

1 CODE NO. \$2515  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 10  
350 South Center Street, Fifth Floor  
P.O. Box 11130  
4 Reno, Nevada 89520-0027  
5 (775) 337-4827  
jpetty@washoecounty.us

Electronically Filed  
Apr 20 2016 02:59 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

6 Attorney for Jacqueline Guerrero (Mother)

7  
8 IN THE FAMILY DIVISION

9 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 In the Matter of the Parental Rights as to:

Case No. FV14-03897

12  
13 ROBERT TAYLOR,  
14 KAYLEIGH GUERRERO-TAYLOR,  
15 NATHAN HUNT-TAYLOR, and  
ETHAN HUNT-TAYLOR,  
Minor Children

Dept. No. 2

16  
17 NOTICE OF APPEAL

18 Jacqueline Guerrero, the mother of the minor children above named, hereby  
19 appeals to the Supreme Court of Nevada from the Order Terminating Parental  
20 Rights, entered in this action on March 21, 2016.

21 The undersigned hereby affirms, pursuant to NRS 239B.030, that this  
22 document does not contain the social security number of any person.

23  
24 DATED this 18th day of April 2016.

25 JEREMY T. BOSLER  
WASHOE COUNTY PUBLIC DEFENDER

26 By: /s/ John Reese Petty  
JOHN REESE PETTY, Chief Deputy

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Tyler M. Elcano, Deputy District Attorney  
Washoe County District Attorney's Office

Jacqueline Guerrero  
335 Record Street  
Reno, Nevada 89512

1

1 CODE NO. 1310  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 10  
350 South Center Street, Fifth Floor  
P.O. Box 11130  
4 Reno, Nevada 89520-0027  
5 (775) 337-4827  
jpetty@washoecounty.us

6 Attorney for Jacqueline Guerrero (Mother)

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8 IN THE FAMILY DIVISION  
9  
10 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
11  
12 IN AND FOR THE COUNTY OF WASHOE

13 In the Matter of the Parental Rights as to:

Case No. FV14-03897

14 ROBERTO TAYLOR,  
15 KAYLEIGH GUERRERO-TAYLOR,  
16 NATHAN HUNT-TAYLOR, and  
17 ETHAN HUNT-TAYLOR,,  
18 Minor Children

Dept. No. 2

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CASE APPEAL STATEMENT

1. Appellant, Jacqueline Guerrero.

2. This appeal is from the Order Terminating Parental Rights entered on  
March 21, 2016, 2015, by the Honorable William A. Maddox, senior district judge.

3. The parties below were the Washoe County Department of Social  
Services, represented by Tyler M. Elcano, Deputy Washoe County District  
Attorney, and Jacqueline Guerrero, represented by Lee Elkins, Deputy Washoe  
County Public Defender.

1           4. The parties here are Jacqueline Guerrero, Appellant and Washoe County  
2 Department of Social Services, Respondent.

3           5. Counsel on appeal: For the Appellant, the Washoe County Public  
4 Defender's Office and John Reese Petty, Chief Appellate Deputy, 350 South Center  
5 Street, Fifth Floor, P.O. Box 11130 Reno, Nevada 89520-0027, (775) 337-4827; and  
6 for the Respondent, the Washoe County District Attorney's Office, One South  
7 Sierra Street, Reno, Nevada 89501, (775) 337-5751.  
8

9           6. Appellant was represented by appointed counsel.

10          7. Appellant is represented by appointed counsel.

11          8. An Order for the Appointment of Counsel was filed in this action on  
12 January 22, 2015, appointing the Washoe County Public Defender's Office as  
13 counsel for Jacqueline Guerrero.  
14

15          9. The Petition to Terminate Parental Rights was filed on October 24, 2014,  
16 and an amended Petition was filed on July 17, 2015.  
17

18          10. The Washoe County Department of Social Services petitioned the family  
19 district court to terminate Jacqueline Guerrero's parental rights to her four  
20 children. Following a six-day trial held in August and September 2015, Senior  
21 Judge Maddox granted the petition and, on March 21, 2016, filed an order  
22 terminating Ms. Jessen's parental rights. Notice of entry of the court's order was  
23 filed and served on the same day.  
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25          11. This case has not previously been the subject of an appeal or original  
26 writ proceeding in this Court.

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12. Not applicable.

13. Unknown.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not contain the social security number of any person.

DATED this 18th day of April 2016.

JEREMY T. BOSLER  
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty  
JOHN REESE PETTY, Chief Deputy

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**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - FV14-03897****Case Description: TERM: R.TAYLOR, K.GUERRERO-TAYLOR, N.HUNT-TAYLOR****Case Number: FV14-03897 Case Type: STATE INITIATED TPR PET (D.A.) - Initially Filed On: 10/24/2014****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - EGAN WALKER - D2	Active
JUDG - CYNTHIA LU - D5	Party ended on: 12/1/2014 12:00:00AM
APD - Jennifer L. Lunt, Esq. - 3057	Active
APD - Jenna L. Garcia, Esq. - 13227	Active
ATTY - Tyler M. Elcano, Esq. - 10578	Active
DSS - Washoe County Department of Social Services - DSS	Active
FATH - ROBERT HUNT-TAYLOR - @1240184	Active
MEDR - Tamatha Schreinert - CONMED10	Party ended on: 4/15/2015 12:00:00AM
MINR - KAYLEIGH GUERRERO-TAYLOR - @1240185	Active
MINR - NATHAN HUNT-TAYLOR - @1240186	Active
MINR - ROBERTO TAYLOR - @1240182	Active
MOTH - JACQUELINE GUERRERO - @1240183	Active
PD - Jennifer Rains, Esq. - 10425	Active
PD - Lee Elkins, Esq. - 12732	Active
PD - John Reese Petty, Esq. - 10	Active
PD - Kathleen M. O'Leary, Esq. - 4472	Party ended on: 3/2/2016 12:00:00AM
PETR - WASHOE COUNTY DEPT. OF SOCIAL SERVICES - WCDSS	Active

**Disposed Hearings**

- 1 Department: D5 -- Event: TERM PARENTAL RIGHTS UNCONTEST -- Scheduled Date & Time: 1/12/2015 at 14:15:00  
Extra Event Text: UNCONTESTED TPR - 15 MINUTES  
Event Disposition: D360 - 1/12/2015
- 2 Department: D2 -- Event: SETTLEMENT CONFERENCE -- Scheduled Date & Time: 4/20/2015 at 11:00:00  
Event Disposition: D475 - 4/20/2015
- 3 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/13/2015 at 09:00:00  
Extra Event Text: TRIAL - FOUR DAYS  
Event Disposition: D870 - 6/10/2015
- 4 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/14/2015 at 09:00:00  
Extra Event Text: TRIAL - FOUR DAYS  
Event Disposition: D870 - 6/10/2015
- 5 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/15/2015 at 09:00:00  
Extra Event Text: TRIAL - FOUR DAYS  
Event Disposition: D870 - 6/10/2015
- 6 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/16/2015 at 09:00:00  
Extra Event Text: TRIAL - FOUR DAYS  
Event Disposition: D870 - 6/10/2015

**Report Does Not Contain Sealed Cases or Confidential Information**

- 7 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/20/2015 at 09:00:00  
Extra Event Text: TRIAL - DAY FOUR  
Event Disposition: D870 - 6/10/2015
- 8 Department: D2 -- Event: TERM PARENTAL RIGHTS CONTESTED -- Scheduled Date & Time: 7/21/2015 at 09:00:00  
Extra Event Text: TRIAL - DAY FOUR  
Event Disposition: D870 - 6/10/2015
- 9 Department: B -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 8/31/2015 at 09:00:00  
Extra Event Text: TRIAL DAY ONE OF FIVE - OVERFLOW CALENDAR  
Event Disposition: D832 - 8/31/2015
- 10 Department: D2 -- Event: Request for Submission -- Scheduled Date & Time: 8/31/2015 at 09:21:00  
Extra Event Text: MOTION TO DISMISS FILED 8/21/15  
Event Disposition: S200 - 8/31/2015
- 11 Department: B -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 9/1/2015 at 09:00:00  
Extra Event Text: TRIAL DAY TWO OF FIVE  
Event Disposition: D832 - 9/1/2015
- 12 Department: D2 -- Event: Request for Submission -- Scheduled Date & Time: 10/20/2015 at 08:49:00  
Extra Event Text: PETITIONER'S TRIAL BRIEF, MS. GUERRERO'S SUMMATION, MS. GUERRERO'S ERRATA AND REPLY, AND PETITIONER'S OPPOSITION  
Event Disposition: S200 - 10/20/2015

### **Actions**

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>   |
|---|--------------------|----------|--|
| 1 | 10/24/2014         | -        | 3637 - Pet Terminate Parental Rights<br>Additional Text: Transaction 4668417 - Approved By: MFERNAND : 10-24-2014:15:38:01   |
| 2 | 12/2/2014          | -        | 1250 - Application for Setting<br>Additional Text: JANUARY 12, 2015 @ 2:15PM UNCONTESTED TPR HEARING - Transaction 4717480 - Approved By: MCHOLICO : 12-02-2014:15:18:24 |
| 3 | 12/2/2014          | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 4717690 - Approved By: NOREVIEW : 12-02-2014:15:19:26  |
| 4 | 12/3/2014          | -        | 2550 - Notice of Hearing<br>Additional Text: NOTICE OF HEARING TO TERMINATE PARENTAL RIGHTS-JAN.12, 2015 @ 2:15PM  |
| 5 | 12/10/2014         | -        | 1067 - Affidavit of Service<br>Additional Text: Transaction 4730547 - Approved By: YLLOYD : 12-10-2014:15:36:07  |
| 6 | 12/10/2014         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 4730915 - Approved By: NOREVIEW : 12-10-2014:15:37:11  |
| 7 | 12/10/2014         | -        | 1005 - Acceptance of Service<br>Additional Text: Transaction 4731186 - Approved By: MELWOOD : 12-11-2014:08:27:43  |
| 8 | 12/11/2014         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 4731319 - Approved By: NOREVIEW : 12-11-2014:08:30:28  |
| 9 | 12/17/2014         | -        | 1005 - Acceptance of Service<br>Additional Text: ACKNOWLEDGMENT OF SERVICE - Transaction 4739761 - Approved By: MCHOLICO : 12-17-2014:09:21:02                           |



- 10 12/17/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4739962 - Approved By: NOREVIEW : 12-17-2014:09:22:06
- 11 12/18/2014 - 1520 - Declaration  
Additional Text: DECLARATION OF NON-SERVICE / ROBERT HUNT-TAYLOR - Transaction 4742587 - Approved By: MELWOOD : 12-18-2014:12:05:33
- 12 12/18/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4742695 - Approved By: NOREVIEW : 12-18-2014:12:06:28
- 13 12/24/2014 - 3725 - Proof ...  
Additional Text: PROOF OF NON-SERVICE - Transaction 4750404 - Approved By: MCHOLICO : 12-24-2014:15:20:58
- 14 12/24/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4750422 - Approved By: NOREVIEW : 12-24-2014:15:21:46
- 15 1/21/2015 - MIN - \*\*\*Minutes  
Additional Text: TPR HEARING MINUTES 1-15-2015 - Transaction 4781236 - Approved By: NOREVIEW : 01-21-2015:10:18:16
- 16 1/21/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4781237 - Approved By: NOREVIEW : 01-21-2015:10:19:08
- 17 1/21/2015 - MIN - \*\*\*Minutes  
Additional Text: CORRECTED TPR HEARING MINUTES 1-12-2015 - Transaction 4781245 - Approved By: NOREVIEW : 01-21-2015:10:21:49
- 18 1/21/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4781249 - Approved By: NOREVIEW : 01-21-2015:10:22:47
- 19 1/22/2015 - 2715 - Ord Appointing Counsel  
Additional Text: Transaction 4784407 - Approved By: NOREVIEW : 01-22-2015:14:25:06
- 20 1/22/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4784408 - Approved By: NOREVIEW : 01-22-2015:14:25:56
- 21 1/22/2015 - 2610 - Notice ...  
Additional Text: NOTICE OF CONFLICT - Transaction 4785078 - Approved By: MCHOLICO : 01-23-2015:09:06:55
- 22 1/23/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4785334 - Approved By: NOREVIEW : 01-23-2015:09:07:52
- 23 1/27/2015 - 2520 - Notice of Appearance  
Additional Text: JENNIFER LUNT AND JENNA GARCIA FOR ROBIN HUNT-TAYLOR - Transaction 4791238 - Approved By: YLLOYD : 01-28-2015:08:17:38
- 24 1/28/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4791521 - Approved By: NOREVIEW : 01-28-2015:08:18:26
- 25 2/26/2015 - 1250 - Application for Setting  
Additional Text: SETTLEMENT CONFERENCE SET FOR APRIL 20, 2015 AT 11:00 A.M. FOR ONE HOUR - SECOND SET
- 26 2/26/2015 - 3176 - Ord Refer Juv Dependency Med  
Additional Text: Transaction 4836060 - Approved By: NOREVIEW : 02-26-2015:14:49:44
- 27 2/26/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4836066 - Approved By: NOREVIEW : 02-26-2015:14:50:44

- 28 3/20/2015 - 2610 - Notice ...  
Additional Text: Transaction 4871894 - Approved By: MFERNAND : 03-20-2015:16:53:57
- 29 3/20/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4872053 - Approved By: NOREVIEW : 03-20-2015:16:55:02
- 30 4/9/2015 - 3835 - Report...  
Additional Text: Memo RE Dependency Mediation - Transaction 4899791 - Approved By: MCHOLICO : 04-09-2015:12:07:05
- 31 4/9/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4899810 - Approved By: NOREVIEW : 04-09-2015:12:08:05
- 32 4/14/2015 - 2610 - Notice ...  
Additional Text: NOTICE OF RELEASE OF DEPENDENCY MEDIATOR - Transaction 4906467 - Approved By: MPURDY : 04-15-2015:08:36:52
- 33 4/15/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4906884 - Approved By: NOREVIEW : 04-15-2015:08:38:10
- 34 4/15/2015 - 3935 - Settlement Conference Statemnt  
Additional Text: Transaction 4907360 - Approved By: MELWOOD : 04-15-2015:11:52:45
- 35 4/15/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4907673 - Approved By: NOREVIEW : 04-15-2015:11:53:42
- 36 4/15/2015 - 3935 - Settlement Conference Statemnt  
Additional Text: Transaction 4908905 - Approved By: MELWOOD : 04-16-2015:09:28:33
- 37 4/16/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4909187 - Approved By: NOREVIEW : 04-16-2015:09:29:44
- 38 5/7/2015 - 1250 - Application for Setting  
Additional Text: TRIAL SET AS FOLLOWS:  
JULY 13: 9:00-5:00  
JULY 14: 9:00-11:00  
JULY 15: 9:00-12:00  
JULY 16: 9:00-12:00  
JULY 20: 9:00-5:00  
JULY 21: 9:00-11:00
- 39 6/10/2015 - 4025 - Stip & Ord to Continue  
Additional Text: STIPULATION AND ORDER TO CONTINUE TERMINATION OF PARENTAL RIGHTS TRIAL - Transaction 4992249 - Approved By: NOREVIEW : 06-10-2015:09:43:06
- 40 6/10/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4992251 - Approved By: NOREVIEW : 06-10-2015:09:43:56
- 41 6/18/2015 - 1250 - Application for Setting  
Additional Text: TRIAL SET FOR FIVE DAYS FROM AUGUST 31-SEPTEMBER 4 ON OVERFLOW CALENDAR
- 42 7/17/2015 - 1110 - Amended Pet ...  
Additional Text: AMENDED PETITION TO TERMINATE PARENTAL RIGHTS - Transaction 5050802 - Approved By: PMSEWELL : 07-17-2015:15:20:59
- 43 7/17/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5051054 - Approved By: NOREVIEW : 07-17-2015:15:21:48

- 44 8/6/2015 - 3980 - Stip and Order...  
Additional Text: STIPULATED SCHEDULING ORDER - Transaction 5080165 - Approved By: NOREVIEW : 08-06-2015:08:37:30
- 45 8/6/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5080167 - Approved By: NOREVIEW : 08-06-2015:08:38:36
- 46 8/21/2015 - 2315 - Mtn to Dismiss ...  
Additional Text: RESPONDENT'S MOTION TO DISMISS OR CONTINUE - Transaction 5106063 - Approved By: CSULEZIC : 08-21-2015:14:26:12
- 47 8/21/2015 - 1120 - Amended ...  
Additional Text: AMENDED RESPONDENT'S MOTION TO DISMISS OR CONTINUE - Transaction 5106121 - Approved By: CSULEZIC : 08-21-2015:14:33:40
- 48 8/21/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5106262 - Approved By: NOREVIEW : 08-21-2015:14:28:26
- 49 8/21/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5106285 - Approved By: NOREVIEW : 08-21-2015:14:34:29
- 50 8/26/2015 - 1260 - Application Produce Prisoner  
Additional Text: RESPONDENT'S APPLICATION TO PRODUCE PRISONER - Transaction 5113271 - Approved By: CSULEZIC : 08-26-2015:16:00:38
- 51 8/26/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5113639 - Approved By: NOREVIEW : 08-26-2015:16:01:39
- 52 8/26/2015 - 4205 - Trial Statement...  
Additional Text: PETITIONER'S TRIAL STATEMENT - Transaction 5113916 - Approved By: CSULEZIC : 08-27-2015:09:49:50
- 53 8/26/2015 - 4205 - Trial Statement...  
Additional Text: RESPONDENT MOTHER'S TRIAL STATEMENT - Transaction 5113917 - Approved By: CSULEZIC : 08-27-2015:09:49:05
- 54 8/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5114286 - Approved By: NOREVIEW : 08-27-2015:09:49:51
- 55 8/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5114288 - Approved By: NOREVIEW : 08-27-2015:09:52:23
- 56 8/27/2015 - FIE - \*\*Document Filed in Error  
Additional Text: Transaction 5114495 - Approved By: NOREVIEW : 08-27-2015:10:34:50
- 57 8/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5114501 - Approved By: NOREVIEW : 08-27-2015:10:35:47
- 58 8/27/2015 - 3370 - Order ...  
Additional Text: ORDER TO PRODUCE PRISONER - Transaction 5114637 - Approved By: NOREVIEW : 08-27-2015:11:03:52
- 59 8/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5114641 - Approved By: NOREVIEW : 08-27-2015:11:04:52
- 60 8/28/2015 - 3370 - Order ...  
Additional Text: Transaction 5117355 - Approved By: NOREVIEW : 08-28-2015:13:49:38
- 61 8/28/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5117360 - Approved By: NOREVIEW : 08-28-2015:13:50:38

- 62 8/28/2015 - 3860 - Request for Submission  
Additional Text: MOTION TO DISMISS FILED 8/21/15 - Transaction 5117945 - Approved By: CSULEZIC : 08-31-2015:08:38:53  
PARTY SUBMITTING: LEE ELKINS, ESQ  
DATE SUBMITTED: 8/31/15  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 63 8/31/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5118414 - Approved By: NOREVIEW : 08-31-2015:08:39:54
- 64 8/31/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 65 9/4/2015 - 1520 - Declaration  
Additional Text: Transaction 5129309 - Approved By: MTORRES : 09-04-2015:16:55:38
- 66 9/4/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5129426 - Approved By: NOREVIEW : 09-04-2015:16:56:33
- 67 9/15/2015 - 4185 - Transcript  
Additional Text: Transaction 5142340 - Approved By: NOREVIEW : 09-15-2015:14:58:57
- 68 9/15/2015 - 4185 - Transcript  
Additional Text: Transaction 5142346 - Approved By: NOREVIEW : 09-15-2015:14:58:57
- 69 9/15/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5142350 - Approved By: NOREVIEW : 09-15-2015:15:01:41
- 70 9/15/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5142351 - Approved By: NOREVIEW : 09-15-2015:15:01:41
- 71 9/17/2015 - 4185 - Transcript  
Additional Text: Corrected - Transaction 5145224 - Approved By: NOREVIEW : 09-17-2015:08:27:12
- 72 9/17/2015 - 4185 - Transcript  
Additional Text: Corrected - Transaction 5145230 - Approved By: NOREVIEW : 09-17-2015:08:28:14
- 73 9/17/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5145228 - Approved By: NOREVIEW : 09-17-2015:08:28:01
- 74 9/17/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5145233 - Approved By: NOREVIEW : 09-17-2015:08:29:12
- 75 9/18/2015 - 4185 - Transcript  
Additional Text: Transaction 5147451 - Approved By: NOREVIEW : 09-18-2015:08:33:00
- 76 9/18/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5147455 - Approved By: NOREVIEW : 09-18-2015:08:33:52
- 77 9/22/2015 - 4185 - Transcript  
Additional Text: Transaction 5153663 - Approved By: NOREVIEW : 09-22-2015:15:52:16
- 78 9/22/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5153670 - Approved By: NOREVIEW : 09-22-2015:15:53:36

- 79 9/24/2015 - 4185 - Transcript  
Additional Text: In re Term Taylor - Trial Day 6 9/15/15 - Transaction 5157866 - Approved By: NOREVIEW : 09-24-2015:14:55:20
- 80 9/24/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5157872 - Approved By: NOREVIEW : 09-24-2015:14:56:18
- 81 10/1/2015 - 4185 - Transcript  
Additional Text: Transaction 5167929 - Approved By: NOREVIEW : 10-01-2015:11:29:02
- 82 10/1/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5167931 - Approved By: NOREVIEW : 10-01-2015:11:29:59
- 83 10/2/2015 - FIE - \*\*Document Filed in Error  
Additional Text: FILED DOC IN WRONG CASE - CS 3-03-16
- 84 10/2/2015 - NEF - Proof of Electronic Service  
Additional Text: FIE - CS 3-03-16
- 85 10/12/2015 - 3975 - Statement ...  
Additional Text: PETITIONER'S TRIAL BRIEF - Transaction 5184698 - Approved By: MCHOLICO : 10-13-2015:09:01:30
- 86 10/13/2015 - 3835 - Report...  
Additional Text: SUMMATION - Transaction 5184943 - Approved By: TBRITTON : 10-13-2015:09:07:43
- 87 10/13/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5185147 - Approved By: NOREVIEW : 10-13-2015:09:03:01
- 88 10/13/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5185199 - Approved By: NOREVIEW : 10-13-2015:09:09:29
- 89 10/19/2015 - 1650 - Errata...  
Additional Text: ERRATA AND REPLY - Transaction 5193938 - Approved By: YVILORIA : 10-19-2015:09:02:59
- 90 10/19/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5193998 - Approved By: NOREVIEW : 10-19-2015:09:03:53
- 91 10/19/2015 - 2650 - Opposition to ...  
Additional Text: PETITIONER'S OPPOSITION - Transaction 5194318 - Approved By: YVILORIA : 10-19-2015:11:01:32
- 92 10/19/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5194430 - Approved By: NOREVIEW : 10-19-2015:11:02:25
- 93 10/19/2015 - 3860 - Request for Submission  
Additional Text: PETITIONER'S TRIAL BRIEF, MS. GUERRERO'S SUMMATION, MS. GUERRERO'S ERRATA AND REPLY, AND PETITIONER'S OPPOSITION (PAPER ORDER NOT PROVIDED) - Transaction 5195794 - Approved By: TBRITTON : 10-20-2015:08:31:58  
PARTY SUBMITTING: TYLER M. ELCANO, ESQ.  
DATE SUBMITTED: OCTOBER 19, 2015  
SUBMITTED BY: TBRITTON  
DATE RECEIVED JUDGE OFFICE:
- 94 10/20/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5196167 - Approved By: NOREVIEW : 10-20-2015:08:34:34
- 95 10/20/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*

- 96 3/21/2016 - 3267 - Ord Terminate Par/Rights  
Additional Text: Transaction 5426191 - Approved By: NOREVIEW : 03-21-2016:09:00:28
- 97 3/21/2016 - F275 - Bench N/J/T Judgment Reached  
*No additional text exists for this entry.*
- 98 3/21/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5426200 - Approved By: NOREVIEW : 03-21-2016:09:01:27
- 99 3/21/2016 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 5427198 - Approved By: NOREVIEW : 03-21-2016:13:19:30
- 100 3/21/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5427202 - Approved By: NOREVIEW : 03-21-2016:13:20:30
- 101 3/23/2016 - 1250 - Application for Setting  
Additional Text: STATUS CONFERENCE SET FOR MAY 5, 2016 AT 3:30 FOR THIRTY MINUTES.
- 102 3/30/2016 - 2520 - Notice of Appearance  
Additional Text: JOHN REESE PD - JACQUELINE GUERRERO - Transaction 5441410 - Approved By: CSULEZIC : 03-30-2016:10:46:06
- 103 3/30/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5441439 - Approved By: NOREVIEW : 03-30-2016:10:47:06
- 104 4/18/2016 - 2515 - Notice of Appeal Supreme Court  
Additional Text: Transaction 5470452 - Approved By: YVILORIA : 04-18-2016:09:56:17
- 105 4/18/2016 - 1310 - Case Appeal Statement  
Additional Text: Transaction 5470458 - Approved By: YVILORIA : 04-18-2016:09:56:30
- 106 4/18/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5470467 - Approved By: NOREVIEW : 04-18-2016:09:57:13
- 107 4/18/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5470470 - Approved By: NOREVIEW : 04-18-2016:09:57:34
- 108 4/19/2016 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5472859 - Approved By: NOREVIEW : 04-19-2016:09:37:01

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5 **IN THE FAMILY DIVISION**  
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **-o0o-**

9 In the Matter of

10 Roberto Taylor, DOB 06-15-2007  
11 Kayleigh Guerrero-Taylor, DOB 02-13-2010  
12 Nathan Hunt-Taylor, DOB 06-29-2011 and  
13 Ethan Hunt-Taylor, DOB 01-01-2014

Case No. FV 14-03897

Dept. No. D2

14 Minor Children.

15 **ORDER TERMINATING PARENTAL RIGHTS**

16 This matter came before the Court pursuant to an Amended Petition to  
17 Terminate Parental Rights filed on July 17, 2015. A trial was held in this matter on  
18 August 31 through September 4, 2015 and then on September 15, 2015. Post trial  
19 briefing was completed on or around October 19, 2016. Washoe County Social Services  
20 was represented by Washoe County Deputy District Attorney Tyler M. Elcano at all  
21 times. Jacqueline Guerrero was present and represented by Washoe County Deputy  
22 Public Defender Lee Elkins at all times.

23 The four children who are the subject of this Petition are Roberto Taylor  
24 ("Roberto"), whose date of birth is June 15, 2007; Kayleigh Guerrero Taylor  
25 ("Kayleigh"), whose date of birth is February 13, 2010; Nathan Hunt-Taylor ("Nathan"),  
26 whose date of birth is June 29, 2011; and Ethan Hunt-Taylor ("Ethan"), whose date of  
27 birth is January 1, 2014.

28 The children's biological mother is Jacquelyn Guerrero. The children's legal father

1 is Robert Hunt-Taylor.

2 After a review of the pleadings, testimony and evidence presented at trial, the  
3 Court GRANTS the Amended Petition for Termination of Parental Rights.

4 **THE AMENDED PETITION FOR TERMINATION OF PARENTAL RIGHTS**

5 The Petitioner's assert in their Amended Petition for Termination of Parental  
6 Rights that grounds exist for terminating the parental rights of Ms. Guerrero, the mother  
7 of Roberto, Kayleigh, Nathan, and Ethan, and Mr. Hunt-Taylor, the father of Roberto,  
8 Kayleigh, Nathan, and Ethan on the grounds that:

9 1. Pursuant to NRS 128.105(1), the best interests of Roberto, Kayleigh,  
10 Nathan, and Ethan will be served by the termination of the parental rights of their  
11 biological parents.

12 2. Pursuant to NRS 128.105(2)(b), Roberto, Rayleigh, Nathan, and Ethan are  
13 neglected children as Ms. Guerrero and Mr. Hunt-Taylor have, by reasons of their faults  
14 or habits, neglected and refused to provide the children with proper parental care. Ms.  
15 Guerrero and Mr. Hunt-Taylor have neglected or refused to provide proper or necessary  
16 subsistence, education, medical or surgical care, or other care necessary for the health,  
17 morals, or well-being of Roberto, Kayleigh, Nathan, and Ethan.

18 3. Pursuant to NRS 128.105(2)(c), Ms. Guerrero and Mr. Hunt-Taylor are  
19 unfit parents in that, by reason of their faults or habits or conduct toward Roberto,  
20 Kayleigh, Nathan, and/or Ethan or other persons, they have failed to provide the children  
21 with proper care, guidance, and support.

22 4. Pursuant to NRS 128.105(2)(d), Ms. Guerrero and Mr. Hunt-Taylor have  
23 failed to adjust, in that they have been unable or unwilling within a reasonable period of  
24 time to remedy substantially conditions which led to the out-of-home placement of  
25 Roberto, Kayleigh, Nathan, and Ethan, notwithstanding reasonable and appropriate  
26 efforts on the part of WCDSS to return the children.

27 5. Pursuant to NRS 128.105(2)(e), there is risk of serious physical, mental or  
28 emotional injury to Roberto, Kayleigh, Nathan, and Ethan if they are returned to, or



1 remains in the home of Ms. Guerrero and/or Mr. Hunt-Taylor.

2 6. Pursuant to NRS 128.105(2)(f), there have been only token efforts or no  
3 efforts by Ms. Guerrero and Mr. Hunt-Taylor:

4 (1) To support or communicate with the children;

5 (2) To prevent neglect of the children;

6 (3) To avoid being an unfit parent;

7 (4) To eliminate the risk of serious physical, mental or emotional injury to  
8 the children.

9 7. Roberto, Kayleigh, and Nathan have been placed outside of their home and  
10 in care for 26 months out of the last 26 months. Ethan has been placed outside of his  
11 home for ten out of the last ten months. Therefore, the presumptions in NRS 128.109(1)  
12 and (2) apply to Roberto Kayleigh, and Nathan and may apply to Ethan at the time of  
13 trial.

#### 14 **STATEMENT OF PROCEEDINGS**

15 Roberto, Kayleigh, and Nathan were removed from parental custody on or about  
16 April 19, 2013, pursuant to 432B proceedings in the underlying dependency matter.

17 Ethan was removed from parental custody on or about September 11, 2014, pursuant to  
18 432B proceedings in the underlying dependency case. The children presently reside in  
19 family foster care with Sandra Matute ("Ms. Matute").

20 The children's biological mother is Jacquelyn Guerrero. The children's legal father  
21 is Robert Hunt-Taylor.

22 A succinct and thorough summary of the proceedings in this case up until the time  
23 of trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court  
24 in this Order Terminating Parental Rights.

#### 25 **TRIAL**

26 The following persons testified at the trial in this matter:

27 1. Andrea Menesini, a Social Worker with the Washoe County Department of  
28 Social Services.

- 1           2.     Alicia Kraft, a Social Worker with the Washoe County Department of  
2 Social Services.
- 3           3.     Erika Meszaros, a Worker with the Emergency Response Unit of the  
4 Washoe County Department of Social Services.
- 5           4.     Denise Tyre, a Social Worker with the Washoe County Department of  
6 Social Services.
- 7           5.     Suzanne Aberasturi, Ph.D., a psychologist specializing in neuropsychology.
- 8           6.     Amanda Buttacavoli, a Licensed Clinical Social Worker working as an  
9 independent contractor with Healing Minds.
- 10          7.     Rocio Lopez, a Social Worker with the Washoe County Department of  
11 Social Services.
- 12          8.     Deken Gossett, a Marriage and Family Therapist intern working with  
13 Clover Community Counseling.
- 14          9.     Belinda Boan, a Family Nurse Practitioner, working with Sequel Family  
15 Alliance.
- 16          10.    Brianna Carter, a psychotherapist and a Marriage and Family Counselor  
17 employed by Great Basin Behavioral Health and Wellness.
- 18          11.    Julius Rogina, Ph.D., a clinical and forensic phytologist.
- 19          12.    Sandra Matute, the foster parent who has custody of the subject children.
- 20          13.    Dori Orlich, a Licensed Clinical Social Worker working independently.
- 21          14.    Cassondra Pasley, a supervisor at the Children's Cabinet.
- 22          15.    Malia Seronio, a Permanency Worker with the Washoe County Department  
23 of Social Services.
- 24          16.    Cynthia Heldenbrand, a Social Worker supervisor at the Nevada State  
25 Welfare Office.
- 26          17.    Maribel Stalker and Troy Stalker, co-tenants with Jacqueline Guerrero.
- 27          18.    Malia Seronio, a Social Worker with the Washoe County Department of  
28 Social Services.

19. Rocky Mateo, a worker at the Children's Cabinet who supervises the Safety Intervention Permanency System.

20. Dustin Hall, a Safety Intervention Permanency System, case manager at the Children's Cabinet.

21. Jacqueline Guerrero, the mother of Roberto Taylor, Kayleigh Guerrero Taylor, Nathan Hunt-Taylor and Ethan Hunt-Taylor.

A succinct and thorough summary of the testimony of some of the witnesses at trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court in this Order Terminating Parental Rights. The Court finds that the testimony of the witnesses called by the Petitioner were convincing.

### STATEMENT OF ISSUES OF LAW

"Termination of parental rights is 'an exercise of awesome power.'" *Matter of Parental Rights as to N.J.*, 116 Nev. 790, 795, 8 P.3d 126, 129 (2000) (quoting *Smith v. Smith*, 102 Nev. 263, 266, 720 P.2d 1219, 1220 (1986), overruled on other grounds by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126). Moreover, the Nevada Supreme Court has characterized the severance of the parent-child relationship as "tantamount to imposition of a civil death penalty." *Id.* (quoting *Drury v. Lang*, 105 Nev. 430, 433, 776 P.2d 843, 845 (1989)).

In order to terminate a parent's rights, a petitioner must prove: (1) that termination is in the child's best interests, and (2) that there is parental fault. *See Matter of Parental Rights as to K.D.L.*, 118 Nev. , 58 P.3d 181, 186 (2002). Accordingly, the Nevada Supreme Court has adopted the best interests/parental fault standard. *See id.* Further, the Court has stated: "Although the best interests of the child and parental fault are distinct considerations, determining the best interests of the child necessarily includes considerations of parental fault, and both standards must be proven by clear and convincing evidence." *Id.* (emphasis added).

### A. Best Interests of the Child

As to the best interests of the child, NRS 128.109(2) provides that when a child

1 has been placed outside his home pursuant to NRS chapter 432B, and "has resided outside  
2 of his home pursuant to that placement for 14 months of any 20 consecutive months, the  
3 best interests of the child must be presumed to be served by the termination of parental  
4 rights."

5 Additionally, NRS 128.005 sets forth factors to be considered in determining the  
6 best interests of the child. Specifically, NRS 128.005(2)(c) provides that the "continuing  
7 needs of a child for proper physical, mental and emotional growth and development are  
8 the decisive considerations in proceedings for termination of parental rights." See *Matter*  
9 *of N.J.*, 116 Nev. at 8009 8 P.3d at 132-33 ("These factors allow the district court to  
10 consider the distinct facts of each case in deciding whether or not to terminate parental  
11 rights.").

12 **B. Parental Fault**

13 In addition to considering the best interests of the child, parental fault must be  
14 shown by clear and convincing evidence. NRS 128.105(2) provides that parental fault can  
15 be shown by one of the following:

- 16 (a) Abandonment of the child;
- 17 (b) Neglect of the child;
- 18 (c) Unfitness of the parent;
- 19 (d) Failure of parental adjustment;
- 20 (e) Risk of serious physical, mental or emotional injury to the child if he were  
21 returned to, or remains in, the home of his parent or parents;
- 22 (f) Only token efforts by the parent or parents: (1) To support or communicate with  
23 the child; (2) To prevent neglect of the child; (3) To avoid teeing an unfit parent;  
24 or (4) To eliminate the risk of serious physical, mental or emotional injury to the  
25 child; or
- 26 (g) With respect to termination of the parental rights of one parent, the  
27 abandonment by that parent.

1 I. Neglect (NRS 128.105(b))

2 A neglected child is defined as a child:

3 1. Who lacks the proper parental care by reason of the fault or  
4 habits of his or her parent, guardian or custodian;

5 2. Whose parent, guardian or custodian neglects or refuses to  
6 provide proper or necessary subsistence, education, medical or surgical  
7 care, or other care necessary for the child's health, morals or well-being;

8 3. Whose parent, guardian or custodian neglects or refuses to  
9 provide the special care made necessary by the child's physical or mental  
10 condition;

11 4. Who is found in a disreputable place, or who is permitted to  
12 associate with vagrants or vicious or immoral persons; or

13 5. Who engages or is in a situation dangerous to life or limb, or  
14 injurious to health or morals of the child or others, and the parent's neglect  
15 need not be willful.

16 In determining neglect, the Court shall consider, without limitation, repeated or  
17 continuous failure by the parent, although physically and financially able, to provide the  
18 child with adequate food, clothing, shelter, education or other care and control necessary  
19 for the child's physical, mental and emotional health and development . . . " NRS  
20 128.106(5). "[N]eglect must be serious and persistent and sufficiently harmful to the child  
21 so as to mandate a forfeiture of parental rights. In such a case a parent may be adjudged to  
22 be unsuitable to maintain the parental relationship and, therefore, to deserve to lose it."

23 *Champagne v. Welfare Division*, 100 Jlev. 640, 648, 691 P.2d 849, 855 (1984),  
24 overruled on other grounds and superseded by statute on other grounds as recognized by  
25 *Matter of Parental Rights as to N.J.*, 116 Nev. '90, 8 P.3d 126, (2000).

26 The level of neglect necessary to satisfy the statute has been identified and  
27 discussed by the Nevada Supreme Court. *Cf. Matter of Parental Rights*  
28 *as to D.R.H.*, 120 Nev. 422, 429, 92 P.3d 1230, 1234 (2004) (children were neglected

1 where parent used drugs, there was domestic violence in the home while the children  
2 were present, and the children were unsupervised, dirty, and injured while in their parent's  
3 care); *In the Matter of the Parental Rights as to N.J.*, 125 Nev. 835, 221 P.3d at 1262,  
4 (2009), (child was neglected where mother had ongoing addiction to drugs, missed half of  
5 the scheduled visitations during the first 17 months of the child's life, and never provided  
6 any financial assistance).

7 II. Unfitness of the Parent (NRS 128.105(c))

8 An unfit parent is defined as “any parent of a child who, by reason of the parent’s  
9 fault or habit or conduct toward the child or other persons, fails to provide such child with  
10 proper care, guidance and support.” Similar to neglect, the considerations enumerated in  
11 NRS 128.106 shall also be taken into account to determine if an individual is an unfit  
12 parent.

13 In accordance with NRS 128.106(1), to determine if a parent is unfit, the Court  
14 must consider “[e]motional illness, mental illness or mental deficiency of the parent  
15 which renders the parent consistently unable to care for the immediate and continuing  
16 physical or psychological needs of the child for extended periods of time.” Additionally,  
17 when determining if a parent is unfit, the court shall consider the “[r]epeated or  
18 continuous failure by the parent, although physically and financially able, to provide the  
19 child with adequate food, clothing, shelter, education or other care and control necessary  
20 for the child’s physical, mental, and emotional health and development ....” NRS  
21 128.106(5). Finally, the court shall consider the “[i]nability of appropriate public or  
22 private agencies to reunite the family despite reasonable efforts on the part of the  
23 agencies” when determining if a parent is unfit. NRS 128.106(8).

24 Unfitness generally includes continued drug use, criminal activity, domestic  
25 violence, or an overall inability to provide for the child's 'physical, mental or emotional  
26 health and development.” (Citation omitted)

27 III. Parental Adjustment (NRS 128.105(d))

28 Failure of parental adjustment occurs when a parent is unable or unwilling to

1 correct the circumstances, conduct or conditions which led to the placement of a child  
2 outside the home. See NRS 128.0126.

3 NRS 128.109(1)(b) provides that if a parent fails to comply substantially with the  
4 case plan within six months after its inception, there is a presumption that the parent has  
5 failed to adjust. The Nevada Supreme Court, however, has stated that "[t]he parent . . .  
6 must be shown to be at fault in some manner . . . [and] cannot be judged unsuitable by  
7 reason of failure to comply with requirements and plans that are . . . impossible . . . to  
8 abide by." *Champagne v. Welfare Division*, 100 Nev. 640, 652, 691 P.2d 849, 857  
9 (1984), overruled on other grounds by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

10 Moreover, the Court has recognized that failure of parental adjustment as a basis for  
11 termination is "'fraught with difficulties and must be applied with caution.'" *Matter of*  
12 *Parental Rights of Montgomery*, 112 Nev. 719, 729, 917 P.2d 949, 956 (1996) (quoting  
13 *Champagne*, 100 Nev. at 652, 691 P.2d at 857), superseded by statute on other grounds  
14 as recognized by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

15 IV. Risk of serious physical, mental or emotional injury to the child if  
16 the child were returned to, or remains in, the home of his or her parent or parents  
17 (NRS 128.105(e))

18 In interpreting this provision, the Nevada Supreme Court has stated as follows:  
19 "[A]buse of a child may or may not render a parent unsuitable to be a parent . . . Such a  
20 risk may be mitigated, and a child may be safely returned to the home; or the risk may be  
21 of such magnitude and persistency as to render the parent unsuitable and justify forfeiture  
22 of parental rights." *Champagne v. Welfare Division*, 100 Nev. at 649, 691 P.2d at 855,  
23 overruled on other grounds and superseded by statute on other grounds as recognized by  
24 *Matter of Parental Rights as to NJ.*, 116 Nev. 790, 8 P.3d 126, (2000).

25 V. Token Efforts (NRS 128.105(f))

26 NRS 128.109(1)(a) provides that "[i]f the child has resided outside of his home  
27 pursuant to [chapter 432B of NRS] for 14 months of any 20 consecutive months, it must  
28 be presumed that the parent or parents have demonstrated only token efforts to care for

1 the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.”

2 **C. Additional findings which may be necessary**

3 **I. Efforts toward reunification**

4 Because the children are not currently in their mother's custody, NRS 128.107  
5 requires this Court to consider:

6 1. The services provided or offered to the parent or parents to facilitate a  
7 reunion with the child.

8 2. The physical, mental or emotional condition and needs of the child and the  
9 child's desires regarding the termination, if the court determines the child is of sufficient  
10 capacity to express his or her desires.

11 3. The effort the parent or parents have made to adjust their circumstances,  
12 conduct or conditions to make it in the child's best interest to return the child to his or her  
13 home after a reasonable length of time, including but not limited to:

14 (a) The payment of a reasonable portion of substitute physical care and  
15 maintenance, if financially able;

16 (b) The maintenance of regular visitation or other contact with the children  
17 which was designed and carried out in a plan to reunite the child with the  
18 parent or parents; and

19 (c) The maintenance of regular contact and communication with the  
20 custodian of the child.

21 4. Whether additional services would be likely to bring about lasting parental  
22 adjustment enabling a return of the child to the parent or parents within a predictable  
23 period.

24 **FINDINGS AND CONCLUSIONS**

25 1. Roberto, Kayleigh, and Nathan were removed from parental custody by the  
26 Washoe County Department of Social Services on April 19, 2013, and, pursuant to the  
27 underlying NRS 432B dependency matter, have remained in the care and custody of  
28 Washoe County Department of Social Services. They have therefore been placed outside



1 of their home in the care and custody of Washoe County Department of Social Services in  
2 excess of 28 of the last 28 consecutive months.

3 2. The presumptions in NRS 128.109(1)(a) and 128.109(2) apply. Pursuant to  
4 NRS 128.109(1)(a), it is presumed Ms. Guerrero has demonstrated only token efforts to  
5 care for Roberto, Kayleigh, and Nathan pursuant to NRS 128.105(f)(2). Parental fault is  
6 established pursuant to NRS 128.105(2)(f). Pursuant to NRS 128.109(2), it is presumed  
7 the best interests of Roberto, Kayleigh, and Nathan are served by the termination of Ms.  
8 Guerrero's parental rights. The Court finds that Ms. Guerrero did not overcome the NRS  
9 128.109 presumption and therefore, the Court finds it is in the best interest of Roberto,  
10 Kayleigh, and Nathan that Ms. Guerrero's parental rights are terminated.

11 3. Petitioner, Washoe County Department of Social Services, has proven, by  
12 clear and convincing evidence the existence of parental fault on the part of Ms. Guerrero.  
13 Ms. Guerrero has failed to have a stable income. She has failed to have a stable and safe  
14 place for the children to live. Finally, she has not addressed her own severe emotional  
15 and mental illnesses. Further, clear and convincing evidence exists which demonstrates  
16 that the best interests of the Roberto, Kayleigh, Nathan and Ethan are served by  
17 termination of Ms. Guerrero's parental rights.

18 3. Ms. Guerrero has made efforts to assume all of her responsibilities as a  
19 parent but falls short in each of the important areas required. It is suggested that poverty  
20 is what has caused her failure to do what is necessary to reunify with her children. That is  
21 not all the truth. She has not consistently remained employed enough to support the  
22 children financially. She has not been able to maintain a stable and safe place for the  
23 children to live. Finally, she has not persisted in addressing her own emotional and  
24 mental illnesses. The Court is uncertain as to whether or not she can achieve any of the  
25 above. Additionally, it appears that her conduct has imperiled her opportunity to receive  
26 food stamps and her right to receive Temporary Aid for Needy Families is running out  
27 which means that even with government assistance, she would not be able to provide for  
28 her children. If the Court could place the children in suspended animation and hope that

1 Ms. Guerrero could make substantial changes in a short time, it would. However, the  
2 children lives are moving on and the Court cannot stop that. No time remains in order to  
3 give Ms. Guerrero time to do what she has not done over that last several months and  
4 years. If the Roberto, Kayleigh, Nathan and Ethan were returned to her care at this time,  
5 she has no means to support them and no means with which to provide a stable and safe  
6 place for them to live. The children would be at an increased and untenable risk of  
7 re-removal over an inability to provide even for their basic needs.

8 4. Roberto, Kayleigh, Nathan and Ethan are thriving in their potential adoptive  
9 placement. Family bonds are developing and they are demonstrating an abiding sense of  
10 safety, consistency, bonding and attachment. Their best interests are served by  
11 termination of their mother's parental rights and the opportunity to remain in their current  
12 home.

13 5. Washoe County Department of Social Services has provided reasonable  
14 efforts to prevent the out of home placement of Roberto, Kayleigh, Nathan and Ethan.  
15 From the time of removal in April 19, 2014<sup>3</sup> and September 11, 2014, and since, Washoe  
16 County Department of Social Services has attempted to engage Ms. Guerrero and support  
17 her ability to care for all of her children. Services were offered to her in various ways  
18 including referral to the Children's Cabinet. She was given counseling support to address  
19 her emotional and mental problems. Washoe County Department of Social Services made  
20 repeated attempts, across multiple providers and modalities, to engage Ms. Guerrero in  
21 services. Ms. Guerrero made some efforts to avail herself of the services provided to her  
22 but invariably failed to completely follow through. Her failure to follow through as much  
23 as any other fact frustrated any chance of reunification.

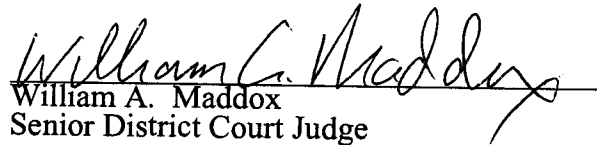
24 The perfect is the enemy of good! The Court has reviewed the more than 1200  
25 pages in the Court file, the transcript of the trial in this matter and the pleadings filed by  
26 counsel both before and after the trial. It is extremely difficult to terminate a person's  
27 rights to their children. It is unimaginable that anyone would do so with less than clear  
28 and convincing evidence that termination was in the best interest of the children. The

1 Court has a great deal of sympathy for Jacquelyn Guerrero. She has made some effort but  
2 again when necessary fails to follow through to accomplish necessary tasks. A minimal  
3 level must be achieved, not perfection, but a minimal level must be achieved in order to  
4 provide children with the basic necessities. Ms. Guerrero has not achieved that level over  
5 the course of this case and the Court is not convinced she could in the future.

6 For all of the reasons stated above, the Petition to Terminate the Parental Rights of  
7 Jacquelyn Guerrero to Roberto Taylor, Kayleigh Guerrero Taylor, Nathan Hunt-Taylor  
8 and Ethan Hunt-Taylor is hereby GRANTED.

9 **IT IS SO ORDERED.**

10 DATED this 21st day of March, 2016.

11   
12 William A. Maddox  
13 Senior District Court Judge  
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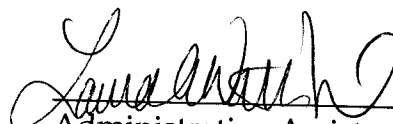
**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court and that on the 21 day of March 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to the following and I electronically filed the foregoing with the Clerk of the Court System which will send a notice of electronic filing to the following:

Lee Elkins, Esq.

Jenna Garcia, Esq.

Tyler Elcano, Esq.

  
Administrative Assistant

1 2540

CHRISTOPHER J. HICKS

2 District Attorney

Tyler M. Elcano, DDA

3 Bar Number: 10578

P.O. Box 11130

4 Reno, Nevada 89520-3083

(775) 337-5700

5 Attorneys for: Washoe County Department

Of Social Services

6 IN THE FAMILY DIVISION

7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 IN THE MATTER OF THE PARENTAL )  
RIGHTS AS TO: )

10 ROBERTO TAYLOR, )

11 KAYLEIGH GUERRERO-TAYLOR, ) Case No. FV14-03897

NATHAN HUNT-TAYLOR, AND )

12 ETHAN HUNT-TAYLOR, ) Dept. No. 2

13 MINOR CHILDREN. )  
\_\_\_\_\_ )

14 NOTICE OF ENTRY OF ORDER

15  
16 TO: Jacqueline Guerrero; Lee Elkins, Deputy Public Defender for Ms.  
Guerrero; Robert Hunt-Taylor; Jenna Garcia for Mr. Hunt-Taylor:

17  
18 PLEASE TAKE NOTICE that an ORDER TERMIMATING PARENTAL RIGHTS was  
19 entered in the above entitled matter on 21<sup>st</sup> day of March, 2016, copy  
20 of which is attached hereto.

21 Dated this 21<sup>st</sup> day of March, 2016.

22 CHRISTOPHER J. HICKS

Washoe County District Attorney

23 By: /s/ Tyler M. Elcano

Tyler M. Elcano

24 Deputy District Attorney

Attorney for Petitioner

1                                    CERTIFICATE OF SERVICE BY MAIL

2                    I certify that I am an employee of the Office of the  
3 District Attorney of Washoe County, over the age of 21 years and not a  
4 party to nor interested in the within action. On the 21<sup>st</sup> day of  
5 March, 2016, I electronically filed the foregoing with the Clerk of  
6 the Court system which will send a notice of electronic filing to  
7 following:

8 Lee Elkins, Deputy Public Defender

9 Jenna Garcia, Deputy Alternate Public Defender

10                                   AFFIRMATION PURSUANT TO NRS 239b.030

11                    The undersigned does hereby affirm that the preceding document  
12 does not contain the social security number of any person.

13                                   /s/ L. Todd

14                                   L. Todd

1  
2  
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4  
5 **IN THE FAMILY DIVISION**  
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**

8 -o0o-

9 In the Matter of

10 Roberto Taylor, DOB 06-15-2007  
11 Kayleigh Guerrero-Taylor, DOB 02-13-2010  
12 Nathan Hunt-Taylor, DOB 06-29-2011 and  
13 Ethan Hunt-Taylor, DOB 01-01-2014

Case No. FV 14-03897

Dept. No. D2

14 Minor Children.

15 **ORDER TERMINATING PARENTAL RIGHTS**

16 This matter came before the Court pursuant to an Amended Petition to  
17 Terminate Parental Rights filed on July 17, 2015. A trial was held in this matter on  
18 August 31 through September 4, 2015 and then on September 15, 2015. Post trial  
19 briefing was completed on or around October 19, 2016. Washoe County Social Services  
20 was represented by Washoe County Deputy District Attorney Tyler M. Elcano at all  
21 times. Jacqueline Guerrero was present and represented by Washoe County Deputy  
22 Public Defender Lee Elkins at all times.

23 The four children who are the subject of this Petition are Roberto Taylor  
24 ("Roberto"), whose date of birth is June 15, 2007; Kayleigh Guerrero Taylor  
25 ("Kayleigh"), whose date of birth is February 13, 2010; Nathan Hunt-Taylor ("Nathan"),  
26 whose date of birth is June 29, 2011; and Ethan Hunt-Taylor ("Ethan"), whose date of  
27 birth is January 1, 2014.

28 The children's biological mother is Jacquelyn Guerrero. The children's legal father

1 is Robert Hunt-Taylor.

2 After a review of the pleadings, testimony and evidence presented at trial, the  
3 Court GRANTS the Amended Petition for Termination of Parental Rights.

4 **THE AMENDED PETITION FOR TERMINATION OF PARENTAL RIGHTS**

5 The Petitioner's assert in their Amended Petition for Termination of Parental  
6 Rights that grounds exist for terminating the parental rights of Ms. Guerrero, the mother  
7 of Roberto, Kayleigh, Nathan, and Ethan, and Mr. Hunt-Taylor, the father of Roberto,  
8 Kayleigh, Nathan, and Ethan on the grounds that:

9 1. Pursuant to NRS 128.105(1), the best interests of Roberto, Kayleigh,  
10 Nathan, and Ethan will be served by the termination of the parental rights of their  
11 biological parents.

12 2. Pursuant to NRS 128.105(2)(b), Roberto, Rayleigh, Nathan, and Ethan are  
13 neglected children as Ms. Guerrero and Mr. Hunt-Taylor have, by reasons of their faults  
14 or habits, neglected and refused to provide the children with proper parental care. Ms.  
15 Guerrero and Mr. Hunt-Taylor have neglected or refused to provide proper or necessary  
16 subsistence, education, medical or surgical care, or other care necessary for the health,  
17 morals, or well-being of Roberto, Kayleigh, Nathan, and Ethan.

18 3. Pursuant to NRS 128.105(2)(c), Ms. Guerrero and Mr. Hunt-Taylor are  
19 unfit parents in that, by reason of their faults or habits or conduct toward Roberto,  
20 Kayleigh, Nathan, and/or Ethan or other persons, they have failed to provide the children  
21 with proper care, guidance, and support.

22 4. Pursuant to NRS 128.105(2)(d), Ms. Guerrero and Mr. Hunt-Taylor have  
23 failed to adjust, in that they have been unable or unwilling within a reasonable period of  
24 time to remedy substantially conditions which led to the out-of-home placement of  
25 Roberto, Kayleigh, Nathan, and Ethan, notwithstanding reasonable and appropriate  
26 efforts on the part of WCDSS to return the children.

27 5. Pursuant to NRS 128.105(2)(e), there is risk of serious physical, mental or  
28 emotional injury to Roberto, Kayleigh, Nathan, and Ethan if they are returned to, or



1 remains in the home of Ms. Guerrero and/or Mr. Hunt-Taylor.

2 6. Pursuant to NRS 128.105(2)(f), there have been only token efforts or no  
3 efforts by Ms. Guerrero and Mr. Hunt-Taylor:

4 (1) To support or communicate with the children;

5 (2) To prevent neglect of the children;

6 (3) To avoid being an unfit parent;

7 (4) To eliminate the risk of serious physical, mental or emotional injury to  
8 the children.

9 7. Roberto, Kayleigh, and Nathan have been placed outside of their home and  
10 in care for 26 months out of the last 26 months. Ethan has been placed outside of his  
11 home for ten out of the last ten months. Therefore, the presumptions in NRS 128.109(1)  
12 and (2) apply to Roberto Kayleigh, and Nathan and may apply to Ethan at the time of  
13 trial.

#### 14 STATEMENT OF PROCEEDINGS

15 Roberto, Kayleigh, and Nathan were removed from parental custody on or about  
16 April 19, 2013, pursuant to 432B proceedings in the underlying dependency matter.  
17 Ethan was removed from parental custody on or about September 11, 2014, pursuant to  
18 432B proceedings in the underlying dependency case. The children presently reside in  
19 family foster care with Sandra Matute ("Ms. Matute").

20 The children's biological mother is Jacquelyn Guerrero. The children's legal father  
21 is Robert Hunt-Taylor.

22 A succinct and thorough summary of the proceedings in this case up until the time  
23 of trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court  
24 in this Order Terminating Parental Rights.

#### 25 TRIAL

26 The following persons testified at the trial in this matter:

27 1. Andrea Menesini, a Social Worker with the Washoe County Department of  
28 Social Services.

- 1           2.     Alicia Kraft, a Social Worker with the Washoe County Department of  
2 Social Services.
- 3           3.     Erika Meszaros, a Worker with the Emergency Response Unit of the  
4 Washoe County Department of Social Services.
- 5           4.     Denise Tyre, a Social Worker with the Washoe County Department of  
6 Social Services.
- 7           5.     Suzanne Aberasturi, Ph.D., a psychologist specializing in neuropsychology.
- 8           6.     Amanda Buttacavoli, a Licensed Clinical Social Worker working as an  
9 independent contractor with Healing Minds.
- 10          7.     Rocio Lopez, a Social Worker with the Washoe County Department of  
11 Social Services.
- 12          8.     Deken Gossett, a Marriage and Family Therapist intern working with  
13 Clover Community Counseling.
- 14          9.     Belinda Boan, a Family Nurse Practitioner, working with Sequel Family  
15 Alliance.
- 16          10.    Brianna Carter, a psychotherapist and a Marriage and Family Counselor  
17 employed by Great Basin Behavioral Health and Wellness.
- 18          11.    Julius Rogina, Ph.D., a clinical and forensic phytologist.
- 19          12.    Sandra Matute, the foster parent who has custody of the subject children.
- 20          13.    Dori Orlich, a Licensed Clinical Social Worker working independently.
- 21          14.    Cassondra Pasley, a supervisor at the Children's Cabinet.
- 22          15.    Malia Seronio, a Permanency Worker with the Washoe County Department  
23 of Social Services.
- 24          16.    Cynthia Heldenbrand, a Social Worker supervisor at the Nevada State  
25 Welfare Office.
- 26          17.    Maribel Stalker and Troy Stalker, co-tenants with Jacqueline Guerrero.
- 27          18.    Malia Seronio, a Social Worker with the Washoe County Department of  
28 Social Services.

1           19. Rocky Mateo, a worker at the Children's Cabinet who supervises the Safety  
2 Intervention Permanency System.

3           20. Dustin Hall, a Safety Intervention Permanency System. case manager at the  
4 Children's Cabinet.

5           21. Jacqueline Guerrero, the mother of Roberto Taylor, Kayleigh Guerrero  
6 Taylor, Nathan Hunt-Taylor and Ethan Hunt-Taylor.

7           A succinct and thorough summary of the testimony of some of the witnesses at  
8 trial is set forth in the Petitioner's Trial Brief, Pages 3-26 and is adopted by this Court in  
9 this Order Terminating Parental Rights. The Court finds that the testimony of the  
10 witnesses called by the Petitioner were convincing.

#### 11                               STATEMENT OF ISSUES OF LAW

12           "Termination of parental rights is 'an exercise of awesome power.'" *Matter of*  
13 *Parental Rights as to N.J.*, 116 Nev. 790, 795, 8 P.3d 126, 129 (2000) (quoting *Smith v.*  
14 *Smith*, 102 Nev. 263, 266, 720 P.2d 1219, 1220 (1986), overruled on other grounds by  
15 *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126). Moreover, the Nevada Supreme Court has  
16 characterized the severance of the parent-child relationship as "tantamount to imposition  
17 of a civil death penalty." *Id.* (quoting *Drury v. Lang*, 105 Nev. 430, 433, 776 P.2d 843,  
18 845 (1989)).

19           In order to terminate a parent's rights, a petitioner must prove: (1) that termination  
20 is in the child's best interests, and (2) that there is parental fault. *See Matter of Parental*  
21 *Rights as to K.D.L.*, 118 Nev. , 58 P.3d 181, 186 (2002). Accordingly, the Nevada  
22 Supreme Court has adopted the best interests/parental fault standard. *See id.* Further, the  
23 Court has stated: "Although the best interests of the child and parental fault are distinct  
24 considerations, determining the best interests of the child necessarily includes  
25 considerations of parental fault, and both standards must be proven by clear and  
26 convincing evidence." *Id.* (emphasis added).

#### 27           A.     Best Interests of the Child

28           As to the best interests of the child, NRS 128.109(2) provides that when a child

1 has been placed outside his home pursuant to NRS chapter 432B, and "has resided outside  
2 of his home pursuant to that placement for 14 months of any 20 consecutive months, the  
3 best interests of the child must be presumed to be served by the termination of parental  
4 rights."

5 Additionally, NRS 128.005 sets forth factors to be considered in determining the  
6 best interests of the child. Specifically, NRS 128.005(2)(c) provides that the "continuing  
7 needs of a child for proper physical, mental and emotional growth and development are  
8 the decisive considerations in proceedings for termination of parental rights." See *Matter*  
9 *of N.J.*, 116 Nev. at 8009 8 P.3d at 132-33 ("These factors allow the district court to  
10 consider the distinct facts of each case in deciding whether or not to terminate parental  
11 rights.").

12 **B. Parental Fault**

13 In addition to considering the best interests of the child, parental fault must be  
14 shown by clear and convincing evidence. NRS 128.105(2) provides that parental fault can  
15 be shown by one of the following:

- 16 (a) Abandonment of the child;
  - 17 (b) Neglect of the child;
  - 18 (c) Unfitness of the parent;
  - 19 (d) Failure of parental adjustment;
  - 20 (e) Risk of serious physical, mental or emotional injury to the child if he were  
21 returned to, or remains in, the home of his parent or parents;
  - 22 (f) Only token efforts by the parent or parents: (1) To support or communicate with  
23 the child; (2) To prevent neglect of the child; (3) To avoid tееing an unfit parent;  
24 or (4) To eliminate the risk of serious physical, mental or emotional injury to the  
25 child; or
  - 26 (g) With respect to termination of the parental rights of one parent, the  
27 abandonment by that parent.
- 28

1 I. Neglect (NRS 128.105(b))

2 A neglected child is defined as a child:

- 3 1. Who lacks the proper parental care by reason of the fault or  
4 habits of his or her parent, guardian or custodian;  
5 2. Whose parent, guardian or custodian neglects or refuses to  
6 provide proper or necessary subsistence, education, medical or surgical  
7 care, or other care necessary for the child's health, morals or well-being;  
8 3. Whose parent, guardian or custodian neglects or refuses to  
9 provide the special care made necessary by the child's physical or mental  
10 condition;  
11 4. Who is found in a disreputable place, or who is permitted to  
12 associate with vagrants or vicious or immoral persons; or  
13 5. Who engages or is in a situation dangerous to life or limb, or  
14 injurious to health or morals of the child or others, and the parent's neglect  
15 need not be willful.

16 In determining neglect, the Court shall consider, without limitation, repeated or  
17 continuous failure by the parent, although physically and financially able, to provide the  
18 child with adequate food, clothing, shelter, education or other care and control necessary  
19 for the child's physical, mental and emotional health and development . . . ." NRS  
20 128.106(5). "[N]eglect must be serious and persistent and sufficiently harmful to the child  
21 so as to mandate a forfeiture of parental rights. In such a case a parent may be adjudged to  
22 be unsuitable to maintain the parental relationship and, therefore, to deserve to lose it."  
23 *Champagne v. Welfare Division*, 100 Jlev. 640, 648, 691 P.2d 849, 855 (1984),  
24 overruled on other grounds and superseded by statute on other grounds as recognized by  
25 *Matter of Parental Rights as to N.J.*, 116 Nev. '90, 8 P.3d 126, (2000).

26 The level of neglect necessary to satisfy the statute has been identified and  
27 discussed by the Nevada Supreme Court. *Cf. Matter of Parental Rights*  
28 *as to D.R.H.*, 120 Nev. 422, 429, 92 P.3d 1230, 1234 (2004) (children were neglected

1 where parent used drugs, there was domestic violence in the home while the children  
2 were present, and the children were unsupervised, dirty, and injured while in their parent's  
3 care); *In the Matter of the Parental Rights as to N.J.*, 125 Nev. 835, 221 P.3d at 1262,  
4 (2009), (child was neglected where mother had ongoing addiction to drugs, missed half of  
5 the scheduled visitations during the first 17 months of the child's life, and never provided  
6 any financial assistance).

7           II.     Unfitness of the Parent (NRS 128.105(c))

8           An unfit parent is defined as “any parent of a child who, by reason of the parent’s  
9 fault or habit or conduct toward the child or other persons, fails to provide such child with  
10 proper care, guidance and support.” Similar to neglect, the considerations enumerated in  
11 NRS 128.106 shall also be taken into account to determine if an individual is an unfit  
12 parent.

13           In accordance with NRS 128.106(1), to determine if a parent is unfit, the Court  
14 must consider “[e]motional illness, mental illness or mental deficiency of the parent  
15 which renders the parent consistently unable to care for the immediate and continuing  
16 physical or psychological needs of the child for extended periods of time.” Additionally,  
17 when determining if a parent is unfit, the court shall consider the “[r]epeated or  
18 continuous failure by the parent, although physically and financially able, to provide the  
19 child with adequate food, clothing, shelter, education or other care and control necessary  
20 for the child’s physical, mental, and emotional health and development ....” NRS  
21 128.106(5). Finally, the court shall consider the “[i]nability of appropriate public or  
22 private agencies to reunite the family despite reasonable efforts on the part of the  
23 agencies” when determining if a parent is unfit. NRS 128.106(8).

24           Unfitness generally includes continued drug use, criminal activity, domestic  
25 violence, or an overall inability to provide for the child's 'physical, mental or emotional  
26 health and development.” (Citation omitted)

27           III.    Parental Adjustment (NRS 128.105(d))

28           Failure of parental adjustment occurs when a parent is unable or unwilling to

1 correct the circumstances, conduct or conditions which led to the placement of a child  
2 outside the home. See NRS 128.0126.

3 NRS 128.109(1)(b) provides that if a parent fails to comply substantially with the  
4 case plan within six months after its inception, there is a presumption that the parent has  
5 failed to adjust. The Nevada Supreme Court, however, has stated that "[t]he parent . . .  
6 must be shown to be at fault in some manner . . . [and] cannot be judged unsuitable by  
7 reason of failure to comply with requirements and plans that are . . . impossible . . . to  
8 abide by." *Champagne v. Welfare Division*, 100 Nev. 640, 652, 691 P.2d 849, 857  
9 (1984), overruled on other grounds by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

10 Moreover, the Court has recognized that failure of parental adjustment as a basis for  
11 termination is "'fraught with difficulties and must be applied with caution.'" *Matter of*  
12 *Parental Rights of Montgomery*, 112 Nev. 719, 729, 917 P.2d 949, 956 (1996) (quoting  
13 *Champagne*, 100 Nev. at 652, 691 P.2d at 857), superseded by statute on other grounds  
14 as recognized by *Matter of N.J.*, 116 Nev. 790, 8 P.3d 126.

15 IV. Risk of serious physical, mental or emotional injury to the child if  
16 the child were returned to, or remains in, the home of his or her parent or parents  
17 (NRS 128.105(e))

18 In interpreting this provision, the Nevada Supreme Court has stated as follows:  
19 "[A]buse of a child may or may not render a parent unsuitable to be a parent . . . Such a  
20 risk may be mitigated, and a child may be safely returned to the home; or the risk may be  
21 of such magnitude and persistency as to render the parent unsuitable and justify forfeiture  
22 of parental rights." *Champagne v. Welfare Division*, 100 Nev. at 649, 691 P.2d at 855,  
23 overruled on other grounds and superseded by statute on other grounds as recognized by  
24 *Matter of Parental Rights as to NJ.*, 116 Nev. 790, 8 P.3d 126, (2000).

25 V. Token Efforts (NRS 128.105(f))

26 NRS 128.109(1)(a) provides that "[i]f the child has resided outside of his home  
27 pursuant to [chapter 432B of NRS] for 14 months of any 20 consecutive months, it must  
28 be presumed that the parent or parents have demonstrated only token efforts to care for

1 the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.”

2 **C. Additional findings which may be necessary**

3 **I. Efforts toward reunification**

4 Because the children are not currently in their mother's custody, NRS 128.107  
5 requires this Court to consider:

6 1. The services provided or offered to the parent or parents to facilitate a  
7 reunion with the child.

8 2. The physical, mental or emotional condition and needs of the child and the  
9 child's desires regarding the termination, if the court determines the child is of sufficient  
10 capacity to express his or her desires.

11 3. The effort the parent or parents have made to adjust their circumstances,  
12 conduct or conditions to make it in the child's best interest to return the child to his or her  
13 home after a reasonable length of time, including but not limited to:

14 (a) The payment of a reasonable portion of substitute physical care and  
15 maintenance, if financially able;

16 (b) The maintenance of regular visitation or other contact with the children  
17 which was designed and carried out in a plan to reunite the child with the  
18 parent or parents; and

19 (c) The maintenance of regular contact and communication with the  
20 custodian of the child.

21 4. Whether additional services would be likely to bring about lasting parental  
22 adjustment enabling a return of the child to the parent or parents within a predictable  
23 period.

24 **FINDINGS AND CONCLUSIONS**

25 1. Roberto, Kayleigh, and Nathan were removed from parental custody by the  
26 Washoe County Department of Social Services on April 19, 2013, and, pursuant to the  
27 underlying NRS 432B dependency matter, have remained in the care and custody of  
28 Washoe County Department of Social Services. They have therefore been placed outside



1 of their home in the care and custody of Washoe County Department of Social Services in  
2 excess of 28 of the last 28 consecutive months.

3         2. The presumptions in NRS 128.109(1)(a) and 128.109(2) apply. Pursuant to  
4 NRS 128.109(1)(a), it is presumed Ms. Guerrero has demonstrated only token efforts to  
5 care for Roberto, Kayleigh, and Nathan pursuant to NRS 128.105(f)(2). Parental fault is  
6 established pursuant to NRS 128.105(2)(f). Pursuant to NRS 128.109(2), it is presumed  
7 the best interests of Roberto, Kayleigh, and Nathan are served by the termination of Ms.  
8 Guerrero's parental rights. The Court finds that Ms. Guerrero did not overcome the NRS  
9 128.109 presumption and therefore, the Court finds it is in the best interest of Roberto,  
10 Kayleigh, and Nathan that Ms. Guerrero's parental rights are terminated.

11         3. Petitioner, Washoe County Department of Social Services, has proven, by  
12 clear and convincing evidence the existence of parental fault on the part of Ms. Guerrero.  
13 Ms. Guerrero has failed to have a stable income. She has failed to have a stable and safe  
14 place for the children to live. Finally, she has not addressed her own severe emotional  
15 and mental illnesses. Further, clear and convincing evidence exists which demonstrates  
16 that the best interests of the Roberto, Kayleigh, Nathan and Ethan are served by  
17 termination of Ms. Guerrero's parental rights.

18         3. Ms. Guerrero has made efforts to assume all of her responsibilities as a  
19 parent but falls short in each of the important areas required. It is suggested that poverty  
20 is what has caused her failure to do what is necessary to reunify with her children. That is  
21 not all the truth. She has not consistently remained employed enough to support the  
22 children financially. She has not been able to maintain a stable and safe place for the  
23 children to live. Finally, she has not persisted in addressing her own emotional and  
24 mental illnesses. The Court is uncertain as to whether or not she can achieve any of the  
25 above. Additionally, it appears that her conduct has imperiled her opportunity to receive  
26 food stamps and her right to receive Temporary Aid for Needy Families is running out  
27 which means that even with government assistance, she would not be able to provide for  
28 her children. If the Court could place the children in suspended animation and hope that

1 Ms. Guerrero could make substantial changes in a short time, it would. However, the  
2 children lives are moving on and the Court cannot stop that. No time remains in order to  
3 give Ms. Guerrero time to do what she has not done over that last several months and  
4 years. If the Roberto, Kayleigh, Nathan and Ethan were returned to her care at this time,  
5 she has no means to support them and no means with which to provide a stable and safe  
6 place for them to live. The children would be at an increased and untenable risk of  
7 re-removal over an inability to provide even for their basic needs.

8 4. Roberto, Kayleigh, Nathan and Ethan are thriving in their potential adoptive  
9 placement. Family bonds are developing and they are demonstrating an abiding sense of  
10 safety, consistency, bonding and attachment. Their best interests are served by  
11 termination of their mother's parental rights and the opportunity to remain in their current  
12 home.

13 5. Washoe County Department of Social Services has provided reasonable  
14 efforts to prevent the out of home placement of Roberto, Kayleigh, Nathan and Ethan.  
15 From the time of removal in April 19, 2014<sup>3</sup> and September 11, 2014, and since, Washoe  
16 County Department of Social Services has attempted to engage Ms. Guerrero and support  
17 her ability to care for all of her children. Services were offered to her in various ways  
18 including referral to the Children's Cabinet. She was given counseling support to address  
19 her emotional and mental problems. Washoe County Department of Social Services made  
20 repeated attempts, across multiple providers and modalities, to engage Ms. Guerrero in  
21 services. Ms. Guerrero made some efforts to avail herself of the services provided to her  
22 but invariably failed to completely follow through. Her failure to follow through as much  
23 as any other fact frustrated any chance of reunification.

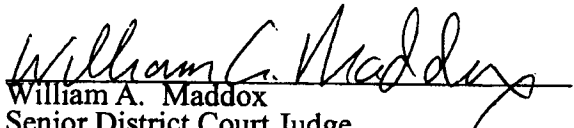
24 The perfect is the enemy of good! The Court has reviewed the more than 1200  
25 pages in the Court file, the transcript of the trial in this matter and the pleadings filed by  
26 counsel both before and after the trial. It is extremely difficult to terminate a person's  
27 rights to their children. It is unimaginable that anyone would do so with less than clear  
28 and convincing evidence that termination was in the best interest of the children. The

1 Court has a great deal of sympathy for Jacquelyn Guerrero. She has made some effort but  
2 again when necessary fails to follow through to accomplish necessary tasks. A minimal  
3 level must be achieved, not perfection, but a minimal level must be achieved in order to  
4 provide children with the basic necessities. Ms. Guerrero has not achieved that level over  
5 the course of this case and the Court is not convinced she could in the future.

6 For all of the reasons stated above, the Petition to Terminate the Parental Rights of  
7 Jacquelyn Guerrero to Roberto Taylor, Kayleigh Guerrero Taylor, Nathan Hunt-Taylor  
8 and Ethan Hunt-Taylor is hereby GRANTED.

9 **IT IS SO ORDERED.**

10 DATED this 21st day of March, 2016.

11   
12 William A. Maddox  
13 Senior District Court Judge

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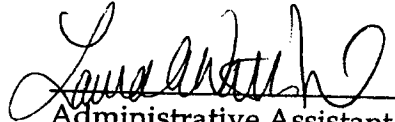
**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court and that on the 21 day of March 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to the following and I electronically filed the foregoing with the Clerk of the Court System which will send a notice of electronic filing to the following:

Lee Elkins, Esq.

Jenna Garcia, Esq.

Tyler Elcano, Esq.

  
Administrative Assistant

CASE NO. FV14-03897 **TITLE: TERM: R. TAYLOR, K. GUERRERO-TAYLOR, N. HUNT-TAYLOR**  
**(D5)**

**DATE, JUDGE  
OFFICERS OF  
COURT  
PRESENT**

**APPEARANCES - HEARING**

**TERMINATION OF PARENTAL RIGHTS**

1-15-2015

**HONORABLE  
EGAN WALKER**

**DEPT. 2**

**T. GREENWELL  
Court Clerk**

**CD RECORD**

**BAILIFF  
C. TURNER**

**Page 1 of 1**

Tyler Elcano, Deputy District Attorney, was present on behalf of the Petitioner, Washoe County Department of Social Services. Also present was social worker Rocio Lopez. Lee Elkins, Deputy Public Defender, counsel for the Respondent in the related dependency matter was present on behalf of Jacqueline Guerrero, who was also present. Respondent, Robert Hunt-Taylor was also present.

**Respondent Hunt-Taylor** affirmed his desire to have counsel appointed; he completed the paperwork but has not yet submitted it to the Court.

*Respondents were sworn.*

*Court canvassed Jacqueline Guerrero as to her income and found her to be indigent; counsel appointed.*

*Court canvassed Robert Hunt-Taylor as to his income and found him to be indigent; counsel appointed.*

**Counsel Elkins** offered his client is denying the Petition.

*Court addressed the Respondent, Mr. Hunt-Taylor as to entering a denial on his behalf; the Court addressed the parties regarding maintaining contact with counsel and the social worker.*

**COURT ORDERED:** Denial entered on behalf of Jacqueline Guerrero and Robert Hunt-Taylor. The Public Defender's Office is appointed for Jacqueline Guerrero and Robert Hunt-Taylor. The matter shall be set for mediation and settlement conference.

CASE NO. FV14-03897 **TITLE: TERM: R. TAYLOR, K. GUERRERO-TAYLOR, N. HUNT-TAYLOR**  
**(D5)**

**DATE, JUDGE  
OFFICERS OF  
COURT  
PRESENT**

**APPEARANCES - HEARING**

**TERMINATION OF PARENTAL RIGHTS**

1-12-2015

**HONORABLE  
EGAN WALKER**

**DEPT. 2**

**T. GREENWELL  
Court Clerk**

**CD RECORD**

**BAILIFF  
C. TURNER**

**Page 1 of 1**

Tyler Elcano, Deputy District Attorney, was present on behalf of the Petitioner, Washoe County Department of Social Services. Also present was social worker Rocio Lopez. Lee Elkins, Deputy Public Defender, counsel for the Respondent in the related dependency matter was present on behalf of Jacqueline Guerrero, who was also present. Respondent, Robert Hunt-Taylor was also present.

**Respondent Hunt-Taylor** affirmed his desire to have counsel appointed; he completed the paperwork but has not yet submitted it to the Court.

*Respondents were sworn.*

*Court canvassed Jacqueline Guerrero as to her income and found her to be indigent; counsel appointed.*

*Court canvassed Robert Hunt-Taylor as to his income and found him to be indigent; counsel appointed.*

**Counsel Elkins** offered his client is denying the Petition.

*Court addressed the Respondent, Mr. Hunt-Taylor as to entering a denial on his behalf; the Court addressed the parties regarding maintaining contact with counsel and the social worker.*

**COURT ORDERED:** Denial entered on behalf of Jacqueline Guerrero and Robert Hunt-Taylor. The Public Defender's Office is appointed for Jacqueline Guerrero and Robert Hunt-Taylor. The matter shall be set for mediation and settlement conference.

1 **Code 1350**

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3  
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **In the Matter of**

**Case No. FV14-03897**

7  
8 **Roberto Taylor, DOB 06-15-2007**  
9 **Kayleigh Guerrero-Taylor, DOB 02-13-2010**  
10 **Nathan Hunt-Taylor, DOB 06-29-2011 and**  
11 **Ethan Hunt-Taylor, DOB 01-01-2014**

**Dept. No. D2**

12 **Minor Children.**

13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
15 County of Washoe; that on the 19th day of April, 2016, I electronically filed the Notice of Appeal in  
16 the above entitled matter to the Nevada Supreme Court.

17 I further certify that the transmitted record is a true and correct copy of the original  
18 pleadings on file with the Second Judicial District Court.

19 Dated this 19th day of April, 2016

20 Jacqueline Bryant  
21 Clerk of the Court

22 By /s/ Yvonne Vilorio  
23 Yvonne Vilorio  
24 Deputy Clerk  
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26  
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