all of his shots.  
16 Q Was he when you first put him on your  
17 insurance?  
18 A I think he might have been behind one or two.  
19 Q Okay. And were you able to get him caught up?  
20 A Yes.  
21 Q Who is his pediatrician?  
22 A His pediatrician is Dr. Deguzman over at Golden  
23 Health.  
24 Q Did you know that Carter had been seen by NEIS,  
25 Nevada Early Intervention?

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1 A Yes. Pamela Lucero had told me that Carter had  
2 an appointment, it was on our week, and that he needed  
3 to go. And I said, Okay. I had called Travis and  
4 talked to him about it. I allowed them to pick Carter  
5 up early. I asked if we could have him on Friday.  
6 Uhm, there was no answer, so I just -- I didn't push  
7 it.  
8 Q Do you know what, if any determination, Nevada  
9 Early Intervention made regarding Carter, concerning  
10 Carter's developmental abilities?  
11 A No. I do not.  
12 Q Okay. Were you aware that  
13 Mr. and Mrs. Lucero -- Lucero, excuse me, made an  
14 appointment to take Carter to the Shriner's?  
15 A Yes.  
16 Q Do you know why?  
17 A For his legs and their shins.  
18 Q And were they able to take him there?  
19 A Yes, they were.  
20 Q Do you know what the findings from Shriner's  
21 were?  
22 A No. Pamela Lucero told me she had all of the  
23 reports, and she was going to keep them. I didn't ask  
24 for a copy. I figured that's what Pamela wanted, you  
25 know.

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1 Q Were you told that you needed to do any type of  
2 exercises, or activities, or anything special with  
3 Carter for his development or for his legs?  
4 A No, I was not.  
5 Q Okay. Did Shriner's bill your insurance?  
6 A To my knowledge, no.  
7 Q Okay. Has Carter had any issues with the  
8 examine exchanges?  
9 A No.  
10 Q How often would you say that Paisley actually  
11 had issues with the exchanges that you observed  
12 personally?  
13 A I would say at least three or four.  
14 Q Three to four times?  
15 A Yeah. But, uhm, there was only twice with the  
16 screaming, and then once she gets inside the house,  
17 it's seconds, she goes to the toy box and she's fine.  
18 Q What -- how does Carter react when Paisley has  
19 these issues at the exchanges?  
20 A He's fine.  
21 MS. RODRIGUEZ: Okay. I have nothing further,  
22 Judge.  
23 THE COURT: Redirect, Mr. Gerber?  
24 MR. GERBER: Thank you, Your Honor.  
25

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REDIRECT EXAMINATION

1  
2 BY MR. GERBER:  
3 Q During the exchanges, how frequent is Paisley  
4 upset when she arrives at your house?  
5 A Uhm, there was the one time that she was  
6 screaming in the driveway. And there was one other  
7 time. And I want to say one or two more times. And  
8 that's it.  
9 Q Okay. And so are you saying that more often  
10 than not, she is not upset when she arrives at your  
11 house?  
12 A Yes.  
13 Q Okay. You heard Ms. Goddard testify earlier  
14 this morning, correct?  
15 A Yes.  
16 Q And did you hear her state that it was her  
17 belief that the exchanges, that Paisley was more often  
18 than not upset, that she was more frequently upset than  
19 not upset?  
20 A Yes. I did hear that.  
21 Q You've been able to personally observe those  
22 exchanges, correct?  
23 A Yes.  
24 Q What is the truth? I mean, is she more  
25 frequently upset, or not upset?

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1 A Well, I know Pamela has told me that Paisley  
2 will cry and make herself sick and not want to come,  
3 but she still comes.  
4 Q Okay. Or what did you actually observe?  
5 A But she's not crying -- she's not crying when  
6 she gets, you know, inside the house.  
7 Q Okay. Do you believe that Paisley is sick or  
8 that -- that she's upset when you don't witness it?  
9 A I can't answer that, because I haven't  
10 witnessed it.  
11 Q It's only what you've been told by  
12 Pamela Lucero, correct?  
13 A Yeah. Yes.  
14 Q But what you've personally observed is that  
15 Paisley is, I think you said, mostly happy yesterday,  
16 right?  
17 A Yes.  
18 Q So you -- and when she does come upset, she  
19 quickly readjusts and redirects once she's in --  
20 A Yes.  
21 Q -- your home or when Maria arrives, correct?  
22 A Yes. Yes.  
23 Q Is -- on those occasions when she's come to  
24 your house upset, was she being transported by the  
25 Luceros or by Maria McGrew?

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1 A She was being transported by the Luceros.  
2 Q Okay. Has there anybody -- has there ever been  
3 a time when Paisley has arrived at your home or acted  
4 out while she's being brought with Maria?  
5 A No.  
6 Q Since the ex parte motion was granted by this  
7 court and the 50/50 visitation stopped, and the McGrews  
8 only got the visitation on the weekends, has there been  
9 a change -- a change in the way that the Luceros  
10 exchange Paisley?  
11 A I have no idea, because that does not take  
12 place in my house.  
13 Q Okay. So you haven't been able to witness  
14 those exchanges anymore?  
15 A No, I have not.  
16 Q Okay. Has your relationship with Pamela Lucero  
17 always been the same than it is today?  
18 A No.  
19 Q Okay. Early on in the case, or early on with  
20 Carter, did Pamela have a different attitude toward  
21 you?  
22 A No.  
23 Q Okay. So how has it changed, if it has  
24 changed?  
25 A Pamela and I were talking every day when I

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1 wasn't working. Once I went back to work, that was a  
2 different story. I was working. I would come home. I  
3 would go to bed. I would get up and go back to work.  
4 I mean, I was at work two hours early every day.  
5 Q Okay. And what time frame was that? What  
6 year? Or how long ago?  
7 A I want to say probably up to two years ago.  
8 Q Okay. Was there a time --  
9 A But it could have been longer.  
10 Q Was there a time when Pamela Lucero treated you  
11 with less respect than she treats you now?  
12 A No.  
13 Q Okay. It's always been the same that way?  
14 A It's always been the same.  
15 Q Okay. Has there been a time when she's treated  
16 Maria with more respect than she treats her now?  
17 A I can't -- I don't --  
18 Q Okay. You haven't been able to gauge that?  
19 A No, I haven't.  
20 Q Okay.  
21 A I don't think that the relationship between  
22 Maria and Pamela have changed.  
23 Q So are you saying it's always been a strained  
24 relationship?  
25 A Yes. Up until the last two visits, Maria was

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1 showing up and Granny would be there, and there would  
 2 be no problem. And then -- other than Pamela waiting  
 3 on the street for Maria to leave. And then she would  
 4 pull in.  
 5 Q Was there a time when -- when they were  
 6 communicating better?  
 7 A I would have to say, yes. Uhm, I want to say  
 8 before TJ's death, I think they were getting along  
 9 okay, but not perfect.  
 10 Q Did -- did things seem to improve before the ex  
 11 parte motion was filed? Were they on better  
 12 communication? Or I understand there may have been  
 13 some exchanges that did not occur at your house,  
 14 because they were on better terms; is that true?  
 15 A No.  
 16 Q They always occurred at your house?  
 17 A Yes. Or at the Shell Station.  
 18 Q Okay. And regarding that incident where you  
 19 said that Paisley was screaming in the driveway --  
 20 A Yes.  
 21 Q -- you also testified that someone was yelling.  
 22 Who was yelling?  
 23 A Pamela.  
 24 Q Okay. So Paisley was screaming, Pamela was  
 25 yelling?

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1 A Pamela was yelling at Kevin to come get this --  
 2 to come get Carter so I could help with Paisley  
 3 because of the oxygen levels and everything. And Kevin  
 4 just yelled, Paisley, because I had told Paisley that  
 5 Kevin was home. And once they got her inside, Kevin  
 6 asked her to come in to his room, the door was opened.  
 7 And he sat down and he said, Tell me why you're  
 8 so upset. And she told him because she wanted to  
 9 bring --  
 10 MS. AMENS: Objection.  
 11 THE COURT: Sustained.  
 12 MS. AMENS: Hearsay.  
 13 THE COURT: That's hearsay. Sustained.  
 14 Q BY MR. GERBER: Did you hear what was said?  
 15 A Yes, I did. The bedroom door was open. I was  
 16 standing right there.  
 17 Q And what was said?  
 18 MS. AMENS: Objection. It's still hearsay.  
 19 THE COURT: It is still hearsay, but you've all  
 20 been eliciting hearsay of what Paisley has said  
 21 throughout the whole hearing, so I'm going to overrule  
 22 the objection. If some of it is coming in, it's all  
 23 coming in.  
 24 So go ahead. You can answer the question.  
 25 THE WITNESS: She had told Kevin that she had

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1 wanted to bring a toy from Granny's and that she  
 2 couldn't. And she wants to take a toy from my house,  
 3 or from Maria's house and bring it over. And I have no  
 4 problem with Paisley taking a toy from my house and  
 5 going to Maria's with it.  
 6 MR. GERBER: Okay. All right. I have no  
 7 further questions.  
 8 Thank you, Your Honor.  
 9 THE COURT: Ms. Amens, cross examine --  
 10 recross.  
 11 MS. AMENS: Yes, Your Honor.  
 12  
 13 RECROSS EXAMINATION  
 14 BY MS. AMENS:  
 15 Q Mr. Gerber was asking you about whether or not  
 16 there was a time, uhm, and I think he was trying --  
 17 just before the ex parte motion where there was maybe a  
 18 little better communication between Ms. McGrew and the  
 19 Luceros.  
 20 What happened on Mother's Day?  
 21 A On Mother's Day?  
 22 Q Of this year. Were you involved with these  
 23 parties?  
 24 A Yes, I was. Uhm, I had asked Granny if -- I'm  
 25 sorry, Pamela Lucero if Kristin would love to have the

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1 kids on Mother's Day. I had not talked to Maria yet.  
 2 Q Okay.  
 3 A Granny, or Pamela, said that would be awesome.  
 4 Q Okay.  
 5 A So when Maria showed up, I had brought -- told  
 6 her what I had done. And I said for four hours. And  
 7 the kids were picked up, or Maria had taken the kids  
 8 over. I can't remember. I want to say they were  
 9 picked up. I could be wrong. And they went to -- back  
 10 to the Luceros home. And at two o'clock they were  
 11 back. I mean, I had no problem with Kristin seeing the  
 12 kids on Mother's Day.  
 13 Q Okay.  
 14 A Because it is Mother's Day.  
 15 Q Did Ms. Lucero -- did Ms. Lucero bring flowers?  
 16 A Yes, she did. The night before.  
 17 Q Okay. To -- to you?  
 18 A I got flowers.  
 19 Q Okay.  
 20 A And Maria got flowers.  
 21 Q Okay. And at that point, were they  
 22 communicating better, Ms. McGrew and -- or were they  
 23 still contentious?  
 24 A I would say they were communicating better.  
 25 Q And that -- you had said that there were a

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1 couple of visits, uhm, before the ex parte where things  
 2 were getting better, correct?  
 3 A Yes.  
 4 Q Okay. Did you see a change in Paisley during  
 5 that period of time?  
 6 A When things were getting better?  
 7 Q Yeah.  
 8 A Yeah. Paisley is always happy. She's always  
 9 been happy. There's -- there's not a day that --  
 10 there's been no change in her.  
 11 Q Okay. You said that you had seen some  
 12 exchanges where she was screaming.  
 13 A Right.  
 14 Q Yeah.  
 15 How long are you involved in these exchanges?  
 16 I mean, you've been -- you volunteered to do this, and  
 17 it's been great. But how much of a time period are you  
 18 with Paisley and Carter?  
 19 A Five minutes.  
 20 Q Okay. So --  
 21 A I will text Maria and say, Kids are here. And  
 22 she heads over to the house, or she's already on her  
 23 way.  
 24 Q Okay. So at no point normally, uhm, were  
 25 the -- Ms. Lucero and Ms. McGrew at the exchanges at

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1 the same time?  
 2 A No. There's been a couple of times they were  
 3 at the exchanges at the same time, and they were  
 4 getting along great. They were standing in the  
 5 driveway. My husband, I, Maria and Pamela were all in  
 6 the driveway. I believe Carter was in the back of the  
 7 pickup. And we were all standing there talking.  
 8 Q Okay. All right. And so that -- is it after  
 9 Mother's Day? So around June, is that what we're  
 10 talking about? Do you recall?  
 11 A I don't recall what date it was.  
 12 Q Okay. So when Paisley is coming back from  
 13 Ms. McGrew's, is she excited to see Carter?  
 14 A Yes.  
 15 Q And do they have an opportunity, then, to -- to  
 16 play a little bit before the, uhm --  
 17 A Before they leave?  
 18 Q -- before the Luceros come and pick them up?  
 19 A Yes.  
 20 Q And does it work the same way when the Luceros  
 21 are dropping them off, do Carter and Paisley -- are  
 22 they still playing together?  
 23 A Yes.  
 24 Q Okay. Okay. So when you took Carter to  
 25 Dr. Deguzman, how many times have you taken him? The

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1 last two years is when this guardianship has been in  
 2 place. So about how many times has he gone to see  
 3 Dr. Deguzman?  
 4 A Every time he needed shots. He was going for  
 5 his shots. He has had no reason for me to take him in  
 6 on an emergency.  
 7 Q Okay. So --  
 8 A So I would say just for well baby visits.  
 9 Q Okay. Did you advise the Luceros that he had  
 10 medical appointments?  
 11 A I don't recall if I did or not.  
 12 Q Okay.  
 13 A I make all of his appointments on the week that  
 14 I have him.  
 15 Q Okay. And you don't -- it's not a common  
 16 practice that you would share that information with --  
 17 A I don't pick up the phone and say, Carter has  
 18 got a doctor's appointment today, if that's what you're  
 19 asking me. No, I don't do that.  
 20 Q And you don't give kind of a report of what  
 21 happened, or how he's doing?  
 22 A No. I might tell her, he had shots today and  
 23 this is what he weighed.  
 24 Q Okay. All right. It sounds like he's a pretty  
 25 healthy child?

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1 A He is a very healthy child, very stubborn, got  
 2 the attitude, everything.  
 3 MS. AMENS: Okay. I don't have any further  
 4 questions.  
 5 THE COURT: Ms. Stone, do you have any  
 6 questions for this witness?  
 7 MS. STONE: No.  
 8 THE COURT: Ms. Rodriguez?  
 9 MS. RODRIGUEZ: No, Judge. Thank you.  
 10 THE COURT: Thank you. Oh, I have a question  
 11 for you.  
 12 EXAMINATION  
 13 BY THE COURT:  
 14 Q You're on oxygen.  
 15 A Yes, I am.  
 16 Q And you seem kind of frail to me. I don't know  
 17 if you are.  
 18 A No.  
 19 Q Do you have the health to chase after this busy  
 20 little boy?  
 21 A Oh, yes.  
 22 THE COURT: Okay. Anything on that, anyone?  
 23 MR. GERBER: No, Your Honor.  
 24 MS. AMENS: I have one question.  
 25

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RECROSS EXAMINATION

1  
2 BY MS. AMENS:  
3 Q You had kind of talked about how, uh, you  
4 circled the house and run after Carter. I'm not sure I  
5 totally could visualize it. But is it related -- is it  
6 related to the oxygen tank?  
7 A Yes --  
8 Q The hose?  
9 A Yes. I have an oxygen concentrator at home. I  
10 have a 50-foot cord. And then I have another 25-foot  
11 cord on top of that. And we go from room to room to  
12 room to room, and to the garage.  
13 Q Okay.  
14 A He will help me take the trash out. He loves  
15 to help take the dishes out of the dishwasher when  
16 they're dirty instead of clean. We go in, and we play  
17 in his room.  
18 Q Okay. And then you're able to get outside when  
19 he's --  
20 A Yes, I am.  
21 Q -- in the backyard or the front yard?  
22 A I have this tank and another tank that's on  
23 wheels.  
24 MS. AMENS: All right. No further questions.  
25 THE COURT: Thank you. You may step down.

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1 THE WITNESS: Thank you.  
2 (The witness left the stand.)  
3 THE COURT: Before we call the next witness,  
4 Mr. Bailiff, will you see what's happening with our  
5 two o'clock case outside? Ms. Cavanaugh-Bill and Mr.  
6 Loreman are the attorneys.  
7 MS. RODRIGUEZ: Ms. Cavanaugh-Bill was going  
8 next door, I believe.  
9 THE COURT: In the other courtroom?  
10 MS. RODRIGUEZ: She told me at noon she was  
11 over there still.  
12 THE COURT: Okay.  
13 THE BAILIFF: Ms. Cavanaugh-Bill is next door  
14 still. I haven't had a chance to talk to her. She's  
15 in Kacin's courtroom.  
16 THE COURT: All right. Call your next witness,  
17 Mr. Gerber, please.  
18 MR. GERBER: I call Don Ferguson, please.  
19 THE COURT: Please come forward.  
20 The bailiff's employment agreement says "other  
21 duties as assigned." He didn't know that it was going  
22 to mean this.  
23 Please raise your right hand.  
24 (Witness sworn.)  
25 THE COURT: You may have a seat.

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Please state and spell your name.

1  
2 THE WITNESS: Donald Ferguson. The common  
3 spelling on "Donald."  
4 THE COURT: Yes.  
5 THE WITNESS: F-e-r-g-u-s-o-n.  
6 THE COURT: Go ahead, Mr. Gerber.  
7 MR. GERBER: Thank you.  
8  
9 DONALD FERGUSON,  
10 the witness herein, being first duly sworn, testified  
11 as follows:  
12  
13 DIRECT EXAMINATION  
14 BY MR. GERBER:  
15 Q Mr. Ferguson, you filed a Petition in this  
16 matter for general guardianship of Carter, correct?  
17 A Yes.  
18 Q And is it your position that you would like  
19 general guardianship of your grandson?  
20 A Yes.  
21 Q Uhm, you've heard your wife testify?  
22 A Yes.  
23 Q And in the interest of time, do you agree with  
24 her testimony of the things that she's testified to?  
25 A Yes.

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1 Q Okay. And one of the things that she said that  
2 the Court commented on that your wife is willing to  
3 share one week on/one week off with the Luceros,  
4 correct?  
5 A Yes.  
6 Q But to be clear, you would like a general  
7 guardianship, meaning you would be in charge of  
8 decisions, but the Luceros could share visitation?  
9 A Yes, sir.  
10 Q Okay. Then why do you think that that would be  
11 in Carter's best interest?  
12 A I'm starting to work with him on strength and  
13 everything. We're doing little hikes together. I've  
14 seen him starting to look at little problems and  
15 resolve them. And so -- and he helps when I'm working  
16 on little projects. He'll come out and be out there  
17 with me and watching.  
18 Q Okay. With regard to parenting, is there --  
19 have you observed the different parenting style between  
20 your household and the Lucero household?  
21 A I can't say I did, because I don't know how  
22 they parent over there. I've never been over there.  
23 Q Okay. Uhm, you're testifying as to some of the  
24 activities that you do with Carter; is that right?  
25 A Yes.

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1 Q Are you -- are you able to keep up with him and  
2 to raise him as a grandson --  
3 A Yes.  
4 Q -- in your custody?  
5 And are you able to provide for his needs,  
6 emotionally, financially, medically, and otherwise?  
7 A Yes.  
8 Q Do you now carry insurance on him through your  
9 employment?  
10 A Yes.  
11 MR. GERBER: And, Your Honor, we stipulated to  
12 the Petition. I don't think I have to go in to all of  
13 the specifics. So if -- if we -- the statutory  
14 requirements.  
15 THE COURT: You do not.  
16 MR. GERBER: Okay. So I would submit the  
17 Petition, Your Honor.  
18 Q BY MR. GERBER: Have you had a chance to  
19 witness the exchanges between the Luceros and -- in  
20 your home and with with the McGrews?  
21 A Yes. A few.  
22 Q Okay. What have you witnessed in those  
23 exchanges?  
24 A I've witnessed where the kids would come in and  
25 play while the exchange is being taken place. Uhm,

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1 like Vicky was saying, I did witness that Maria and  
2 Pamela were out there in our driveway having a  
3 conversation, a civil conversation.  
4 Q Was that unusual?  
5 A That was the one time I do recall.  
6 Q Okay. So it would be unusual for them to be  
7 able to speak on civil terms?  
8 A I don't want to say unusual, but that's the  
9 one -- one time that I can really say that I saw them  
10 being civil with each other.  
11 Q Okay. Was that refreshing to you?  
12 A No -- what do you mean by "refreshing"?  
13 Q Did you find that to be a positive sign that  
14 they could communicate?  
15 A Yes. Yes.  
16 Q Did that -- you said you only saw it one time,  
17 though?  
18 A Right.  
19 Q Did you see it happen any more?  
20 A I can't recall totally. Because there's been  
21 times that I'll be at work when the exchanges go down.  
22 Q Is that something that you would encourage to  
23 happen more?  
24 A Yes.  
25 Q Positive communications?

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1 A Yes.  
2 Q Okay. And do you work to encourage positive  
3 communication?  
4 A I personally don't.  
5 Q And why do you say you don't?  
6 A Because like -- usually when it goes down, I'm  
7 either in the house with the kids and they stay  
8 outside.  
9 Q So you're usually not the one interacting,  
10 you're saying?  
11 A Right.  
12 Q But when you do have a chance to either  
13 encourage good behavior or bad behavior, what do you --  
14 which side do you like to encourage?  
15 A I would like to encourage the good behavior..  
16 MR. GERBER: I have no further questions of  
17 this witness at this time, Your Honor.  
18 THE COURT: Cross examine, Ms. Amens.  
19 MS. AMENS: Yes, Your Honor.  
20  
21  
22  
23  
24  
25

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1 CROSS EXAMINATION  
2 BY MS. AMENS:  
3 Q So it sounded like you would like to encourage  
4 good behavior, but you have not really been there. So  
5 it's not really kind of been left to you; is that a  
6 fair --  
7 A Yes.  
8 Q Okay. And so you've also not seen interactions  
9 that have been negative. You just haven't seen  
10 interactions, other than this one time that they were  
11 all together; is that --  
12 A Yes.  
13 Q Okay. Uhm, and usually when these exchanges  
14 occur, you're staying in the house, and the kids run  
15 in, or come in, and they're playing together?  
16 A Yes.  
17 Q And that would go both ways; is that right?  
18 A Yes.  
19 Q Are the two children closely bonded?  
20 A As far as I can see, yes.  
21 Q Okay. There's a big sister/little brother. Do  
22 you see conflict between them ever, or is it --  
23 A Just the typical sister/brother conflicts --  
24 Q Okay.  
25 A -- you know, between siblings like that.

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1 Q Okay. Like who's playing with what toy, that  
2 type of thing?  
3 A You've got that toy, and I want to play with  
4 it. No, I'm playing with it, type of deal.  
5 Q So does Carter have any other siblings?  
6 A That's the only one I know of.  
7 Q Okay. All right. Nobody -- Kevin doesn't have  
8 any other kids?  
9 A No.  
10 Q Okay. Uhm, so you indicated that, uhm, you're  
11 fine with the current visitation arrangement. That  
12 seems to be in -- in Carter's best interest?  
13 A Yes.  
14 Q Okay. He likes going to your place, he likes  
15 going to theirs?  
16 A As far as I can tell, yes.  
17 Q Okay. And then Mr. Gerber was asking you why  
18 you had wanted to maintain the guardianship. And you  
19 indicated that you were working with him on some  
20 strength issues, and he helps you with the projects  
21 around the house.  
22 Why -- why would that have to change if you  
23 continued to share co-guardianship?  
24 A This way we can be more stable.  
25 Q More stable?

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1 A Yeah.  
2 Q Has --  
3 A More consistent.  
4 Q More consistent?  
5 A Yes.  
6 Q Okay. Over the last two years, you have, uhm,  
7 shared guardianship. Has there been instability as to  
8 Carter?  
9 A Not until here recently, when we have started  
10 to do these little hikes, and I'm seeing where he's  
11 stopping to -- he sees a little problem, and he's  
12 stopping and thinking about how to resolve it. And I  
13 would like to work with him more on that.  
14 Q Okay. So are -- are you saying that you need  
15 more time with him than the week on/week off? Is that  
16 what you're --  
17 A I still think the week on/week off would work.  
18 But this is just one little thing I'm trying to work  
19 with him on.  
20 Q Okay. Do you get along with the Luceros?  
21 A Yes.  
22 Q Okay. How long have you known -- how long have  
23 you known Mr. Lucero, Michael?  
24 A Three, four years, if not longer.  
25 Q Okay. And did I understand that you worked

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1 together?  
2 A Two different departments, two different  
3 divisions.  
4 Q Okay. So you didn't work -- okay.  
5 A He worked in -- on the surface, and I worked  
6 for the underground.  
7 Q Okay. All right.. So it's not something where  
8 you had a work relationship, as well?  
9 A No. We would never see each other.  
10 Q Okay. So the reason you know the Luceros is  
11 related to Carter, is that right?  
12 A And mainly through Kevin.  
13 Q Okay. All right. I remember there was some  
14 testimony from Ms. Ferguson that Carter lived with you  
15 for two years. Was she referring to the guardianship  
16 time, or was there a period of time that Kristin lived  
17 at your house?  
18 A I think what she was referring to was that  
19 period of time when she was living there at the house.  
20 Q And how long was that? Was it two years? How  
21 old is Carter?  
22 A He was still an infant at the time.  
23 Q Okay.  
24 A And I can't remember exactly how long.  
25 Q Okay. All right. You don't know if it was a

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1 couple of months? You don't know?  
2 A I can't recall exactly how long.  
3 MS. AMENS: Okay. I don't have any further  
4 questions.  
5 THE COURT: Ms. Stone, do you have any  
6 questions for this witness?  
7 MS. STONE: No, I don't.  
8 THE COURT: Ms. Rodriguez?  
9  
10 CROSS EXAMINATION  
11 BY MS. RODRIGUEZ:  
12 Q Mr. Ferguson, in your Petition, do you recall  
13 why you alleged Ms. Stone cannot parent her son, why  
14 this guardianship is necessary?  
15 A It's that message that my wife Vicky received,  
16 stating basically -- I was under the impression she was  
17 going to California.  
18 Q That Kristin was going to California?  
19 A Yeah, that Kristin was going to California and  
20 that she wanted us to take care of him.  
21 Q Since you've had the co-guardianship with the  
22 Luceros, the temporary co-guardianship, has -- has  
23 Kristin taken an active role in Carter's life, that you  
24 know of?  
25 A No.

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1 Q Has she contacted you concerning his  
2 well-being?  
3 A She has shown up once late -- late at night. I  
4 want to say it was 10:00, eleven o'clock. It might  
5 have been later, wanting to see him. Because he was  
6 put down for the night, he was asleep, we sat on the  
7 front porch and talked to her.  
8 Q Okay. Do you remember approximately when that  
9 was?  
10 A I want to say it was in kinda the late fall,  
11 because it was kinda chilly out that night. But I  
12 can't remember of what year.  
13 Q To the best of your knowledge, where has  
14 Kristin resided since this guardianship began?  
15 A I really don't know. All I can say is what I  
16 heard, but I really don't know.  
17 Q To the best of your knowledge, has Kristin --  
18 does she have any way of providing for Carter's needs?  
19 A As far as I know, no.  
20 Q Your wife testified briefly that at one point  
21 Kristin and Carter were residing with you.  
22 A Yes.  
23 Q Do you recall when that was?  
24 A About the time that he was born.  
25 Q And do you recall approximately how long

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1 Kristin and Carter resided with you?  
2 A I can't recall.  
3 Q During the time that you've known Kristin, have  
4 you ever known her to have her own residence?  
5 A No.  
6 Q During the time that you've known her, have you  
7 known her to have a full-time occupation?  
8 A Once.  
9 Q Do you recall when that was?  
10 A It was before Carter was born, and she was  
11 working at Domino's Pizza there in Spring Creek.  
12 Q Since Carter has been born, have you known  
13 Kristin to have a full-time job?  
14 A As far as I know, no.  
15 Q During the time that Carter has been in your  
16 care, has Kristin offered to provide for any of his  
17 support or needs, to the best of your knowledge?  
18 A No.  
19 Q During the time that Carter has been in this  
20 guardianship, and specifically when he's been at your  
21 home, has Kristin reached out to try and have phone  
22 conversations with him, phone contact, any contact with  
23 him, other than the one time where she came over  
24 between 10:00 and 11:00 p.m.?  
25 A No.

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1 Q Based upon your experience with Kristin, do you  
2 believe she's capable of parenting Carter at this time?  
3 A At this time, no.  
4 Q Is it your desire that Kristin someday retake  
5 custody of Carter?  
6 A When she's able to provide for him in a stable  
7 home, yes.  
8 Q Do you have any knowledge as to whether or not  
9 Kristin is using any kind of illegal drugs at this  
10 time?  
11 A At this time, no.  
12 Q Do you have concerns for that behavior?  
13 A Yes.  
14 Q What do you base those concerns upon?  
15 A What do you mean?  
16 Q What do you base your concerns about Kristin's  
17 use of illegal substances on?  
18 A Well, my concerns is she's on -- doing any type  
19 of substance, then she wouldn't be in the correct state  
20 of mind to take care of a child.  
21 Q Okay. You learned yesterday that your son was  
22 using drugs again, correct?  
23 A Yes.  
24 Q Prior to yesterday, you had been allowing --  
25 well, excuse me. Had you been allowing unsupervised

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1 contact with Carter and your son, Kevin?  
2 A No. Usually when Carter is there, Vicky or I  
3 are always right there.  
4 Q Okay. Would you be willing to allow Kristin to  
5 have contact with Carter, as well, in a supervised  
6 setting, as you are allowing your son? Excuse me.  
7 A Yes.  
8 Q Do you have any concerns for Carter's health,  
9 physical health?  
10 A At this time, no.  
11 Q Did you have concerns for his physical health?  
12 A Just when we first started trying get him  
13 caught up on his shot records.  
14 Q Okay. Do you have any concerns for Carter's  
15 mental health at this time?  
16 A Yes.  
17 Q What -- what are those concerns?  
18 A As far as I can see for right now, I'm not 100  
19 percent sure, but he's kind of falling in Kevin's  
20 footsteps with ADHD.  
21 Q So Kevin was diagnosed with ADHD as a child?  
22 A Yes.  
23 Q So do you know the signs of ADHD based upon  
24 Kevin's historic diagnosis?  
25 A A little bit.

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1 Q Are you willing to follow through with any type  
2 of assessment that may be recommended for Carter --  
3 recommended, excuse me, for Carter as he grows and  
4 follow any type of requirements for him regarding ADHD  
5 or other diagnoses?

6 A Yes. Uhm, I'm basing that information off of  
7 what I learned.

8 Q With Kevin?

9 A From Kevin when he was in preschool.

10 Q Okay. Now that you know that there has been a  
11 Nevada Early Intervention assessment for Carter, are  
12 you going to follow up with NIA to see what their  
13 recommendations were?

14 A Yes. As soon as we can get the contact  
15 information.

16 MS. RODRIGUEZ: Okay. Thank you.

17 THE COURT: Redirect?

18 MR. GERBER: I have no further questions, Your  
19 Honor.

20 THE COURT: Thank you. You may step down.

21 THE WITNESS: Thank you.

22 (The witness left the stand.)

23 THE COURT: Did Mr. Loreman's client show up?

24 THE BAILIFF: Yes, Your Honor.

25 THE COURT: All right. We're gonna take a

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1 recess, but we are going to go until 5:00. So,  
2 Mr. Bailiff, will you tell those parties to come back  
3 at 5:00 and hear their case at 5:00?

4 THE BAILIFF: And back at 5:00?

5 THE COURT: Yeah. They can hang around if they  
6 want, but they can leave and come back at 5:00.

7 THE BAILIFF: Okay. And we'll get their case  
8 done at 5:00?

9 THE COURT: Yes.

10 (Recess.)

11 THE COURT: Your next witness, Mr. Gerber?

12 MR. GERBER: I call Maria McGrew.

13 THE COURT: Come forward, please.

14 (Witness sworn.)

15 THE COURT: Please state and spell your name.

16 THE WITNESS: Maria McGrew. M-a-r-i-a.

17 M-c-g-r-e-w.

18 THE COURT: Thank you.

19 Go ahead, Ms. Ferguson.

20 MR. GERBER: Thank you, Your Honor

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MARIA MCGREW,

1 the witness herein, being first duly sworn, testified  
2 as follows:

DIRECT EXAMINATION

BY MR. GERBER:

Q Ms. McGrew, you testified previously in this  
matter, about two years ago, correct?

A Yes.

Q And since that time, you've been appointed as  
the co-guardian of Paisley, correct?

A Yes.

Q And I know there's been a lot happening and a  
lot to go through, but I'm just gonna try to get  
some -- some of the more relevant points in this case  
to present to the Court.

When Paisley was enrolled in school, what  
school was she enrolled in?

A Sage. The preschool program through -- or at  
Sage.

Q Sage Elementary in Spring Creek?

A Yes.

Q And you were a co-guardian at the time,  
correct?

A Yes.

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Q Had the Court ordered you and the Luceros to  
cooperate and share information regarding Paisley?

A Yes.

Q Who registered Paisley for school?

A Pamela Lucero.

Q Did you ask to be apart of that registration?

A I was initially asked if I would be willing for  
her to go to preschool, and I said yes. And I asked  
that I would like to know what school, the days, the  
hours, any costs incurred, and did not receive a  
response until -- I got that request in late June,  
early July, did not receive a response to that request  
until, like, the second week of August.

Q Okay. And by that time, had she already been  
registered?

A Yes.

Q Okay. And did you go to the school to -- at  
any point to present yourself as a co-guardian?

A I actually, because I had not yet been told  
which school she was going to be going to, uhm, I  
actually went first to the new school, Liberty Peak in  
Spring Creek to see if she had been enrolled there, and  
they didn't have her anywhere in their system.

So then I went over to Sage. And, yes, they  
did have her enrolled. And I had brought our

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1 co-guardianship papers with us and asked about her  
2 enrollment. And they said, yes, that she was enrolled.  
3 And I introduced myself as her grandmother. And they  
4 said, Oh, yes, we have you listed down as other  
5 emergency contact.

6 And so I explained to them, Well, I'm not just  
7 her other emergency contact, we are actually in a  
8 co-guardianship agreement, and she is with me  
9 physically every other week for a week. And I  
10 presented them with a copy of the guardianship papers  
11 and got that whole situation straightened out so that  
12 she can be entered in to their system as being in two  
13 households, since her actual physical custody  
14 alternated week to week.

15 Q When the Luceros had her registered, was she  
16 only registered under the Luceros' household?

17 A Yes.

18 Q Let's talk about insurance. Does -- who is --  
19 whose insurance is Paisley listed under right now?

20 A I believe she's listed under Michael Lucero's  
21 insurance.

22 Q Have you asked for them to provide that  
23 insurance information?

24 A First I asked for them to please provide  
25 Paisley's Social Security number, so that when open

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1 enrollment came up we may add her to John's insurance  
2 through the mines. And I was told that they would talk  
3 to their attorney about whether or not they should do  
4 that. And that was the last that I heard about it.

5 Q Have they, to this date, ever provided you with  
6 Paisley's Social Security number?

7 A No.

8 Q Did that prevent you from adding Paisley to  
9 your husband, John's, insurance --

10 A Yes.

11 Q -- through Nevada Gold Mine?

12 A Yes.

13 Q And even to this day, are you -- do you know  
14 whether -- have you ever seen any proof that Paisley is  
15 insured through the Luceros' insurance?

16 A No.

17 Q Have they informed you that she is?

18 A Yes.

19 Q Okay. Are you able to take -- are you able to  
20 access the Luceros' insurance when you take Paisley to  
21 the doctor?

22 A No. Not to my knowledge.

23 Q And you've been prevented from adding Paisley  
24 to John's insurance, correct?

25 A Yes.

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1 Q Has that interfered with your ability to access  
2 health -- or health care for Paisley?

3 A It means that any health care that we access  
4 for her is paid out-of-pocket.

5 Q And do you actually pay out-of-pocket for her  
6 health care?

7 A Yes.

8 Q Would you ask that the Luceros provide her  
9 Social Security number during this proceeding?

10 A Yes, I would. Her Social Security number, and  
11 also a copy of her birth certificate. We don't have  
12 that either, which would also prevent me from enrolling  
13 her in school, or in any extracurricular sports  
14 activities that the County may offer.

15 Q Have you asked for a copy of her birth  
16 certificate?

17 A I believe that when we requested the Social  
18 Security number, we also asked for a copy of the birth  
19 certificate.

20 Q Do you believe that withholding that  
21 information is intentional to prevent you from  
22 co-parenting or acting as a co-guardian of Paisley?

23 A I do. Yes, I do.

24 Q And has it materially affected your ability to  
25 be a co-guardian?

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1 A Say that again.

2 Q Has it materially affected your ability to be a  
3 co-guardian?

4 A In getting her insured and being able to sign  
5 her up for extracurricular activities, yes, absolutely.

6 Q Has there been a lack of cooperation from the  
7 Luceros in providing that information?

8 A Yes.

9 Q Has Paisley, uhm -- uhm, has Paisley, uhm, said  
10 anything about, uhm, you being mean, or something of  
11 that nature?

12 A Between February and April of this year, uhm,  
13 on one of the exchange days, as -- after I got her  
14 buckled in to the car and got in the front seat and was  
15 buckling myself and getting ready to back out of  
16 Vicky's driveway, Paisley says to me, just out of the  
17 blue, Granny said that if you're mean to me, we'll tell  
18 Ms. Gari.

19 Q And that was during an exchange?

20 A That was on an exchange day, yeah.

21 Q One of the first things she said to you when  
22 she got in the car?

23 A Yeah.

24 THE COURT: Would you tell me again exactly  
25 what she said?

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1 THE WITNESS: Granny said that if you're mean  
2 to me, she will tell Ms. Geri.  
3 THE COURT: Thank you.  
4 Q BY MR. GERBER: And does that coincide with the  
5 time that Paisley began counseling with Geri Goddard?  
6 A She was already in counseling with Geri Goddard  
7 at that time, yes.  
8 Q Has Paisley said anything to you that would  
9 cause you to believe that, uhm, Pamela Lucero is  
10 coaching her to -- to say things?  
11 A Well, I think that comment. The previous year  
12 on an exchange day, when I was returning Paisley to  
13 Vicky's to be picked up from the Luceros, on the drive  
14 over there, and Paisley was -- I don't believe she  
15 was -- she might have been just three at the time, or  
16 not quite three yet, said, It's not nice of you to take  
17 me away from Granny.  
18 Q Do you believe that those comments were  
19 generated from Paisley's own --  
20 A I think given her age, that whether she's  
21 either been told directly something to that affect, or  
22 she has overheard adults speaking in that manner.  
23 Q Okay. The uhm --  
24 A With regard to the comment about Ms. Geri, I  
25 believe she was directly told if Nanny or Maria, I'm

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1 not sure how they actually refer to me when speaking to  
2 Paisley, but I believe she was directly told, if she's  
3 mean to you, we'll tell Ms. Geri.  
4 Q Okay. Was that before the ex parte motion was  
5 filed?  
6 A Yes.  
7 Q And -- okay. Let me ask you some questions  
8 about Kristin. The Court has asked for evidence  
9 regarding her fitness.  
10 Do you believe that Kristin is a fit and proper  
11 person to have the care of -- and control of Paisley?  
12 A No.  
13 Q And why not?  
14 A To the best of my knowledge, Kristin is  
15 homeless and unemployed. Uhm, to the best of my  
16 knowledge, she is even without an ID or driver's  
17 license; doesn't have the means to get herself to a  
18 job, doesn't have a home that's the same all the time,  
19 doesn't have a full-time job.  
20 Q Has she -- has Kristin admitted to you that  
21 she's used methamphetamines?  
22 A Yes, in the past she has.  
23 Q And at some time, did you offer for her to live  
24 with you so that she could be rehabilitated?  
25 A Yes.

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1 Q And was it also your purpose to care for  
2 Paisley, so Paisley was in a safe and stable home?  
3 A It was my purpose that we offered our home so  
4 that she and Paisley had a safe and stable home, and  
5 that she could be Paisley's mom and care for her with  
6 some additional help, should she need it, with my  
7 presence being there, that I could coach her and help  
8 her to be a mom.  
9 Q Did she accept your offer?  
10 A Initially, yes.  
11 Q And did she actually move in with you?  
12 A No.  
13 Q What happened that prevented her from moving in  
14 with you?  
15 A She had a long conversation with her  
16 grandfather, and I believe her grandmother.  
17 Q And who are they?  
18 A Michael and Pamela Lucero.  
19 Q And how do you know that she had that  
20 conversation?  
21 A Because she text me and told me that plans had  
22 changed. And after talking with her Papa, that she  
23 decided to stay with them.  
24 Q And do you know if she has sought  
25 rehabilitation at any time since that conversation

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1 happened?  
2 A I don't personally know. I know that  
3 Mr. Lucero has stated that they've taken her to  
4 something like 25 rehabilitation centers, and that  
5 she's walked out of every single one.  
6 Q And he's said that directly to you?  
7 A To myself -- he stated that in, uhm, the  
8 sessions that we've had with Janell Anderson.  
9 Q Okay. So just recently within the last month?  
10 A Yes.  
11 Q Do you have any evidence that she has actually  
12 ever been enrolled in a rehabilitation facility or  
13 center?  
14 A No.  
15 Q Do you believe it is safe for Paisley to be in  
16 her care if she has never sought treatment for drugs?  
17 A No.  
18 Q And you heard the testimony of Brenda  
19 Kelley-Brace, correct?  
20 A Yes.  
21 Q The caseworker.  
22 A Yes.  
23 Q When Brenda Kelley-Brace was in your home for  
24 her investigation, did she -- or did you show her a  
25 picture of what Kristin looked like?

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1 A Yes.

2 Q Okay. And did -- did that allow the coworker

3 to identify Kristin as a person who was present in the

4 Lucero home?

5 A Yes.

6 Q And did Kristin have a newborn baby at the

7 time?

8 A From what I was told, yes.

9 Q And to your knowledge, does -- did Kristin give

10 birth to a baby this year?

11 A Yes.

12 Q Okay. Uhm, at the last hearing, about two

13 years ago, you had presented Exhibit 2 that was entered

14 in to evidence that was a weight chart that you

15 prepared, correct?

16 A Yes.

17 Q And this is something you prepared on your

18 computer, correct?

19 A Yes.

20 Q What was your purpose in preparing that chart?

21 A Uhm, concerned -- I was concerned for Paisley's

22 weight at that time at two years old and was monitoring

23 it every week that I had her, because she seemed to be

24 consistently gaining.

25 Q And do you recall what Paisley's weight was two

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1 years ago?

2 A It was 44 pounds.

3 Q Okay. And what would be an average weight for

4 a four-year-old her height at this time?

5 A Around 45 pounds.

6 Q And how much does she weigh today?

7 A The last time that I weighed her at my home,

8 she weighed 74 pounds.

9 Q And what percentile of growth would that be for

10 her age?

11 A When I look at the charts, it can't be charted.

12 Q Are you concerned that she is morbidly obese?

13 A I am.

14 Q In meeting with Janell Anderson, did Janell

15 Anderson have any recommendations about Paisley's

16 weight?

17 A We talked a little bit about the weight and the

18 eating, and Janell Anderson did comment that there is

19 an importance for a toddler to have regular meals and

20 regular snacks that are healthy and appropriate for

21 their age, not, you know, like breakfast, snack, lunch,

22 snack, maybe another snack and dinner; not just eat

23 whatever, whenever.

24 Q Okay. Can you give the Court an idea of how you

25 care for Paisley when she's in your custody on a

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1 regular day, for eating and meal times?

2 A When she wakes up in the morning, she likes to

3 come just sit with me for a little while on the couch

4 and hang out. I ask her to take her pull-up off first

5 thing, so if it's wet, and it usually is, that she's

6 not sitting in it. And she does that and changes in to

7 clean underwear, wait a little while.

8 I'll ask her if she's hungry, or she'll tell me

9 she's hungry, and give her some options for breakfast;

10 eggs, cereal. Or I'll give her a couple of different

11 options. And sometimes she'll tell me, Well, I want

12 macaroni and cheese, and I'm like, We're not having

13 macaroni and cheese for breakfast, but you may have

14 some cereal, or I can make you some eggs, or we can do

15 some pancakes. And then she picks. And then she has

16 breakfast.

17 And then depending on what we're doing that

18 day, we might hang out in the house for a while, and

19 she can play in her jammies and/or get dressed. Or if

20 it's nice, like it has been this summer, I have a

21 couple of wading pools set out in the front yard, and

22 she will play all day in the water, all day.

23 We try to get lunch in anywhere from 11:30 to

24 12:30. I try to get her down for a nap around

25 one o'clock. And she usually will sleep for a good two,

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1 sometimes three hours, have a good nap, get up, play

2 some more, have dinner.

3 Sometimes in the evenings, a couple of nights

4 in the evenings, before bedtime she and I will go

5 downstairs and watch one of the kids shows that she

6 likes to watch for about an hour. If she needs a bath

7 that day, then she gets bathed. We -- she gets bathed,

8 she toilets, we get in jammies, brush teeth, read a

9 story, say prayers, and it's lights out.

10 Q What is your regular dinnertime?

11 A We're trying -- I try to eat anywhere between

12 5:00 and 6:00. So dinner is ready when John gets home

13 from work, around 5:00.

14 Q And do you control portion size for Paisley,

15 when she's at your home?

16 A I do.

17 Q Okay. Are there certain foods that you

18 completely try to avoid her consuming?

19 A I don't know about completely, but definitely

20 with limits; sugary snacks, or excessive breads and

21 chips and fried foods. Uhm, if she is really hungry

22 and we're having, like, a fried food, then -- and

23 she -- and I've given her an appropriate portion for

24 her age, and she says she wants seconds, I may offer

25 her first seconds of more of the salad, or more of the

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1 (unintelligible), which she loves. She loves to eat  
 2 chopped salads. She loves to eat her vegetables. And  
 3 she'll have second helpings of that.  
 4 And then if she seems like she's really still  
 5 hungry, then I'll offer her a small amount of whatever  
 6 the main course was.  
 7 Q So you're conscience of what she's eating?  
 8 A Yes.  
 9 Q And are you trying to control her weight gain  
 10 through those efforts?  
 11 A I'm certainly trying to keep her from gaining  
 12 more weight.  
 13 Q Now, you've heard the testimony from Brenda  
 14 Kelley-Brace that you've been accused of hiding food or  
 15 starving Paisley?  
 16 A Yep.  
 17 Q Is any of that true?  
 18 A No.  
 19 Q Has -- have you heard Pamela Lucero describe  
 20 her parenting style of what Paisley can or cannot eat?  
 21 A In our last session with Janell Anderson,  
 22 Pamela Lucero did make that comment that Paisley could  
 23 eat whatever she wants at their house.  
 24 Q Do you believe that that's healthy for Paisley?  
 25 A No.

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1 Q And since the ex parte order was entered by  
 2 this Court, you've been prevented from having Paisley  
 3 at your house for extended periods, correct?  
 4 A Yes.  
 5 Q Only, what, two days, or -- you've only had two  
 6 visits?  
 7 A Two weekends, July 10th through the 13th, and  
 8 July 14th through the 27th.  
 9 Q And were you able to measure Paisley's change  
 10 in weight from the time you last saw her until --  
 11 A From the last -- from the time I last saw her  
 12 in June to the -- to when I finally got to see her  
 13 again in July, she had gained almost five pounds.  
 14 Q Is that a concern for you?  
 15 A A five-pound gain in a month is the equivalent  
 16 to what the CDC has averaged for a three- to  
 17 four-year-old for a year.  
 18 Q Has Paisley been seen by any doctors during the  
 19 co-guardianship?  
 20 A I took her to Dr. Hernandez in December of  
 21 2018. I have not taken her again to the doctor,  
 22 primarily the lack of the insurance card and because I  
 23 don't know who Pamela is taking her to. And I am  
 24 concerned for a negative overlap in that. I don't have  
 25 Paisley's immunization records. I don't have health

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1 history for her. I don't have any other medical, so I  
 2 don't know what care she's already received while she's  
 3 been with them. And so I don't want to harm her by  
 4 taking her somewhere else and having a double dose of  
 5 something.  
 6 Q Has Pamela Lucero told you whether or not she's  
 7 taking Paisley to a doctor?  
 8 A Recently, in these conversations with Janell  
 9 Anderson, she did say that she's been taking Paisley to  
 10 Dr. Hernandez, that she had a whole diet workup done,  
 11 that given the family's history and their physical  
 12 makeup, that there was no concern for Paisley's weight,  
 13 that she'll outgrow it.  
 14 Q After hearing that, did you contact  
 15 Dr. Hernandez's office to find out when the last  
 16 appointment for Paisley was?  
 17 A I did call this week to find out when the last  
 18 time that Dr. Hernandez had seen Paisley and to  
 19 schedule a well child check for Paisley. And according  
 20 to Dr. Hernandez's nurse, Dr. Hernandez has not seen  
 21 Paisley since December of 2018, when I brought her in.  
 22 Q So those are some inconsistencies that you  
 23 can't reconcile without further information, right?  
 24 A Yes.  
 25 Q Are you willing to cooperate with the Luceros

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1 in exchanging visits with Paisley?  
 2 A Absolutely.  
 3 Q Did visitation seem to be getting better prior  
 4 to the ex parte motion being filed?  
 5 A On April 27th, uhm, I got a phone call on, I  
 6 think it was the morning of the 27th. It might have  
 7 been on the 26th. I got a phone call from Pammy  
 8 Lucero, it might have been a text message first. But  
 9 we did end up speaking on the phone, asking if -- uhm,  
 10 because that was the week that I had Paisley and Vicky  
 11 had Carter, asking if we would mind if they had the  
 12 kids for four hours on the 27th, because it was  
 13 Kristin's birthday. And their mom had just got out of  
 14 the hospital, this was just before giving birth to the  
 15 little girl she just had. She just got out of the  
 16 hospital, it was her birthday, and she would like to  
 17 see her kids.  
 18 And I agreed, because this was just kind of  
 19 right at the beginning of COVID, and with all the  
 20 quarantining that they were having, that I agreed that  
 21 I was more comfortable with two hours. And that's --  
 22 uhm, I was happy to take both Paisley and Carter and  
 23 drop them off at Pammy's. And then I would pick them  
 24 up. And so that's what happened. And since that time,  
 25 communication between Pamela and I had been improving.

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1 Q Okay. And so there was that one phone call.  
2 Are there other things that Pamela said to you,  
3 or in your presence, that indicated that she was being  
4 more communicative?

5 A Well, 15 minutes after I dropped the kids off,  
6 she called me back. She was really upset with Kristin.  
7 Actually, Kristin called me back on Pamela's phone to  
8 tell me that Granny was really upset with her because  
9 she had just cut Paisley's hair. And I was, like,  
10 Okay. You cut her hair. Is it messed up? Or did you  
11 cut it really short? Or what happened exactly?

12 And Kristin said, I just cut her braid off. I  
13 had sent Paisley over in a single french braid. And  
14 she said, I just cut her braid off. And I was, like,  
15 Okay.

16 And then it sounded like Kristin was telling me  
17 that Granny was trying to fix the haircut, because  
18 obviously the braid -- if the hair was in a braid, it  
19 was going to be uneven. So I just told Kristin, I  
20 said, it's not a big deal. It's hair. It will grow  
21 back. I have a friend who is a licensed beautician,  
22 we'll clean it up when I get her back. We'll take her  
23 to her, we'll clean it up, even it out, it will be  
24 fine.

25 And then Pamela got on the phone with me and

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1 proceeded to vent about how upset she was and how  
2 disrespected she felt by Kristin, that Kristin just did  
3 that, and she couldn't believe she did that.

4 And we talked. I had an opportunity to -- to  
5 try to explain to her that I understand that -- that --  
6 that there were things that she has been told by  
7 Kristin in the past about me, about things that I may  
8 have said, or ways that I may have acted, that Kristin  
9 presented in a way as to make Pamela feel bad about  
10 herself and how she was doing things. And I reassured  
11 Pamela that in no way, shape, or form did I ever say  
12 anything with that intention.

13 Anytime that I, in the past, had gotten gifts  
14 or provided things for Paisley as an infant, or a  
15 one-year-old, or a two-year-old, such as diapers or  
16 wipes, it was not as a -- talking down or saying that  
17 they couldn't provide, it's just because, well, I'm her  
18 grandmother, too, and I'm able to do that and help. And  
19 I do the same thing for my other grandkids.

20 And I wanted to reassure her that, you know, I  
21 don't have -- I'm not comparing. I'm not in  
22 competition. I'm not comparing.

23 Pammy just expressed to me that her sole goal  
24 is to get the children back with their mom, and that's  
25 where they should be, is that all three children should

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1 be with their mom no matter what it takes. She did  
2 comment that Kristin will never be able to have her own  
3 house or be on her own, that she will always need help,  
4 and that they are willing to provide that help for her.  
5 But that they should -- that Kristin should be able to  
6 be a mom to all three of her kids.

7 Q You believe that the Luceros are enabling or  
8 causing Kristin -- Kristin to remain unfit as a parent?

9 MS. AMENS: Objection. Calls for spec --  
10 speculation.

11 THE COURT: Yeah. That's sustained.

12 Q BY MR. GERBER: Okay. Have you noticed any  
13 behaviors of the Luceros to enable Kristin to remain at  
14 home without providing for herself?

15 A I think that as parents, when we continually  
16 fix our children's problems and not allow them to fully  
17 experience the consequences of choices that they make,  
18 especially when they are adult children, that, yes, we  
19 enable them to stay in those behaviors and to continue  
20 making those same not-good choices.

21 Consequences can often be uncomfortable, not  
22 just for our children, but for us to watch them go  
23 through. But, if they don't -- somewhere a person has  
24 to decide that this is not okay, and it's not good and  
25 it needs to stop and it needs to improve and it needs

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1 to change. And only an individual can decide that for  
2 themselves. And if somebody is fixing your problems,  
3 you've got no reason to make that decision.

4 Q What -- what grade will Paisley be in in the  
5 coming school year?

6 A She will still be in preschool.

7 Q Okay. Why -- why is she still in preschool?

8 A She's four. She won't be five until next May.

9 Q Will she start kindergarten the following year?

10 A She should, yes.

11 Q And this Court is faced with a question of  
12 where to place Paisley, in your home, in the Lucero  
13 home, back with their mother, or some type of shared  
14 custody or visitation arrangement, correct?

15 A Yes.

16 Q What do you believe would be in Paisley's best  
17 interest?

18 Q I believe that our home provides more, uhm,  
19 stability and routine, consistency. Uhm, Paisley knows  
20 her boundaries, has clear boundaries, which gives her a  
21 sense of security and knows what to expect?

22 Q Do you think the Luceros could provide that  
23 same level of routine and stability?

24 A I think anybody could, if they wanted to.  
25 It's -- it takes -- it's hard work. It's a very

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1 intentional thing to do. And toddlers take a lot out  
2 of you, and you have to be very intentional to be  
3 consistent all the time, even when you're tired and  
4 don't feel like it.

5 Q All right. Have you observed a routine or any  
6 consistency in the Lucero home?

7 A I'm not aware of any type of regular routine or  
8 consistent -- consistency in their home.

9 Q What have you observed about their home?

10 A Uhm, I feel that it's -- I think that the  
11 younger kids just kind of get to do whatever strikes  
12 them at the time. I think whatever they feel like. If  
13 they're -- if they see somebody eating, and they want  
14 to eat. If they want to run around and play all day,  
15 they run around and play until -- possibly until their  
16 body says, nope, we're done, and they fall asleep  
17 wherever they stop to rest for a few minutes.

18 Q Do you know if Paisley gets regular naps at the  
19 Lucero home?

20 A To my knowledge, she does not.

21 Q Are there teenagers and young adults living in  
22 the Lucero home?

23 A I know that Paisley's Uncle Timmy lives there.  
24 And since he is a teenager, and I'm sure he has  
25 friends. I would say that, yes, there are teenagers

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1 that are in that home.

2 Q Okay. Are there any young adults in the house?

3 A I'm not 100 percent certain. I know that  
4 Paisley's Aunt Laken, who I think is maybe 19, early  
5 20s, has or is living there. I know that Kristin is  
6 sometimes there. I know that Paisley has an Uncle  
7 Jason. I don't know how often he's there. I don't  
8 think that he lives there anymore. I think Paisley  
9 told me that Jason has his own house now, so...

10 Q Have there been any children leave the Lucero  
11 home on bad terms?

12 A I'm not --

13 Q Have there been any situations of runaway from  
14 the Lucero home to your knowledge?

15 A The year that this began, the Luceros' daughter  
16 Alyssa left without their knowledge and was reported  
17 missing, and was gone for, I believe a year.

18 Q Okay. And did she return to the Lucero home?

19 A To my knowledge, yes, she did leave -- return  
20 and she was in their home.

21 Q Oh, there was testimony from Ms. Goddard this  
22 morning that it was reported to her that you were  
23 whooping or spanking children since the last hearing.

24 Have you spanked any children in your home  
25 since the last hearing?

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1 A No.

2 MR. GERBER: Okay. I have no further questions  
3 at this time, Your Honor.

4 THE COURT: Cross examination, Ms. Amens.

5 MS. AMENS: Yes, Your Honor.

6

7

CROSS EXAMINATION

8 BY MS. AMENS:

9 Q Ms. McGrew, I'm just going to start, like go  
10 through my notes.

11 So Mr. Gerber had originally started asking you  
12 about preschool. Well, first off, maybe it would help,  
13 kinda, us understand what's going on.

14 How do you communicate with the Luceros?

15 A I don't, really.

16 Q Okay. When you say that you've been asking for  
17 this information, how are you asking for this  
18 information?

19 A I have asked for it in a text message.

20 Q Okay.

21 A When I have received some text messages from  
22 him asking, uhm -- I think it was last fall, when she  
23 asked -- actually, when she texted me and told me that  
24 Michael and Paisley have appointments in Reno on, I  
25 think it was the 9th or 10th, and she would come pick

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1 Paisley up from me on the 8th and return her on the  
2 11th. And when I got that text message, I was kind of  
3 taken aback. It was my week. Paisley was already with  
4 me. I wasn't really sure how to respond.

5 I let Ms. Ferguson know, and I text Pam back,  
6 asking what the nature of these appointments were. And  
7 initially the response I got back was, Never mind,  
8 we'll reschedule.

9 And then there was communication between myself  
10 and Ms. Ferguson, and Ms. Ferguson and your office.  
11 And finally it -- it got around to me that the -- what  
12 the appointments were for, counseling with Ms. Goddard,  
13 which I had -- that was the first time I had heard  
14 about it. And so at that point, I was, like, okay, not  
15 a problem.

16 That's when more information was -- Well, can I  
17 please have Ms. Goddard's contact information? And at  
18 the end of that text, I also asked for Paisley's Social  
19 Security, so that we could enroll her in the insurance,  
20 because open enrollment was -- I was hoping that I  
21 could actually enroll her, because open enrollment had  
22 already closed.

23 Q Okay. So there hasn't been a time where you've  
24 called up the Luceros and said, Hey, I need these  
25 insurance cards?

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1 A The first time I asked for the Social Security  
2 number, yes. I initiated that. When open enrollment  
3 came up, I text Pamela and I said --  
4 Q That wasn't my question. My question was  
5 actually regarding, have you ever picked up the phone  
6 and, you know, talked to the Luceros about Paisley?  
7 A No..  
8 Q Okay. So everything prior to the phone call  
9 that at least started you guys communicating had  
10 been -- you were texting?  
11 A Yes.  
12 Q Okay. Okay. How often would you text the  
13 Luceros?  
14 A Not often. Because of Pamela's such strong  
15 dislike for me and her hostility towards me, and how  
16 very dismissive she is in -- when my presence is  
17 around, I do not reach out and try to call her or talk  
18 to her because of the -- the negative. The response I  
19 get back is so negative and so shut-me-down that I --  
20 I'm not going to subject myself to that. It causes  
21 more problems than it does good  
22 Q So did that, uhm, situation start with the  
23 guardianship, or had she tried to reach out with -- to  
24 you prior, and you had just ignored her?  
25 A I've not ignored her. Actually, when she calls

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1 or texts, I don't ignore her.  
2 Q Okay.  
3 A I do respond.  
4 Q Okay. So prior to the guardianship was  
5 there --  
6 A Prior to the --  
7 Q -- was there regular communication?  
8 A Prior to the guardianship, our communication  
9 and relationship began deteriorating after the death of  
10 my son. And as I was trying to continue to see Paisley  
11 on a regular basis. Kristin and I had already agreed  
12 on two days a week. And after TJ died, and I was  
13 trying to maintain that relationship with Paisley,  
14 for whatever -- whatever Kristin was conveying back to  
15 her, uhm, grandparents, Pamela and Michael, was making  
16 them feel very disrespected and put down by me. And  
17 they really started pushing back and, uhm, interfering  
18 with the days that Kristin and I had, uhm, already  
19 prearranged that I could have Paisley in my home.  
20 And there were times where I would go to pick  
21 up Paisley and be told, Oh, well, she's in town with  
22 Michael, you'll have to get her later, or we scheduled  
23 a doctor appointment with her this day, and you'll have  
24 to pick her up later.  
25 And it just -- it just deteriorated from there,

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1 as -- as well as Kristin's own -- her own -- her use of  
2 drugs and her own attitude and everything. That  
3 deteriorated, also. Just the whole thing all the way  
4 around.  
5 Q So all of that was linked in --  
6 A Yes.  
7 Q Okay. All right. And, uhm, now I'm kinda  
8 jumping around from what Mr. Gerber, uhm -- his time  
9 line. But -- and then the issue of buying her a bus  
10 ticket. So when we were -- you were talking about  
11 whether or not the, uhm, Luceros enabled Kristin. And  
12 you -- you spent some time kind of talking about that  
13 you think so, that she's not getting any consequences  
14 or anything like that.  
15 Uhm, when you put her -- do you understand the  
16 circumstances around why she was trying to get out of  
17 that house, uhm, when you put her on a bus to go to  
18 California?  
19 MS. RODRIGUEZ: Judge, I am just going to  
20 interrupt. Can we get names? Because we are talking  
21 about Paisley, and we are talking about Kristin.  
22 THE COURT: Be a little more specific, please,  
23 Ms. Amens.  
24 Q BY MS. AMENS: I'm sorry.  
25 So that -- now we're talking about Kristin.

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1 Uhm, so, and in fact, when you were talking about, uhm,  
2 enabling, you were talking about Kristin, correct?  
3 A Yes.  
4 Q So they took action, right -- well, what was  
5 your understanding of why Kristin was trying to leave  
6 the Luceros' home?  
7 A Kristin came to me and explained to me that she  
8 wanted to get out of Granny's home and go someplace  
9 where she could get clean and get her life together and  
10 get a job, and get in a position to where she -- she  
11 could take care of her children.  
12 Q Did she say that -- did she say anything in  
13 regards to whether or not she was not allowed to do  
14 what she wanted to at their home?  
15 A The only thing she said in regards to that  
16 would be that she felt that as she tried to parent her  
17 children, when it -- when what she chose to do as a  
18 parent didn't agree with what Granny felt should be  
19 going on is when the contention was there. And Kristin  
20 did not feel that she was respected, or that her wishes  
21 were respected as the mother of Paisley. And that when  
22 she said this is how she wanted it to be with Paisley,  
23 if that's now how Granny wanted it to be, then that's  
24 not how it was. And Kristin didn't want to continue in  
25 that.

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1 Q Okay. Did you understand that Kristin had a  
2 drug problem at that time?  
3 A I suspected that Kristin was using at that  
4 time.  
5 Q Did you call the Luceros and say, what's going  
6 on?  
7 A No, I didn't.  
8 Q So you moved -- at that time -- and I know  
9 there was some text messages, uhm, between Ms. Ferguson  
10 and Kristin.  
11 Were you all sharing information, you and  
12 Ms. Ferguson?  
13 A Did I know about the text messages between  
14 Kristin and Ms. Ferguson prior to talking to Kristin?  
15 No, I did not. Kristin was 19 years old.  
16 Q Uh-huh.  
17 A I was trying very much to encourage her to be a  
18 19-year-old mother, an adult, and to make her own  
19 decisions. Because I hadn't known Kristin that long,  
20 and we were still working on establishing a  
21 relationship. I was giving her the benefit of the  
22 doubt and extending my trust to her, at the same time  
23 as trying to encourage her to make good choices, make  
24 good, hard choices, because it's really hard to leave  
25 your kids.

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1 Q Okay.  
2 A It's really hard to admit that you need help  
3 and that you need somebody else to help you take care  
4 of your kids while you go fix some things that you need  
5 to fix so that you can come back and take care of your  
6 kids.  
7 Q Okay. So you're trying to coach her?  
8 A Yes.  
9 Q Okay. Uhm, and you collectively understand she  
10 wants to go to California?  
11 A Yes. And when she talked to me about it, I  
12 asked her, Where are you going? Who are you staying  
13 with? And she assured me, I am going, it's a decent  
14 house, these are my friends. It's a three bedroom  
15 house, and I have -- will have my room. And they said  
16 I could come, and it's fine and it's great.  
17 And when she left, she left with a phone that  
18 we had been providing for her for a year, because I  
19 wanted her, as a single mother, to have a phone and to  
20 be able to have access to emergency whatever, not just  
21 so that she could get ahold of me. But because she was  
22 a single mom, I believed she needed a phone if  
23 something happened, so that she could get help for  
24 Kristin -- or for Paisley, or get a ride, whatever. So  
25 she left with that phone.

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1 I text her to make sure she got on the train  
2 okay. I text her to make sure that she got on the bus  
3 okay. I text her to make sure she arrived to her  
4 destination okay. And about a week in, she text me and  
5 told me she had a job interview, she was really excited  
6 about it. We were really proud of her.  
7 Uhm, my husband again encouraged her, you know,  
8 as soon as you find a program and get in to a program,  
9 I'm happy to sponsor you. Let us know.  
10 She text me and said, you know, she hadn't  
11 started work yet, but she needed help with some  
12 groceries. So I ordered groceries on-line and paid for  
13 them at this end, rather than just sending her cash,  
14 that she was able to pick up at Walmart there.  
15 And then the next week, she was on my front  
16 door taking Paisley back and handing me back the phone  
17 and telling me that she has her own phone, and she was  
18 back in town, and she was gonna get a job and get her  
19 own place, and she was fine.  
20 Q Did you have, did you obtain, or did you ask  
21 for any telephone numbers of where she was going and  
22 who was going to --  
23 A I have an address.  
24 Q -- be there?  
25 A I have an address.

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1 Q Where did she go?  
2 A To Stockton.  
3 Q So it wasn't to Sacramento?  
4 A No, it was Stockton.  
5 Q It was Stockton.  
6 Did she tell you the facility that she was  
7 gonna go in to?  
8 A No.  
9 Q You assumed she was going in to rehab?  
10 A I believed that she -- I believed when she told  
11 me that she was going to get herself in to a program.  
12 Q Okay. Uhm, she's 19 years old, she has a drug  
13 problem, but you just took her, you know -- would you  
14 have sent your daughter to something like that at 19  
15 years old, knowing she's doing drugs, with only, I have  
16 her telephone number? Would you have done that?  
17 A Probably, yes.  
18 Q Okay. You texted her. Did you ever call her?  
19 A Uhm, I think we did talk on the phone a couple  
20 of times.  
21 Q How long was she there?  
22 A I can't remember. Not very long. A couple of  
23 weeks, maybe. Not very long at all. I would have to  
24 look at my phone to see the dates.  
25 Q Do you think it was more than one week, though?

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1 A Yes.

2 Q At that time, how concerned were you with --

3 for Paisley in being in Kristin's care?

4 A She was in my care at that time.

5 Q Just prior to her leaving, how concerned were

6 you about her being in Kristin's care?

7 A I didn't feel that at that time, uhm, Kristin

8 posed, like, an imminent risk to Paisley. I was

9 getting to see Paisley a lot, and I was forming more of

10 a relationship with Kristin.

11 So, uhm, she and I had had conversations about,

12 I was honest with her, if I ever felt that, uhm,

13 Paisley was at risk, that I would take the appropriate

14 steps to make sure that Paisley was someplace safe.

15 And at that time Kristin had told me, if I ever

16 use drugs, I will call you and tell you to come get

17 her.

18 Q Did you believe her?

19 A I did. And she did.

20 Q How long had she been using drugs before she

21 was put on a bus to go to California?

22 A I don't know.

23 Q Okay. Uhm, I'm gonna now try and go back. I

24 wanted to establish the communication.

25 So in terms of preschool, uhm, was there a

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1 discussion prior to preschool about putting her in that

2 you had indicated you didn't think she needed to go to

3 preschool?

4 A No. I was asked if I was opposed to it, and I

5 said I was not.

6 Q Who were you asked by?

7 A I received a message from Travis saying that

8 the Luceros wanted to put Paisley in preschool, and was

9 I opposed to that. And I said, No, I was not, but that

10 I would like more information, such as what preschool,

11 the days, the hours.

12 Q So there is -- who's all -- who's all in the

13 home?

14 A Myself and my husband.

15 Q Okay. And there's some grandsons that you take

16 care of?

17 A I -- my oldest daughter and my son-in-law and

18 my grandsons are staying at our house right now while

19 they're closing on their house. But, sure, I take care

20 of my grandkids when my daughter needs me to, but she

21 doesn't work. And so, uhm, I'm -- my grandchildren are

22 very much a part of my weekly life.

23 Q Okay.

24 A All of my grandchildren are.

25 Q And they have been throughout this

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1 guardianship, correct?

2 A They have been throughout their entire lives,

3 yes.

4 Q Okay. So they have -- have they been around

5 Paisley, like when this guardianship had started?

6 A Yes.

7 Q Okay. Do -- did they attend preschool?

8 A My daughter home schools.

9 Q They're what?

10 A My daughter home schools.

11 Q So they don't go to school?

12 A No.

13 Q Okay. Did you reach out to the Luceros about

14 the, uhm, preschool? When you -- when you got the

15 question from who -- your attorney, did you reach out

16 to the Luceros to work out kind of how --

17 A The Luceros personally?

18 Q Yeah.

19 A I don't believe so, no. I believe that it was

20 done through the attorneys.

21 Q Okay. So, uhm, she's attended preschool for

22 the last year, right, until -- so it's been a year,

23 correct?

24 A She attended preschool last year until --

25 Q -- COVID?

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1 A Yes. Yes.

2 Q Did she like preschool?

3 A Did she like preschool? I think most of the

4 time she liked it. Towards the end there, uhm, she had

5 one day with me that completely shocked me, because she

6 just started crying and -- and did not want to go.

7 Q Did you understand why? Did she --

8 A She just said she wanted to stay home with me.

9 Q Okay. So other than that, her attendance at

10 preschool was good?

11 A Yeah. Yes.

12 Q Okay. Who -- who did you ask, uhm, for the

13 health insurance card? Did you ask the Luceros to give

14 you the health insurance card?

15 A I did not ask for a health insurance card. I

16 asked for Paisley's Social Security number so that we

17 could put her on my husband's insurance.

18 Q So your husband and Mr., uhm, Lucero work at

19 the same place, correct?

20 A Now, yes.

21 Q Okay. Did they have different insurance last

22 year, or whenever you asked?

23 A Uhm, the beginning of this year it would have

24 been Nevada Gold. So I -- no.

25 Q Okay. Do they -- do you know if health

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1 insurance -- you can double cover a child on the same  
2 health insurance?  
3 A I am not sure. I wouldn't know until I tried.  
4 But I was not able to.  
5 Q But you never asked for the health insurance  
6 card that he had?  
7 A No.  
8 Q Okay.  
9 A Or --  
10 Q You just asked for the Social Security card?  
11 A We asked for the Social Security card. I  
12 believe that their -- there is an e-mail and a text  
13 message that's in lieu of not (unintelligible) Social  
14 Security number. And then we did ask to have the -- a  
15 copy of the health insurance card. We never received a  
16 response to any of those requests.  
17 Q You indicated e-mail or text? How did you  
18 communicate with them?  
19 A I have -- I have text messages and e-mails.  
20 Q Okay. So when you took Paisley to  
21 Dr. Hernandez, you paid for that out of your pocket?  
22 A Yes.  
23 Q Okay. One of the reasons that you stated that  
24 you needed a copy of her birth certificate was to get  
25 her in to extracurricular activities?

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1 A Yes.  
2 Q So have you talked to the Luceros about what  
3 you're thinking about in terms of extracurricular  
4 activities?  
5 A Not yet, no.  
6 Q What are you thinking about?  
7 A Uhm, considered some sports. They have soccer.  
8 They have T-ball. There is, uhm -- there was tumbling  
9 at TDC in Spring Creek. However, all of those things  
10 are pretty much on hold since COVID, so...  
11 Q Correct. Yes. The world has changed.  
12 Uhm, your grandsons, do they participate --  
13 A Yeah.  
14 Q -- in the extracurricular activities?  
15 What do they do?  
16 A My eight-year-old grandson was going to play  
17 football this year but just found out that it just got  
18 cancelled. My five-year-old and  
19 three-and-a-half-year-old are -- I think they're gonna  
20 get to do soccer, maybe, if it's not cancelled. My  
21 three-year-old -- my other granddaughter who is three  
22 is possibly going to be doing soccer, as well.  
23 Q And you haven't talked about any of those  
24 possibilities with the Luceros?  
25 A Given the status quo as it is now, no, I have

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1 not.  
2 Q Well, so --  
3 A I don't have Paisley --  
4 Q Right.  
5 A -- in my home on a regular basis to initiate  
6 that on my end.  
7 Q Okay. But -- but would it have been in  
8 Paisley's best interest?  
9 A To initiate the sports?  
10 Q Yes.  
11 A Possibly, yes.  
12 Q Okay. So even after you started having decent  
13 communications, you had not brought up issues like,  
14 What can we get her in to?  
15 A I hadn't thought -- I hadn't thought that far  
16 ahead yet, and I wasn't aware of when the things  
17 started and under the enrollment. And the  
18 communication started improving during COVID.  
19 Everything was still shut down.  
20 Q Okay. So I'm sure it was the ex parte and,  
21 uhm, hearing from Dr. -- or Geri Goddard about Paisley  
22 indicating that you're mean was tough to hear.  
23 During our ex parte hearing, you did admit to  
24 spanking, uhm --  
25 A Yes.

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1 Q -- Paisley. And I'm -- do you spank all of the  
2 kids?  
3 A I don't spank any of them.  
4 Q Okay. You have a spanking spoon?  
5 A I had a spanking spoon.  
6 Q So what have you done with the spanking spoon?  
7 A I don't use it for spanking. It's a wooden  
8 spoon that you use for stirring soups and pastas and  
9 sauces. So it got put back with the rest of the  
10 cooking utensils.  
11 Q Okay. But prior to the ex parte, you were  
12 spanking the children?  
13 A I have spanked in the past on occasion.  
14 Q And that includes the other boys?  
15 A No, I haven't had an occasion to spank them,  
16 because they're not with me that often. They are with  
17 their parents. So I get to be their grandparent.  
18 Q Okay. They live with their parents at your --  
19 A As of June, the middle of June of this year.  
20 Prior to that, they lived in their own home with their  
21 parents.  
22 Q Okay. So how often -- I mean, has that been  
23 the change that most recently happened, is that your  
24 grandsons are now over at the house more often?  
25 A I'm not understanding --

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1 Q All right. How often would Paisley and your  
2 grandsons play together over the last two years?  
3 A Uhm, maybe a couple of times a week.  
4 Q Okay. And would that occur at your house?  
5 A Sometimes my house, sometimes their house.  
6 Q Okay. Uhm, you don't work, correct?  
7 A Correct.  
8 Q Uhm, and your -- your daughter doesn't work?  
9 A Correct.  
10 Q Do -- does sometimes Paisley go over there and  
11 is cared for by your daughter? I mean, is that a  
12 typical arrangement?  
13 A Sure. If I want to go on a date with my  
14 husband, or I occasionally have cleaned a house. Or if  
15 I just want to run to town and shop without all the  
16 kids in town, sure, we trade off like that.  
17 Q You occasionally clean houses. It's a  
18 housecleaning business that you have or --  
19 A I have cleaned houses for pay for a few people,  
20 but I don't even consider it a business.  
21 Q So it sounded like from Ms. Goddard that she  
22 thought that the -- the kids all together were pretty  
23 comfortable with each other?  
24 A They're very comfortable with each other.  
25 Q Okay. And Braxton is how old?

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1 A Eight.  
2 Q Uhm, do you see, uhm, conflict between them  
3 and --  
4 A I don't see any conflict between Braxton and  
5 Paisley that I don't also see between Braxton and his  
6 brother Bryson, and Braxton and his brother Brennan,  
7 and Braxton and his other cousin Emery, the same  
8 conflict that I see between Emery and Paisley on  
9 occasion and Brennan and Bryson or any of them, because  
10 they are eight, five, four, three-and-a-half, and  
11 three. And they're all learning how to cooperate and  
12 share and play nice. And sometimes they don't like  
13 each other, and sometimes they do.  
14 Q Okay. Uhm, you heard what Paisley disclosed to  
15 Ms. Goddard in regards to she got in trouble for --  
16 because she was hit in the face, uhm, she hit one of  
17 your grandsons. And I don't know if it's Braxton.  
18 So, uhm, did you hear that?  
19 A Yes, I heard that testimony from Ms. Goddard.  
20 Q Okay. Uhm, did you observe that?  
21 A No.  
22 Q Did Paisley get in trouble for hitting your  
23 grandson?  
24 A No.  
25 Q Okay. Uhm, if she would have hit your

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1 grandson, what would you have done?  
2 A We would have found out what precipitated the  
3 whole thing, both children would have been spoken to.  
4 There most likely would have been a timeout, or there  
5 would have been a discussion about how it's not nice,  
6 it's not kind.  
7 They would have been required to apologize to  
8 each other, whoever was the perpetrator would  
9 apologize. The other person is then, uhm -- they  
10 either accept the apology or say they -- they forgive.  
11 And if they perpetrated something, also, then they  
12 apologize. And that person accepts or forgives the  
13 apology. And then they go back and play.  
14 Q On the day that, uhm, Paisley was returned to  
15 the Luceros with a bruise, you had told Pammy that it  
16 had been a really bad day.  
17 So what happened that day?  
18 A I didn't tell her that it had been a really bad  
19 day.  
20 Q What did you tell her?  
21 A I said -- I said Paisley fell this week and has  
22 a bruise on her bottom, and that she did also get a  
23 spanking this week, that it had been a bad afternoon.  
24 Q So what happened when she got a spanking?  
25 A She was asked to come inside. And, uhm, she

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1 and her other cousin Emery were asked to go in to  
2 Paisley's bedroom and pick up the toys that they had  
3 been playing with so they could go down for a nap.  
4 When Emery entered the room to help Paisley, Paisley  
5 started screaming at her, No, I don't want your help,  
6 No, I don't want your help, get out. And just  
7 screaming and yelling at her.  
8 So I said, Okay, Emery, get out, Paisley wants  
9 to do it by herself. When I did that, Paisley started  
10 screaming, No, I don't want to. I'm not gonna do it.  
11 And I went in the room and I said, You said you wanted  
12 to do it by yourself, you're going to do it by yourself  
13 now. You need to pick up your toys, and then you can  
14 take a nap. And that's when she just kept telling me,  
15 No, and threw herself down and refused to get up and  
16 refused to pick up any toys, and kept telling me, no,  
17 that she wasn't going to do it.  
18 And she was told at least three times that she  
19 needed to do what she was told to do, and she needed to  
20 be obedient and to not be telling me no and screaming  
21 at me like that, or she was going to get a spanking.  
22 She ended up getting a spanking.  
23 Q How many times have you spanked her?  
24 A I don't know. Not that many. I don't -- I  
25 don't like to spank them. I don't -- I try very hard

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1 to redirect or give them a timeout, or help them to  
 2 understand. I --  
 3 Q Are you aware that she has talked about the  
 4 spanking spoon to Ms. Goddard multiple times, that it's  
 5 in her -- that it's in Ms. Goddard's first report?  
 6 A I am now.  
 7 Q Pardon me?  
 8 A I am now.  
 9 Q Okay. Are you aware of the reasons that, uhm,  
 10 the Luceros were reaching out for counseling services?  
 11 A No, I'm not.  
 12 Q Were you aware of the issues that, uhm, were  
 13 occurring in exchanges?  
 14 A I only recently heard about the issues, like,  
 15 uhm, after having received Ms. Goddard's first  
 16 assessment.  
 17 Q Okay. Uhm, so you were not aware that exchange  
 18 day was incredibly hard on -- on Paisley?  
 19 A I have only been told about it one time.  
 20 Q Okay. Uhm, was exchange day, uhm, hard on  
 21 Paisley going back to the Luceros? Did you notice  
 22 any --  
 23 A I don't think that they're -- she has had  
 24 occasion when leaving my house, either on the exchange  
 25 day or even the day before. I think that the back and

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1 forth has been enough that Paisley has her body -- she  
 2 has kind of developed an internal rhythm, so she can  
 3 kind of tell about when the end of the week is coming  
 4 up and she's going to be going back. There's sometimes  
 5 a noticeable negative difference in behavior.  
 6 But she has in the past, to me, we have -- we  
 7 go back to Granny's tomorrow after nap. And she's, But  
 8 I don't want to. I want to stay with you. She'll cry  
 9 a little bit. I tell her, you know, I'm sorry, but we  
 10 both love you, and my turn is gonna be over and it's  
 11 Granny's turn.  
 12 So I do everything possible to not make it  
 13 horrible or traumatic. My -- my own -- I'm not angry  
 14 about it. I, uhm -- if I'm sad about it, I'm not going  
 15 to cry or put that out in front of Paisley, because I  
 16 don't want her to feel responsible for me, if I'm sad  
 17 about it, because it's not her fault. It's the way it  
 18 is. She -- we have -- we both love her, and we both  
 19 want her to live with us. And so because of that, we  
 20 have to share. And this is how it is.  
 21 So, no, when she leaves my house, it isn't  
 22 traumatic. Because my attitude isn't that it's a bad  
 23 thing.  
 24 Q How defiant is Paisley?  
 25 A On a regular basis, she's not. On occasion, as

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1 defiant as any child at that developmental age.  
 2 Q So when, uhm, she made the comment to you that  
 3 Granny says if you're mean to me, she'll tell Ms. Geri,  
 4 by that time were you already -- had you -- had you  
 5 engaged with Ms. Goddard?  
 6 A Yes.  
 7 Q And Paisley was aware that you had engaged?  
 8 A I think so.  
 9 Q Did you -- how many times did you engage  
 10 without Paisley being involved?  
 11 A We -- we had a FaceTime call that Paisley --  
 12 the initial FaceTime call for an hour. And then I  
 13 think she had asked that, uhm, I FaceTime her the next  
 14 time that I picked Paisley up so that -- and tell  
 15 Paisley, Oh, look, there's somebody that wants to talk  
 16 to you, so Paisley could see that I knew who Geri was  
 17 and that we were -- so maybe just the once Paisley  
 18 knew, was involved.  
 19 Q Are you -- just so I understand, you -- after  
 20 the first time --  
 21 A After the first time that I FaceTimed with  
 22 Ms. Goddard was our -- her and my initial visit,  
 23 Paisley was not aware of it at that time. Ms. Goddard  
 24 asked that -- I didn't have Paisley that week.  
 25 Ms. Goddard asked that when I pick her up, this is how

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1 she would like to do it so that Paisley knew that we  
 2 were friends, Ms. Goddard and I were friends, that we  
 3 talk, that we're in communication.  
 4 Q Were you aware that -- that there was efforts  
 5 underway to find a counselor for Paisley because of  
 6 exchange issues? When did you become aware of that?  
 7 A I -- I vaguely remember being asked if I would  
 8 be opposed to Paisley, uhm, getting counseling through  
 9 all of this, after the initial, uhm -- the initial,  
 10 joint guardianship was determined. And I said, No, I'm  
 11 not opposed to it.  
 12 And that was the last that I heard about it  
 13 until I got the text message from Pamela saying that  
 14 Paisley had an appointment in Reno. That was the very  
 15 last thing I heard about counseling for Paisley until I  
 16 got that text message from Pamela.  
 17 And then I got that text message from Pamela,  
 18 heard nothing, even though we requested repeatedly for  
 19 Ms. Goddard's contact information, until we received --  
 20 Q Who did you request that from?  
 21 A Mr. Gerber sent an e-mail to your office  
 22 requesting that information.  
 23 Q You didn't ask the Luceros?  
 24 A I asked them when they told me she had the  
 25 appointment in Reno, what it was for, and who she was

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1 seeing. And my -- the initial response that I got to  
2 that request was, Never mind, we will reschedule.  
3 Q Okay. You said that was like the 10th or the  
4 11th, but I didn't catch what month you're talking  
5 about.  
6 A December 9th was when she had -- was, uhm -- it  
7 was December of last year.  
8 Q 2019?  
9 A Yes.  
10 Q Okay. When did you engage with Ms. Goddard?  
11 A I did not have her contact information until  
12 after her assessment in February of 2020.  
13 Q Okay. Uhm, so in February?  
14 A Yes.  
15 Q Okay. So when the -- when Mr. Gerber asked you  
16 about, uhm, the, you know, mean, that Paisley has  
17 called you mean, you indicated -- I wrote down February  
18 through April. Is that about the time that you  
19 understood that she was concerned about mean? I'm  
20 trying to pin this down.  
21 A I'm not understanding your question.  
22 Q Okay. When was the first time that you heard  
23 Paisley say something about you being mean to her?  
24 A I don't know.  
25 Q Has she said it before you got involved with

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1 Ms. Goddard?  
2 A I mean, I've heard all my grandkids tell me  
3 that I'm mean when I'm correcting an inappropriate  
4 behavior.  
5 Q Have you heard your grandkids call their mother  
6 mean?  
7 A Yes.  
8 Q Okay. Uhm, so Paisley has called you mean  
9 since the guardianship began?  
10 A I -- until Ms. Goddard's testimony, I was  
11 unaware that Paisley was referring to me regularly as  
12 mean.  
13 Q Okay. All right. Until her testimony --  
14 A Yes.  
15 Q -- either --  
16 A Today. Until her testimony today.  
17 Q Okay. All right. You had indicated that at  
18 some point, while you were at Vicky's, Paisley had said  
19 it's not nice of you to take me away from grand --  
20 Granny?  
21 A Yes.  
22 Q Or was that at Vicky's, or on the way to  
23 Vicky's?  
24 A On the way to Vicky's.  
25 Q Do you recall when that happened?

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1 A I believe it was, uhm, in the spring of 2019.  
2 Q So, uhm, the beginning -- the spring of 2019.  
3 Uhm, did Paisley consider the Luceros as her  
4 home?  
5 MS. RODRIGUEZ: I'm going to object. Calls for  
6 speculation.  
7 THE COURT: Sustained.  
8 Q BY MS. AMENS: Did Paisley ever refer to the  
9 Luceros' as where she -- as her home?  
10 A She says Granny's house. I don't know that I  
11 necessarily hear her say, That's my home, or, I'm going  
12 home. She says she goes back to Granny, or she goes to  
13 Granny's house, just like she says Nanny's house.  
14 Q Okay. Early on when Paisley was born, there  
15 was a period of time that -- that paternity had not  
16 been established. When -- when did that get  
17 established, if you recall?  
18 A It got established as quickly as possible  
19 after, uhm, Pamela contacted me and my initial meeting  
20 with Pamela and Kristin and Paisley, when she was ten  
21 days old.  
22 Q Okay. So -- so you have been involved with  
23 Paisley that whole time?  
24 A No.  
25 Q Okay.

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1 A Not consistently.  
2 Q When did you start being consistently involved  
3 in Paisley's life?  
4 A I'm not sure exactly when after that initial --  
5 initial meeting. I mean, there was a lot of -- there  
6 was a lot of stuff going on with TJ at the time, and I  
7 was trying to manage that, and also trying to get to  
8 know Kristin and establish a relationship and have a  
9 regular -- it may have been -- it may have been January  
10 of 2017 when I made a very intentional, very  
11 concentrated plan with Kristin, I would like to see  
12 Paisley regardless, because it was very sporadic in the  
13 beginning.  
14 It would be, like, well, you can see her when I  
15 work, and I work this day. And then her schedule would  
16 change at the last minute, and things were always  
17 getting changed. And I just finally said, You know  
18 what? Can we just please have it carved in stone  
19 whether you're working or not working? I would like to  
20 have her on Wednesdays from 8:00 to 5:00. And if it's  
21 okay, I would like to have her on Sundays. And I think  
22 Sunday, for a little while, was half a day, it might  
23 have been a whole day.  
24 Q Okay. How old was Paisley when that started?  
25 A She was born in May, so eight, nine months.

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1 Q Okay. And -- and was it pretty regular?

2 A It took a while for it to get consistent and

3 regular.

4 Q During -- during that period of time when she

5 was, uhm, an infant, toddler, early toddler, did you

6 have concerns about her weight?

7 A No.

8 Q When did you become concerned about her weight?

9 A Uhm, I became concerned about her weight right

10 around the time the guardianship started, because she

11 had gone, uhm, from, like, 36 pounds in May, when

12 Kristin came back from California, took her back, to 40

13 pounds by, like, September, December that year, and was

14 just continuing to gain.

15 Q Did you contact the Luceros about your

16 concerns?

17 A I don't know that I contacted them

18 specifically, but I've not been silent about my

19 concerns.

20 Q So you made no effort to kind of see if there

21 was a way that you guys could coordinate kind of --

22 A To my understanding, from what Pamela has

23 expressed to me, my opinion or perspective, or the way

24 that I've done things parenting, when those things have

25 been shared to Pamela by Kristin, they've been shared

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1 in such a way that anything that I say regarding how to

2 potty train or diet is very negatively received, if

3 received at all by Pamela. And most commonly

4 completely rejected or just flat out ignored.

5 So, no, I did not make effort, because Pamela

6 has always conveyed to me that she feels that it -- my

7 saying something is an attack on how she's doing

8 things, and that I'm putting her down and saying that

9 she's not good enough, rather than it being, I'm

10 concerned.

11 Q So how does she convey that to you?

12 A By telling me I'm -- you're not better than us,

13 and there's nothing wrong with the way I do things

14 and --

15 Q So there is some communication?

16 A There was.

17 Q When did that occur?

18 A Before -- there was better communication before

19 my son died, as I've already stated. After he died,

20 it -- it deteriorated.

21 Q So -- so -- but somehow you got the impression

22 that if you were telling Kristin, maybe an idea, or

23 giving her kind of some coaching --

24 Q I had Pammy tell me, I'm tired of hearing Maria

25 this, Maria that, Maria this, Maria says this, Maria

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1 says that. Maria is better.

2 Q Did she tell you that?

3 A Yes.

4 Q Did she tell you --

5 A Yes. Pammy told me that specifically.

6 Q Before this guardianship?

7 A Yes.

8 Q So since this guardianship has been

9 established, and you have co-guardianship, you --

10 you -- you didn't reach out to kind of coordinate how

11 you were going to raise this child at all?

12 A No. It's not met with any type of

13 receptiveness at all.

14 Q Have you tried?

15 A I have tried in the past anything --

16 Q Wait, wait, wait. In the past, during this

17 guardianship, have you tried?

18 A During this guardianship, no. Anytime I speak

19 to Ms. Lucero, she is very dismissive and shuts me

20 down.

21 Q In fact, the only person that finally reached

22 out and had a telephone call was Ms. Lucero with you,

23 correct?

24 A Yes.

25 Q That's the only telephone call that you've got?

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1 A She has called me, yes. And I answered.

2 Q Okay. How does -- how does Paisley compare

3 weight wise with your -- with her cousins?

4 A She weighs more than her eight-year-old cousin.

5 Q Okay. Since they've been there, and it sounds

6 like they've only been there full time since June, are

7 they on the same, kind of, schedule, eating schedule?

8 A Yes.

9 Q Okay. When you went through a typical day, you

10 talked about breakfast, you talked about lunch, you

11 talked about dinner.

12 A And snacks in between.

13 Q You didn't talk about those. So what are

14 snacks in between?

15 A Fruits. Uhm, sometimes the kids -- Z-bar,

16 granola bars, usually fruit. Occasionally, goldfish

17 crackers.

18 Q Does Paisley get fed the same food --

19 A Yes, she does.

20 Q Okay. How often are you weighing her?

21 A When the exchanges were week to week, I would

22 weigh her when I picked her up. And I would weigh her

23 the day that I dropped her off.

24 Q Have you been charting that?

25 A Yes.

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1 Q You continued to chart it at the one hearing  
2 where we heard about that?

3 A Yes.

4 Q Okay. Do you chart her height?

5 A I have not charted her height -- wall -- wall,  
6 I have her -- I have a measurement on the wall in my  
7 house.

8 Q How often do you look at her height?

9 A Not too very often.

10 Q Okay. Do you talk to her about calories?

11 A No.

12 Q So where would she get the word calories?

13 A I don't know. I don't talk to -- I just ask  
14 her to stand on the scale and stand -- and get off.  
15 And she tells me, It's my turn. And she tells Emery  
16 it's her turn. And we talk about, you know, that she  
17 doesn't get a lot of cookies for snacks, because  
18 they're sugary and not good for you, and we just don't  
19 need a lot of sugary food.

20 I don't talk to her about, Oh, well, you can't  
21 eat that because you're fat, or you're heavy, or you're  
22 too big. Just that we need to eat good, healthy food.  
23 And I try to help her recognize when she's actually  
24 hungry, feeling hungry, as opposed to eating because  
25 she's bored, or she sees somebody else eating and --

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1 when she's full; that it's okay for her to be done  
2 eating, even if there's food on her plate, if she's  
3 full.

4 Q Do any of the boys, have you ever -- do they  
5 tease her about her weight?

6 A No, they do not.

7 Q Otherwise, what would happen?

8 A They would be scolded and told that it's  
9 inappropriate and unkind.

10 Q Have they been told that?

11 A That it's inappropriate and unkind to comment  
12 on people's weight? Yes, I have. Because they're --  
13 when they were younger, a year ago, two years ago, at  
14 two and three years old, children are honest. And if  
15 they see somebody bigger, they're going to say  
16 something.

17 But, no, they have not said that. They have  
18 not teased Paisley, ever.

19 Q Do you think Paisley is --

20 A In fact, Paisley came home from the Luceros one  
21 week with me and was walking up the stairs jiggling her  
22 own tummy and telling -- Oh, I'm fat. And Braxton  
23 heard it, and he was very upset. And he told her, No,  
24 you're not. You don't say that. Don't talk like that.

25 Q Okay. Do you think Paisley is an honest child?

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1 A I think that Paisley has trouble  
2 discerning telling the truth and telling a lie.

3 Q You heard Ms. Goddard say that at her age, it's  
4 hard to not be truthful. Do you think that she's being  
5 truthful when she says there was a spanking spoon?

6 A I know she's being truthful when she says there  
7 was a spanking spoon.

8 Q Do you think she was being truthful when she  
9 said that she got in trouble for hitting your grandson?

10 A I think that she -- no. But I don't think that  
11 she was lying, per se. I think that she's connected  
12 the two, that she knows she got in trouble and she  
13 knows that hit something -- a wrong thing. So that  
14 it's possible that she did not understand what the  
15 spanking was for at -- or that -- I mean, that she's  
16 taking events and mashed them together, which children  
17 often do.

18 And she and I actually did have a discussion  
19 after the spanking, that her inappropriate behavior,  
20 talking back to Nanny and telling her no, and not doing  
21 what she was told, is why she got the spanking and why  
22 she was in trouble, and that it wasn't okay. And then  
23 I told her that I still loved her very much, and that I  
24 didn't enjoy giving her the spanking.

25 Q When Ms. Brace was here, I believe she talked

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1 about meeting with you one time, and with you and your  
2 husband the second time.

3 A Yes.

4 Q And that was the first time that your husband  
5 knew about the allegations.

6 A He came home -- he got home from work the first  
7 time she came, right as she was leaving.

8 Q Is that -- that's the first -- the only time  
9 she met with him, then, the first time?

10 A I mean, she met him briefly, because he was  
11 coming in. She was introduced to him.

12 Q Okay.

13 A He was briefly explained what was going on.  
14 She left, he went and took a shower. And the second  
15 time is when she actually interviewed him.

16 Q You have gotten a call before the, uh, the  
17 report was made from Ms. Goddard, correct?

18 A Yes.

19 Q Uhm, you didn't tell your husband about the --

20 A Honestly, I may have, and he may have  
21 forgotten. I have -- there's lots of things that I've  
22 told my husband about and have had written down, and he  
23 gets busy and has other things on his mind, and  
24 sometimes he forgets.

25 Q Do you remember telling him?

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1 A I -- I don't necessarily -- I can't imagine  
2 that I wouldn't have told him.  
3 Q Okay. Uhm, do you tell him when you spank the  
4 children?  
5 A Yes.  
6 Q Okay. How many times has Kristin come over and  
7 seen Paisley during this guardianship?  
8 A She has not. No, that's not right. I'm trying  
9 to think. In the beginning, I can't remember, maybe  
10 more than twice. I know there was one time where, uhm,  
11 Paisley was with my daughter in town and Kristin needed  
12 a ride somewhere, and they -- my daughter picked  
13 Kristin up and they spent sometime at the park, so that  
14 Kristin could spend time with Paisley.  
15 But, uhm, in the last year, I think Kristin has  
16 contacted me three times. Uhm, the first time was we  
17 set up a meeting in town, and my husband and I and  
18 Paisley drove to town and we waited for 20 minutes, and  
19 Kristin did not show up. And she had told me where she  
20 was staying at the time, so we drove around the block  
21 two or three times, seeing if we could see her walking  
22 to meet us and couldn't see her. And the number that  
23 she called me from, when I tried to call it back, was  
24 no longer working. And so we went home.  
25 Another time she called, probably 7:30 at night

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1 wanting to know if she could come by the house and say  
2 good night to Paisley. And we weren't even home at the  
3 time, we were on our way home from church. And so that,  
4 wasn't gonna work out.  
5 And another time she called wanting to know if  
6 she could come by and see Paisley, and I was, like, if  
7 you can get a ride here, and then be here between this  
8 time frame. Sure, that's not a problem. And she never  
9 showed up.  
10 Q Have you followed up with anyone in terms of  
11 how Kristin is doing during this guardianship?  
12 A There's nobody for me to follow up with.  
13 Q Have you asked the Luceros?  
14 A No.  
15 Q You haven't -- you haven't asked anybody what's  
16 going on with Kristin?  
17 A I have -- sometimes I'll ask Vicky if she's  
18 heard anything, or Vicky may have heard something and  
19 she'll let me know. Or I've had some people that I  
20 know that has said, Oh, I saw Kristin in town, and she  
21 wasn't looking too good. And...  
22 Q Okay. Mr. Gerber was asking you a bunch of  
23 questions in regards to who was living at the Luceros'  
24 house. It -- it sounds from your testimony that you  
25 don't really have personal knowledge of who is living

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1 at the house, correct?  
2 A Correct.  
3 Q You don't have personal knowledge on whether or  
4 not Paisley has naps, correct?  
5 A Correct.  
6 Q You don't know if there are a lot of teenagers  
7 over there, correct?  
8 A Correct.  
9 Q You don't know what their routine is?  
10 A Correct.  
11 Q You don't know what they're feeding her?  
12 A I don't.  
13 Q Okay. So you're asking to be Paisley's general  
14 guardian. What is your plan on making sure that she  
15 remains involved with her mother?  
16 A If Kristin -- Kristin can contact me, and we  
17 can make arrangements for supervised visitation. Or if  
18 Kristin has a phone, we can make arrangements for  
19 supervised visitation, as well as regular phone calls.  
20 Q Okay. What's your plan for, uhm, Paisley to  
21 remain involved with her grandmother, grandparents,  
22 great grandparents?  
23 A Regular visitation.  
24 Q What does that look like?  
25 A Whatever is going to work for all of us.

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1 Q And how is that going to be determined?  
2 A Probably -- I would think initially by the  
3 courts.  
4 Q Okay. You guys have started working with  
5 Ms. Anderson?  
6 A Yes.  
7 Q Is that something that you're committed to  
8 continue with?  
9 A Yes.  
10 Q You started working with Ms. Goddard. Is that  
11 something that you're going to continue with?  
12 A That is something that I would -- we'll look in  
13 to.  
14 Q Okay. Would you say that Ms. Goddard has  
15 bonded with Paisley?  
16 A I would say that she does have a relationship  
17 with Paisley, yes.  
18 MS. AMENS: Okay. I don't have any further  
19 questions.  
20 THE COURT: Ms. Rodriguez?  
21 MS. RODRIGUEZ: What about Ms. Stone?  
22 THE COURT: Pardon me?  
23 MS. RODRIGUEZ: Kristin.  
24 THE COURT: Oh, Ms. Stone, do you have any  
25 questions for Ms. McGrew?

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1 MS. STONE: (Unintelligible).  
2 THE COURT: Ms. Rodriguez?  
3 MS. RODRIGUEZ: Thank you.  
4 Judge, we asked previously about reviewing  
5 testimony, if we're going to need to. As I was going  
6 through my notes, I note on January 23rd, uhm, the  
7 January 23rd hearing, I believe, it was '19, I have  
8 copious, like, pages and pages of notes.  
9 THE COURT: Uh-huh.  
10 MS. RODRIGUEZ: Since that's already in the  
11 record, I would just ask Your Honor to refer back to  
12 those, so we don't have to do that again.  
13 THE COURT: I'll look back on my own notes.  
14 MS. RODRIGUEZ: A ton.  
15 THE COURT: I don't have a transcript, unless  
16 one of the --  
17 MS. RODRIGUEZ: Correct.  
18 THE COURT: -- want to pay for it. So all I  
19 can do is look back at my own notes.  
20  
21  
22  
23  
24  
25

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1 CROSS EXAMINATION  
2 BY MS. RODRIGUEZ:  
3 Q Ms. McGrew, when I want to first deal with  
4 the whooping issue with Paisley. Did you voluntarily  
5 inform the Luceros of the incident that happened at  
6 your home?  
7 A Yes, I did.  
8 Q Was that prior to being called by anyone about  
9 it?  
10 A Yes.  
11 Q So you informed the Lucero -- okay. Tell us  
12 what happened.  
13 A When I arrived at Vicky Ferguson's on that  
14 Thursday for the exchange, uhm, I don't -- Pamela was  
15 not there yet. And I told Vicky, I said, I just wanted  
16 to let you know, Paisley has a bruise on her bottom  
17 because she fell on my hearth, and she did get a  
18 spanking this week. And then I was getting ready to  
19 leave, and Pamela had come up, and she was getting out  
20 of the car. And she was talking to Paisley at that  
21 point.  
22 And I said, I just -- I want to let you know  
23 that Paisley fell down, she has a bruise, a back  
24 bruise, high up on her right buttock, and she did get a  
25 spanking this week. But we just had a bad afternoon

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1 this afternoon, and she got a spanking.  
2 Q You had that conversation with Ms. Lucero?  
3 A Yes.  
4 Q (Unintelligible). Okay. And then thereafter,  
5 was the next contact you had concerning that from  
6 Ms. Goddard?  
7 A Yes.  
8 Q When you spoke with Ms. Goddard, did you tell  
9 Ms. Goddard that you had talked to Ms. -- Ms. McGrew  
10 about what had happened that day?  
11 A I think I told her that I had had that -- that  
12 I had told Pamela when I dropped Paisley off.  
13 Q What was the time frame between when you  
14 dropped Paisley off and told Ms. McGrew about the  
15 incident and then when Ms. Goddard called you?  
16 A I think she called me on a Saturday.  
17 Q So was it the following Saturday? Thursday, so  
18 just two days later?  
19 A Yes.  
20 Q Okay. Thereafter, you met with the Division  
21 worker, correct?  
22 A Yes.  
23 Q Were you honest with that person?  
24 A Absolutely.  
25 Q Had Ms. Lucero previously been in your home

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1 when you had the fireplace with the hearth?  
2 A Yes.  
3 Q How long had that fireplace and hearth been in  
4 your home?  
5 A I believe, like, 2008 or 2009.  
6 Q Is it an area that is not easily seen when  
7 you -- when you enter your home?  
8 A Oh, no. It was right in the middle of the  
9 house.  
10 Q Okay. Were you surprised to learn, based upon  
11 the Division worker's testimony, that Ms. McGrew said  
12 that wasn't true, that you don't have a fireplace and  
13 hearth in your home?  
14 A Yes.  
15 Q When you informed Ms. McGrew of what had  
16 happened that day, did she express to you any concerns  
17 or any disbelief?  
18 A When I told her about the bruise, she seemed,  
19 like, okay. And then when I told her about the  
20 spanking, her demeanor changed and she just kinda was  
21 nonresponsive and closed off.  
22 Q So do you remember approximately when that was?  
23 Was that in June of 2020?  
24 A So we were supposed to get her, she was  
25 supposed to come back to our house, I believe, on June

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1 11th. So it would have been the Thursday before that.  
 2 Q Okay. You testified at length with Mr. Gerber  
 3 about who may or may not be in the Lucero home, about  
 4 the Lucero home, essentially.  
 5 What do you base that information on?  
 6 A From what Paisley talks about when she's with  
 7 us.  
 8 Q So just based upon Paisley's report back to  
 9 you?  
 10 A Yeah.  
 11 Q Have you ever been in the Lucero home?  
 12 A I have not been inside of their home, no.  
 13 Q So it is possible, is it not, that Paisley  
 14 could be telling you that, Well, when I'm at  
 15 Granny's -- does she call Ms. Lucero Granny?  
 16 A She calls her Granny.  
 17 Q Granny -- I don't have to take a nap?  
 18 A I don't know that she's told me that she  
 19 doesn't have to. I think I asked her before, Do you  
 20 take a nap at Granny's, and she just told me no.  
 21 Q Okay. Have you ever talked to Ms. Lucero or  
 22 Mr. Lucero about, like, their structures, what they do  
 23 with -- with Paisley so that you can mirror the same in  
 24 your home?  
 25 A When -- at the beginning of, uhm, the

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1 guardianship, Paisley was two, and it was getting time  
 2 to, uhm, potty train. And I had asked -- I had asked  
 3 Vicky to please ask Pammy what they were doing at their  
 4 house, as far as potty training Paisley so I could do  
 5 the same thing at my place so there was consistency to  
 6 help Paisley, so that it wouldn't be so hard. And I  
 7 never got a response back. And --  
 8 Q Okay.  
 9 A I, uhm, at one time, coming to court here, I  
 10 had told Michael Lucero in the stairwell, I said, Well,  
 11 she's been doing really well potty training. And when  
 12 she's at our house, you know, she's wearing panties now  
 13 during the day, and she's been doing great. And he's  
 14 just like, Oh, yeah, she's fine. She wears panties at  
 15 our house all the time, and just dismissed me and  
 16 continued talking to my husband.  
 17 So it's -- I am very reluctant to try to share  
 18 information because that is the response that I get.  
 19 Q Do you understand how important that is,  
 20 though, when Paisley is spending 50 percent of her life  
 21 at one home and 50 percent of her life at another home?  
 22 Do you understand how important it is to keep pushing  
 23 to try to get that information?  
 24 A I do.  
 25 Q Other than using Ms. Ferguson, essentially, as

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1 a go-between --  
 2 A Right.  
 3 Q -- is it possible for you and Ms. Lucero to  
 4 even text back and forth such information?  
 5 A I believe so, yes.  
 6 Q Ms. Ferguson testified about a time when you  
 7 were sitting in her home during an exchange, and  
 8 Ms. McGrew came in and said -- refused to speak to you.  
 9 A Yes.  
 10 Q Do you recall when that occurred?  
 11 A The exact dates, no. It was early on in the  
 12 guardianship.  
 13 Q Okay. Do you recall the substance of the  
 14 conversation?  
 15 A It was just that Pamela had come in. I think  
 16 Kristin was with her at the time. Paisley had come in.  
 17 I was already there, sitting on Ms. Ferguson's  
 18 loveseat. Uhm, I think Paisley actually had come over  
 19 and was saying hi to me. And, uhm, Pamela was talking  
 20 to Vicky, I think about Carter, and I kind of piped up  
 21 with, Is there anything that I need to know about  
 22 Paisley? And I said -- I said, Is there anything that  
 23 I need to know about Paisley, and I wasn't answered.  
 24 And so Vicky asked Pam, She's wondering, you  
 25 know, is there anything you need to tell her about

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1 Paisley. And Pamela said, I'll tell you, but I'm not  
 2 gonna tell her.  
 3 Q And where was Paisley at?  
 4 A She was in the room.  
 5 Q Did you try to further engage with Ms. Lucero  
 6 at that time?  
 7 A At that time?  
 8 Q Yes.  
 9 A No.  
 10 Q Why?  
 11 A Because her response was so contentious that I  
 12 didn't want to risk an argument or negative bickering  
 13 back and forth. I don't -- her -- how she feels about  
 14 me negative, so negatively, it's such a strong feeling,  
 15 and it permeates out from her. And I don't think it's  
 16 beneficial for Paisley to see Granny have that attitude  
 17 towards me.  
 18 And I think that it makes it very hard for  
 19 Paisley. She loves us both. And here's this woman  
 20 that she loves so much, and she obviously doesn't like  
 21 this other woman who Paisley likes and wants to love.  
 22 And I just think it has a really negative impact on  
 23 Paisley to see that kind of animosity and that  
 24 hostility. And dismissing somebody, and being  
 25 disrespectful, even if it's subtle and it's not overt,

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1 children still pick up on that. And I just don't think  
2 that it's beneficial for Paisley to witness that --  
3 that disrespect.

4 Q Okay.

5 A It doesn't -- it sends her mixed signals about  
6 how -- how it's appropriate to treat me.

7 Q We've talked a lot about issues with exchanges  
8 with Paisley and her struggling.

9 When you have picked Paisley up for the  
10 exchanges, has she presented with swollen eyes, or  
11 bloodshot eyes that would evidence she had been crying?

12 A No. Just the one time when she was really  
13 upset, and Kevin told me he had a conversation with  
14 her. And she was upset because she didn't get to bring  
15 toys she wanted to bring. She was still kinda upset  
16 when I got there, and we talked about that some more.

17 Q You and Paisley talked about her bringing toys  
18 back and forth?

19 A Uh-huh.

20 Q Other than that time, do you recall Paisley --  
21 her demeanor being even sad or sullen coming to you?

22 A No.

23 Q Has Paisley ever refused to leave the Ferguson  
24 home and come with you?

25 A Sometimes she's not ready to leave, because she

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1 wants to stay and play.

2 Q Okay. Has she ever refused to leave?

3 A She's not ever refused to leave, no.

4 Q Who does she play with?

5 A Carter.

6 Q Her brother?

7 A Uh-huh.

8 Q And do you allow them to play a little bit  
9 longer?

10 A Sometimes. It just depends on what -- if we  
11 need to get home, or get to the store, or what we've  
12 got going on.

13 And for a while, my daughter and her daughter  
14 were living with us, so I would often have my other  
15 granddaughter with us, who would be waiting in the car.  
16 So...

17 Q Okay. There was testimony today from Ms. --  
18 Ms. Ferguson, excuse me, also about Ms. Lucero saying  
19 that, That's it, we're not doing this anymore, we're  
20 going back to court, referring to Paisley going to your  
21 home.

22 Have you ever heard that?

23 A I've only heard that from Vicky telling me that  
24 Pammy, Pamela, had said that.

25 Q Has --

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1 A And that she said it in front of Paisley.

2 Q Has Paisley ever said anything to you like  
3 that?

4 A I think that she's mentioned about not coming  
5 to my house anymore, or -- I know that sometimes --  
6 once or twice she's said something, but it's just been  
7 real vague. And trying to understand what she's trying  
8 to say -- and then when I ask her about it, she backs  
9 away from it and -- and doesn't want to talk about it.

10 And so I just reiterate that we take turns, and you'll  
11 be back. / You know, this is my turn, and then it will  
12 be Granny's turn, and then it will be my turn again.

13 Q Mrs. Ferguson also testified that Paisley told  
14 her that Granny said I can't see Nanny, Nammy, anymore,  
15 and this was about June or July of this year, before  
16 the spanking.

17 Has Paisley said that to you?

18 A No.

19 Q When the DCFS worker testified yesterday, she  
20 indicated that you have a picture of Kristin in  
21 Paisley's room.

22 A I have pictures of Kristin holding Paisley. I  
23 have pictures of TJ with Paisley. I have baby pictures  
24 of Paisley. I just have a collage of pictures, several  
25 pictures.

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1 Q Do you talk about all of Paisley's family with  
2 her?

3 A She points out pictures, and she'll tell me who  
4 is in them, or ask me who is in them.

5 Q Does Paisley have her own room at your home?

6 A Yes.

7 Q Does she have her own bed?

8 A Yes.

9 Q Ms. -- sorry. Ms. Ferguson also testified  
10 there are times when she comes to your home with Carter  
11 when he's in her care and and you have Paisley in your  
12 care.

13 A Yes.

14 Q Do you encourage that relationship between  
15 Paisley and Carter?

16 A Absolutely. And I have taken Paisley and my  
17 other granddaughter, Emery, to Vicky's house a few  
18 afternoons, when all three of them play together.

19 Q Do you recall what precipitated the change in  
20 the exchanges, wherein you are no longer waiting at the  
21 Ferguson home when the Luceros either came to pick up  
22 or drop off Paisley?

23 A Uhm, I don't really recall a specific event.  
24 Just that Pam is -- her hostility towards me, and I  
25 just -- I don't think it's good for Paisley to witness

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1 that. And so I try to -- and I knew there were times  
2 where she would wait out on the street. There was one  
3 time in the last year where she was -- her car was  
4 parked out on the street, and I was exiting the  
5 Ferguson house to get in my car and back away. And  
6 they honked at me, and it made me feel like, you know,  
7 hurry up, we're waiting. And --

8 Q Who honked at you?

9 A The Luceros, or whoever was in the vehicle.

10 And, uhm, Vicky had told me at one time that,  
11 uhm, Pamela had told her that I was not allowed to be  
12 there when Pamela was there, and that I wasn't even  
13 allowed -- that we weren't allowed to be there at the  
14 same time, physically at the same time.

15 So I just -- between Vicky and myself, I  
16 just -- on days that I drop Paisley off, I try to get  
17 there anywhere from a quarter till to five till 4:00,  
18 so that I can be gone, and Ms. Lucero can pick her up  
19 at four o'clock, is the agreed upon time, but not to  
20 where there's a chance that there can be any negativity  
21 between the two of us.

22 Uhm, there was a period -- there was a while  
23 there where I think she figured out I was coming early,  
24 and so I noticed she was getting there at, like, 10  
25 till 4:00. And oftentimes making me feel like I just

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1 needed to hurry up and drop Paisley off.

2 And then when it's my turn to pick up Paisley,  
3 I either wait until -- I only live like eight minutes  
4 away from Vicky, so I wait until, like, 10 till, or a  
5 few minutes till to leave my house. Because I figure  
6 by the time I get there, the kids will be dropped off,  
7 or I've waited for Ms. Ferguson to send me a text and  
8 let me know that the kids are there.

9 Q And are you willing to continue to do that, to  
10 provide that --

11 A I'm willing to pick them up with both of us  
12 being there together and actually have a conversation,  
13 and let her know how the week went with Paisley --  
14 Paisley, and any things that I had noted that I think  
15 are of importance or interest. And I'm willing to have  
16 her do the same thing; you know, this is what we did  
17 this week, and this is how Paisley was, or this is  
18 something that I think she's struggling with this week,  
19 you know. I'm very willing to have that dialogue and  
20 that conversation.

21 Q Okay. You testified on direct that, uhm,  
22 Paisley said, Granny said if you're mean to me, she  
23 will tell Ms. Geri.

24 What was your response to that?

25 A I didn't really have a response. I didn't

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1 really know how to respond to that. Because I feel  
2 like -- I don't know. I kind of feel like that puts me  
3 in a disadvantage, because any child is gonna think  
4 you're mean if you correct their behavior.

5 So now if I tell her no, or if I don't let her  
6 have something that she wants, or if I correct an  
7 inappropriate behavior, she's gonna go back and say,  
8 Nanny was mean.

9 Q You also testified that one time Paisley said,  
10 It's not nice of you to take me away from Granny.

11 What was your response to that?

12 A I don't even remember what I responded. I  
13 don't -- I think that I may have told her that I didn't  
14 take her away from Granny.

15 Q Okay. And has Paisley ever discussed with you  
16 or made mention of Ms. Geri before you had the phone  
17 call --

18 A Nope.

19 Q -- with Ms. Goddard?

20 A Nope.

21 Q So Paisley had never brought her up at your  
22 house?

23 A Nope.

24 Q And Ms. Goddard testified that she had  
25 testified about some incidents that occurred at your

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1 son's funeral, with your behavior and your husband's  
2 behavior.

3 Is that, in fact, true?

4 A No.

5 Q Were you surprised to hear that testimony  
6 today?

7 A I was shocked to hear that testimony.

8 Q Does that cause you concern?

9 A I don't even know what -- I don't even know  
10 what to think about it. I don't even know why  
11 something like that would be said. That couldn't be  
12 further from the truth if it was on a different planet.

13 Q You testified on direct about the former  
14 Exhibit 2 that was previously admitted, well, the  
15 Exhibit 2 that was previously admitted.

16 Did you ever speak to -- to Paisley's  
17 pediatrician about her weight?

18 A I actually went and saw Dr. Hernandez when I  
19 was doing those weights. And she was not at that time  
20 initially concerned with the weight fluctuations on a  
21 week-to-week, given her age and the back and forth.  
22 But she did put in her summation, her recommendation  
23 for diet was that high density snacks were to be  
24 limited, that Paisley shouldn't be drinking anything  
25 other than water. And at that time, two percent milk

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1 when milk was given.

2 Q Did you share that information with the

3 Luceros?

4 A I think I did.

5 Q Okay. There was some testimony about Kristin's

6 fitness as a parent at this time. When we were

7 originally in here a year ago, there was a great deal

8 of testimony about why Kristin was unfit at that time.

9 What, if anything, have you observed from

10 Kristin since the guardianship has been in, or for even

11 the last six months that would lead you to believe that

12 Kristin is now a fit parent and able to meet Paisley's

13 needs? Excuse me.

14 A To the best of my knowledge, nothing has

15 changed.

16 Q You've indicated that Kristin has reached out

17 to you and/or your husband three separate times to see

18 or contact Paisley, correct?

19 A Yes.

20 Q Of those three times, the first you and your

21 husband went to town with Paisley, waited, she didn't

22 show up.

23 Did Kristin ever contact you on that day or

24 around that day to explain to you why she wasn't there

25 at the time that you had agreed to?

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1 A No.

2 Q When was the next time after that that you

3 spoke with Kristin or heard from Kristin?

4 A I don't know. Months.

5 Q Other than the time, the next time when Kristin

6 called, you weren't there, and the following time it

7 was -- she was -- you offered that she could come to

8 your house, but she wasn't able to get there, has

9 Kristin asked to come and see Paisley other than those

10 three separate times?

11 A Not that I can recall. Not at my home.

12 Q Okay. Has Kristin called and asked to speak

13 with Paisley, other than those specific times? And I

14 know those weren't phone call requests, but had

15 requested contact, either by the phone --

16 A There might have been a phone call, like, in

17 the first year maybe where she called and she did talk

18 to Paisley on the phone when she was with me.

19 Q Okay.

20 A But --

21 Q So in our -- one of our previous hearings,

22 there was testimony about your son's death benefits,

23 and Kristin is the payee on those, to the best of your

24 knowledge?

25 A Yes.

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1 Q During the time that this guardianship has been

2 in place, even the temporary guardianship, has anyone,

3 Kristin, offered to assist with any of Paisley's needs

4 while she's at your home?

5 A No.

6 Q Are you and your husband able to meet Paisley's

7 needs on a day-to-day basis without assistance from

8 anybody else?

9 A Yes.

10 Q In fact, you've been doing that on a 50

11 percent --

12 A Yes.

13 Q -- status, correct?

14 A Yes.

15 Q And you have indicated today that you're not

16 able to do a joint guardianship, go forward with a

17 joint guardianship with the Luceros, correct?

18 A I don't -- I don't believe that it's beneficial

19 for Paisley to be going back and forth on a

20 week-to-week basis. I think that's asking a lot of

21 adjustments for a four-year-old. I do think that

22 adjusting to the two different homes is stressful to

23 her. And it's hard to manage. And I think it's unfair

24 to ask her that.

25 So, um, yes, I am asking that we be general

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1 guardians. Am I willing to facilitate visitations and

2 often and regular visitations? Absolutely. But I do

3 believe that Paisley needs a place that's her's, you

4 know, a place that it's the same all the time.

5 Q Have you ever denied Kristin visitation with

6 Paisley?

7 A No.

8 Q That time when you weren't home, because you

9 were traveling home from church, did Kristin ask if she

10 can see her at a different time, if she could see

11 Paisley? Sorry.

12 A As in another day, or later?

13 Q Yes.

14 A No.

15 Q Do you recall in January of 2019 testifying

16 about Tinkergarten, the Tinkergarten program?

17 A Yes.

18 Q What do you recall? What is the Tinkergarten

19 program?

20 A Tinkergarten, and I don't know if they do it

21 anymore, especially with COVID, is for ages, I believe,

22 18 months to maybe eight years old. It's kind of an

23 outdoor school. I believe it kind of falls along like

24 the Montessori style, where kids explore outside and

25 learn about plants or rocks. And the -- it's not

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1 something that they -- like, you don't drop them off  
 2 and go. The parent stays there with them and kinda  
 3 goes through the little course and stuff with them,  
 4 also.  
 5 Q So is it, like, an active type of preschool?  
 6 What--  
 7 A It's just -- I think it's, if I could remember,  
 8 it's a six- or twelve-week program, and it's only on  
 9 the weekends.  
 10 Q Were you ever -- and I know you testified in  
 11 January of 2019 that you wanted to put Paisley --  
 12 Paisley in that. Were you ever able to follow through  
 13 and do that?  
 14 A No, I was not.  
 15 Q Do you know why? Do you recall why?  
 16 A I had -- I don't recall why. I'm not sure if I  
 17 missed the registration. I'm sure I -- I do feel,  
 18 also, that I am -- I am concerned because of Pamela's  
 19 hostility towards me, and because she seems so  
 20 resistant to things that I suggest or would like to do  
 21 that, uhm, there won't be follow-through on the weeks  
 22 that I don't have Paisley. So that if I enroll her in  
 23 Tinkergarten, they won't take her on the weekends that  
 24 they have her, or if I were to enroll her in a sport  
 25 or -- that they won't take her to her practices or the

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1 functions.  
 2 Q Uh-huh.  
 3 Do you recall Paisley asking -- telling you  
 4 that you can't steal her, or go steal her from Granny's  
 5 house?  
 6 A I recall that she said that, yes.  
 7 Q What was your response to that when Paisley  
 8 said that?  
 9 A I think I told her I don't steal her from  
 10 Granny's.  
 11 Q Do you recall Paisley indicating to you that  
 12 Granny told her you're not allowed to keep Paisley's  
 13 school folder?  
 14 A Yes.  
 15 Q When was that approximately?  
 16 A That was after the beginning of preschool.  
 17 Q Okay. And what was your response?  
 18 A That I didn't keep the folder, and that we  
 19 share the folder back and forth.  
 20 Q Have there been any occasions, uhm, where you  
 21 have been out in the Elko area and ran in to either the  
 22 Fergusons or the Luceros with either you having Paisley  
 23 or them having the children, where you two have  
 24 actually engaged -- where the parties have engaged and  
 25 talked?

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1 A Not me, no.  
 2 Q Have you run in to each other where you  
 3 purposely not engaged?  
 4 A I have not -- I have not run in to them when,  
 5 uhm, I've had Paisley, when we've been out in town.  
 6 Not that I can recall.  
 7 THE COURT: Excuse me. It's five o'clock,  
 8 Ms. Rodriguez. How much more do you have?  
 9 MS. RODRIGUEZ: Like probably three questions.  
 10 THE COURT: Go ahead.  
 11 Q BY MS. RODRIGUEZ: Sorry. When you get ready  
 12 to go to sleep at night, what type of routine do you  
 13 have with Paisley?  
 14 A With Paisley?  
 15 Q When she's at your home.  
 16 A I ask her to use the toilet before I have her  
 17 put on a pull-up and jammies, and we brush teeth. She  
 18 goes in and she says good night to my husband. And  
 19 then we go back in her room, and she gets in her bed.  
 20 And I read a story. And then we pray.  
 21 Q What -- what --  
 22 A We have kind of a standard prayer. Uhm, I say  
 23 the "Now I lay you down to sleep" prayer. And then we  
 24 thank God for her mommy and for her daddy. And  
 25 sometimes she'll remind me he's in heaven. And we

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1 thank God for Nanny and Papa, and Granny and Papa, and  
 2 Nanny and Papa. And sometimes we name specifically the  
 3 aunts and uncles and cousins. And sometimes we just  
 4 say, And all the aunts, uncles and cousins, and all the  
 5 family that loves Paisley so much.  
 6 Usually if it's the first night that I get her  
 7 back, I thank God for watching over her while she was  
 8 away and bringing her back to us. I try to remember to  
 9 thank about the specific day, or something specific in  
 10 the day, whether it was nice, or we had sunshine, or  
 11 got to do something special.  
 12 And at the end is always asking that she be  
 13 blessed with peaceful restoring sleep and sweet dreams,  
 14 and that she wake up ready to be kind and loving and  
 15 obedient.  
 16 Q So you do encourage her to express her love for  
 17 the Luceros, as well?  
 18 A Absolutely.  
 19 Q Also, when we were in court before an exhibit  
 20 was admitted wherein Kristin was reaching out to you  
 21 about some concerns for Paisley. It's Exhibit 1 with  
 22 the Court. And it's text messages back and forth with  
 23 you and she, asking that you protect Paisley.  
 24 Do you recall the time when Kristin was  
 25 reaching out to you?

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1 A I think that I have more than one text message  
2 and those types of things from Kristin over the course  
3 of Paisley's life. And so a specific time, I'm not --  
4 Q Let's just discuss that in general. You  
5 indicated that you've had more than one, uhm, request  
6 from Kristin to step in, to help?  
7 A Yes.  
8 Q Protect Paisley?  
9 A Right.  
10 Q Have you ever reached out to Kristin and said,  
11 Can I take Paisley to protect her?  
12 A No.  
13 Q Have you ever reached out to Kristin and said,  
14 Can I remove Paisley because I don't think she's safe  
15 with the Luceros?  
16 A No.  
17 Q Have you ever told Kristin, uhm, Let me take  
18 Paisley because I don't think she's safe with you?  
19 A No.  
20 Q So when you have obtained contact -- or custody  
21 of Paisley precipitating this guardianship, it was  
22 Kristin reaching out to you?  
23 A Yes.  
24 Q So I, too, share Ms. Amens' concerns. If the  
25 Court is going grant this guardianship to you and your

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1 husband, either you and your husband or the Luceros,  
2 and you guys have such a horrible relationship right  
3 now, how can we be assured that Paisley's best  
4 interests will be met, and you guys will be able to  
5 communicate and allow that contact?

6 A I can give my word that -- I mean, Paisley's  
7 best interests are what is at my heart. I want her to  
8 grow up to be a loving, confident, young lady, who  
9 has -- knows that she has a heart that's big enough to  
10 encompass all her family and all the people that God is  
11 going to bring in to her life. And I am very willing  
12 to, uhm, work towards that goal and to work with  
13 people, whoever we need to work with, to help find ways  
14 to resolve our differences and our issues.

15 MS. RODRIGUEZ: I have nothing else, Judge.  
16 Thank you.

17 THE COURT: All right. You may step down.

18 MR. GERBER: Your Honor --

19 THE COURT: We'll do redirect next time,  
20 Mr. Gerber.

21 MR. GERBER: Okay. I just wanted to make sure  
22 I had the opportunity.

23 THE COURT: Yeah.

24 All right. I want to talk about what we're  
25 going to do going forward until we get back in to

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1 court.

2 So, Mr. Gerber, you want to return to the  
3 alternating weeks, correct?

4 MR. GERBER: I'm requesting that we return at  
5 least to the status quo prior to the ex parte motion  
6 until we can have an additional time to complete the  
7 case.

8 THE COURT: And that was alternating weeks,  
9 correct?

10 MR. GERBER: Correct. Unless the Court has  
11 other (unintelligible).

12 THE COURT: Ms. Amens?

13 MS. AMENS: Your Honor, we would request that  
14 we keep it the way it is now. There's been some  
15 evidence that Paisley is doing better, uhm, with it.  
16 And there has been a lot of discussion of how difficult  
17 it has been for her going back and forth every week.

18 THE COURT: Ms. Rodriguez?

19 MS. RODRIGUEZ: Well, Judge, to be perfectly  
20 honest, I'm concerned how that ex parte was presented  
21 to Your Honor. I am concerned about that, concerned  
22 about how we came about being the way we are today.

23 The law is 50/50 whenever for parents. We have  
24 these people sitting in a parental relationship. I do  
25 see some concerns with their relationship.

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1 At a minimum, I would ask that it go back to  
2 the 50/50 with Janell's interaction with them. I have  
3 concerns about alienation based upon the testimony of  
4 Ms. Goddard alone.

5 THE COURT: Ms. Stone, what is your feeling?  
6 Let's get you a microphone.

7 MS. STONE: I just want to know how does any of  
8 this prove me unfit yet, because this is just about a  
9 bunch of nonsense kinda.

10 THE COURT: I'm not making any final decision  
11 on that yet. You are still going to have the  
12 opportunity, when we come back, to testify. Or if you  
13 have witnesses that you want to testify, they can,  
14 also.

15 MS. STONE: Okay.

16 THE COURT: So this is no final decision, this  
17 is still just the temporary order.

18 MS. STONE: Okay.

19 THE COURT: So I have competing concerns here  
20 that I was jotting down --

21 MS. AMENS: Your Honor?

22 THE COURT: Yes.

23 MS. AMENS: I don't know that she answered your  
24 question, though. I don't think she understood what  
25 you were asking her.

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1 THE COURT: I'm moving on, Ms. Amens.  
2 I have competing concerns here. There was a  
3 bruise on Paisley. There's been no evidence that that  
4 was child abuse. DCFS unsubstantiated the child abuse.  
5 I don't always agree with their findings. This time I  
6 do.

7 There is distress to Paisley with the  
8 alternating weeks. That was the reason I changed this  
9 guardianship arrangement last time. I remember making  
10 that finding. It was not because of the bruise, it was  
11 because of the distress to Paisley.

12 At the last hearing, I told you all that Geri  
13 Goddard seemed aligned with the Luceros. That impacted  
14 her credibility. I haven't changed my mind about that.

15 Vicky Ferguson's testimony was very credible,  
16 that Paisley suffers no extended distress from the  
17 exchanges. It's not unusual for children this age to  
18 not want to go back and forth. I don't want to live in  
19 two different homes. I don't want to move every week  
20 to a different house. She's four years old. She can't  
21 cope with this. But she gets to Vicky's house, she  
22 goes to the toy box, and she settles down.

23 Vicky Ferguson is the stabilizing force in this  
24 whole thing, and I'm not -- Kristin, you already had  
25 your chance. And I think you all know that.

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1 You have a big heart, Ms. Ferguson, to help  
2 these children and to help with this situation.

3 I think the issue for Paisley, the distress, is  
4 living in two different homes and the communication  
5 issues between her Nanmy and her Granny. And so far to  
6 me, that appears to be mutual.

7 I realize the Luceros haven't had a chance to  
8 put on their case yet, but we did have a hearing weeks  
9 ago about this bruise situation and the ex parte order.

10 I'm concerned about Paisley's weight. I was  
11 shocked to see that picture of Paisley and her weight  
12 at her young age. That is my overriding concern.  
13 There was testimony today that she gained five pounds  
14 in the month she was solely with the Luceros. That has  
15 not been impeached. It was not impeached on cross  
16 examination. That is the overriding concern, how much  
17 this little girl weighs.

18 So we're going to return to the alternating  
19 weeks.

20 Ms. Ferguson, are you still willing to have the  
21 exchanges at your home?

22 MR. FERGUSON: Yes, Your Honor.

23 THE COURT: Okay. The exchange will take place  
24 at the Ferguson home. Nobody will use any corporal  
25 punishment on Paisley or any other children who are in

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1 her presence.

2 You're the only one that has admitted to that,  
3 Ms. McGrew. So no spanking any of these kids.

4 MS. MCGREW: Yes, ma'am.

5 THE COURT: When Paisley is not around, I don't  
6 have the jurisdiction to tell you not to spank your  
7 other grandchildren. But if she's there, you can't.

8 I'm ordering the McGrews and the Luceros to  
9 continue in counseling with Janell Anderson. The four  
10 of you need to work together and figure out how you're  
11 going to communicate. These two little children are  
12 the most important in this whole situation. And they  
13 are not possessions to own, or to be won, or to lose.  
14 They are human beings. They don't have the emotions to  
15 cope with what's going on here.

16 Carter seems to be doing okay. It sounds like  
17 he's kind of a happy, go-lucky kid. Paisley is  
18 struggling. She's older, and she's struggling. The  
19 adults here need to figure out how to make this work.

20 I don't know yet if this guardianship is going  
21 to be permanent. This is still the temporary order.  
22 The children's mother has not had an opportunity to  
23 present her case yet. That's going to be the temporary  
24 order.

25 MS. RODRIGUEZ: Judge?

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1 THE COURT: Yes.

2 MS. RODRIGUEZ: Because of their poor  
3 communication, would you be willing to entertain the  
4 use of Family Wizard?

5 THE COURT: Yeah. I was thinking about that.  
6 But I think I want to leave that up to Ms. Anderson,  
7 how she wants them to communicate.

8 So exchanges normally happen on Thursdays after  
9 four o'clock. It's Thursday. I don't want to do that  
10 to Paisley today. You know, all the sudden she's going  
11 back to Nanmy's house.

12 So for this week that -- Ms. Ferguson, did you  
13 have a suggestion?

14 MR. FERGUSON: The kids are going back --  
15 Carter is going back to Granny's today.

16 THE COURT: Today?

17 MR. FERGUSON: Yes.

18 THE COURT: So next Thursday, that is when the  
19 weekly exchange will start again, when she will go back  
20 to the McGrews' house for their week.

21 I'm also ordering that none of you discuss this  
22 situation with Paisley. Nobody makes remarks about the  
23 other grandparents to Paisley or in her presence. She  
24 shouldn't even know this is going on. She should know  
25 nothing about court. A four-year-old shouldn't even

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1 know what court is.  
2 Counsel, do you have your calendars with you?  
3 MS. RODRIGUEZ: Yes, Your Honor..  
4 THE COURT: Mr. Gerber, you need to prepare  
5 that order with the findings that I just made.  
6 MR. GERBER: Yes, Your Honor.  
7 THE COURT: All right. What I'm looking at  
8 right now to get you back as soon as possible is a  
9 second setting. That's the best I can do without going  
10 out a long ways probably.  
11 So what does August 13th or August 25th look  
12 like? Things are stacking up, because I ran a -- I  
13 didn't have as many hearings during Corona Virus.  
14 We're trying to get jury trials going again. So giving  
15 you anything other than a second setting is going to be  
16 really tough.  
17 MS. RODRIGUEZ: The 13th is a Thursday, so I  
18 can't.  
19 THE COURT: Okay. I could put you on -- I  
20 could do the 12th. That's the first day of a two-day  
21 trial. I was hoping maybe it would wrap up.  
22 What does the 12th look like?  
23 MS. RODRIGUEZ: We have a semiannual hearing in  
24 the morning, and I then have a doctor appointment for  
25 my kids in Salt Lake.

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1 MS. AMENS: I have a trial, also. So...  
2 THE COURT: Okay. What's the 25th look like?  
3 MR. GERBER: I'm available on the 25th.  
4 THE COURT: Okay.  
5 MS. RODRIGUEZ: I can be available. I'm  
6 supposed to be at a CLA, but I can cancel it.  
7 THE COURT: All right. Ms. Amens, can you do  
8 the 25th?  
9 MS. AMENS: I've got myself scheduled out, but  
10 I'll make myself available.  
11 THE COURT: Okay. The 25th at nine o'clock.  
12 You are second set, so you're gonna want to keep  
13 checking with the Court to see what's going on. I'm  
14 looking at the two attorneys that are on that case,  
15 it's Julie Cavanaugh-Bill and Lisa Mendez, so you might  
16 be talking to them, leaning on them. They tend to  
17 settle thing on the courthouse steps. So if you can  
18 get them to settle before then so you know that you're  
19 going to be coming here, then we can get that done.  
20 I'm setting it for all day.  
21 MS. RODRIGUEZ: Yes.  
22 MR. GERBER: If we're not able to -- two  
23 scenarios. It's possible that they may settle early in  
24 the morning, possibly. Should we be waiting in the  
25 wings and keep it blocked out?

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1 THE COURT: You bet. If you want to keep  
2 going, yes.  
3 MR. GERBER: And alternatively, if that date  
4 does not work out, should we set an alternate date as a  
5 backup?  
6 THE COURT: I'm looking at January right now,  
7 Mr. Gerber. So I'm hoping it will work out.  
8 MR. GERBER: Okay.  
9 THE COURT: Ms. Amens?  
10 MS. AMENS: My problem with being available  
11 like that is I live in Austin. That's three hours  
12 away.  
13 THE COURT: That's true. Okay. I would say,  
14 Counsel, if it's settled by the day before, plan to be  
15 here. And let's just hope one of those -- or that day  
16 works out. Other than that, we may have to move  
17 someone else's case. And you've had yours moved a few  
18 times, so you understand what that feels like. But we  
19 may have to do that to finish this up. But right now,  
20 let's shoot for the 25th.  
21 MS. AMENS: Yes, Your Honor.  
22 THE COURT: All right. We're in recess until  
23 then.  
24 (Conclusion of recorded proceedings.)  
25

--ooOoo--

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ACKNOWLEDGEMENT

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I, Tonja Lemich, do hereby acknowledge that I  
transcribed the recorded proceedings; that the same is  
to the best of my ability, and based upon the quality  
of the recorded proceedings.

Dated at Elko, Nevada, this  
13th day of October, 2021.

  
Tonja Lemich

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