

1 hour.

2 MS. ELCANO: Your Honor, there is an  
3 interpreter, which, unfortunately, does take more time.

4 THE COURT: That's fine. Go ahead.

5 MR. ELKINS: I'm not criticizing anyone,  
6 Judge. Just making a record.

7

8 CROSS-EXAMINATION

9 BY MR. ELKINS:

10 Q Good afternoon, Ms. Matute.

11 A Good afternoon.

12 Q When the three older children first came into  
13 your care, they were well-behaved, were they not?

14 A Yes.

15 Q They were polite?

16 A Well, not so much.

17 Q Oh, okay. Do you recall telling the  
18 caseworkers that they were well-behaved children?

19 A Yes.

20 Q And when Kayleigh came in your care, she was  
21 toilet-trained, right, potty-trained?

22 A Yes.

23 Q And is it fair to say that when you were  
24 first taking care of them, they very much looked forward

1 to seeing their parents at visits?

2 A Yes. At first, yes.

3 Q In fact, Roberto had a birthday in June, did  
4 he not?

5 A Yes.

6 Q And that was at Circus Circus?

7 MS. ELCANO: Objection. What year, please?

8 MR. ELKINS: June of this year, at Circus  
9 Circus.

10 THE WITNESS: Yes.

11 BY MR. ELKINS:

12 Q And you invited Ms. Guerrero to attend, did  
13 you not?

14 A No.

15 Q Did she attend the birthday?

16 A Yes.

17 Q So she asked to attend?

18 A Yes.

19 Q And Roberto was happy to see her, wasn't he?

20 A Yes.

21 Q Ms. Matute, isn't it a fact that this  
22 conversation you're talking about that you had with  
23 Roberto, didn't he say that you were caring for the  
24 children for the money?

1 MS. ELCANO: I'm sorry. Could I have that  
2 question read back?

3 THE COURT: Just ask it again.

4 MR. ELKINS: Okay.

5 BY MR. ELKINS:

6 Q The conversation you referred to with  
7 Roberto, didn't the -- the statement that he said his  
8 mother made, wasn't it that you were caring for the  
9 children for the money?

10 MS. ELCANO: Objection. Vague. What  
11 conversation?

12 MR. ELKINS: There's been only one statement  
13 about the conversation with the children that's in the  
14 record.

15 THE COURT: Objection is overruled.  
16 Go ahead and answer the question.

17 THE WITNESS: No.

18 BY MR. ELKINS:

19 Q The children never said anything to you about  
20 you caring for them for money?

21 A Yes. Yes, but using different language that  
22 I can't say here.

23 Q They said "money"; correct?

24 A Yes, they did use the word "money."

1           Q     Thank you.

2                     Hasn't Roberto also said to you that he was

3 sad because his parents don't have the money to take care

4 of him?

5           MS. ELCANO:   Objection.   Hearsay.

6           MR. ELKINS:   Judge, hearsay can be used to

7 rebut hearsay.

8           THE COURT:   Objection is overruled.

9           MS. ELCANO:   Your Honor, just as long as it's

10 not admitted for the truth of the matter asserted and the

11 limited capacity --

12           MR. ELKINS:   Child's state of mind.

13           THE COURT:   We already heard what the

14 children have to say, so he has a right to go into what

15 they said.   Objection is overruled.

16                     Go ahead.

17 BY MR. ELKINS:

18           Q     Do you want me to repeat the question?

19           A     Yes.

20           Q     Hasn't Roberto said that he's sad because his

21 parents cannot take care of him because they don't have

22 money?

23           A     At first, yes.

24           Q     Ms. Matute, you are a professional daycare or



1       childcare provider; correct?

2               A       Could you repeat the question, please?

3               Q       Certainly. Your profession is -- you get  
4       paid to care for children; correct?

5               A       Not professional, not a daycare professional.

6               Q       The record should reflect the witness used  
7       the word "daycare" in English.

8                        Didn't you testify that you take children  
9       into your home and that you are paid -- that you run a  
10      daycare?

11              A       Yes. I take care of two to three children,  
12      take care of them during the day, daycare.

13              Q       You get paid for that; correct?

14              A       Yes.

15              Q       Do you have a license?

16              A       No. Because they're my friends' kids.

17              Q       I see. So it's not a commercial arrangement?

18              A       No. Because I'll take care of the -- one of  
19      my daughter's kids, but I don't advertise these services  
20      commercially.

21              Q       Didn't you tell me that you routinely  
22      care -- excuse me -- didn't you tell the Court that you  
23      routinely care for three or four children, two in the  
24      morning and two in the afternoon, and you get paid for

1       that?

2               A       Yes.

3               Q       And didn't you say that that's a daycare?

4               A       It's not -- -- it's not a daycare, but I help  
5 out my friends, and then I also have the benefits.

6               Q       You mean you get paid?

7               A       Yes.

8               Q       Did you tell Washoe County Department of  
9 Social Services, when they placed children in your home,  
10 that you were running a daycare?

11              A       No. Because I wasn't taking care of any kids  
12 at that time.

13              Q       When these children were placed in your home  
14 in May of 2013, did you tell the Washoe County Department  
15 of Social Services that you were running a daycare?

16                      MS. ELCANO: Objection. Asked and answered.

17                      MR. ELKINS: I'm being specific about the  
18 date, Judge.

19                      THE COURT: Objection is overruled.

20                      Go ahead.

21                      THE WITNESS: I've been taking care of kids  
22 from that date onwards. Kids sometimes come, sometimes  
23 go, so sometimes I have kids, sometimes not.

24       /////

1 BY MR. ELKINS:

2 Q So the answer is you did not tell the Washoe  
3 County Department of Social Services that you were  
4 running a daycare; correct?

5 A Well, let me explain.

6 When the social worker came to my house to  
7 see about the license, she asked me about my income, and  
8 I said, "Well, I have two or three kids that I take care  
9 of every now and then," and she never commented about  
10 that at all.

11 Q So they didn't ask if you had a license to  
12 operate a daycare?

13 A No.

14 Q Ms. Matute, have any of the 14 foster  
15 children that you have had in your home been removed by  
16 the Washoe County Department of Social Services from you  
17 for reasons other than adoption or reunification?

18 A Just for adoption and reunification.

19 Q So no child has ever been removed from your  
20 home because of concerns about your foster care?

21 A No.

22 Q Okay. Ms. Matute, isn't it true that you've  
23 told the caseworkers on more than one occasion that you  
24 thought that Ms. Guerrero was a good mom?

1           A     I don't remember.

2           Q     You said that Kayleigh and Nathan get speech  
3 therapy at Advanced Pediatrics?

4           A     I'm sorry?

5           Q     I believe you testified that Kayleigh and  
6 Nathan get speech therapy at Advanced Pediatrics?

7           A     Yes.

8           Q     Who pays for that?

9           A     Medicare covers it.

10          Q     And you take Kayleigh out of school on  
11 Wednesdays to go there?

12          A     No. She goes in the morning, then she goes  
13 back to school. She has therapy, she has lunch, and then  
14 she goes back to school.

15          Q     And you said that's not a problem for the  
16 school because she's five?

17          A     What do you mean?

18          Q     Didn't you testify that that's okay with the  
19 school because she's only five and she's in pre-K?

20          A     Did I say that?

21          Q     I'm asking you. That's what I thought --

22          A     I don't remember.

23          Q     Okay. Is she in pre-K?

24          A     Kayleigh?

1 Q Yes.

2 A Kindergarten.

3 Q Kindergarten, okay. And she's five?

4 A (Witness nods head.)

5 Q And does the school have any problems with

6 you taking her out to go to speech therapy?

7 A As long as I bring back the therapy report.

8 Q Okay. When you were asked to describe how

9 you care for your children or the children in your home,

10 you said that you work with the kids in an efficient

11 manner; correct?

12 A I'm not perfect, but I do -- I do everything

13 that a mom should do for her kids.

14 Q Why did you use the word "efficient"?

15 A Did I use the word "efficient"?

16 Q That's what I heard. Did you not use the

17 word "efficient"?

18 A I don't remember.

19 Q Okay. By the way, you also have someone in

20 your home who assists you to care for the children when

21 you are doing other things, and this person is paid; is

22 that correct?

23 A Sorry?

24 Q You have another person in your home who

1 assists you to care for the children when you are doing  
2 errands or other things, and that person is paid;  
3 correct?

4 THE INTERPRETER: I'm sorry. The interpreter  
5 would like clarification. Is it "paid" --

6 MR. ELKINS: "Paid."

7 THE WITNESS: Yes, I have a person who helps  
8 me.

9 BY MR. ELKINS:

10 Q And you pay her or him?

11 A Yes.

12 Q Is that to take care of the two children who  
13 come to you or is it to take care of your own children or  
14 is it to take care of your foster children? Who do you  
15 pay this person to care for?

16 A Would you like me to explain?

17 Q Yes.

18 A Okay. Well, I have a person -- like when I'm  
19 here right now, I have somebody at my house taking care  
20 of Ethan and Nathan, and then when I get back, she will  
21 leave.

22 Q Okay. And didn't you also say that you have  
23 a person come in and take care of the children when you  
24 take other children to appointments and things like that?

1 A Another person?

2 Q No. The same person, I assume.

3 A To their appointments? Well, no, because  
4 they're at school. So I'll take Nathan and Kayleigh,  
5 I'll take Ethan with me, but all the other kids are at  
6 school all day.

7 Q When does this person who you pay come to  
8 help you care for the children?

9 A Well, one example is like right now she's at  
10 my house.

11 Q I heard that, but when else do you pay this  
12 person to come and help you care for the children?

13 A Well, like a medical emergency, if I can't  
14 take the kids, just things like that when I can't take  
15 the kids.

16 Q So in the last six months, how many times has  
17 the person you pay been in your home to help you take  
18 care of your kids?

19 (Interpreter interpreted question.)

20 You don't keep records?

21 A In six months? Well, I don't keep records,  
22 so it's just, you know, when I need her, I call her and  
23 she comes.

24 Q Okay. Thank you.

1                   Ms. Matute, this isn't the first time you've  
2       been in court, is it?

3                   MS. ELCANO:  Objection.  Vague.

4                   THE COURT:  She can answer yes or no.

5                   MS. ELCANO:  I'm just wondering what type of  
6       court are we talking about.

7                   MR. ELKINS:  Okay.  I'll be more specific.

8       BY MR. ELKINS:

9                   Q       Ms. Matute, you had a divorce granted, I  
10      think it was finalized two months before the children  
11      were placed in your home; is that correct?

12                  MS. ELCANO:  Objection.  Relevance.

13                  THE COURT:  You know, we've gone into her  
14      capability of taking care of the children.  I suppose  
15      that a divorce is relevant to whether or not -- if I  
16      understand correctly, part of the reasoning I have to  
17      engage is whether or not the kids are better off with  
18      her.

19                  MR. ELKINS:  That's correct.  And how stable  
20      her home is.

21                  MS. ELCANO:  It's a comparison, Your Honor.

22                  THE COURT:  I think divorce is relevant.  
23      Objection overruled.

24                  Go ahead and answer the question.



1 BY MR. ELKINS:

2 Q Isn't that true, that you had a divorce  
3 finalized two months before the children were placed in  
4 your home?

5 A Two months before? I don't remember. I  
6 don't remember the time.

7 Q You don't remember when your divorce was  
8 finalized?

9 A Thank God I don't remember. I don't  
10 remember.

11 Q You were divorced from Urbano Perez; correct?

12 A Urbano Perez.

13 Q Isn't it a fact, Ms. Matute, that Mr. Perez  
14 obtained a temporary protection order against you in  
15 January of 2013?

16 MS. ELCANO: Objection, Your Honor. This is  
17 not relevant, a temporary protection order.

18 THE COURT: You've got to be kidding me.  
19 You're actually saying that when -- objection overruled.

20 Go ahead. Answer the question.

21 THE WITNESS: We both obtained one.

22 BY MR. ELKINS:

23 Q Okay. So is it fair to say there was a great  
24 deal of conflict in your relationship?

1           A     No. We just couldn't agree as to the kids.

2           Q     So that's why you got mutual protection  
3 orders, because you couldn't agree about the kids?

4           A     Also not to argue.

5           Q     Ms. Matute, isn't it true that two months  
6 after the children were placed in your home, you sought  
7 to stop visits by Mr. Urbano Perez with his children?

8           A     Yes.

9           Q     Was there a lot of conflict between you and  
10 Mr. Perez?

11          A     Disagreements.

12          Q     You did not want Mr. Perez coming to the home  
13 to see his children; is that correct?

14          A     Not if it wasn't going to be at the  
15 appropriate times.

16          Q     I see. Isn't it true, though, that you  
17 ultimately sought and obtained an order from the Court  
18 completely suspending his visits with his children?

19                MS. ELCANO: Your Honor, again, I object. I  
20 don't think that the custody proceedings related to her  
21 own biological children are relevant to these termination  
22 proceedings.

23                THE COURT: You talked a lot about domestic  
24 violence in regards to her and now that's not relevant in

1        regards to -- objection is overruled.

2                    Go ahead.

3        BY MR. ELKINS:

4                    Q        Can you answer my question?

5                    A        Could you repeat the question?

6                    Q        Sure. Isn't it true that you ultimately  
7        obtained an order from a Court completely suspending  
8        Mr. Perez's visits with his children?

9                    A        That's not true.

10                   Q        I think we've already established that you  
11        sought an order to suspend his visits; correct?

12                   A        Yes. Yes.

13                   Q        And what happened to the order that you  
14        sought?

15                   A        There were changes. There were limits  
16        imposed as to where Urbano Perez could take the kids  
17        because they would have been in danger.

18                   Q        What would they have been in danger from?

19                   A        They were being sexually touched by a  
20        cousin or -- by a nephew of their father, and so that's  
21        why I did not want them to go to that house, and that's  
22        why I was opposed to him taking them there.

23                   Q        I'm sorry to have to ask you these upsetting  
24        questions.

1                   Did you notify Child Protective Services  
2   about these allegations of sexual touching?  
3           A     Yes.  
4           Q     Was there an investigation?  
5           A     I made a police report.  
6           Q     Was Mr. -- I'm sorry. This cousin, did he  
7   live -- was it a man?  
8           A     He was a kid who was older than my kids.  
9           Q     Okay. And where did this juvenile live?  
10          A     They lived in Reno, but their dad would take  
11   them to visit there when he had them.  
12          Q     Are we talking about Mr. Perez?  
13          A     Yes. Urbano Perez.  
14          Q     So you're telling the Court, if I understand  
15   you correctly, that you believe that your children were  
16   sexually abused in the custody of their father?  
17          A     It's not something I believe. The kids told  
18   me that.  
19          Q     So you don't believe what the kids told you?  
20          A     It's not whether I believed it or not.  
21   That's what the kid told me, and I believe my kids.  
22          Q     So you do believe that they were sexually  
23   abused?  
24          A     Well, he touched them.

1 Q Did you ever get therapy for your children?

2 A Yes.

3 Q Was there a caseworker assigned from the  
4 Washoe County Department of Social Services?

5 A They gave me the information.

6 Q So no social worker ever came to your home or  
7 did an investigation?

8 A The thing was that the case had already gone  
9 to the courts, so they told me just to go to court. I  
10 did it myself, I went and did it myself.

11 Q So there was never any supervision by social  
12 workers?

13 A What kind of supervision?

14 Q Did they ever come to your home and monitor  
15 the situation?

16 A They go every month.

17 Q Yes. Because you have foster children?

18 A Uh-huh.

19 Q I'm talking about in relation to the sexual  
20 abuse of your own children, did Washoe County Department  
21 of Social Services ever send caseworkers into your home  
22 to supervise the home?

23 A I got a call and it was the social worker  
24 regarding the license.

1 Q And so you had to defend your license?

2 A No. I just showed her the paperwork I had  
3 gotten from court.

4 Q Okay. So they never opened an investigation;  
5 they never sent a caseworker to your home to monitor the  
6 situation, nothing like that?

7 A Yes. They asked me how the case was going,  
8 if the kids had gone back there, all the information  
9 about the case.

10 Q I see. When did that occur? Let me be  
11 specific. When did the conversation about your license  
12 occur?

13 A I don't remember.

14 Q When did it occur in relation to when you  
15 filed for divorce?

16 A In relation to the day when I asked for  
17 divorce?

18 Q Yes.

19 A I don't remember. It's been more than three  
20 years.

21 Q Okay. So the allegations about sexual abuse  
22 occurred and your children were telling you about that,  
23 and you continued to be married to Mr. Perez; correct?

24 A I had already asked for a divorce.

1 Q That was my question.

2 And was Mr. Perez still coming to the home  
3 and seeing your children?

4 A We were separated, we weren't divorced at  
5 that point, and so he could come and take the kids  
6 without the need for any kind of order because we had  
7 both agreed that, and then that happened, the kids told  
8 me, and by that time we had already started our divorce  
9 proceedings.

10 Q And did he continue to come and take the  
11 kids?

12 A Yes.

13 Q For how long did that continue?

14 A Without a court order or when we had our  
15 mutual agreement?

16 Q When you had your mutual agreement.

17 A Yes, he would come take the kids, but at some  
18 point I decided that the time of day was not appropriate  
19 because the kids were in kindergarten and  
20 prekindergarten, and that I did not think that those  
21 times were appropriate for them to go out.

22 Q So the argument over visitation was timing;  
23 is that correct?

24 A Well, yeah. It was an issue due to the

1 times, but then also -- well, why not just mention it --  
2 he also wanted to get back together with me, and I did  
3 not want that, and so there was disagreement.

4 Q So did you sometimes have arguments in the  
5 home about that?

6 A Well, he had already left. He wasn't there  
7 anymore.

8 Q When you said he tried to get back together  
9 with you, did he come to your home?

10 MS. ELCANO: Your Honor, I'm objecting again.  
11 This woman has clearly taken the proper steps to remedy  
12 the situation, it is not a current issue today, and I  
13 don't think it's relevant to the termination proceedings.  
14 I think we've gone long enough and far enough into this.

15 THE COURT: Let's wrap it up pretty soon.

16 MR. ELKINS: Okay, Judge.

17 BY MR. ELKINS:

18 Q Did he come over?

19 MS. ELCANO: Objection. Vague.

20 MR. ELKINS: Okay. Sorry.

21 BY MR. ELKINS:

22 Q After May of 2013 and before the order  
23 suspending visitation which -- well, you say it was never  
24 completely suspended, but after May of 2013 there were



1 times when Mr. Perez would come over; right?

2 A No. He had to go pick up the kids at a  
3 specific point, not at my house.

4 Q Okay. So I'm clear, at no point was Social  
5 Services involved in an investigation of your children  
6 being sexually touched while in the custody of their  
7 father; is that correct?

8 A No, that's not correct.

9 Q So there was an investigation?

10 A No. I filled out all my paperwork, I gave it  
11 to them, so I'm assuming that when they get the paperwork  
12 they become involved.

13 Q To whom did you give that paperwork?

14 A To the social worker that had to do with the  
15 licensing.

16 Q And just to be clear, after your children  
17 told you that, the father continued to take them on  
18 visits and spend time with them; correct?

19 THE INTERPRETER: I'm sorry. The interpreter  
20 needs a repetition of the question.

21 BY MR. ELKINS:

22 Q After this was told to you, the father  
23 continued to take the children on visits and return them;  
24 correct?

1 MS. ELCANO: Objection. Vague.

2 THE WITNESS: I don't understand. After they  
3 told me what?

4 BY MR. ELKINS:

5 Q After the children told you they had been  
6 sexually abused by their cousin while in the custody of  
7 their father, their father continued to be allowed to  
8 take them on visits away from your home and bring them  
9 back; correct?

10 MS. ELCANO: Your Honor, this has been asked  
11 and answered. We're at the level where the witness is  
12 being badgered. I think we need to move on.

13 THE COURT: Objection is overruled. Let's  
14 get through this. Quit making these objections. It's  
15 got to get confusing to her because we're making  
16 objections. We went through the issue with her about  
17 domestic violence. That's one of the bases upon which  
18 you think I should terminate her parental rights, and yet  
19 you're suggesting that this is not relevant? So  
20 objection is overruled. Get through it.

21 MR. ELKINS: I'm almost done, Judge.

22 THE COURT: You better get done real quick.

23 MR. ELKINS: This is intended to be my last  
24 question.

1 BY MR. ELKINS:

2 Q Isn't it correct that after your children  
3 told you that they had been sexually touched while in the  
4 custody of their father, that you continued to allow him  
5 to come and pick them up, take them out, and bring them  
6 back?

7 A No, that's not true.

8 Q I'm sorry, Ms. Matute.

9 Didn't you tell me that he continued to have  
10 visits with the children after that?

11 A That was -- a judge ordered that but with  
12 limits, so he couldn't take them to that house, he  
13 couldn't -- they couldn't be around that kid, so there  
14 were limits. I asked for the visits to be canceled  
15 completely, but the judge ordered that he could have  
16 visits with those limits, so I had to obey and -- because  
17 I was -- I couldn't say I wasn't going to follow that  
18 because I didn't have the authority to do that. It was  
19 an order from the judge.

20 Q I see. So when you told me earlier that the  
21 dispute about visitation was over timing, that wasn't  
22 entirely true; correct?

23 THE COURT: Let's be done. I understand now.  
24 I'm done.

1 MR. ELKINS: Okay, Judge. Thank you very  
2 much. Let's move on. No further questions.

3 THE COURT: Do you have more questions? Do  
4 you have any redirect.

5 MS. ELCANO: I do, Your Honor.

6 MR. ELKINS: My client needs to leave the  
7 courtroom.

8 THE COURT: Well, for just a minute because  
9 we need to get done.

10 MR. ELKINS: I'll allow Ms. Elcano to  
11 redirect without her here. She's so upset, Judge.

12 THE COURT: How long are you going to be?

13 MS. ELCANO: I just have four or five  
14 questions.

15 THE COURT: Make it quick, and I don't need  
16 you to go into this -- into this anymore.

17 MS. ELCANO: I'll do my very best, Your  
18 Honor.

19

20 REDIRECT EXAMINATION

21 BY MS. ELCANO:

22 Q Ms. Matute, when your children, Anthony and  
23 Jaer, made these reports of inappropriate touching to  
24 you, what steps did you take to protect your children?

1           A     Well, first of all, I called their dad and I  
2     told him he needed to meet me at the police station  
3     because we needed to make a report.

4           Q     And you made a report to the police station;  
5     correct?

6           A     Yes.

7           Q     And to be clear, the person identified as  
8     making the inappropriate touching was not your husband?

9           A     No.

10          Q     It was an individual who was related to your  
11     husband, a relative?

12          A     Yes. A nephew, my ex-husband's nephew.

13          Q     And what is the current visitation schedule  
14     between Jaer and Alberto [sic] and Mr. Perez?

15          A     Jaer, Anthony, and the kids? What?

16          Q     I'm sorry. How often does Mr. Perez see Jaer  
17     and Anthony?

18          A     The court order was that it was going  
19     to -- we were going to do one week him, one week me, and  
20     then one year he would have vacation time and the other  
21     year I would have vacation time, but he hasn't  
22     participated in that.

23          Q     When is the last time Mr. Perez saw your  
24     children, saw Jaer and Anthony?

1           A     He picked them up yesterday from school.

2           Q     Have Roberto, Kayleigh, Nathan or Ethan ever  
3 seen Mr. Perez or been around Mr. Perez?

4           A     Yes, they have seen him.

5           Q     Were you present during that time?

6           A     Yes. Because it was outside the --

7           THE INTERPRETER: May I ask for  
8 clarification?

9           MS. ELCANO: Yes.

10          THE WITNESS: It was outside Social Services  
11 when he went to pick up his kids.

12          BY MS. ELCANO:

13          Q     Have they ever interacted with Mr. Perez,  
14 Roberto, Kayleigh, Nathan or Ethan?

15          A     Well, whenever I went to pick up my kids or  
16 if we bumped into him.

17          Q     Have they ever been alone with Mr. Perez?

18          A     Oh, no, no.

19          Q     Have Roberto, Kayleigh, Nathan or Ethan ever  
20 met the nephew of Mr. Perez's who your sons identified as  
21 doing inappropriate touching?

22          A     No.

23          Q     And I just want to go back to -- quickly, do  
24 you recall approximately what year you separated from

1 your husband?

2 A I think it was in 2012.

3 Q And you are no longer engaged in a  
4 relationship with Mr. Perez; correct?

5 A No. No.

6 Q And turning back quickly to the individual  
7 that you identified assisting you in the home, on a  
8 weekly basis how often does she come?

9 A The person that helps me?

10 Q Yes.

11 A Well, it's only when I have some event, like  
12 now, when I can't take the kids. So, for example, if I'm  
13 going to the doctor, she will come and take care of them.

14 Q So she doesn't live with you?

15 A Oh, no, no.

16 Q You don't pay her on a daily basis?

17 A No.

18 Q It's an occasional babysitter?

19 A Yes.

20 MS. ELCANO: I have no further questions.

21 MR. ELKINS: I have no further questions.

22 THE COURT: Is this witness permanently  
23 excused?

24 MS. ELCANO: Yes, Your Honor.

1 MR. ELKINS: Thank you, Judge.

2 THE COURT: So you're excused Court's in  
3 recess. We'll come back at 2 o'clock. It's 15 to 1:00  
4 now, an hour and 15 minutes, 2 o'clock.

5 MS. ELCANO: Thank you.

6 (The midday recess was taken.)  
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1 -oOo-

2 RENO, NEVADA; THURSDAY, SEPTEMBER 3, 2015; 2:02 P.M.

3 -oOo-

4  
5 THE COURT: This is Case No. FV14-03897 in  
6 the matter of the parental rights as to the Taylor  
7 children as set out in the petition. The parties are  
8 present with their counsel.

9 Ms. Elcano, your next witness.

10 MR. ELKINS: Judge, I have an order, a point  
11 of order. I have a witness here from Nevada State  
12 Welfare I believe I mentioned before, and I had spoken to  
13 Ms. Elcano previous to the trial. We agreed that if she  
14 appeared, we could take her out of order, and I actually  
15 have --

16 THE COURT: What?

17 MS. ELCANO: That issue was not specifically  
18 addressed. We did discuss the possibility of discussing  
19 witnesses being taken out of order and addressing those  
20 as they came up. I wasn't informed of this over the  
21 lunch break.

22 THE COURT: Well, do you care if she's taken  
23 out of order?

24 MS. ELCANO: Your Honor, I have one more

1 witness, and I would like to conclude today and rest.

2 MR. ELKINS: I have an alternative  
3 suggestion.

4 THE COURT: Okay.

5 MR. ELKINS: So we have this official here  
6 from Nevada State Department of Welfare. I also have two  
7 percipient witnesses that I subpoenaed for today who will  
8 be here at 3 o'clock.

9 My suggestion is simply -- their testimony  
10 relates to matters that have already been testified to,  
11 so my suggestion would be, if I could put on this witness  
12 and those two and perhaps the caseworker could testify  
13 tomorrow morning, and then I have two other witnesses  
14 from Children's Cabinet who actually covered the same  
15 time frame as Ms. Seronio, so in a way I think the record  
16 will be more orderly.

17 That's my suggestion, my request so as not to  
18 inconvenience these witnesses and make them have to  
19 return. One of them got out of work today because he got  
20 subpoenaed and will have work obligations tomorrow, and  
21 so --

22 THE COURT: Is she the only witness you have  
23 done, Ms. Seronio?

24 MS. ELCANO: Yes. Ms. Seronio is the only

1 witness I have left.

2 THE COURT: Then let's -- she's going to be  
3 here anyway, so let's go ahead and take these witnesses  
4 and get them out of here.

5 MR. ELKINS: I appreciate that.

6 THE COURT: You've got three witnesses that  
7 absolutely need to be done today?

8 MR. ELKINS: Correct.

9 THE COURT: We're going to go till 4:30 so  
10 that your client --

11 MR. ELKINS: It should be more than enough  
12 time.

13 If it please the Court, the respondent calls  
14 Cynthia Heldenbrand.

15  
16 CYNTHIA HELDENBRAND,  
17 having been first duly sworn by the court clerk,  
18 was examined and testified as follows:

19  
20 DIRECT EXAMINATION

21 BY MR. ELKINS:

22 Q Good afternoon. Ms. Heldenbrand, do you  
23 appear today pursuant to subpoena?

24 A Yes.

1 Q Can you --  
2 MS. ELCANO: Sorry.  
3 MR. ELKINS: Take your time.  
4 MS. ELCANO: Go ahead.  
5 BY MR. ELKINS:  
6 Q Would you mind stating your name for the  
7 record?  
8 A Sure. Cynthia Heldenbrand.  
9 Q Could you spell that for the court reporter?  
10 A Sure. C-y-n-t-h-i-a H-e-l-d-e-n-b-r-a-n-d.  
11 Q And can you tell me your current employment?  
12 A I'm the social worker supervisor at the  
13 welfare office.  
14 Q When you say "the welfare office," what do  
15 you mean?  
16 A State of Nevada Welfare office.  
17 Q Located where?  
18 A We are at 4055 South Virginia Street.  
19 Q What is your educational background?  
20 A I have a bachelor's of social work from the  
21 University of Nevada, Reno.  
22 Q What are your responsibilities at Nevada  
23 State Welfare?  
24 A I oversee the social work division at the

1 welfare office. We're part of the NEON unit, which is  
2 New Employees of Nevada, so any employee who is on TANF  
3 benefits, which is Temporary Aid for Needy Families, and  
4 they have what we identify as barriers to employment,  
5 which include open CPS cases, they are assigned to a  
6 social worker who case-manages them.

7 Q Were you or did you supervise a case  
8 involving Jacqueline Guerrero?

9 A At that time I was not the supervisor.

10 Q Okay. Are you familiar with a caseworker by  
11 the name of Lowrey?

12 A Yes.

13 Q How do you spell that?

14 A It's L-o-w-r-e-y.

15 Q Okay. And were you in this unit --  
16 withdrawn.

17 What is Mr. Lowrey's first name?

18 A Sara.

19 Q And Sara Lowrey worked in what unit?

20 A In the social work unit.

21 Q And with regard to what kind of cases?

22 A To clients who are on TANF and have barriers  
23 to employment.

24 THE COURT: Let's see if she knows. What

1 does "TANF" stand for?

2 THE WITNESS: Temporary Aid for Needy  
3 Families.

4 THE COURT: You're the only one that knew it.  
5 I had to look it up on the Internet.

6 MR. ELKINS: You'd really think you'd catch  
7 her.

8 BY MR. ELKINS:

9 Q And I'm sorry. So did you work with  
10 Ms. Lowrey?

11 A Yes, I did.

12 Q In the same unit?

13 A Yes.

14 Q And then there came a time when you were  
15 promoted to supervisor?

16 A Correct.

17 Q And where is Ms. Lowrey -- well, withdrawn.  
18 Is Ms. Lowrey still employed in your office?

19 A No. She is not.

20 Q Did there come a time when you received a  
21 subpoena for the production of Nevada State Welfare  
22 records regarding Jackie Guerrero?

23 A Yes.

24 Q And did you produce certain documents

1       pursuant to that subpoena?

2               A       Yes.

3               Q       Does there exist anywhere in the records of  
4       the Nevada State Welfare a list of benefits paid to a  
5       client?

6               A       Yes.

7               Q       As a document?

8               A       It's not one document.  It's a screenshot,  
9       and you'd have to go through multiple months to get all  
10      of the months that the client was on benefits, and it can  
11      be a very confusing screen depending on what the history  
12      of the client's case is with eligibility.

13              Q       Is there any -- well, can you just describe  
14      for the Court the recordkeeping system of the state  
15      welfare system?

16              A       Uh-huh.  It's called NOMAD.  I don't know  
17      what that stands for.  It's what all of our FSS, which  
18      are our Family Support Services --

19                      THE COURT:  Which stands for a lot of money  
20      in the state of Nevada?

21                      THE WITNESS:  Yes.  It's a system that they  
22      use, and any time that they effect a case for benefits,  
23      all of the records go into that system.  So any time a  
24      case is touched, it will reflect on that screen that

1     you're referring to, and it will show if we supplemented  
2     the income, if we took away the income, it will show  
3     unposted versions, it will show posted versions. It will  
4     show the history of that, but it's in multiple different  
5     screens.

6             So, for instance, if they clog, which is what  
7     a narrative is called within that system, it will tell  
8     what the worker did for the benefits, if the worker is  
9     thorough with their actual work, and then it will post in  
10    a different screen to show the actual benefit amount. So  
11    you have to match up the two, and it doesn't -- it  
12    doesn't flow evenly.

13   BY MR. ELKINS:

14           Q     Is there any single document, screen, that  
15    shows, over a period of time, amounts of benefits paid  
16    out to a client?

17           A     Not one screen, but multiple screens. It's  
18    the same screen. You just have to go to multiple  
19    versions of that screen to get the whole picture.

20           Q     Could you produce a document that showed over  
21    a period of time amounts paid out to a client?

22           A     Yes.

23           Q     You could. A document?

24           A     Not one document. Multiple screen shots,



1       yes.

2                   Q       Okay. In the case of Ms. Guerrero, you said  
3       that she had a case open with Nevada State Welfare;  
4       correct?

5                   A       Yes.

6                   Q       And who was assigned to this case?

7                   MS. ELCANO: Your Honor, I guess I'm just a  
8       little uncertain as to time frames and involvement and  
9       personal knowledge. If we could just clear that up, I'm  
10      not trying to interrupt -- and maybe you're getting to  
11      that. I just want to make sure I understand --

12                  MR. ELKINS: I'm on my way.

13                  MS. ELCANO: Okay. Perfect.

14       BY MR. ELKINS:

15                  Q       Let me just back up.

16                  Ms. Heldenbrand, as a supervisor in that  
17      NEON, is it, unit --

18                  A       Uh-huh.

19                  Q       -- do you have access to the NOMAD system?

20                  A       Yes. I have supervisor access to the NOMAD  
21      system.

22                  Q       And are you able, by reviewing what you just  
23      described to the judge, to glean from that system, over a  
24      period of time, benefits paid to a particular recipient?

1           A     Yes.

2           Q     Okay.  You are, I take it, a public official?

3           A     Yes.

4           Q     The records in the NOMAD system, are they  
5 public records in the sense they belong to Nevada State  
6 Welfare?

7           A     Yes.

8           Q     Were you asked to review the NOMAD computer  
9 entries for Jacqueline Guerrero from the period of  
10 March 2013 through July of 2014?

11          A     Yes.

12          Q     And did you do that?

13          A     Yes.

14          Q     Based upon your review of the NOMAD records  
15 kept by the State of Nevada, are you able to testify as  
16 to the amounts paid to Ms. Guerrero during that period of  
17 time?

18          A     Yes.

19          Q     Could you do so?

20          A     Yes.  March 2013, she received \$324.  It was  
21 a partial payment because she turned in her application  
22 in February of 2013.  However, we did not post the  
23 benefits until March of 2013 because of our time frames  
24 in order to process a new application.

1           From that point, from April of '13 until  
2           November of 2013, she received a benefit per month of  
3           \$513. In December of '13, due to removal of her three  
4           children and because she was pregnant, there were no  
5           common children between her and the father of the  
6           children, she received a benefit in the amount of \$253  
7           because she was eligible just for herself because she was  
8           pregnant and far enough along in her pregnancy.

9           In January of 2014 she received a benefit in  
10          the amount of \$383 for a household of three people, which  
11          is two parents and one child, because the child was born  
12          in January.

13          In February she received a benefit in the  
14          amount of \$318 for one adult and one child.

15          In March, April, and May of 2014 she received  
16          a benefit in the amount of \$291, and the reason for that  
17          is because they were budgeting the father of the child's  
18          income at the time. And then as of June and July of 2014  
19          she received a benefit in the amount of \$171 for a  
20          household of two adults and one child, and both parents  
21          were working and we were counting both incomes.

22          Q       Okay. Was there ever a time, according to  
23          the records, the NOMAD records -- sounds like records  
24          that would wander off and you have to find

1       that -- according to NOMAD records, when Ms. Guerrero was  
2       deemed ineligible for benefits from the period March 2013  
3       through July of 2014?

4               A       No. She received a benefit every month  
5       during that period.

6               Q       So by the time of the payments, she was in  
7       compliance every month?

8               A       Yes.

9               Q       And can you just generally describe what is  
10      necessary in order to be in compliance?

11              A       You have to comply with the eligibility part  
12      of the program, which is turning in verifications,  
13      including what we call a 2074, which is the income  
14      verification for their employers. They have to turn in  
15      what we call TANF packets, which is different paperwork  
16      that is required in order to be on our program. They  
17      also have to recertify at certain periods of time and  
18      turn in new applications. They have to meet with workers  
19      face to face in order to go through their TANF  
20      interviews. And other than that -- they also have to  
21      turn in birth certificate records -- I'm trying to think  
22      what else -- whatever eligibility paperwork is required  
23      through that process.

24              Q       And are people required to do anything in

1 order to maintain their benefits?

2 A Yes. They have to be in the NEON unit and  
3 they have to be case-managed by either an employment  
4 training worker or a social worker. In this case she was  
5 case-managed by a social worker, and there's other  
6 requirements in order to maintain her TANF benefits.

7 Q Such as?

8 A She has to meet with her case manager  
9 whenever requested, she has to follow what we call a  
10 personal responsibility plan, and that plan is determined  
11 by assessments that we complete during her initial  
12 appointment, and that could include -- in this case it  
13 was being in compliance with her CPS case plan, being in  
14 compliance with medical appointments, and attending  
15 mental health appointments.

16 Q Is there a requirement to seek work?

17 A Depending on the situation that the client's  
18 in, if that is a requirement that the worker feels  
19 they're able to do, there could be, but in this case --

20 MS. ELCANO: Objection, Your Honor. Again, I  
21 don't know that she has any personal knowledge of any of  
22 this information. It's my understanding she was only  
23 working with Ms. Lowrey. She was not the supervisor of  
24 Ms. Lowrey during the Guerrero case.

1 THE COURT: I didn't think you're testifying  
2 about Ms. Guerrero; you're testifying generally about --

3 MS. ELCANO: But then she said in this  
4 specific case this was required.

5 MR. ELKINS: That was volunteered, and I'll  
6 have it stricken, Judge.

7 BY MR. ELKINS:

8 Q So did something happen with regard to  
9 Ms. Guerrero's case, according to your review of the  
10 records, in or about August of 2014?

11 A August of 2014, she was no longer eligible  
12 for the program due to the time limits set out.

13 Q Could you explain the time limits to the  
14 Court?

15 A Sure. So TANF is a five-year federal  
16 program. The State of Nevada allows all five years.  
17 However, we break it up into two-year and one-year time  
18 frames. So you're eligible for benefits, as long as you  
19 qualify and follow the program, for two years, you can be  
20 on it for two years, and then you have to sit out for 12  
21 months.

22 THE COURT: Because the grant amount varies,  
23 is there an amount limit or time limit?

24 THE WITNESS: Time limit. As long as their

1 income --

2 THE COURT: So she was getting \$5 a month?

3 THE WITNESS: She can remain on the program.

4 THE COURT: But only for two years?

5 THE WITNESS: Only for two years. Then they  
6 have to sit out for 12 months, then they can come back  
7 for two years, and then they have to sit out for another  
8 12 months, and then they can come back for one year, and  
9 then they're done for a lifetime, and that's if they use  
10 all of their time in the state of Nevada.

11 THE COURT: Do you know roughly what used to  
12 be Aid to Dependent Children? Does this follow up to  
13 that?

14 THE WITNESS: I'm pretty sure --

15 THE COURT: There was no limit on the number  
16 of months you could receive ADC.

17 THE WITNESS: We have what we call T Child,  
18 which it's not -- it's where if, like, a grandparent is  
19 taking care of the children, they can be on what we call  
20 T Child, which is still a benefit amount like TANF, but  
21 they're not case-managed and there's no lifetime.

22 THE COURT: It used to be that there was no  
23 limit on the time, and California had Aid to Families  
24 with Dependent Children, so you could actually not have

1 any children and still get benefits, but that's not the  
2 case anymore?

3 THE WITNESS: No.

4 THE COURT: All Nevada has ever had is Aid to  
5 Dependent Children.

6 MR. ELKINS: I have no further questions,  
7 Your Honor.

8

9 CROSS-EXAMINATION

10 BY MS. ELCANO:

11 Q Good afternoon. I just had a couple  
12 clarifying questions.

13 So I believe, based on what you testified to,  
14 it looks like benefits were received from March of  
15 2013 to July of 2014?

16 A That's the only time frame I looked at.

17 Q Oh, okay. So additional benefits could  
18 be -- could have been received?

19 A Yes. Because as of August 2014, that's when  
20 she reached her two-year time limit sit-out period, and  
21 so, of course, March through July is not 24 months, but  
22 that is during the time frame I looked at.

23 Q So there could have been a time prior or  
24 obviously --



1           A     Yes.

2           Q     And do you have any knowledge, based on  
3 looking at that screen that you were referencing, as to  
4 the total amount or the total number of months that  
5 Ms. Guerrero has received TANF?

6           A     I do not. The only thing I'm aware of is  
7 that as of August 2014 she reached 24 months and was  
8 required to sit out for a year.

9           Q     Would it be fair to say that she could either  
10 be at her first two-year sit-out period or her second  
11 two-year sit-out period and you just don't know?

12          A     Right now I believe she's in her first  
13 two-year sit-out based on looking at that screen.

14          Q     So in theory there could be three more years  
15 of benefits that she could possibly qualify for?

16          A     Correct.

17          Q     I just wanted to make sure I understood. I  
18 think the judge was asking this, but just so I wrap my  
19 head around it.

20                 So you're not only allotted X amount of  
21 dollars of TANF benefits, so even if you were getting  
22 five dollars a month for 24 months, you'd still have a  
23 sit-out period?

24          A     Correct.

1 MS. ELCANO: Perfect. I don't have any  
2 further questions. Thank you.

3 MR. ELKINS: No further questions, Judge.

4 THE COURT: Is this witness permanently  
5 excused?

6 MR. ELKINS: Yes, sir.

7 THE COURT: Next witness.

8 MR. ELKINS: I asked the witness to come at  
9 2:30, so I'll look to see if they're out there.

10 (A recess was taken.)

11 MR. ELKINS: Judge, they're not here yet, but  
12 it's five before 2:30.

13 THE COURT: Let's just be at ease for five  
14 minutes.

15 MR. ELKINS: I appreciate it. I did my best  
16 to time it.

17 (A recess was taken.)

18 MR. ELKINS: The respondent calls Maribel  
19 Stalker, S-t-a-l-k-e-r.

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MARIBEL STALKER,  
having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ELKINS:

Q Please have a seat.

Good afternoon. Would you state your name  
for the record.

A Maribel Stalker.

Q And how do you spell your last name?

A S-t-a-l-k-e-r.

Q Ms. Stalker, have you ever testified in court  
before?

A A couple of days ago, yes, when I came to --

Q You don't have to tell me.

A But yes.

Q All right. I'm just going to ask you  
questions and you can answer the questions.

So, Ms. Stalker, do you know Jackie Guerrero?

A Excuse me?

Q Do you know Jacqueline Guerrero?

A Yes.

Q And do you see her anywhere in court today?

1 A Yes. She's right here (indicating).  
2 Q Can you point to her, please?  
3 A Right there (indicating).  
4 Q Indicating my client.  
5 Ms. Guerrero, are you familiar with a child  
6 of Ms. Guerrero's?  
7 A Yes.  
8 Q What's the child's name?  
9 A You know what? I'm sorry, I forgot his name,  
10 but I know he was there at home. I'm not going to lie.  
11 Q So when you say "he was there at home," where  
12 are we talking about?  
13 A They moved in on August 15th.  
14 Q Of what year?  
15 A Of last year.  
16 Q So that would have been 2014?  
17 A Yes.  
18 Q I'm sorry. What date?  
19 A August 15th.  
20 Q When you say "moved in," where?  
21 A To my home.  
22 Q Where was your home?  
23 A 700 East Peckham Lane, Apartment 75, in Reno.  
24 Q That's where you were living at the time?

1 A Yes.

2 Q Okay. And when you say they moved in, who do  
3 you mean?

4 A It was Jackie, Albert, the baby, yes.

5 Q And can you just explain who lived there and  
6 where?

7 A It was just my husband, myself, my daughter,  
8 Jackie, Albert, and the baby.

9 Q What is your husband's name?

10 A Troy Stalker.

11 Q And can you describe for the Court -- could  
12 you just generally describe the apartment for the Court?

13 A It was a 2-bedroom, 1-1/2 bath, a big  
14 kitchen, dining room, somewhat -- not that big of a  
15 living room, but she had, you know, things for the baby  
16 and everything --

17 Q Okay.

18 A -- and a balcony.

19 Q So can you tell the judge who -- well,  
20 withdrawn.

21 When you say she moved in, how much time did  
22 she and Albert and the baby spend there?

23 A Albert and Jackie, they were living with us  
24 for about a month and a half, almost two months, but

1 before then, it's been not even a month when Social  
2 Services came and picked up the baby.

3 Q So the baby was gone at that point?

4 A Yes.

5 Q So we'll get to that.

6 So can you describe for the Court what the  
7 sleeping arrangements were?

8 A The baby had his bed, she had, you know,  
9 things on the side for her baby, his food, everything,  
10 and so for them -- they were sleeping in the living room  
11 while the baby was sleeping in his playpen.

12 Q Okay. And can you describe that -- what you  
13 call the playpen?

14 A It's like a regular playpen, but then it's  
15 kind of like a bed, yes.

16 Q Where was that located in the apartment?

17 A 700 East Peckham.

18 Q I'm sorry. Where inside the apartment?

19 A In the living room, yes.

20 Q And you said there came a time when Social  
21 Services removed the baby?

22 A Yes. They came to my door and they wanted to  
23 walk in. I did not let them because they don't have a  
24 warrant to go into my home.

1 Q Okay. When you say "Social Services," do you  
2 recall who came to your house?

3 A I don't remember their names.

4 Q Can you describe the person?

5 A It wasn't them (indicating).

6 Q No, no. I'm not asking if it was anyone in  
7 court.

8 A If I see them, maybe I would know, yes.

9 Q Do you have any recollection what the person  
10 looked like?

11 A Not really, but like I said, I don't know  
12 their names or anything.

13 Q That's all right. Is it a man --

14 A If I have to see their face, I would know.

15 Q All right. That's fine.

16 Do you recall if it was a man or a woman?

17 A There were, like, a couple of females.

18 Q Okay.

19 A Yes.

20 Q I'm sorry. Did you say they came to the  
21 door? Is that what I heard you say?

22 A They came to my door and they asked me if  
23 Jackie was here.

24 MS. ELCANO: Objection, Your Honor. I would

1 request the witness be instructed to answer the question  
2 asked.

3 THE COURT: Well, she hasn't been.

4 Just listen to the question that you're asked  
5 and just answer that question. Okay?

6 THE WITNESS: Yes, sir.

7 THE COURT: Sometimes the formality of court  
8 is a little much for people, but just concentrate on what  
9 he's asking, and then answer just what he's asking.

10 THE WITNESS: Yes, sir.

11 BY MR. ELKINS:

12 Q Okay. So how did you know they were at the  
13 door?

14 A They banged on my door and they were looking  
15 for Jackie.

16 Q Okay. Well, they banged on the door, and  
17 what, if anything, did you do?

18 A I opened up the door, and they asked me if  
19 Jackie was there --

20 MS. ELCANO: Objection. Hearsay.

21 MR. ELKINS: It's not for the truth, Judge.  
22 It's a narrative about --

23 THE COURT: She can testify.

24 MR. ELKINS: It used to be called res gestae.



1 BY MR. ELKINS:

2 Q I'm sorry. You were saying? They asked you  
3 if --

4 A They asked me if Jackie was here and if they  
5 had -- if she had the baby, and I said, "Yes."

6 And I said, "Who are you?"

7 "Oh, we're here from, you know, CPS."

8 It was another word. It wasn't that word.

9 Q And what did you say or do?

10 A I said, "Well, do you have a warrant?"

11 And they said, "Yes."

12 And I said, "In my home?"

13 And they said, "No."

14 I said, "You know what? There's nothing you  
15 can do."

16 Q Then what happened?

17 A I closed the door on them.

18 Q And what happened next?

19 A They called the police or sheriff.

20 Q Just testify to what you know or what you  
21 saw. Okay?

22 A Yes.

23 Q So what did you see or hear next?

24 A They only said they wanted to talk to her and

1 if she was here with the baby, and I said, "Yeah." And I  
2 asked them, I mean, "Do you have a warrant to come to my  
3 house?"

4 Q We've already gone through that.

5 A Yes.

6 Q So was Ms. Guerrero present at the time in  
7 your house?

8 A There was no mess in my house --

9 Q No. Ms. Guerrero, was Jackie Guerrero there?

10 A Yes, she was.

11 Q And what, if anything, did she do?

12 A She tried to fight it.

13 Q What did --

14 A Not in a bad way.

15 Q What did she do physically, if anything?

16 A To be honest with you, I don't remember. I  
17 just remember me holding the baby.

18 Q Do you remember if Ms. Guerrero stayed in the  
19 apartment, left the apartment, anything like that?

20 A My apartment?

21 Q Yes.

22 A No.

23 Q I'm talking after -- let me be clear.  
24 You closed the door, and where was -- where

1 was the social worker or social workers at that time?

2 A Also at the door.

3 Q Where was Jackie Guerrero at that time?

4 A Inside my house.

5 Q Okay. What, if anything, did Jackie Guerrero  
6 do at that time?

7 A All she did after -- when CPS called the  
8 sheriff, marshals or police -- I can't remember what it  
9 was --

10 MS. ELCANO: Your Honor, she doesn't have  
11 personal knowledge, Your Honor.

12 THE COURT: I tell you what. Given the  
13 difficulty that you're having questioning this witness,  
14 you can ask leading questions if that would speed this  
15 along.

16 BY MR. ELKINS:

17 Q Did there come a time when the police came?

18 MS. ELCANO: Your Honor, I understand you're  
19 allowing leading, but just for a record --

20 THE COURT: Let's just get through this.

21 MS. ELCANO: I know, but I have to create a  
22 record, Your Honor. Leading questions are improper  
23 unless it's a hostile witness. That determination hasn't  
24 been made, so I'm going to object.

1 THE COURT: Let's just get through this.

2 BY MR. ELKINS:

3 Q You said that the social workers called the  
4 police.

5 Did there come a time when the police came?

6 A That's when I let them in.

7 Q So who did you let in?

8 A All of them.

9 Q Who is "all of them"?

10 A CPS, officers that were in my house, yes.

11 Q And where did they go when they came into  
12 your house?

13 A They went straight through my kitchen,  
14 because once you walk in -- there's like two entrances.  
15 When you go in, the first one is, like, towards the  
16 kitchen, the other one is -- like the bedroom is on this  
17 side --

18 MS. ELCANO: Objection, Your Honor. Can she  
19 please answer the question asked? I'm sorry. We're  
20 getting a lot of --

21 THE WITNESS: I'm explaining.

22 BY MR. ELKINS:

23 Q That's fine. So where did they go?

24 A They went straight to the kitchen, through

1 the kitchen to the dining room.

2 Q Okay. And who or what was in the dining  
3 room?

4 A It was them, Jackie and I and Albert. Wait a  
5 minute. I don't remember if he was there or not, but it  
6 was Jackie and I and Social Services and the officers.

7 Q Okay. And was the baby there?

8 A Yes. I had him in my arms.

9 Q Okay. And what happened next?

10 A They were showing me pictures about her  
11 recent residence, where she was at, about how it was all  
12 destroyed and everything, but when they came to my house,  
13 my house was clean.

14 Q So they showed you photographs of a  
15 residence?

16 A Yes. Of the previous.

17 Q And did someone tell you what those were  
18 photographs of?

19 A They told me how she left the apartment or  
20 the place that she was at, yes.

21 Q So, to your knowledge, had Ms. Guerrero been  
22 living anywhere other than your home since August 15th?

23 A No.

24 MS. ELCANO: Objection. Basis.

1 BY MR. ELKINS:

2 Q Were you in your home from August 15th?

3 A Oh, yeah. I'm home 24/7.

4 Q Was Ms. Guerrero in your home during that  
5 period of time?

6 A Yes.

7 Q Thank you.

8 By the way, do you know the date that we're  
9 talking about?

10 A August 15th.

11 Q No, no. The date when CPS came?

12 A I would say, like, maybe early September. If  
13 I'm wrong, I'm sorry.

14 Q That's all right. It's fine.

15 All right. So they showed you some pictures,  
16 and then what happened?

17 A They showed me some pictures about where she  
18 was living at and -- you know, but other than that, I  
19 mean, she's been helping me and --

20 Q My question is, what happened next?

21 A That's when they came to my house.

22 Q Right. They were there; you were holding the  
23 baby; they showed you pictures.

24 A I was holding the baby, and the officer asked

1 me to give them the baby.

2 Q And then what happened?

3 A They went ahead and left, and that's when she  
4 broke down. She had, like, a major anxiety.

5 Q So you say they left. Did they take  
6 anything -- when you say "they," who do you mean?

7 A CPS.

8 Q Okay. Did they take anything with them when  
9 they left?

10 A That I remember, I don't remember. I just  
11 remember giving the baby to them.

12 Q So did they take the baby?

13 A And I was after her.

14 Q Did they take the baby with them?

15 A Yes.

16 Q And then you said Ms. Guerrero broke down.  
17 What do you mean? What happened?

18 A A big anxiety attack. She went to the  
19 bathroom, sat down, and started screaming, crying that  
20 she wanted her baby back.

21 Q And then what happened?

22 A We ended up calling REMSA, and she ended up  
23 going to the hospital, and when she came home --

24 Q No, no, no. So REMSA came; is that correct?

1           A     Yes.

2           Q     And they took Ms. Guerrero?

3           A     To the hospital.

4           Q     No further questions.  Actually, I do have

5 one other question.

6                     Did Ms. Guerrero continue to reside with you

7 or not?

8           A     Yes.

9           Q     And until when did she reside with you?

10          A     Until about early October, maybe mid, if

11 that.

12          Q     Okay.  Of what year?

13          A     October of 2014.

14                 MR. ELKINS:  Thank you.  No further

15 questions.

16                 THE COURT:  Cross.

17                 MS. ELCANO:  The Court's indulgence, Your

18 Honor.  I'm sorry, Your Honor.  I just need a minute.

19                 THE WITNESS:  Excuse me.  Can I say one

20 thing?

21                 MR. ELKINS:  No.  Not unless you're asked a

22 question.

23                 THE COURT:  Not unless you're asked a

24 question.



1 MR. ELKINS: I'm sorry, Judge. I didn't mean  
2 to interject.

3 THE COURT: That's okay.

4  
5 CROSS-EXAMINATION

6 BY MS. ELCANO:

7 Q Good afternoon.

8 Have you had any other contact with Child  
9 Protective Services or Social Services aside from that  
10 particular day?

11 A Who do you refer to, me or her?

12 Q Have you personally spoken to anybody else at  
13 Social Services?

14 A About whom?

15 Q About Ms. Guerrero, aside from that day.

16 A No.

17 Q You didn't attend a protective -- pardon  
18 me -- a protective custody hearing in regards to  
19 Ms. Guerrero?

20 A Can you specify what year, what month?

21 Q In September of 2014.

22 A When it came regarding to her kids, yes, I  
23 was in court with her.

24 Q And did you testify in court?

1 A Yeah.

2 Q In regards to Ms. Guerrero at a protective  
3 custody hearing?

4 A On her side, yes.

5 Q And are you in your house 24 hours a day?

6 A Yes.

7 Q You never leave your home?

8 A Only if I have appointments or pick up my  
9 child.

10 Q Okay. So you maybe left your home once or  
11 twice a day between August 17th of 2014 to September of  
12 2014?

13 A I'm sorry to ask you, but who are you  
14 referring to this?

15 Q You. I'm asking you.

16 A About me or about her?

17 Q I'm asking about you.

18 A I mean, this is about her, not about me. I'm  
19 sorry.

20 THE COURT: You know, just listen to the  
21 question, and answer the question regardless of who it's  
22 about. Just listen to the question and answer the  
23 question.

24 /////

1 BY MS. ELCANO:

2 Q So I was asking in regards to October 17th  
3 [sic] to the end of September of 2014.

4 You testified that you maybe left your home  
5 once or twice a day?

6 A Like I said, again, normally it depends if I  
7 have to go pick up my daughter or take one of my kids to  
8 a doctor's or --

9 Q So you can't specifically state during that  
10 time period what you had done on those particular days;  
11 correct?

12 A No. Should I get reports for then or --

13 Q I'm sorry?

14 A Should I get some reports that say where I  
15 was at last year or --

16 THE COURT: That's just -- just answer the  
17 questions that you're asked. Go ahead.

18 MS. ELCANO: Thank you, Your Honor.

19 BY MS. ELCANO:

20 Q You indicated that Ms. Guerrero lived with  
21 you during that time period?

22 A Yes.

23 Q You have no knowledge as to whether or not  
24 Ms. Guerrero was living elsewhere, maintaining another

1 residence; is that correct?

2 A No. She has always been living with me.

3 Q So you know everything that Ms. Guerrero did  
4 during that time period and you could account for every  
5 single thing she did?

6 A She did her thing. She would get up, get  
7 dressed, look for a job, take her baby, come back later  
8 on during the day. Yeah, she was --

9 Q So there were time periods when Ms. Guerrero  
10 was gone that you were unaware of what Ms. Guerrero was  
11 doing?

12 A I always knew, but I never questioned her to  
13 say, "Where are you going? Where are you going to be  
14 at?" I don't do that.

15 MS. ELCANO: I have no further questions,  
16 Your Honor. Thank you.

17 MR. ELKINS: Nothing else, Judge. Thank you.

18 THE COURT: Does anyone want this witness  
19 back?

20 MR. ELKINS: No, Judge.

21 THE COURT: Thank you, ma'am.

22 MR. ELKINS: One more witness, Judge.

23 /////

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TROY STALKER,  
having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ELKINS:

Q Good afternoon. Mr. Stalker, are you here  
under subpoena?

A Yes.

Q Okay. Thank you.

And can you just state your name for the  
Court?

A Troy Stalker, S-t-a-l-k-e-r.

Q Thank you.

And, Mr. Stalker, are you employed?

A Yes, I am.

Q What do you do for a living?

A For the past nine and a half years, I work at  
the Walmart Distribution Center and the FTD shipping  
department.

Q Have you ever testified in court before?

A Yes.

Q Mr. Stalker, do you know a person by the name  
of Jacqueline Guerrero?

1           A     Vaguely, yes.

2           Q     Okay.  Would you recognize her if you saw

3     her?

4           A     Yes.

5           Q     Do you see her present today?

6           A     Yes.

7           Q     Would you indicate --

8           A     (Indicating).

9           Q     Indicating my client.

10                Mr. Stalker, where do you know Ms. Guerrero

11     from?

12           A     I met her through my wife and my wife's

13     brother, so --

14           Q     And what is your wife's brother's name?

15           A     Edward Alverde.

16           Q     And can you just describe for me, do you know

17     about when you met her, approximately?

18           A     No, I don't.  It's probably about a year.

19           Q     Did there -- well, have you ever -- well, let

20     me ask you this.

21                Last year where did you reside?

22           A     Last year, 700 East Peckham Lane, Apartment

23     75.

24           Q     And with whom did you reside?

1           A     I was living with my wife, who was just in  
2 the courtroom, and her other daughter, Bianca.

3           Q     Did there come a time when anybody else  
4 resided with you?

5           A     Yes.

6           Q     Who was that?

7           A     It was Jacqueline and her boyfriend, which I  
8 can't remember his name.

9           Q     Anyone else?

10          A     No.

11          Q     Okay. Did anyone reside, to your knowledge,  
12 with Jacqueline at the time?

13          A     It was her boyfriend.

14          Q     Anyone else?

15          A     I don't remember, no.

16                THE COURT: Was there a baby?

17                THE WITNESS: The baby -- the baby was there,  
18 but the baby did not live there. It was shortly after  
19 Jacqueline came, I think the same day or the day after,  
20 the baby was taken away.

21 BY MR. ELKINS:

22          Q     Okay. So when did Ms. Guerrero come to live  
23 with you?

24          A     The exact time frame, sir, I do not know.

1 Q Do you know the date, approximately?

2 A No, I do not.

3 MR. ELKINS: I have no further questions,  
4 Judge.

5 MS. ELCANO: I have no questions, Your Honor.  
6 Thank you.

7 THE COURT: You're excused Mr. Stalker.  
8 Thank you.

9 Do we want to take a short break for this  
10 afternoon and then finish her up? So let's break for  
11 about -- until 3:15.

12 MS. ELCANO: Your Honor, am I back on?

13 THE COURT: Yes.

14 MR. ELKINS: We don't have any other  
15 witnesses today.

16 THE COURT: This is your last witness.

17 MS. ELCANO: Yes, Your Honor.

18 And Ms. Seronio is testifying. Ms. Lopez has  
19 already testified. May Ms. Lopez remain?

20 THE COURT: Mr. Elkins, you were the one who  
21 was complaining about it.

22 MS. ELCANO: I think the concern was  
23 collaboration --

24 THE COURT: She's been a witness. I don't



1 think there's any problem.

2 MR. ELKINS: No, I don't have any problem  
3 with that.

4 THE COURT: She probably doesn't want to,  
5 but --

6 MR. ELKINS: So as I understand, then,  
7 Ms. Seronio will testify this afternoon. We have  
8 witnesses from the Children's Cabinet we've subpoenaed,  
9 and I actually thought that they would be on tomorrow  
10 afternoon based upon our earlier conversation, so I think  
11 we can reach out to them and have them tomorrow morning.

12 THE COURT: What you're saying, if we get  
13 done this afternoon, then we'll break, and you can start  
14 calling the witnesses tomorrow, so you've got all evening  
15 long to call whoever you need to and schedule them, I  
16 guess.

17 MR. ELKINS: There's only -- we only have two  
18 remaining witnesses, Judge, I think, from the Children's  
19 Cabinet.

20 THE COURT: We're not going to need another  
21 day on this.

22 MR. ELKINS: I suppose it depends how far we  
23 get today and how much time we have tomorrow. As I've  
24 said before, you know, the district attorney's case has

1 taken -- this is Thursday -- three and a half days. I  
2 would like my client to be able to testify at length  
3 without feeling time pressure.

4 THE COURT: I'm not going to put any time  
5 pressure on her in terms of time, but if you get done  
6 with your other witnesses tomorrow, we can start with her  
7 with the understanding that we'll take our time, and if  
8 we don't finish, then -- I'm not going to keep her on the  
9 stand until 8 o'clock to be done.

10 MR. ELKINS: All right. Thank you.

11 THE COURT: And did we ever get another day.

12 THE CLERK: We didn't. They asked to wait  
13 until tomorrow to determine what we need.

14 THE COURT: We'll take a 15-minute break  
15 until 3:20. We'll come back, go as far as we can with  
16 Ms. Seronio, and if you don't finish today, we'll put her  
17 on in the morning, and then you've got your witnesses. I  
18 don't know how long she's going to take, so you'll have  
19 most of tomorrow, and if we need more time after that,  
20 we'll ask for it. Okay?

21 MR. ELKINS: Fair enough.

22 THE COURT: Court's in recess.

23 (A recess was taken.)

24 THE COURT: This is Case No. FV14-03897 in

1 the matter of the parental rights as to the Taylor  
2 children as set out in the petition. The parties are  
3 present with their counsel.

4 Ms. Elcano.

5 MS. ELCANO: Yes, Your Honor, I would call  
6 Malia Seronio, please.

7  
8 MALIA SERONIO,

9 having been first duly sworn by the court clerk,

10 was examined and testified as follows:

11  
12 DIRECT EXAMINATION

13 BY MS. ELCANO:

14 Q Good afternoon. Would you state your name  
15 and spell your name for the Court.

16 A My name is Malia, M-a-l-i-a, Seronio,  
17 S-e-r-o-n-i-o.

18 Q Can you please identify your present  
19 employer?

20 A It is Washoe County Department of Social  
21 Services.

22 Q And in what capacity are you presently  
23 employed by Washoe County Department of Social Services?

24 A I'm a permanency worker.

1           Q     And how long have you been employed at Washoe  
2 County Department of Social Services?

3           A     One year and one month.

4           Q     And where were you employed prior to Washoe  
5 County Department of Social Services?

6           A     University of Nevada, Reno Police Services.

7           Q     What were your job responsibilities while  
8 employed there?

9           A     I was an administrative assistant, and I was  
10 responsible for assisting keeping the records.

11          Q     What specialty training have you completed  
12 while employed with Washoe County Department of Social  
13 Services?

14          A     I completed CORE or Nevada Child Welfare  
15 Academy, and that was approximately five weeks long. I  
16 also participated in training in the SAFE-Family  
17 Connections model.

18          Q     Also known as SAFE-FC?

19          A     Yes.

20          Q     Thank you.

21                And could you please describe your  
22 educational background for the Court?

23          A     I have a bachelor's degree in social work  
24 from the University of Nevada, Reno.

1 Q Are you a licensed social worker?

2 A I am.

3 Q Could you please identify and describe your

4 duties and responsibilities as a permanency worker?

5 A I am tasked with providing services to

6 families to assist them with reunification.

7 Q Are you familiar with Ethan Hunt-Taylor?

8 A I am.

9 Q And in what capacity?

10 A I am the social worker.

11 Q Assigned to his case?

12 A Yes.

13 Q And does Ethan have any siblings?

14 A He does.

15 Q Who are those siblings?

16 A Roberto Hunt-Taylor, Nathan Hunt-Taylor, and

17 Kayleigh Guerrero-Taylor.

18 Q And are you the assigned social worker for

19 Ethan's siblings?

20 A I am not.

21 Q And who is?

22 A Ms. Rocio Lopez.

23 Q Thank you.

24 Q Who is Ethan's mother?

1           A     Jacqueline Guerrero.

2           Q     And is she present in the courtroom today?

3           A     She is.

4           Q     And can you please identify her?

5           A     She is seated next to opposing counsel.

6           Q     Who is Ethan's father?

7           A     Robert Hunt-Taylor.

8           Q     And how is paternity established as to

9     Mr. Hunt-Taylor?

10          A     We have an affidavit of paternity.

11          Q     That he signed?

12          A     Yes.

13          Q     And when were you the assigned social worker

14     to Ethan's case?

15          A     October 2014.

16          Q     Did you have any previous involvement with

17     this family?

18          A     I did. I worked with them as an intern under

19     Rocio Lopez.

20          Q     And approximately when were you the intern,

21     what time period?

22          A     I believe I started with Ms. Lopez in August

23     of 2013.

24          Q     And as an intern -- can you just describe, as

1 an intern, what you're doing?

2 A My duties as an intern were basically to  
3 shadow Ms. Lopez and to complete tasks as she assigned  
4 them. I also did some individual meetings with clients,  
5 I assisted with transportation, things like that.

6 Q Were you specifically assigned to a  
7 particular case as an intern or to a particular worker?

8 A I was specifically assigned to a worker,  
9 though Ms. Lopez did have me working on specific cases.

10 Q Thank you.

11 Is Ethan's case a SAFE-FC case?

12 A It is.

13 Q And was it assigned to SAFE-FC because his  
14 siblings already had a SAFE-FC case?

15 A Yes.

16 Q Where was Ethan placed at the time this case  
17 was assigned to you?

18 A With Ms. Sandra Matute.

19 Q And where is Ethan placed today?

20 A With Ms. Sierra Matute.

21 Q Has that placement ever changed throughout  
22 the life of this case?

23 A No.

24 Q Is Ethan presently placed with his siblings?

1 A He is.

2 Q What did you do first after this case was  
3 assigned to you?

4 A I reviewed the Nevada Initial Assessment as  
5 well as the most recent case notes.

6 Q And did you staff this case with anyone upon  
7 it being assigned to you?

8 A Yes. I staffed with my supervisor, the  
9 assessment supervisor, Melanie Elam, as well as the  
10 assessment worker, Denise Tyre. I also staffed briefly  
11 with Ms. Rocio Lopez.

12 Q And after reviewing the documents you  
13 indicated you reviewed and staffing this case, what were  
14 the outstanding safety concerns which prevented Ethan  
15 from being placed safely with Ms. Guerrero?

16 A There were concerns about the condition of  
17 the home as well as the family's ability to provide basic  
18 needs. Mr. Hunt-Taylor had also recently been arrested  
19 for domestic violence.

20 Q What was the permanency plan for Ethan when  
21 this case was transferred to you?

22 A Reunification.

23 Q And did that change while you were the  
24 assigned worker?



1           A     It did.

2           Q     And what did it -- what plan initially did  
3 Washoe County Department of Social Services seek to  
4 change the plan to?

5           A     Termination of parental rights.

6           Q     And was the plan changed to termination of  
7 parental rights?

8           A     It was not.

9           Q     What was the plan changed to?

10          A     A concurrent plan of reunification as well as  
11 termination of parental rights followed by adoption.

12          Q     And can you please explain to the Court what  
13 a concurrent plan is?

14          A     A concurrent plan indicates that I would  
15 continue working reasonable efforts with Ms. Guerrero,  
16 but I would also begin working towards termination of  
17 parental rights and steps required to do that.

18          Q     And was this concurrent plan an agreed-upon  
19 plan by all of the parties involved in this particular  
20 case?

21          A     It was. There was a stipulation.

22                MS. ELCANO: Your Honor, I would like to turn  
23 the Court's attention to Exhibit B. And I apologize,  
24 these are not each individually Bates-stamped, but it's

1 toward the end, and the document is entitled  
2 "Stipulation/Order Adopting a Concurrent Permanency  
3 Plan."

4 THE COURT: About where in the packet is it?

5 MS. ELCANO: I would say it's three-quarters  
6 of the way -- actually, I think it's the very last  
7 document in Exhibit B.

8 MR. ELKINS: It's dated January 28th, Judge.

9 MS. ELCANO: I apologize. Thank you.

10 THE COURT: Dated January 28th. When was it  
11 filed?

12 MS. ELCANO: It was filed --

13 MR. ELKINS: January 30th, Judge.

14 MS. ELCANO: No. I think it was --

15 MR. ELKINS: Top right-hand corner, it says  
16 "January 30, '15."

17 MS. ELCANO: That's right. I'm sorry. I  
18 looked at the wrong -- it's May 21, 2015.

19 MR. ELKINS: I'm sorry, Judge. That's the  
20 order. The stipulation follows, and it's dated May 21st,  
21 that's correct.

22 THE COURT: Okay.

23 MS. ELCANO: It's the very last document in  
24 B.

1 MR. ELKINS: That's correct.

2 THE COURT: Okay. I got it.

3 BY MS. ELCANO:

4 Q Okay. And as part of this agreement, isn't  
5 it correct that Washoe County Department of Social  
6 Services agreed to provide additional services for  
7 reunification to Ms. Guerrero?

8 A That's correct.

9 Q And do you recall what those services were?

10 A They were -- we were to continue assisting  
11 her with housing, employment, as well as mental health  
12 services, including medication.

13 Q And if you could please turn to Exhibit B in  
14 your book as well and to the very last document and  
15 review page 2 of that document, and let me know if  
16 there's anything additional you'd like to add.

17 A We were to continue providing visitation as  
18 well as transportation and material assistance for  
19 Ms. Guerrero and assistance in working with welfare to  
20 reinstate Ms. Guerrero's benefits after her sit-out  
21 period ends, as well as referral to dialectical  
22 behavioral therapy.

23 Q Thank you.

24 And it was also acknowledged and agreed that

1 Washoe County Department of Social Services could move  
2 forward with adding Ethan to the termination petition; is  
3 that correct?

4 A That's correct.

5 Q Thank you.

6 Was there a case plan and service agreement  
7 in effect for Ms. Guerrero as to Ethan when you were  
8 assigned to this case?

9 A There was not.

10 Q And did you develop one?

11 A I did.

12 Q And when, approximately?

13 A It would have been, I believe, in October of  
14 2014.

15 Q Okay. And what goals or objectives were  
16 identified in Ms. Guerrero's case plan and service  
17 agreement?

18 A Ms. Guerrero was identified a behavioral,  
19 cognitive, and emotional goal. Her behavioral goals  
20 revolved around her ability to have a routine: Get up  
21 every day, attend appointments and work on time, things  
22 of that nature.

23 Her cognitive goal involved her ability to  
24 plan ahead and make decisions independently regarding her

1 children's care and safety, including a plan to maintain  
2 a clean home and support.

3 She also had an emotional goal which revolved  
4 around ensuring that her emotional state did not  
5 debilitate her or keep her from taking action in regards  
6 to her children.

7 Q Was basic needs a part of this?

8 A Yes.

9 Q And where did that fall under the behavioral,  
10 cognitive, and emotional?

11 A It fell both under the behavioral and the  
12 cognitive role goal.

13 Q And why was that identified as a need or --  
14 pardon me -- a goal or objective for Ms. Guerrero?

15 A At the time of the case and throughout the  
16 case history, Ms. Guerrero had not demonstrated an  
17 ability to consistently provide for her child's basic  
18 needs.

19 Q And what do basic needs include? What do you  
20 mean by "basic needs"?

21 A Food, clothing, shelter, things of that  
22 nature.

23 Q So I kind of wanted to walk through this case  
24 with you.

1                   You said you got assigned in October of 2014.  
2       When did you first speak with Ms. Guerrero?

3           A       We spoke over the phone, but I did not meet  
4       with her in person until October 17th of 2014.

5           Q       And why didn't you meet with her sooner?

6           A       She did not return my phone calls, and we had  
7       established a meeting, but she did not attend.

8           Q       Approximately how many meetings did you set?

9           A       Approximately one or two.

10          Q       And when you first met with Ms. Guerrero,  
11       what was discussed?

12          A       We discussed the reason for Ethan's removal.  
13       She was very -- she was insistent that she did not  
14       understand why he was removed, so we walked through the  
15       impending danger threats that were identified, and the  
16       reasons for his removal as I understood them.

17          Q       And you indicated that you -- I'm sorry. I  
18       forgot to write it down.

19                   When did you draft this case plan and service  
20       agreement?

21          A       I believe in October of 2014.

22          Q       Okay. When did you first meet with  
23       Ms. Guerrero regarding the case plan and service  
24       agreement?

1           A     I believe that was in November of 2014.

2           Q     Was Ms. Guerrero present for that meeting?

3           A     She was.

4           Q     Was her attorney present?

5           A     He was.

6           Q     Did Ms. Guerrero participate in the creation  
7 of the case plan and service agreement goals and  
8 objectives?

9           A     She did not.

10          Q     What tasks were addressed with Ms. Guerrero  
11 to address the issue of housing for her and her children?

12          A     We had asked that she use the housing voucher  
13 that she had at that time. We also asked her to access  
14 other community resources in order to obtain housing in  
15 that period.

16          Q     Was this a Section 8 voucher?

17          A     I believe so, yes.

18          Q     Okay. And what services were offered to  
19 Ms. Guerrero to help her address this issue?

20          A     She was referred to multiple shelters,  
21 including Case De Vida. I provided her a letter in May  
22 of this year, 2015, to assist her to get into the  
23 Committee to Aid Abused Women shelter. We had -- I also  
24 ordered her birth certificate for her so she could

1 complete her housing authority application after her  
2 original voucher expired. I provided transportation for  
3 her to Reno Housing Authority as well as the children's  
4 original birth certificates so that her Housing Authority  
5 application could be completed.

6 Q And when you say "provided transportation,"  
7 what do you mean by that?

8 A Ms. Guerrero met me at my office, and I drove  
9 her to the Reno Housing Authority location.

10 Q And did you wait while she completed her  
11 application or did what she needed to do?

12 A Yes.

13 Q And then what happened after that?

14 A I believe I drove her -- I can't remember  
15 where I drove her after that.

16 Q And did you assist Ms. Guerrero while  
17 completing the application?

18 A She asked me a couple questions, but it  
19 wasn't anything of a serious nature.

20 Q Did Ms. Guerrero effectively complete any of  
21 the tasks assigned to her?

22 A She did not.

23 Q Did she participate in the services that you  
24 offered to her?



1           A     When they were directly applied to her, yes.

2           Q     To your knowledge where does Ms. Guerrero  
3 currently live?

4           A     She has indicated to me that she's currently  
5 residing in the Prayer House.

6           Q     Is that a shelter?

7           A     Yes.

8           Q     Throughout this case, since you were assigned  
9 in October, while you were the assigned caseworker or  
10 social worker -- pardon me -- was Ms. Guerrero able to  
11 obtain stable housing?

12          A     She was not.

13          Q     And where did she live at the time you were  
14 assigned to the case in October?

15          A     She would not report to me her residence at  
16 that time. She did not report her residence to me until  
17 December of 2014.

18          Q     And where did she live in December of 2014?

19          A     I believe the address was 536 either Grand  
20 Canyon Street or Boulevard.

21          Q     And where did Ms. Guerrero live subsequent to  
22 that?

23          A     She did reside in various motels, although  
24 she was not always able to report to me which motel. She

1 did reside at the Committee to Aid Abused Women shelter  
2 for about a month. She was not able to extend that time  
3 because she wasn't employed.

4 Q What month or what time period,  
5 approximately, was she residing -- was Ms. Guerrero  
6 residing at CAAW?

7 A I believe she resided there from May into  
8 July.

9 Q Of what year?

10 A This year, 2015.

11 Q And then do you know approximately when  
12 Ms. Guerrero was no longer living at the Grand  
13 Canyon address? I think that's what you identified as  
14 the street.

15 A Yes. I believe it was sometime either late  
16 January or early February.

17 Q Of what year?

18 A 2015.

19 Q And then it's your understanding from  
20 February -- January or February to May, Ms. Guerrero was  
21 residing at hotels?

22 A To my knowledge, yes.

23 Q Okay. And do you know, when Ms. Guerrero was  
24 no longer at CAAW in July of 2015, where she moved next?

1           A     I'm not aware.

2           Q     Okay. And did you ask Ms. Guerrero?

3           A     I did. She was not able to provide me with  
4     an address.

5           Q     Okay. And when did you learn that  
6     Ms. Guerrero was at the Prayer House --

7                     Am I saying that right?

8           A     Yes, that's correct.

9           Q     -- shelter?

10          A     She actually only informed me this as of last  
11     week, August 25th.

12          Q     So from July 2015 to late August of 2015,  
13     were you aware of Ms. Guerrero having any other  
14     residences?

15          A     No.

16          Q     Thank you.

17                     I believe you indicated that cleanliness at  
18     the house was an issue when Ethan came into care. What  
19     services were offered to Ms. Guerrero to address that?

20          A     She was offered through Children's Cabinet  
21     services for --

22                     MR. ELKINS: Objection, Judge, unless it's  
23     within the witness's personal knowledge or something she  
24     did.

1 THE WITNESS: It was in her case plan and  
2 service agreement.

3 MR. ELKINS: Objection, Judge.

4 BY MS. ELCANO:

5 Q What services were identified in  
6 Ms. Guerrero's case plan and service agreement to address  
7 the cleanliness of the house?

8 A Time management through Children's Cabinet.

9 Q And what services specifically did you  
10 request that Children's Cabinet offer to Ms. Guerrero to  
11 address this issue?

12 A I asked them to sit down with her and  
13 establish a routine for her, which would have included  
14 time to maintain her house. She had also indicated to  
15 me, at one point when I visited the home, that her vacuum  
16 cleaner was broken, so I asked that they provide her with  
17 assistance in repairing her vacuum.

18 Q And who is "she"?

19 A Ms. Guerrero.

20 Q Thank you.

21 Did you offer any additional services to  
22 Ms. Guerrero to address the cleanliness and safety of the  
23 home?

24 A No, I did not.

1           Q     Did Ms. Guerrero participate in these  
2 services based on your knowledge in speaking with  
3 Ms. Guerrero or with you?

4           A     Ms. Guerrero was not consistent with  
5 Children's Cabinet, to my knowledge.

6           MR. ELKINS: Judge, objection, unless the  
7 witness is testifying from personal knowledge.

8           MS. ELCANO: I'm sorry. I thought the way I  
9 phrased the question was sufficient. Based upon her  
10 conversations with Ms. Guerrero, did she effectively  
11 engage in those services.

12           THE WITNESS: Ms. Guerrero frequently  
13 reported to me that she had missed appointments with  
14 Children's Cabinet, but she did obtain to my knowledge,  
15 based on her report, the vacuum belt to repair her vacuum  
16 cleaner.

17 BY MS. ELCANO:

18           Q     What tasks were identified for Ms. Guerrero  
19 to address her lack of income in regards to employment or  
20 possibly receipt of governmental benefits?

21           A     She was asked to obtain some sort of stable  
22 income.

23           Q     And what services were offered by Social  
24 Services to Ms. Guerrero to address this?

1           A     I personally offered her -- I provided her  
2 with copies of job opportunities. I also -- I'm sorry.  
3 I'm blanking.

4           Q     You're fine.

5           A     She was also offered this through Children's  
6 Cabinet as part of her --

7           Q     Again, if you can just tell me what services  
8 you personally offered for now, and then we'll move  
9 forward from there.

10          A     She was -- we discussed her seeking benefits  
11 through Social Security Income, and that's all I can  
12 recall at this time.

13          Q     Okay. And did you request that Children's  
14 Cabinet offer Ms. Guerrero additional services related to  
15 the obtaining of a job?

16          A     Yes.

17          Q     And what services did you request Children's  
18 Cabinet offer her?

19          A     Similar services for helping her seek  
20 employment as well as establishing a budget at such time  
21 she had employment.

22          Q     And based on your conversations with  
23 Ms. Guerrero and your interactions with Ms. Guerrero, did  
24 she follow through with these services?

1           A     She followed through when they were directly  
2     applied to her.  However, she did not obtain a source of  
3     stable income.

4           Q     And when you say "directly applied to her,"  
5     you've used that a couple times.  Can you clarify to me  
6     what you mean by that term?

7           A     I mean when someone was in the room with her  
8     providing the services directly to her.

9           Q     I see.  And if she was asked to do it of her  
10    own volition, did she follow through with those services?

11           MR. ELKINS:  Judge, I'm sorry to interrupt  
12    you, but this is just a vague question.  It's so  
13    overbroad it doesn't relate to particular events.  That's  
14    my objection.  She's asking essentially apparently for a  
15    summary of a great deal of information.

16           THE COURT:  Maybe be a little more specific.  
17    BY MS. ELCANO:

18           Q     So what services particularly did  
19    Ms. Guerrero follow through with or engage in?

20           A     Ms. Guerrero did report to me attempting at  
21    several different locations, trying to seek employment.  
22    She did report to me attempting to seek employment  
23    through several temp agencies.  She did report to me  
24    applying to many jobs.

1           Q     Did you ever receive any verification from  
2     Ms. Guerrero that she actually applied to these jobs?

3           A     Not the application, no.

4           Q     Did Ms. Guerrero ever ask you for assistance  
5     with the job applications?

6           A     She did not.

7           Q     Is Ms. Guerrero presently employed to your  
8     knowledge?

9           A     Not to my knowledge.

10          Q     And based on your conversations with  
11     Ms. Guerrero or any pay stubs she supplied to you, was  
12     Ms. Guerrero employed from October until now, at the time  
13     you've been assigned to this case as a caseworker?

14          A     She was employed at Motel 6 through a period  
15     from sometime in October through November. She did  
16     report to me that she was employed at the La Quinta Inn.  
17     However, I believe that this was for a very brief period  
18     of time, perhaps no more than a week or two.

19          Q     Did Ms. Guerrero provide paycheck stubs for  
20     Motel 6?

21          A     She did.

22          Q     And did she provide paycheck stubs for  
23     La Quinta?

24          A     She did not.



1           Q     Did Ms. Guerrero indicate why she left the  
2 Motel 6 job to you?

3           A     She had indicated that her anxiety was  
4 getting the best of her. She had indicated multiple  
5 reasons. Her register came up short at one point, and  
6 she also indicated that Alberto was coming to Motel 6 and  
7 essentially stalking her there.

8           Q     Alberto who?

9           A     Alberto Vazquez.

10          Q     And when were these services provided to  
11 Ms. Guerrero, while you were the assigned social worker,  
12 that you personally provided?

13          A     Throughout the life of the case.

14          Q     Okay. And did Ms. Guerrero -- pardon me.

15                 Why did you recommend that Ms. Guerrero look  
16 at SSI income?

17               MR. ELKINS: Objection. I don't believe that  
18 that was the testimony.

19               MS. ELCANO: She asked that Ms. Guerrero look  
20 at applying for SSI.

21               MR. ELKINS: Objection. We can have it read  
22 back, Judge. I don't think that's what the testimony is.

23               THE COURT: That's what I got, that she  
24 recommended she go apply for -- look into SSI.

1 MR. ELKINS: Discussed her receiving SSI.  
2 That's what I heard, discussed her receiving. Objection  
3 to the form of the question.  
4 BY MS. ELCANO:  
5 Q So you discussed Ms. Guerrero receiving SSI.  
6 What specifically was your discussion?  
7 A That she may qualify based on the fact that  
8 she potentially had an anxiety disorder.  
9 Q And what did you request that Ms. Guerrero do  
10 given that information?  
11 A That she go to Social Security Income and  
12 seek services.  
13 Q And did you provide the location of the SSI  
14 office to her?  
15 A I don't believe I did.  
16 Q Did Ms. Guerrero, to your knowledge, ever go  
17 and seek SSI income based on what she indicated to you?  
18 A She had indicated to me that she had an  
19 appointment with them, I believe, in November, and then  
20 again she had indicated that she had appointments with  
21 them, I believe, sometime in January or February.  
22 Q To your knowledge, based on conversations  
23 with Ms. Guerrero, did she ever obtain SSI income?  
24 A Based on my conversations with her, no.

1           Q     And did Ms. Guerrero demonstrate an ability  
2 to maintain stable employment throughout this case?

3           A     She did not.

4           Q     To your knowledge based on your conversations  
5 with Ms. Guerrero, did she receive TANF during the time  
6 you were assigned to this case?

7           A     She did not.

8           Q     And why was that based on what Ms. Guerrero  
9 informed you?

10          A     She was on sit-out.

11          Q     What tasks were identified by Ms. Guerrero to  
12 address her ability to pay her bills timely and  
13 consistently?

14          A     That would have been part of her budget.

15          Q     Let's talk a little bit about her budget.

16                 What services did you personally offer to  
17 Ms. Guerrero to address timely paying bills and  
18 budgeting?

19          A     Unfortunately, at the time that I had this  
20 case, Ms. Guerrero had no income with which to pay her  
21 bills.

22          Q     Did you offer her any services then?

23          A     Not that I can think of.

24          Q     Okay. That's fine.

1 I'd like to turn next to Cognitive Goals, and  
2 I believe you identified that those were associated with  
3 planning ahead, decision-making, cleaning the home.

4 Why was this cognitive goal identified for  
5 Ms. Guerrero?

6 A We had concerns about her ability to plan  
7 ahead and make decisions independently as that had been a  
8 struggle throughout the life of the case.

9 Q What tasks were identified for Ms. Guerrero  
10 to complete to address this?

11 A We asked her to complete initially a  
12 psychological evaluation to determine her strengths and  
13 weaknesses in this area.

14 Q When did you ask for Ms. Guerrero to do that?

15 A It was part of her case plan, but we also  
16 established an appointment for her in December of 2014.

17 Q Why was it determined that a psychological  
18 evaluation or why did you recommend a psychological  
19 evaluation?

20 A Other evaluations had been completed in the  
21 past and did not appear to have uncovered the root of the  
22 matter, so we asked that this evaluation be completed to  
23 see if there were further services required.

24 Q So you testified you created the case plan

1 and service agreement in November 2014, and why did it  
2 take until December of 2014 to make that appointment?

3 A So I began making calls to establish in  
4 appointment in November of 2014. Unfortunately, the  
5 first available was in December 2014.

6 Q And who was that with?

7 A Dr. Rogina.

8 Q Based on the psychological evaluation, did  
9 you ask Ms. Guerrero to complete any other evaluations?

10 A Based on this evaluation, I did not.

11 Q Was Ms. Guerrero asked to complete any other  
12 evaluations?

13 A She was asked to complete a  
14 neuropsychological evaluation with Dr. Aberasturi.

15 Q And when?

16 A We were able to get appointments for her  
17 beginning in January of 2015.

18 Q Again, it seems like there's a month gap.  
19 Why that length of time?

20 A I had referred her -- unfortunately, with  
21 psychological evaluation service providers, there is  
22 often a wait to get clients in to see them, but we did  
23 not receive the psychological evaluation until January.

24 THE COURT: When you say you didn't receive

1 it, you mean the appointment?

2 THE WITNESS: I mean I didn't receive the  
3 report until January.

4 THE COURT: From Dr. Aberasturi?

5 THE WITNESS: Dr. Rogina.

6 BY MS. ELCANO:

7 Q Given Dr. Aberasturi's recommendations, what  
8 services did you offer to Ms. Guerrero personally?

9 A We referred her for dialectical behavioral  
10 therapy. We also referred her to individual therapy  
11 until such time as a dialectical behavioral therapist was  
12 available.

13 We also ensured that we were writing things  
14 down for Ms. Guerrero. That was part of the  
15 recommendation.

16 We also -- I also transported her to Northern  
17 Nevada Adult Mental Health Services in an attempt to  
18 receive services through their agency. At this time we  
19 were referred out and an appointment was made with  
20 Alliance Family Services in order to receive medication  
21 management services.

22 Q When did you refer Ms. Guerrero to DBT  
23 therapy, approximately?

24 A I provided my first referral as of March 4,

1 2015, I believe.

2 Q And who was that referral to?

3 A Amanda Buttacavoli.

4 Q And why was Ms. Guerrero referred to  
5 Ms. Buttacavoli?

6 A Because Ms. Buttacavoli is certified to  
7 implement dialectical behavioral therapy.

8 Q And who did you refer Ms. Guerrero to for  
9 individual counseling?

10 A Dori Orlich.

11 Q You indicated you transported Ms. Guerrero to  
12 NNAMHS. What do you mean by "transported"?

13 A I drove to her home, I picked her up that  
14 morning, and we drove to Northern Nevada Adult Mental  
15 Health Services, and then I took her home.

16 Q And when did you do that?

17 A April 3, 2014, I believe.

18 Q I'm sorry to backtrack. And that's 2015;  
19 correct?

20 A 2015, yes. Excuse me.

21 Q When did you refer Ms. Guerrero to Dori  
22 Orlich?

23 A January 2015.

24 Q You indicated you went to Northern Nevada

1 Adult Mental Health Services and were referred out.

2 What do you mean by that?

3 A They were not willing to provide services to  
4 Ms. Guerrero at that time because she was on Amerigroup  
5 Medicaid, and they were primarily focusing on Health Plan  
6 of Nevada Medicaid patients at this time due to limited  
7 resources in the community for that service.

8 Q And why did you take Ms. Guerrero to Northern  
9 Nevada Adult Mental Health Services?

10 A I wanted to ensure that she made it there and  
11 was seen.

12 Q Seen for what?

13 A Seen for mental health services.

14 Q Okay. And who were you referred to given  
15 that NNAMHS couldn't complete an evaluation?

16 A Alliance Family Services.

17 Q And when were you referred -- was an  
18 appointment made?

19 A That same day we made an appointment in our  
20 office.

21 Q Do you recall when the appointment was for?

22 A I believe it was the following week.

23 Q What was the service that Alliance was going  
24 to provide for Ms. Guerrero?



1           A     Medication management.

2           Q     Was Ms. Guerrero referred to anyone else for  
3 medication management by you?

4           A     We had provided her with a list of Amerigroup  
5 psychiatric service supervisors. She also informed me in  
6 April of this year that she was on the wait list for  
7 Northern Nevada Hopes, and she -- I also made some phone  
8 calls to -- attempted to make phone calls for her when it  
9 appeared that she was not successful in obtaining a  
10 psychiatric appointment.

11          Q     What is Northern Nevada Hopes, to your  
12 knowledge?

13          A     They provide both medical primary care  
14 services as well as therapeutic and psychiatric services.

15          Q     Was Ms. Guerrero referred to any other  
16 providers for mental health services?

17          A     Initially in the case, through conversation  
18 with her opposing counsel, we had referred her to Mohave  
19 Mental Health Services as we felt that would be a good  
20 location for her.

21          Q     And do you know approximately when  
22 Ms. Guerrero was referred to Mohave Mental Health  
23 Services?

24          A     I believe that was in November of 2014.

1           Q     And based on your conversations with  
2 Ms. Guerrero, did she take advantage of services at  
3 Mohave Mental Health?

4           A     Through November she indicated to me she was  
5 trying to get ahold of them. Then in December she  
6 indicated that they would not see her.

7           Q     And do you know why Mohave would not see her?

8           A     They indicated that they would not process  
9 our voucher and they wouldn't take her insurance.

10          Q     Okay. Had you made any attempt for look at  
11 insurance and who might take it in these particular  
12 cases?

13          A     Yes.

14          Q     And what specific attempts were made with  
15 Mohave?

16          A     I called them on November 13th and  
17 specifically asked if they would take her insurance.

18          Q     Was it your understanding they would?

19          A     Yes.

20          Q     Based on your conversations with  
21 Ms. Guerrero, did she take advantage of services offered  
22 at Northern Nevada Hopes?

23          A     She indicated she was on the wait list, but I  
24 believe in May of 2015 she indicated she had not followed

1 up.

2 Q Based on your conversations with  
3 Ms. Guerrero, did Ms. Guerrero follow through with  
4 services at Alliance?

5 A She did.

6 Q And based on your conversation with  
7 Ms. Guerrero, did she engage in services with  
8 Dori Orlich?

9 A Sporadically.

10 Q And based on your conversations with  
11 Ms. Guerrero, did she engage in treatment with Amanda  
12 Buttacavoli?

13 A Based on my conversations with her, yes,  
14 sporadically.

15 Q Were there any other services offered by you  
16 to Ms. Guerrero to address this planning/following  
17 through cognitive goal?

18 A We would often, in our discussions, talk  
19 about planning and what she was going to do in planning  
20 ahead and following through in order to be able to  
21 provide for her children's care.

22 Q And when, approximately, did you have those  
23 discussions throughout the case?

24 A Throughout the life of the case.

1           Q     You also talked about emotional stability  
2 being identified as a goal. We went through a lot of  
3 information.

4                     Are there any other services provided  
5 or -- let me back up.

6                     The services that you talked about with the  
7 psychological eval and therapy services, how do those  
8 fall in line with the emotional stability goal?

9           A     Because through my observations and through  
10 her evaluation, it appears that her emotional stability  
11 impacts her ability to execute things cognitively.

12           Q     And were any additional services that we  
13 haven't already spoken about offered to Ms. Guerrero to  
14 address the emotional stability and mental health aspect?

15           A     We had discussed her receiving psychosocial  
16 rehabilitation services. However, she would have had to,  
17 to my knowledge, participate in therapeutic services  
18 consistently for 30 days in order to receive those  
19 services.

20           Q     And had she done so?

21           A     Not to my knowledge.

22           Q     Was Ms. Guerrero ever pregnant during the  
23 life of this case?

24           A     Yes.

1 Q And can you tell the Court --

2 MR. ELKINS: Judge, I'm sorry. The life of  
3 this case? I don't know what that means.

4 MS. ELCANO: I'm sorry. When she was the  
5 case social worker.

6 THE WITNESS: Yes.

7 BY MS. ELCANO:

8 Q Okay. And can you please inform the Court,  
9 while you were the social worker, when Ms. Guerrero was  
10 pregnant?

11 A Ms. Guerrero first reported to me she was  
12 pregnant in December of 2014 and indicated to me that she  
13 had had a miscarriage in February of 2015.

14 Q I'm sorry. You said in February?

15 A February, that's correct.

16 Q And to your knowledge has Ms. Guerrero been  
17 pregnant at any other time during the time you have been  
18 the assigned social worker?

19 A She has not personally reported this to me,  
20 no.

21 Q Have you asked her?

22 A Yes.

23 Q And when did you ask Ms. Guerrero when she  
24 was -- if she was pregnant?

1           A     I believe I've asked her at intervals since  
2 June of 2015.

3           Q     And why were you asking Ms. Guerrero this?

4           A     Because collaterals had reported it to me.

5           Q     Throughout the time you were the assigned  
6 social worker to this case, did Ms. Guerrero effectively  
7 address her emotional stability?

8           A     No.

9           Q     Did Ms. Guerrero effectively address the  
10 cognitive goal?

11          A     No.

12          Q     Based on your conversations with Ms. Guerrero  
13 while you have been the assigned social worker to this  
14 case, who has Ms. Guerrero been in a romantic  
15 relationship with?

16          A     Both Mr. Hunt-Taylor and Mr. Vazquez.

17          Q     And what concerns, if any, did you have  
18 regarding those relationships?

19          A     At the time I received the case,  
20 Mr. Hunt-Taylor was --

21               MR. ELKINS:  Objection.  I don't know what  
22 "at the time I received the case" means.

23               THE COURT:  That's October of 2014; right?

24               THE WITNESS:  Correct.

1 MR. ELKINS: Thank you, Judge.

2 THE WITNESS: In October of 2014

3 Mr. Hunt-Taylor was incarcerated on a domestic violence  
4 charge against Ms. Guerrero. Also, Mr. Vazquez, by her  
5 report, was arrested for battery against Mr. Hunt-Taylor  
6 in December of 2014. Also, by her report, he was  
7 arrested again in May of 2015 for battery against a  
8 person he met on the street.

9 It was also discussed that Mr. Vazquez was  
10 repeatedly transferred to California after he was  
11 arrested here in Nevada.

12 BY MS. ELCANO:

13 Q What services were offered to Ms. Guerrero to  
14 address her relationship with Mr. Hunt-Taylor and the  
15 reported domestic violence?

16 A These issues would have been addressed  
17 through therapy. She was also referred to the Committee  
18 to Aid Abused Women.

19 Q And I believe Exhibit V, as in Victor, was  
20 entered into evidence; is that correct?

21 THE CLERK: Correct.

22 BY MS. ELCANO:

23 Q Could you please turn to Exhibit V, as in  
24 Victor, and can you please identify that document for the

1 Court?

2 A This is a case plan/service agreement.

3 Q And it is for whom?

4 A For Ms. Guerrero.

5 Q And when was it drafted?

6 A It looks like on October 24, 2014.

7 Q And can you please turn to Exhibit W?

8 I believe W, X, and Y were all admitted,  
9 which I will be referring to.

10 THE CLERK: Correct.

11 BY MS. ELCANO:

12 Q Thank you.

13 And can you please identify that exhibit?

14 A This is also a case plan and service  
15 agreement.

16 Q And what changed from the -- pardon me. When  
17 was W drafted?

18 A It looks like January 23rd of 2014.

19 Q What changed from Exhibit V, the case plan in  
20 October, to Exhibit W, the case plan in January?

21 A Can I look at them both?

22 Q Of course.

23 A I believe it was at this time that I added  
24 her neuropsychological examination. I also added that --



1 I also added the referral to NNAMHS for group therapy. I  
2 also added that Ms. Guerrero would obtain housing  
3 resources at this time if the voucher hadn't expired, and  
4 I believe that is everything.

5 Q And if you could turn to Exhibit X, and  
6 please identify that document for the Court.

7 A This is also a case plan and service  
8 agreement.

9 Q And when is it dated?

10 A April 21, 2015.

11 Q And what are the differences between  
12 Exhibits W and X?

13 A I believe I updated the group therapy  
14 service, and it looks like I added community resources  
15 for medication management and PSR.

16 Q What's PSR?

17 A Psychosocial rehabilitation.

18 Q Thank you.

19 And could you please turn to Exhibit Y and  
20 identify that document?

21 A This is a case plan and service agreement.

22 Q And what additional services or tasks were  
23 offered or changes made from X to Y?

24 A None at this time.

1 Q Okay. And is Y the last case plan and  
2 service agreement that was drafted for Ms. Guerrero?

3 A Yes.

4 Q And did Ms. Guerrero sign Exhibit V, as in  
5 Victor?

6 A She did, I believe. Yes, she did.

7 Q And did Ms. Guerrero sign Exhibit X, as in  
8 X-ray?

9 A She did.

10 Q Thank you.

11 Today has Ms. Guerrero effectively  
12 accomplished any of the goals or objectives identified in  
13 her case plan and service agreement?

14 A No.

15 Q And why not?

16 A She continues to be homeless, she continues  
17 to be unemployed, she continues to not regularly engage  
18 in services as she is referred and generally has not made  
19 any changes in her life.

20 Q And when you say "services referred," which  
21 services specifically?

22 A Mental health services.

23 Q Thank you.

24 And what behavioral changes has Ms. Guerrero

1 made since you have been the assigned social worker to  
2 this case to today?

3 A None.

4 Q Can you please describe Ms. Guerrero's  
5 contact with Ethan while you have been the assigned  
6 social worker on Ethan's case?

7 A She's had regularly scheduled contact with  
8 Ethan.

9 Q And approximately how many times a week does  
10 she visit with Ethan?

11 A Twice.

12 Q And does she consistently visit?

13 A She does.

14 Q And where do those visits occur?

15 A At the Washoe County Department of Social  
16 Services office.

17 Q And are they supervised?

18 A They are not.

19 Q And why are they on Social Services grounds?

20 A Ms. Guerrero had expressed to me concerns  
21 that Alberto Vazquez was potentially stalking her during  
22 visits. The agency also had concerns that Ms. Guerrero  
23 was not keeping Mr. Vazquez out of the visits.

24 Q Have you supervised Ms. Guerrero's visits at

1 all?

2 A I have not.

3 Q Do you check in on Ms. Guerrero while she's  
4 visiting?

5 A Occasionally, yes.

6 Q And have you had any concerns when you pop in  
7 on the visits?

8 A No.

9 Q Has Ms. Guerrero, to your knowledge, sent  
10 cards, gifts or letters to Ethan while you have been the  
11 assigned caseworker?

12 A No.

13 Q Has Ms. Guerrero, to your knowledge, paid any  
14 support on behalf of Ethan while you have been the  
15 assigned social worker?

16 A Not to my knowledge.

17 Q How often does Ms. Guerrero contact you while  
18 you have been the assigned social worker?

19 A She goes through periods of contacting me  
20 regularly and then being out of contact with me.

21 Q And in what manner or through what medium  
22 does Ms. Guerrero contact you?

23 A Both -- well, in person, over the phone, and  
24 occasionally through e-mail.

1 Q What typically is her contact about?

2 A We discuss her level of engagement in  
3 services. We also -- well, through my contact with her,  
4 I also try to elicit what she feels needs to change in  
5 her life in order for her to be able to care for her  
6 children.

7 Q Given this is a SAFE-FC case, how often did  
8 you initiate contact with Ms. Guerrero?

9 A We have scheduled contact for every week.

10 Q Every week?

11 A Yes.

12 Q And was that in person or --

13 A Yes, in-person contact every week.

14 Q And while you have been the assigned social  
15 worker, has Ms. Guerrero consistently attended those  
16 meetings?

17 A Not consistently, no.

18 Q How would you gauge her attendance?

19 A For example, at the initial -- at the  
20 beginning of the case, we met fairly consistently through  
21 October to November. We then didn't have contact through  
22 mid-November. We then didn't have contact again until  
23 mid-December. She did really good at contacting me  
24 throughout February. Then in March we did not have

1 regular contact for the majority of that month other than  
2 over the phone.

3 In more recent months, in July we had very  
4 sporadic contact. It was both because of her and I had  
5 to cancel at least one appointment with her, and in  
6 August our contact was somewhat sporadic.

7 Q What concerns, if any, did you have regarding  
8 your contact with Ms. Guerrero?

9 A That she seemed to have difficulties getting  
10 there, and although she verbalized that she knew it was  
11 important for us to meet, she was not regularly in  
12 attendance.

13 And on certain occasions she would vacillate  
14 back and forth between talking about that she understood  
15 she needed to change, she understood that things in her  
16 life needed to change, and at other times she would state  
17 that she didn't have any problems and that she just  
18 needed to be motivated.

19 Q Was Ms. Guerrero able to reunify with her  
20 children or with Ethan while you have been the assigned  
21 social worker to this case?

22 A No.

23 Q Is Ethan placed in an adoptive home?

24 A He is.

1 Q And that is with whom?

2 A Sandra Matute.

3 Q Okay. Can you please briefly describe Ethan  
4 to the Court?

5 MR. ELKINS: Judge, I'm going to object.  
6 This is cumulative.

7 MS. ELCANO: Your Honor, she is the assigned  
8 social worker and has a relationship.

9 THE COURT: The last three days have been  
10 cumulative, so go ahead.

11 THE WITNESS: Ethan is a very happy baby.  
12 He's always very smiley. In recent months he's become a  
13 lot more talkative in that he makes a lot more noise.  
14 He's very easygoing. I don't ever see him fuss a lot  
15 unless he's seeking attention.

16 BY MS. ELCANO:

17 Q Do you believe that Ethan is adoptable?

18 A Yes.

19 Q Based on your observations, can you please  
20 describe Ethan's relationship with Ms. Matute?

21 A Ethan is very clearly bonded to Ms. Matute.  
22 When -- whenever I do hear him fuss and she responds to  
23 him, he is immediately quieted, he smiles at her. All  
24 she has to do is talk to him and he smiles at her.

1                   And when I am in the room, as I am generally  
2 not in his environment as frequently as Ms. Matute, he  
3 sticks very close to her and seeks her for safety and for  
4 comfort.

5                   Q     What does Ethan require from a caregiver to  
6 be in a safe and appropriate placement?

7                   A     He does need to have someone who can ensure  
8 that all of his medical needs are met, especially as he  
9 was diagnosed with febrile seizures earlier this year.  
10 He also needs to have someone who can address all of his  
11 developmental needs as well as his basic needs for food,  
12 clothing, shelter, and stability.

13                   THE COURT:   You said febrile.

14                   THE WITNESS:   Febrile, yes.

15                   THE COURT:   How do you spell that.

16                   THE WITNESS:   F-e-b-r-i-l-e.

17                   MR. ELKINS:   Febrile.

18                   THE COURT:   What?

19                   MR. ELKINS:   Febrile seizures.

20 BY MS. ELCANO:

21                   Q     Has Ethan had any issues adjusting to his  
22 current placement that you're aware of?

23                   A     Not that I'm aware of.

24                   Q     And can Ms. Matute currently provide all of



1 the needs that you identified?

2 A She can.

3 Q And has she been doing so?

4 A Yes.

5 Q And for approximately how long?

6 A Since September of 2014.

7 Q Do you believe that Ms. Guerrero has failed  
8 to adjust her behavior to enable the safe return of Ethan  
9 to her care?

10 A Yes, sir.

11 Q And what is the basis for that?

12 MR. ELKINS: Judge, I'm going to object.  
13 This is cumulative.

14 THE COURT: We've been over this.

15 MS. ELCANO: Your Honor, I just have three  
16 more questions.

17 THE COURT: Go ahead.

18 MS. ELCANO: I think parental adjustment is  
19 an issue here.

20 THE COURT: Go ahead.

21 THE WITNESS: This is based on the fact that  
22 Ms. Guerrero's behavior has maintained, to my knowledge,  
23 for the majority of the last two years, and throughout my  
24 involvement with her since September of last year, her

1 behavior has not changed at all.

2 BY MS. ELCANO:

3 Q What services, if any, could be provided to  
4 Ms. Guerrero at this juncture to bring about parental  
5 adjustment?

6 A None that I am aware of.

7 Q Do you believe that there is a risk of injury  
8 or emotional detriment to Ethan if he were removed from  
9 his siblings?

10 A I do.

11 Q And what is that?

12 A Ms. Guerrero is currently in an unstable  
13 environment, and, further, he is very bonded to his  
14 current caregiver.

15 Q In regards to his siblings, though,  
16 specifically?

17 A Being separated from his siblings would be  
18 very detrimental to him as he is bonded to them and he  
19 has been residing with them for the majority of the last  
20 year.

21 Q Do you believe that it's in Ethan's best  
22 interest that Ms. Guerrero's parental rights are  
23 terminated?

24 A I do.

1 Q And why?

2 A Because Ms. Guerrero has failed to make any  
3 significant changes in her life in the past year that I  
4 have had the case.

5 MS. ELCANO: I have no further questions.  
6 Thank you.

7 THE COURT: You should be able to be done by  
8 4:30.

9 MR. ELKINS: Ten minutes? I actually don't  
10 think so, Judge, but I'll see what I can do.

11

12 CROSS-EXAMINATION

13 BY MR. ELKINS:

14 Q Ms. Seronio, you have been a caseworker for a  
15 year; is that correct?

16 A That's correct.

17 Q And, in fact, this was your first case,  
18 wasn't it?

19 A It was not.

20 Q Well, this is one of your first cases because  
21 you were assigned the case when you were an intern for  
22 Ms. Lopez, were you not?

23 MS. ELCANO: Objection. She testified she  
24 was not assigned to the case while an intern.

1                   MR. ELKINS: Judge, this is  
2 cross-examination.

3                   MS. ELCANO: It's a mischaracterization of  
4 the testimony as it was provided.

5                   MR. ELKINS: I'll withdraw it.

6 BY MR. ELKINS:

7                   Q     Ms. Seronio, when you were an intern, were  
8 you interning with Ms. Lopez?

9                   A     I was.

10                  Q     You were. And as an intern with Ms. Lopez,  
11 didn't you see Ms. Guerrero -- didn't you follow  
12 Ms. Lopez during her dealings with Ms. Guerrero?

13                  A     I would.

14                  Q     And didn't you actually enter case notes  
15 under your own name, entered by you as an intern for  
16 Ms. Lopez in connection with Ms. Guerrero?

17                  A     That's correct.

18                  Q     Okay. So during your internship you worked  
19 with Ms. Lopez in regard to Ms. Guerrero's case; correct?

20                  A     I did.

21                  Q     Okay. And then when Ms. Guerrero's child  
22 Ethan was born, you were assigned as the caseworker for  
23 Ethan; correct?

24                  A     I was.

1           Q     Ms. Seronio, do you recall telling --  
2     withdrawn.

3                     Who is Amy Reynolds?

4           A     She's my supervisor.

5           Q     Do you meet with Ms. Reynolds from time to  
6     time to discuss your cases?

7           A     Yes, we do.

8           Q     And was she your supervisor in December of  
9     last year?

10          A     She was.

11          Q     And do you recall meeting with her on or  
12     about December 4th of last year and discussing  
13     Ms. Guerrero's anxiety?

14          A     I don't recall the specific conversation.

15          Q     Do you recall telling Ms. Reynolds that you  
16     were concerned that the anxiety appears to be a crutch  
17     for Ms. Guerrero and now an excuse about anything that  
18     goes wrong? Do you recall saying that?

19          A     I do.

20          Q     Ms. -- I'm sorry. Could you pronounce your  
21     name for me once.

22          A     SUR-OWN-EE-OH.

23          Q     SUR-OWN-EE-OH. Thank you very much. I don't  
24     mean to mispronounce your name.

1                   Ms. Seronio, you received the report from  
2     Dr. Rogina, did you not?

3                   A     I did.

4                   Q     You received the report from Dr. Aberasturi,  
5     did you not?

6                   A     I did.

7                   Q     Both of those reports recommended that  
8     Ms. Guerrero be put on medication, did they not?

9                   A     They did.

10                  Q     In the stipulation that was referred to by  
11     Ms. Elcano, which has been marked in evidence as part of  
12     B, do you recall that it states a referral for  
13     Ms. Guerrero to appropriate psychiatric services to  
14     include medication evaluation as recommended by  
15     Dr. Aberasturi and Dr. Rogina? Do you recall that as  
16     being part of the stipulation?

17                  A     Yes.

18                  Q     So in order to obtain medication for  
19     Ms. Guerrero, what did you do?

20                  A     We provided her with a list of Amerigroup  
21     providers who would have provided psychiatric services.  
22     I also made phone calls to those providers in an  
23     attempt --

24                  Q     Let me ask you -- let me just interrupt you.

1                   When you made phone calls to those providers,  
2                   was there any availability?

3                   A       There was not.

4                   Q       What else?

5                   A       I'm sorry. Let me gather my thoughts.

6                   Q       I'm sorry.

7                   A       It's okay. We did make the appointment with  
8                   Alliance Family Services --

9                   Q       Let me direct you again.

10                   MS. ELCANO: Can he let her answer the  
11                   question, Your Honor?

12                   MR. ELKINS: I'm just trying to do this in  
13                   order, Judge, so I don't have to ask repeated questions.

14                   MS. ELCANO: I think you should ask a  
15                   question and let her answer and ask questions based on  
16                   that. It's obviously disturbing to her and --

17                   THE COURT: Is this causing a problem in your  
18                   answers, the way he interrupts you?

19                   THE WITNESS: It kind of discombobulates me a  
20                   little.

21                   MS. ELCANO: I request she be able to answer  
22                   the question.

23                   THE COURT: Go ahead. Answer the question.  
24                   You were referring to Alliance something or other.

1 THE WITNESS: Alliance Family Services, I  
2 took her to Northern Nevada Adult Mental Health Services,  
3 and I believe that's everything.

4 BY MR. ELKINS:

5 Q Alliance was the registered nurse who said  
6 she didn't need medication; correct?

7 A Correct.

8 Q Northern Nevada Mental Health Services, you  
9 went with her to the interview?

10 A I did.

11 Q And they told her they wouldn't take her  
12 because she didn't have either the right kind of  
13 insurance or no insurance; correct?

14 A That's correct.

15 Q So she didn't get services there. She didn't  
16 get services, medication services, at Alliance; right?

17 A That's correct.

18 Q You had mentioned Mohave.

19 Isn't it a fact, Ms. Seronio, that you  
20 contacted Mohave and they informed you they did not take  
21 her insurance?

22 A After she had reported to me that they would  
23 not take her, I called again to verify.

24 Q And they reported to you that they did not



1 take her insurance?

2 A That's correct.

3 Q So at no time did you successfully refer  
4 Ms. Guerrero to any psychiatrist that would prescribe  
5 medication; correct?

6 A Correct.

7 Q When Ms. Guerrero -- well, withdraw that.

8 Do you recall who recommended that  
9 Ms. Guerrero be evaluated for eligibility for Social  
10 Services?

11 A I don't recall. I believe Dr. Aberasturi --  
12 it was a discussion during our conversation with  
13 Dr. Aberasturi, but I don't recall.

14 Q Okay. You said that you gave her the address  
15 of the Social Security Administration?

16 A I did not.

17 Q You did not.

18 So you just told her, "You should go apply  
19 for Social Security"; correct?

20 A It was a discussion we had, yes.

21 Q But you didn't take any other steps; correct?

22 A I did not.

23 Q You knew at the time that she had no income  
24 at all; correct?

1           A     I did.

2           Q     And touching on this, Ms. Seronio, one of  
3 your tasks was budgeting with Ms. Guerrero?

4           A     That's correct.

5           Q     Can you tell me how you budget nothing?

6           A     It wasn't -- we never applied that service  
7 because she didn't have a budget.

8           Q     You mentioned the possibility of a PSR  
9 worker.

10          A     Yes.

11          Q     What is that again?

12          A     A psychosocial rehabilitation worker is a  
13 person who meets with the client on a regular basis and  
14 steps them through regular tasks, such as applying for  
15 jobs and so on and so forth.

16          Q     Weren't you doing that? Weren't you --  
17 didn't you ask the Children's Cabinet to assist her to  
18 apply for jobs?

19          A     I was, but a PSR worker would have been able  
20 to spend substantially more time with her on that.

21          Q     Wouldn't a PSR -- if you're going to have PSR  
22 services, don't you have to have a residence?

23          A     I'm not aware of that qualification.

24          Q     Where do you think they would meet?

1           A     I'm aware some PSR services are administered  
2 in the community.

3           Q     How are you aware of that?

4           A     It's through my experience with other  
5 clients.

6           Q     You have homeless clients that get PSR  
7 services; is that what you're saying?

8           MS. ELCANO:  Objection.  Asked and answered.

9           THE COURT:  Well, he hasn't gotten an answer.

10          THE WITNESS:  I do not have homeless clients  
11 who have PSR services.

12          BY MR. ELKINS:

13          Q     Ms. Seronio, do you recall having a  
14 conversation with Ms. Guerrero -- after you went to  
15 NNAMHS and they said they wouldn't take her, do you  
16 recall telling her that in your opinion at that time the  
17 overarching problem is her anxiety, and you were  
18 concerned that if she wasn't able to address that, then  
19 moving ahead with a case plan would be very difficult?

20          A     Yes.

21          THE COURT:  She's going to be here tomorrow,  
22 so let's go ahead and break for the day.

23          MR. ELKINS:  All right, Judge.  Thank you  
24 very much.

1 THE COURT: So we'll be in recess until 8:30  
2 tomorrow morning. You can all be at ease.  
3 MR. ELKINS: I would ask the witness be  
4 instructed not to discuss her testimony, Judge.  
5 THE COURT: Do not discuss your testimony  
6 with anybody.  
7 MR. ELKINS: Thank you.  
8 (Proceedings adjourned at 4:32 p.m.)  
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1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )

4 I, PEGGY B. HOOGS, Certified Court Reporter  
5 in and for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by  
7 me at the time and place therein set forth; that the  
8 proceedings were recorded stenographically by me and  
9 thereafter transcribed via computer under my supervision;  
10 that the foregoing is a full, true and correct  
11 transcription of the proceedings to the best of my  
12 knowledge, skill and ability.

13 I further certify that I am not a relative  
14 nor an employee of any attorney or any of the parties,  
15 nor am I financially or otherwise interested in this  
16 action.

17 I declare under penalty of perjury under the  
18 laws of the State of Nevada that the foregoing statements  
19 are true and correct.

20 Dated this 22nd day of September, 2015.

21  
22 Peggy B. Hoogs

23 Peggy B. Hoogs, CCR #160, RDR  
24

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22nd day of July 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

I further certify that I served a copy of this document by providing a copy to:

Jacqueline Guerrero.

John Reese Petty  
Washoe County Public Defender's Office

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PARENTAL  
RIGHTS AS TO: R.T., K.G-T., N.H-T., AND  
E.H-T.,  
MINOR CHILDREN,

No. 70210

Electronically Filed  
Aug 01 2016 11:17 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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JACQUELINE GUERRERO,  
Appellant,  
vs.  
WASHOE COUNTY DEPARTMENT OF  
SOCIAL SERVICES,  
Respondent.

---

Appeal from an Order Terminating Parental Rights in FV14-03897  
The Second Judicial District Court of the State of Nevada  
Honorable William A. Maddox, Senior District Judge, Family Division

---

JOINT APPENDIX VOLUME FIVE

---

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8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9  
10 IN AND FOR THE COUNTY OF WASHOE  
11  
12 THE HONORABLE WILLIAM A. MADDOX, SENIOR DISTRICT JUDGE  
13 --oOo--

14 TERM: R. TAYLOR, K. GUERRERO- Case No. FV14-03897  
15 TAYLOR, N. HUNT-TAYLOR,  
16 E. HUNT-TAYLOR, Dept. No. 2

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17 TRANSCRIPT OF PROCEEDINGS

18 TRIAL

19 DAY 4

20 Thursday, September 3, 2015

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24 Reported By: PEGGY B. HOOGS, CCR 160, RDR, CRR

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Also Present:

JACQUELINE GUERRERO  
MALIA SERONIO  
ROCIO LOPEZ

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RENO, NEVADA; THURSDAY, SEPTEMBER 3, 2015; 8:34 A.M.

-oOo-

THE COURT: This is Case No. FV14-03897 in the matter of the parental rights as to the Taylor children as alleged in the petition. The parties are present with their counsel.

Ms. Elcano.

MS. ELCANO: Thank you, Your Honor. I'd like to call Dori Orlich.

So the court is aware, Your Honor, in regards to an interpreter, I'm still trying to resolve that issue, so the anticipation or hope was to finish yesterday with Ms. Matute, but given we were discussing settlement, that got --

THE COURT: Is that still ongoing?

MR. ELKINS: I don't think so, Judge.

THE COURT: Have her come in. Actually, on these breaks and stuff, if you want to bring the witnesses in, bring them in, and then we can just call them up.

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DORI ORLICH,  
having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. ELCANO:

Q Good morning, Ms. Orlich.

Could you please state and spell your name  
for the court?

A Sure. Dori Orlich, D-o-r-i, last name  
Orlich, O-r-l-i-c-h.

Q And, Ms. Orlich, what is your current  
occupation?

A I am a psychotherapist.

Q And what licenses do you hold?

A I'm a licensed clinical social worker.

Q As a licensed clinical social worker, what  
are you able to do?

A I'm licensed to diagnose and treat any and  
all DSM diagnoses.

Q What DSM is currently in use?

A The DSM-5.

Q And how long have you been employed as a  
licensed clinical social worker?

1           A     I've been licensed since 1997.

2           Q     And are you in private practice presently?

3           A     I'm in private practice primarily. I'm also  
4 employed one day a week by the UNR School of Medicine  
5 outpatient clinic.

6           Q     So what do you do at the UNR outpatient  
7 clinic?

8           A     See primarily children, adolescents, for  
9 psychotherapy as well. It's an outpatient Medicaid  
10 facility.

11          Q     And what does your private practice  
12 encompass? What type of treatment do you do?

13          A     Primarily individual and family therapy to  
14 adolescents, adults, families.

15          Q     Could you please provide your educational  
16 background for the court?

17          A     Sure. I have a bachelor's degree in biology,  
18 a master's degree in social work with a mental health  
19 concentration. After that was 3,000 post-master's  
20 supervised clinical hours and passed the State Board of  
21 Examiners licensure exam.

22          Q     Have you engaged in any special training  
23 associated with your licensed clinical social worker  
24 license?



1           A     I've had specialized training in treatment of  
2 trauma. I've had specialized training in play therapy.  
3 I've had specialized training in implementing cognitive  
4 behavioral therapy, specifically -- specific training and  
5 certification in trauma-focused cognitive behavioral  
6 therapy.

7           Q     Are you trained in dialectical behavioral  
8 therapy?

9           A     I've taken some of the initial courses and  
10 classes. I'm familiar with it. I am not certified to  
11 implement the entire protocol.

12          Q     And are you familiar with Jacqueline  
13 Guerrero?

14          A     Yes.

15          Q     In what capacity were you working with  
16 Jacqueline Guerrero?

17          A     I was her individual therapist.

18          Q     Approximately when did you first begin to  
19 treat Ms. Guerrero?

20          A     I received the referral in January of 2015.  
21 We met for the first time early February 4, 2015, I  
22 believe.

23          Q     And when you first met with Ms. Guerrero, did  
24 you complete an independent evaluation?

1           A     I did not do her initial evaluation.

2           Q     To your knowledge who did?

3           A     I don't know who actually completed her  
4 initial evaluation.

5           Q     What was your understanding for why  
6 Ms. Guerrero was referred to you?

7           A     Based on the referral information that I  
8 received from Washoe County, there were concerns that her  
9 depression and anxiety were impacting her overall ability  
10 to parent. They wanted that further assessed. There  
11 were some concerns that she had not been able to meet the  
12 physical needs of her children and provide consistent,  
13 stable housing over a period of time, and they wanted to  
14 see if some intervention would reduce some of those  
15 symptoms and see if that had an impact on how she was  
16 progressing towards reunification.

17          Q     And approximately -- so you indicated that  
18 you -- I apologize if you answered this question, but you  
19 indicated you did not evaluate Ms. Guerrero, and why not?

20          A     I'm not exactly sure why. It's not uncommon.  
21 Most of the time I prefer to do my own evaluations, but  
22 in some cases an initial evaluation is done by somebody  
23 else that maybe doesn't do ongoing therapy, maybe just  
24 does evaluations, and then they're referred. So I don't

1 know the exact reason.

2 Q That's fine.

3 Approximately how many times did you see  
4 Ms. Guerrero?

5 A Seven times.

6 Q And you said you first saw her February 4th,  
7 approximately; is that correct?

8 A Uh-huh.

9 Q In 2015?

10 A Uh-huh.

11 Q And when did you see her subsequent to that?

12 A Gosh. I don't know the exact dates. Seven  
13 times between 2/4 and our last one scheduled for 4/28, so  
14 over a course of months.

15 Q April 28, 2015; is that correct?

16 A Yes.

17 Q And what issues were you addressing with  
18 Ms. Guerrero?

19 A Well, identifying and addressing the barriers  
20 to successful reunification, you know, the depression,  
21 anxiety. Certainly the psychosocial stressors that were  
22 going on in her life were a huge part as well, economic  
23 problems, occupational problems, stress at being  
24 separated from her child, being able to maintain stable

1       housing. So in addition to the depression and anxiety,  
2       were all the psychosocial stressors.

3               Q       How would you characterize Ms. Guerrero's  
4       level of engagement in the seven therapy sessions that  
5       you did have with her?

6               A       I would say at first -- well, she was always  
7       cooperative and very, very pleasant. There wasn't  
8       resistance in that way. It seemed like she didn't feel  
9       like psychotherapy was something that she absolutely  
10      needed, but she was willing to participate in it.

11              I think engagement was affected a little bit  
12      for both of us in that it wasn't ever identified that I  
13      would be her long-term therapist. From the beginning she  
14      had -- from the evaluation, had specifically, I think,  
15      been referred to somebody that specialized and could do  
16      DBT intervention.

17              Q       What does "DBT" stand for just so we're  
18      clear?

19              A       Dialectical behavioral therapy.

20              Q       Thank you.

21              A       Do you need an explanation?

22              Q       No, no. That's fine.

23              A       And so initially it was -- I think they  
24      weren't able to find somebody that could start with her

1 right away and so, in the interim, thought it might be  
2 good to just get started someplace.

3 And I think things were -- you know, it  
4 looked like there was some engagement, so we continued  
5 longer than we could have, but neither one of us ever  
6 thought it was going to be a real long-term intervention  
7 relationship.

8 Q And approximately how long were your sessions  
9 with Ms. Guerrero?

10 A Fifty minutes.

11 Q Okay. Five zero?

12 A Uh-huh.

13 Q And were they once a week pretty  
14 consistently?

15 A They were scheduled once a week. There was  
16 some inconsistency.

17 Q In what sense?

18 A There were some sessions that Ms. Guerrero  
19 didn't show up to. There were a couple of others that  
20 she did call in advance and cancel, and those were able  
21 to be rescheduled. There were some sessions that were  
22 just not shown up for.

23 Q And so it wasn't a no call/no show?

24 A It was. There were some no call/no shows.

1 Q Where did you meet with Ms. Guerrero?

2 A At my office.

3 Q Where is that located?

4 A 403 Flint Street.

5 Q And to your knowledge was Ms. Guerrero

6 employed during the time that you saw her?

7 A No, she wasn't employed during the time I saw

8 her.

9 Q To your knowledge where was she living?

10 A Her living arrangements were unstable and

11 kind of inconsistent during that time.

12 Q You indicated your last appointment, I

13 believe, scheduled with Ms. Guerrero was April 28, 2015.

14 Did Ms. Guerrero attend that appointment?

15 A She didn't attend that appointment.

16 Q Can you please describe what happened that

17 particular day?

18 A Yes. I did -- I got a call from

19 Ms. Guerrero -- I can't remember if it was a few minutes

20 before or a few minutes after her appointment was

21 scheduled for -- and she had been coming from someplace

22 else, and she was walking, and so she said she was going

23 to be a little bit late, and then she didn't arrive.

24 Q And did you hear from Ms. Guerrero again?

1           A     I attempted to call and I didn't.

2           Q     And what did that behavior indicate to you?

3           A     It was actually consistent with some other  
4     kind of situations that she described from the past where  
5     she becomes kind of overwhelmed, and her tendency was to  
6     just kind of avoid the situation when she became  
7     overanxious. So it was not completely surprising, like I  
8     said. It was consistent with some past situations she's  
9     described.

10          Q     Did you render any specific diagnoses of  
11     Ms. Guerrero?

12          A     I agreed with the diagnoses of generalized  
13     anxiety disorder, depression, but, also, like I mentioned  
14     earlier, the new way that the newest edition of the DSM  
15     classified diagnoses, it allows for adding psychosocial  
16     stressors as viable primary diagnoses, so I added those  
17     psychosocial stressors as diagnoses that we were working  
18     on.

19          Q     Can you specifically identify those  
20     psychosocial stressors? I just want to make sure that I  
21     understand which --

22          A     Sure. Relational problems. I mean, they  
23     kind of are lumped into categories. So relational  
24     problems with disruption of relationship with a child,

1     like a separation. It could be issues with partner  
2     relations. It could be lack of social support.

3             Q     I'm sorry. Maybe just the psychosocial  
4     stressors specifically to Ms. Guerrero.

5             A     Yeah. These are specific to her.

6             Q     I'm sorry. I just want to make sure. I  
7     apologize.

8             A     Economic problems, housing difficulties. All  
9     of those were actually now -- you can list them as  
10    primary diagnoses in addition to, you know, what  
11    traditionally are kind of the mental health diagnoses  
12    when it was on a five-axis system of diagnosis.

13            Q     During your interactions with Ms. Guerrero,  
14    did she display any cognitive delays or difficulties  
15    communicating or understanding with you?

16            A     I thought that was actually a strength of  
17    hers. She did a pretty good job of communicating. She  
18    could verbalize some real strengths, some insight into  
19    some things that needed to change, so cognitively I  
20    didn't see any deficits.

21            Q     And did you feel that the therapy was  
22    beneficial? Let me restate that. Can you characterize  
23    the progress Ms. Guerrero made in your seven therapy  
24    sessions?



1           A     Well, I think there was definitely some  
2     benefit to having a place to just kind of vent some of  
3     the frustration at the whole situation and to be able to  
4     vent some of the distress at the separation from her  
5     child and just vent some of the distress that she was  
6     having about her overall life situation. I think that  
7     was somewhat helpful.

8           I think it might have been more helpful if  
9     there was more consistency and, again, if there was maybe  
10    a little bit more insight into how the process could  
11    really be beneficial versus something that, you know,  
12    just had to be done. I wouldn't say there was, you know,  
13    no progress, but it was maybe kind of frustrating minimal  
14    progress.

15          Q     When you say "more consistency," more  
16    consistency in what sense?

17          A     Attendance.

18          Q     By whom?

19          A     By Ms. Guerrero.

20          Q     Thank you.

21          A     There was one gap in there that I had  
22    canceled.

23          Q     And to your knowledge was Ms. Guerrero  
24    engaged in a romantic relationship?

1           A       That's a complicated -- I know she had a  
2 relationship with the man that was -- the father of her  
3 child, but she described that as not romantic, more as a  
4 support system relationship. There was -- but there was  
5 somebody else that she was involved with as well that was  
6 more of a romantic relationship.

7           Q       Did she ever provide a name of that  
8 individual?

9           A       I know she provided a first name, but we  
10 didn't talk about it a lot, and, honestly, I cannot  
11 recall.

12          Q       Fair enough.

13                   What were your observations of Ms. Guerrero  
14 while working with her?

15          A       That she was overwhelmed, distressed, that  
16 she was frustrated, that she loved and was bonded to her  
17 child, that she struggled to see her role and  
18 responsibility in kind of the whole situation. Again,  
19 pleasant, cooperative, able to verbalize some strengths  
20 as far as her concept of what her parental role entails,  
21 difficulties following through, some depression and  
22 certainly some anxiety. That kind of ties in with the  
23 feeling of being overwhelmed by everything.

24          Q       And you stated she struggled to see her role

1 and responsibility in the situation, in the whole  
2 situation, I believe.

3 What do you mean by that, if you could  
4 just --

5 A I think there was a tendency to put blame on  
6 other people versus concentrate or recognize specifically  
7 her role in anything and her --

8 Q In what situation, I guess, were you  
9 referencing?

10 A Like the removal of her child.

11 Q Thank you.

12 And in what aspect did you see Ms. Guerrero  
13 have difficulty following through?

14 A Well, in my experience with her, you know,  
15 primarily with attendance and in identifying, you know,  
16 the specific things, the specific barriers to  
17 reunification, which would be independent means of  
18 support, financial support, stable, consistent, reliable,  
19 safe housing. There just have been a long period of time  
20 where those goals were not accomplished.

21 Q And what were your recommendations for  
22 treatment for Ms. Guerrero to address the depression and  
23 the anxiety, the psychosocial stressors, as well as the  
24 lack of follow-through?

1           A     My recommendations that were ongoing after  
2 she finished with me or kind of what we were working on?

3           Q     I mean, what were your recommendations for  
4 treatment while you were working with her?

5           A     Oh, okay. Just working, for starters, on  
6 recognizing what the barriers were, what, you know, her  
7 role in those barriers being present were, what steps  
8 needed to be taken to overcome those, what was in the way  
9 of that. Worked on some coping skills for reducing  
10 stress, reducing anxiety, emotional regulation, some of  
11 those things that had sabotaged potential success along  
12 the way.

13          Q     Did you feel that continued treatment was  
14 needed?

15          A     I would have really liked to keep working  
16 with her. I think if Ms. Guerrero could really see and  
17 invest in the idea that it could really be beneficial, I  
18 think it would have been helpful. I didn't think she was  
19 in any huge risk to herself or somebody else if she  
20 didn't continue, but I think it would have been  
21 beneficial.

22          Q     And as a licensed clinical social worker, are  
23 you able to make recommendations for an individual to get  
24 a psychiatric medication evaluation for psychotropic

1 medications?

2 A I can make the evaluation. I mean, I can't  
3 do the evaluation for medication, but I can make a  
4 recommendation.

5 Q Was a recommendation made here?

6 A We did discuss that medication might be  
7 something helpful in reducing the anxiety. It isn't  
8 something I would have made as a recommendation that she  
9 absolutely, positively had to follow through with. I  
10 tend to be pretty conservative when it comes to  
11 medication, especially considering that she was pregnant,  
12 so medications was something that I might have  
13 recommended kind of down the road but not immediately  
14 based on that.

15 Q I see.

16 What was Ms. Guerrero's response when you  
17 discussed the possibility of medication?

18 A She was ambivalent about it.

19 Q And after Ms. Guerrero didn't show up for  
20 that April 28, 2015, appointment, to your knowledge did  
21 Ms. Guerrero engage in services with anyone else after  
22 that point?

23 A I believe that she had an appointment  
24 scheduled with Amanda Buttacavoli, I believe, was

1 somebody that -- and that was somebody that was licensed  
2 to do specifically the DBT protocol.

3 Q The dialectical behavioral therapy?

4 A Uh-huh.

5 Q And to your knowledge did Ms. Guerrero follow  
6 through with that treatment?

7 A I don't know if she did or not.

8 MS. ELCANO: I have no further questions at  
9 this time.

10  
11 CROSS-EXAMINATION

12 BY MR. ELKINS:

13 Q Good morning.

14 A Good morning.

15 Q So when was the last appointment that  
16 Ms. Guerrero actually made?

17 A 4/21.

18 Q If I were good at math, I wouldn't be  
19 standing here, but if my math is correct, from 2/4 to  
20 4/21 would have been about ten weeks.

21 Does that sound about right?

22 A About right.

23 THE COURT: If I were good at math, I  
24 wouldn't be sitting here either.

1                   THE WITNESS:   Myself either.   Ten or eleven  
2   weeks.

3   BY MR. ELKINS:

4                   Q     Okay.   So in ten weeks she made seven  
5   appointments?

6                   A     Uh-huh.

7                   Q     Okay.   Am I correct that at one point while  
8   she was seeing you, you moved offices?

9                   A     I did.   I think that I had canceled one of  
10   the appointments.

11                  Q     And so things were a little chaotic during  
12   the move and you weren't seeing patients that day or  
13   something?

14                  A     Just, yeah, for a couple of days there, there  
15   was some transition.

16                  Q     Okay.   And she did call to reschedule on  
17   another occasion?

18                  A     Pardon me?

19                  Q     She did call to reschedule on other  
20   occasions?

21                  A     Yeah.   There were two others that she had  
22   canceled, and one we were able to reschedule for later  
23   that same week, and one we weren't able to accommodate  
24   during that week.

1           Q     So you had, in a period of ten or at least  
2 eleven weeks, seven appointments, a couple rescheduled, a  
3 period of time when your office wasn't available; is that  
4 correct?

5           A     Yes.

6           Q     And then your understanding was that  
7 Ms. Guerrero had been referred to you sort of as a gap  
8 therapy between going to someone with DBT and -- is  
9 that --

10          A     Right. In wanting to get services started  
11 right away and in the absence of that.

12          Q     The objective to find her a DBT therapist  
13 apparently?

14          A     Which had been the recommendation from the  
15 evaluation.

16          Q     Thank you.

17                   Which evaluation did you see; do you know?

18          A     I didn't actually see the evaluation that was  
19 completed.

20          Q     When we talk about the DSM, is it sort of  
21 like that line in "Pirates," they're kind of guidelines;  
22 is that correct?

23          A     Guidelines? It's pretty specific. It's more  
24 than just a guideline.



1 Q So a pirate's code or guidelines?

2 A What's that?

3 Q Is it the pirate's code or is it guidelines?

4 A It's the code.

5 Q Is it the code?

6 A Yeah. It's pretty specific.

7 Q So in making diagnoses, are you required to  
8 refer to that for other than insurance purposes?

9 A Well, you're not required, but it's the code.  
10 You know, I mean, certainly the diagnosis that you come  
11 up with is going to sort of what drives a treatment plan  
12 and intervention as, you know, certain diagnoses respond  
13 better to different interventions, so...

14 Q Is it fair to say it's not like a medical  
15 diagnosis where you know this is pancreatitis. Isn't it  
16 a general area of anxiety and it could be one kind of  
17 disorder or another depending on a number of factors?

18 A There's pretty specific --

19 MS. ELCANO: Objection, Your Honor. I think  
20 that this clearly calls for an expert opinion regarding  
21 DSM and application of the DSM. She's not been  
22 qualified.

23 THE COURT: Many of these people, whether  
24 they're qualified as experts or not, they're using terms

1       like "diagnosis" and "my opinion" and whatever.

2               MS. ELCANO: Well, Your Honor, my concern is  
3       the way that the question --

4               THE WITNESS: She was the one who first  
5       referred to the DSM, so...

6               MS. ELCANO: I know, but I don't think that  
7       we've even come close to establishing her knowledge of  
8       the DSM, the application of the DSM in general practice.  
9       She-

10              MR. ELKINS: Judge, I'll withdraw the  
11       question.

12              THE COURT: Just to make an -- I doubt  
13       there's anybody that does anything in mental health  
14       anymore that doesn't refer to the DSM. Maybe back when I  
15       started it was kind of early, but --

16              MR. ELKINS: Right. I'm just trying to  
17       establish, Judge -- well, I'll just ask a question.  
18       BY MR. ELKINS:

19              Q       Different people can see the same patient and  
20       find that different sections of the DSM apply to the  
21       constellation of symptoms; correct?

22              A       That's true.

23              Q       So in Ms. Guerrero's case, based upon your  
24       seven sessions, you found that she seemed to meet the

1 criteria for general anxiety disorder?

2 A Uh-huh.

3 Q Which is sometimes treated with medication?

4 A Uh-huh, yes.

5 Q Okay. But in addition to that, you said that  
6 one of your primary diagnoses was psychosocial stressors?

7 A Yes.

8 Q So you knew at the time that -- did you know  
9 that she had no income?

10 A Yes.

11 Q Not even TANF; correct?

12 A Correct.

13 Q And so presumably that impacted her housing?

14 A Yes.

15 Q And you said another stressor was having her  
16 children in foster care?

17 A Yes.

18 Q And you said she expressed frustration. If I  
19 understand you correctly, her frustration was she  
20 couldn't understand how to get them out of foster care by  
21 meeting their basic needs?

22 A My impression was that she didn't feel they  
23 needed to be in foster care in the first place.

24 Q Did that mean she indicated to you that she

1 could find a way to meet their basic needs?

2 A She was struggling to find a way to meet  
3 their basic needs.

4 Q And she was pregnant?

5 A Yes.

6 MR. ELKINS: Thank you. I don't have any  
7 other questions.

8 THE COURT: Redirect.

9 MS. ELCANO: Thank you, Your Honor.

10 I would like the Court to take judicial  
11 notice that there are 13 weeks between April -- pardon  
12 me -- February 4, 2015 and April 28th.

13 MR. ELKINS: 21st.

14 MS. ELCANO: She said April 28th was her last  
15 appointment that was scheduled.

16 MR. ELKINS: Sorry, Judge. I believe that I  
17 asked about appointments that she made, and her last  
18 appointment that she actually made was the 21st, so --

19 MS. ELCANO: I was asking for judicial notice  
20 for that time period, so it's 13 weeks.

21 THE COURT: That's fine.

22 MS. ELCANO: Thank you.

23 /////

24 /////

1 REDIRECT EXAMINATION

2 BY MS. ELCANO:

3 Q I think you indicated that there were seven  
4 appointments between -- pardon me -- February and April.

5 How many of those appointments did  
6 Ms. Guerrero attend?

7 A No. She attended seven.

8 Q She did. I just wanted to clarify that to  
9 make sure I had that right.

10 And was Ms. Guerrero on time for those  
11 appointments?

12 A She was on time. I think she may have been a  
13 little bit late for one, but, yeah, she was on time.

14 MS. ELCANO: I think that answers my  
15 questions.

16 Thank you, Your Honor.

17  
18 RECROSS-EXAMINATION

19 BY MR. ELKINS:

20 Q So having made seven appointments in that  
21 period of time, expressing her frustration about not  
22 being able to accomplish certain things, would you say in  
23 your opinion that Ms. Guerrero lacked motivation?

24 MS. ELCANO: Objection. Outside of the scope

1 of redirect.

2 MR. ELKINS: I don't think so, Judge.

3 MS. ELCANO: I asked about the number of  
4 appointments that were attended.

5 THE COURT: Well, you know, we can call this  
6 witness again and --

7 MS. ELCANO: Well, she hadn't been subpoenaed  
8 by opposing counsel.

9 THE COURT: Doesn't make a difference who  
10 subpoenaed her.

11 Go ahead and answer the question. Do you  
12 feel she was motivated?

13 THE WITNESS: I feel she was motivated in her  
14 verbalization, very motivated. She would talk about  
15 being very, very motivated. There was some sort of  
16 disconnect in why there wasn't follow-through. We were  
17 working on that, but she verbalized motivation.

18 BY MR. ELKINS:

19 Q Could a lack of resources have had something  
20 to do with the gap between what she was motivated to do  
21 and what she could accomplish?

22 A Yes.

23 MS. ELCANO: Objection. Vague. "Resources"?

24 THE COURT: It's been answered. Move on.

1 MR. ELKINS: I don't have any other  
2 questions. Thank you very much.

3 THE COURT: Is this witness permanently  
4 excused?

5 MS. ELCANO: She is for me, Your Honor.  
6 Thank you.

7 MR. ELKINS: Thank you.

8 THE COURT: You're excused.

9 THE WITNESS: Thank you.

10 MS. ELCANO: Your Honor, may I have just a  
11 moment to check on the interpreter issue?

12 THE COURT: Go ahead.

13 MS. ELCANO: My next witness will be  
14 Cassandra Pasley.

15 MR. ELKINS: Judge, I have an issue that I  
16 need to address with regard to some witnesses.

17 THE COURT: Go ahead.

18 MR. ELKINS: So I have witnesses here who had  
19 been subpoenaed for today, as I indicated to you, so we  
20 tried to leave them messages postponing them until this  
21 afternoon, but for some reason the messages weren't  
22 received so they're here under subpoena. One of my  
23 witnesses works, and so because of the subpoena, he was  
24 given the day off. Hopefully I'll be able to get him on

1 late this afternoon, but I just wanted to alert the  
2 Court. That's what I'd like to do. I'm going to have  
3 him come back.

4 THE COURT: How long is he going to be?

5 MR. ELKINS: As a witness? I don't expect  
6 him to take more than 30 minutes on direct.

7 THE COURT: Well, do you care if you take  
8 somebody out of order?

9 MR. ELKINS: I don't need to take him right  
10 now. He can come back.

11 I also have a witness coming at 1 o'clock  
12 from Nevada State Welfare. We've already discussed that  
13 witness, and I do believe we do need to take her out of  
14 order if necessary. So not --

15 THE COURT: If you guys can't work it out,  
16 I'll decide.

17 MR. ELKINS: No, no. I appreciate it. I'm  
18 just explaining what's going on.

19 THE COURT: I mean, if you guys work it out  
20 to where you want to take somebody out of order, it  
21 doesn't bother me.

22 MS. ELCANO: I think if I can get the  
23 interpreter and continue, I'm going to be very close to  
24 finishing. Unfortunately, cross took a long time



1 yesterday morning as well as the break that was taken for  
2 the hope at settling. So we have had some hiccups. I'm  
3 doing my very best --

4 MR. ELKINS: I'm not criticizing Ms. Elcano.  
5 I'm just explaining I have witnesses here, so I'm going  
6 to ask them to stand by and hopefully get them on late  
7 this afternoon, but if I could have a few minutes, Judge,  
8 I'd appreciate that.

9 THE COURT: Right now?

10 MR. ELKINS: Yes.

11 THE COURT: Okay. Go ahead. We'll be in  
12 recess for a minute.

13 (A recess was taken.)

14  
15 CASSONDRA PASLEY,  
16 having been first duly sworn,  
17 was examined and testified as follows:

18  
19 DIRECT EXAMINATION

20 BY MS. ELCANO:

21 Q Good morning, Ms. Pasley.

22 Can you state and spell your name for the  
23 Court?

24 A Cassandra Pasley, C-a-s-s-o-n-d-r-a

1 P-a-s-l-e-y.

2 Q And who is your present employer?

3 A The Children's Cabinet.

4 Q And how long have you been employed at the  
5 Children's Cabinet?

6 A Four years.

7 Q In what capacity are you presently employed?

8 A I am a supervisor.

9 Q And can you please describe your job duties  
10 as a supervisor?

11 A I supervise staff who assist families in  
12 addressing conditions for return and provide safety  
13 services on in-home safety plans.

14 Q In what capacity have you previously been  
15 involved or employed at the Children's Cabinet?

16 A I was a case manager.

17 Q And what were your responsibilities as a case  
18 manager?

19 A I assisted families in addressing conditions  
20 for return, and I provided safety services on in-home  
21 safety plans.

22 Q And approximately how long were you employed  
23 as a case manager?

24 A Approximately two years.

1 Q Two years. Thank you.

2 Can you please explain to the Court what  
3 Children's Cabinet is? We've heard a lot about it, and I  
4 think an employee telling us about it would be really  
5 beneficial..

6 A We are a nonprofit agency in the community.  
7 We provide many different services, and in this context  
8 we are paired with Social Services to provide services to  
9 families currently involved with Social Services.

10 Q And what kind of services do you provide in  
11 the context of Social Services, your involvement with  
12 them?

13 A We provide case management services, we  
14 provide financial services, we provide referrals to other  
15 community resources when appropriate.

16 Q And what specific areas do those address?

17 A It's identified on a case-by-case basis, but  
18 it's meant to address the family's conditions for return  
19 and to identify child safety if it's an in-home safety  
20 plan, to ensure child safety in the home.

21 Q And are those services provided above and  
22 beyond what Social Services does with the family?

23 A We team with Social Services to make sure the  
24 family's needs are being met.

1 Q I see. So more in conjunction?

2 A Correct.

3 Q And can you please describe how you work with  
4 Social Services to provide those services to a family,  
5 kind of how the process is?

6 A At the time that an assessment is completed  
7 and a child or children is deemed unsafe and a case is  
8 assigned to a worker trained in SAFE-FC, a referral is  
9 also made to the Children's Cabinet, and at that time you  
10 are assigned a case, and if it is deemed that the  
11 children need to be on an out-of-home safety plan, we  
12 begin working with the family on conditions for return.

13 MR. ELKINS: Judge, these are interns from my  
14 office.

15 THE COURT: I saw them before.

16 BY MS. ELCANO:

17 Q Do you staff the case with Social Services?

18 A Yes.

19 Q And based on that staffing, how do you go  
20 forward in determining what services and who provides  
21 those services?

22 A Again, it's a case-by-case basis, but we are  
23 communicating pretty frequently, typically week by week,  
24 based on what progress the family is making, what

1 services we feel they need to continue making progress.

2 Q How often do you meet with Social Services  
3 throughout the life of a case?

4 A We communicate weekly by e-mail, by phone, in  
5 person.

6 Q And do you participate in -- what meetings,  
7 if any, do you participate in with Social Services and  
8 the family?

9 A I'm sorry. Can you clarify? With the family  
10 involved or only with Social Services?

11 Q With the family involved. Sorry.

12 A The family is included in a case plan review  
13 staffing, and that occurs about at least every 90 days.

14 Q And you are a part of that as well as Social  
15 Services?

16 A Typically, correct, yes.

17 Q Thank you.

18 And so families who are not involved in  
19 Social Services, can they also access services with the  
20 Children's Cabinet?

21 A Yes.

22 Q But not through your particular unit; is that  
23 correct?

24 A Correct.

1           Q     Your unit is dedicated solely to the SAFE-FC  
2 cases?

3           A     Correct.

4           Q     What special training have you undergone for  
5 your current position?

6           A     We receive very similar training to what the  
7 social workers undergo. We understand all the processes  
8 from assessment all the way through permanency. We are  
9 trained heavily in identifying impending danger threats  
10 and what that criteria is. We understand diminished and  
11 protective caregiver -- protective capacities. We are  
12 focused primarily on child safety and assisting with  
13 conditions for return.

14          Q     Can you please provide your educational  
15 background to the Court?

16          A     I have a master's degree in human development  
17 and family studies.

18          Q     Are you familiar with Jacqueline Guerrero and  
19 Robert Hunt-Taylor?

20          A     Yes.

21          Q     And in what capacity have you been involved  
22 with Ms. Guerrero?

23          A     I was assigned the case as the case  
24 manager in April of 2013, and I began supervising the

1 case in November of 2014.

2 Q And how long were you the case manager? I  
3 know you said you started in April of 2013, but how long  
4 were you assigned as the case manager?

5 A Until August of 2013.

6 Q And then you indicated you were the  
7 supervisor starting in November of 2014?

8 A Correct.

9 Q And are you still the supervisor today?

10 A Correct.

11 Q Who is the current case manager of --

12 A I'm sorry.

13 Q -- of this case?

14 A Dustin Hall.

15 THE COURT: Hall, H-a-l-l.

16 THE WITNESS: I'm sorry?

17 THE COURT: Hall, H-a-l-l.

18 THE WITNESS: Correct.

19 BY MS. ELCANO:

20 Q And has he been the only case manager while  
21 you have been the supervisor?

22 A While I have been the supervisor, yes.

23 Q Thank you.

24 And when you were no longer the case manager

1 in August of 2013, why did that change?

2 A I briefly was in a different program, and so  
3 when I moved to a different program, the case maintained  
4 with the case manager in the SIPS program.

5 Q And were you still working at Children's  
6 Cabinet?

7 A Yes.

8 Q Just went to a different position?

9 A Yes.

10 Q Got it. And do you know who the case  
11 transferred to at that juncture?

12 A Yes. It transferred to Rocky Mateo.

13 Q And do you know approximately -- has it been  
14 to any other workers aside from Rocky Mateo and  
15 Dustin Hall?

16 A It was briefly assigned to Emily Hansen.

17 Q And do you know approximately when that  
18 occurred?

19 A In October of 2014.

20 Q And then do you know when it was assigned to  
21 Dustin Hall?

22 A In November of 2014.

23 Q So why did your agency and you in particular  
24 become involved in this case with Social Services?



1           A     An assessment was completed on the family  
2 that determined that the children were unsafe in their  
3 parents' care.

4           Q     And to your knowledge was this case assigned  
5 to the SAFE-FC group?

6           A     Yes.

7           Q     Are you involved with Social Services on any  
8 other cases that are not SAFE-FC?

9           A     No.

10          Q     What issues or concerns did you identify, at  
11 the time the case was assigned to you, regarding the  
12 children and reunification barriers?

13          A     The assessment determined that a lack of  
14 resources was an issue as well as the lack of parenting  
15 skills, knowledge, and motivation.

16          Q     And were there any other safety concerns that  
17 developed throughout the life of this case aside from  
18 those?

19               MR. ELKINS:  Objection, Judge, insofar as the  
20 question seems to call for an answer during a time when  
21 this witness was neither the case manager nor the  
22 supervisor.

23          BY MS. ELCANO:

24          Q     While you've been assigned to the case and

1 today, are there any additional safety concerns or risk  
2 factors or barriers associated with reunification?

3 A Yes.

4 Q And what are those?

5 A Domestic violence has become a concern since  
6 the time I've been identified as a supervisor on this  
7 case.

8 MS. ELCANO: I'm sorry. Could you just read  
9 back her answer? Not on this last question but the one  
10 before.

11 (The record was read by the reporter as  
12 follows: "The assessment determined that a lack of  
13 resources was an issue as well as the lack of parenting  
14 skills, knowledge, and motivation.")

15 BY MS. ELCANO:

16 Q So you said "a lack of resources."

17 Can you please go into a little more what you  
18 mean by "a lack of resources"?

19 A At the time I was assigned the case, the  
20 family had been evicted from the family shelter and they  
21 only had TANF as a source of income. They had obtained  
22 an apartment for a brief period of time but had  
23 difficulty maintaining that apartment due to the limited  
24 income. It was difficult to pay the bills associated

1 with maintaining that apartment, to maintain that  
2 apartment.

3 Q So based on the income issue associated with  
4 resources, what services, while you were either the  
5 assigned worker -- or case manager, I apologize -- or the  
6 supervisor have been offered to this family to address  
7 that income issue?

8 A As the case manager, I assisted the family in  
9 finding employment opportunities in the community and  
10 applying for those; I assisted Ms. Guerrero in creating a  
11 job résumé; I provided both parents with bus passes; I  
12 have assisted them by providing a letter to the Reno  
13 Housing Authority to try and help them get into public  
14 housing; I provided them with a way to track appointments  
15 for their TANF worker so they could prove their effort to  
16 TANF to try and maintain their TANF; I provided  
17 Ms. Guerrero with a day planner so she could keep track  
18 of her appointments, to help her maintain her schedule; I  
19 provided the family with donated furniture that was  
20 donated to our agency to help them furnish their  
21 apartment that they did have; I helped the family with  
22 budgeting.

23 Q So I wanted to talk about the employment  
24 opportunities.

1                   Can you explain to the Court how you assisted  
2 in identifying employment opportunities?

3                   A     So most of the times I met with the family, I  
4 would find different employment opportunities in the  
5 community, I would print out who was hiring, and it would  
6 be several opportunities each time, and let the family  
7 know, here's who's hiring, here's how you apply, and I  
8 would provide that to the family.

9                   Q     And approximately how many times, when you  
10 were the case manager, do you think you provided  
11 Ms. Guerrero with employment opportunities?

12                  A     I don't know if I could approximate. I'm  
13 sorry.

14                  Q     Do you think it was more than five?

15                  A     Yes.

16                  Q     Do you think it was more than ten?

17                  A     Can you clarify, because I don't know if each  
18 individual job referral counts or if it's each time I met  
19 with the family to talk about --

20                  Q     Any time that you gave Ms. Guerrero a  
21 specific job referral and identified where she could go  
22 to seek employment.

23                  A     I would say somewhere between five and ten  
24 would probably be appropriate.

1           Q     And that's just from the time period of April  
2 of 2013 to August of 2013?

3           A     Correct.

4           Q     And since you have been the case manager --  
5 and this is based on your personal knowledge -- have  
6 similar services been offered for employment  
7 opportunities?

8           A     Yes.

9           Q     And you talked about assisting Ms. Guerrero  
10 with a résumé. How did you assist Ms. Guerrero with a  
11 résumé?

12          A     She came into my office and we drafted one on  
13 my computer.

14          Q     Throughout the life of this case, while  
15 you've been involved in it, did you ever help  
16 Ms. Guerrero fill out job applications?

17          A     Yes.

18          Q     You did. And can you describe what  
19 assistance you provided to Ms. Guerrero for filling out  
20 those job applications?

21          A     She would come into my office, and we would  
22 complete those applications in my office.

23          Q     And were any services provided related to  
24 interviews or appropriate clothing for interviews, things

1       like that?

2               A       Yes. But that was provided by a different  
3 case manager.

4               Q       Not while you were on it?

5               A       While I was supervising I allowed for a  
6 Walmart card to be provided so she could have appropriate  
7 interview clothing.

8               THE COURT: What is a Hallmark card?

9               THE WITNESS: A Walmart card.

10              MS. ELCANO: To go to Walmart, a gift card.

11              THE COURT: I thought you said "Hallmark."

12              MR. ELKINS: Some employers like it if you  
13 bring a card.

14              MS. ELCANO: Greeting cards.

15              THE COURT: I was trying to figure that out.  
16 Okay. Go ahead.

17 BY MS. ELCANO:

18              Q       And why were bus passes provided to this  
19 family?

20              A       To allow them the opportunity to continue  
21 making their visitation, for them -- to allow them  
22 opportunities to get out into the community to find  
23 employment, to continue making counseling sessions, to  
24 continue accessing other community resources and other

1 things as deemed on their case plan and other services  
2 that they needed.

3 Q Approximately how many bus passes were  
4 provided to this family from April 2013 to August of  
5 2013?

6 A They are 31-day bus passes, so approximately  
7 one a month, so four for each parent, so eight.

8 Q You talked about a day planner and I think  
9 assisting with tracking appointments associated with  
10 TANF.

11 Why were those important things to provide  
12 this family with?

13 A At times the family had difficulties making  
14 it to appointments on time or keeping appointments  
15 straight, so I assisted them in providing them a day  
16 planner for the opportunity to write the appointments  
17 down to help them keep those appointments straight.

18 But the appointment tracker was for the TANF  
19 worker because the TANF worker wanted proof that they  
20 were making active efforts to reunify, and so that was a  
21 way for them to prove to their TANF worker that they were  
22 doing things to work towards reunification.

23 Q You also talked about budgeting. How did you  
24 address budgeting when you were the assigned case

1 manager?

2 A We have a worksheet that we use, and we would  
3 sit down and look at the income versus how much was spent  
4 on bills. And so we would identify what the bills were  
5 every month and what they would have left over for what  
6 they needed to pay.

7 Q Why was this an important service to offer to  
8 this family?

9 A Because it was important we make the effort  
10 for them to try to maintain their apartment, to find  
11 sustainable housing, because that was a key barrier to  
12 reunification.

13 Q I'd like to next turn to housing with regards  
14 to resources.

15 You talked about being in a family shelter  
16 and then the apartment. What services specifically were  
17 offered regarding housing?

18 A I wrote a letter to the Reno Housing  
19 Authority to attempt to help them get into public  
20 housing, again, budgeting to help them try to maintain  
21 the apartment they were in, and then finding employment  
22 to help increase their resources to help maintain housing  
23 as well.

24 Q If you could take the white binder in front



1 of you.

2 A Black binder?

3 Q May I approach, Your Honor?

4 If you could please turn to -- I believe it's  
5 marked as Exhibit 4, No. 4.

6 Do you recognize that letter?

7 A Yes.

8 Q And is this a letter that you wrote to Reno  
9 Housing Authority that you referenced?

10 A Yes.

11 Q And I think one of the statements in here is  
12 that you said "This family is excellent at following  
13 through with tasks assigned to them by me, and they are  
14 also proactive in contacting me when they need  
15 clarification or assistance."

16 Is that accurate?

17 A Yes.

18 Q What is the date of this letter?

19 A August 6, 2013.

20 Q Was that an accurate statement when you wrote  
21 this letter?

22 A Yes.

23 Q Okay. So since you have been --

24 MR. ELKINS: Judge, is counsel moving this

1       into evidence?

2                   THE COURT:   Yeah.   I think --

3                   MR. ELKINS:   She's read from the document.

4                   THE COURT:   -- you've been referring to it.

5       So Exhibit 4 is admitted.

6                   MR. ELKINS:   Thank you.

7                   THE COURT:   I guess Respondent's 4.

8                   MR. ELKINS:   Thank you.

9                   (Respondent's Exhibit 4 was admitted.)

10       BY MS. ELCANO:

11               Q       We'll come back to that, but next I'd like to  
12       turn to -- you said that motivation, I think, was also a  
13       concern in regards to parenting skills, knowledge, and  
14       motivation; is that correct?

15               A       Correct.

16               Q       And why was motivation or what specifically  
17       in regards to motivation was a barrier to reunification  
18       in this case?

19               A       I think it is twofold.   I think finding  
20       employment, maintaining employment, I think that is part  
21       of the motivation, but at the time of the assessment  
22       there was also an issue with Roberto attending school  
23       consistently, and so I think that was also identified as  
24       part of the motivation as well.

1           Q     And what services were offered, aside from  
2 what you've already listed, to address that motivation  
3 aspect?

4           A     At the time I was a case manager, I referred  
5 Ms. Guerrero for a psychosocial evaluation and also for  
6 individual counseling. As a supervisor, I facilitated  
7 vouchers for a neuropsychological evaluation as well as a  
8 psychological evaluation and individual counseling. And  
9 for Mr. Hunt-Taylor --

10          Q     I'm sorry. We're just here for Ms. Guerrero  
11 so we don't need to go into that.

12          A     I'm sorry.

13          Q     You had no way of knowing. I apologize. I  
14 should have made the question more specific.

15          A     And then I also assisted them in excessing  
16 other community resources as well, such as Salvation Army  
17 for assistance with bill payment, Casa De Vida for  
18 clothing for the children, St. Vincent's for food for  
19 their home and clothing for themselves and their  
20 children. Women and Children's Center of the Sierra,  
21 they have a diaper bank there that Ms. Guerrero could  
22 access as well as -- it's called low-income energy  
23 assistance for them so they could use that as a resource  
24 to maintain the apartment that they had at the time.

1           Q     Going back to when you were the case manager,  
2     who did you refer Ms. Guerrero to for a psychosocial  
3     evaluation; do you recall?

4           A     Ms. Brianna Carter.

5           Q     Who did you refer Ms. Guerrero to for  
6     individual counseling when you were the case manager?

7           A     Ms. Brianna Carter.

8           Q     Was there anybody else?

9           A     No.

10          Q     And in regards to vouchers when you were  
11     the -- you are still the supervisor -- you said you made  
12     a referral for a neuropsych and a psychological  
13     evaluation. Who were those to?

14          A     The neuropsychological evaluation was to  
15     Dr. Aberasturi, and the psychological evaluation was with  
16     Dr. Rogina. I apologize if I mispronounced that.

17          Q     Oh, no. I think you were just fine.

18                 Then you also said referrals were made to  
19     individual counseling.

20                 Who were those made to?

21          A     Dori Orlich.

22                 THE COURT: I'm going to ask a question.

23                 So you're the one who's paying for Dr. Rogina  
24     and Dr. Aberasturi? You say you provided a voucher.

1 THE WITNESS: At the time, yes.

2 THE COURT: So Rogina you paid? Aberasturi  
3 you paid? Orlich you paid?

4 THE WITNESS: Yes.

5 MS. ELCANO: Because of the SAFE-FC case,  
6 they pool funds.

7 MR. ELKINS: Judge, I don't want counsel to  
8 testify. Sorry.

9 THE COURT: Well, I just --

10 MR. ELKINS: I appreciate -- I don't mind you  
11 asking questions.

12 MS. ELCANO: It's already in evidence. It's  
13 been testified to as to the funding.

14 THE COURT: Yeah. She testified she provided  
15 vouchers, so I'm still having a little trouble with that.

16 THE WITNESS: They request that we provide  
17 these vouchers, and then we then facilitate getting the  
18 voucher to the provider and then paying for the service.

19 BY MS. ELCANO:

20 Q And the funds for the services come from who?

21 A I'm sorry?

22 Q How are these paid for?

23 A The Children's Cabinet paid for those  
24 services.

1 Q In conjunction with what program?

2 A With Social Services' SAFE-FC program.

3 Q Thank you.

4 THE COURT: And you're a nonprofit, which I  
5 assume means you get your funds from the community, then?

6 THE WITNESS: From the community. Also  
7 through grants and working with Social Services and other  
8 programs, yes.

9 THE COURT: These programs aren't available  
10 in Carson City, so I think sometimes when you come to an  
11 area that you're not familiar with what's going on, it's  
12 presumed that I might know something, and I don't --

13 I found that out especially in family court  
14 so there's so much more in Vegas and Reno in terms of  
15 resources for family court as compared to, like, Carson  
16 City and the rural areas that I end up sitting in.

17 So I'm really trying to sort -- depending on  
18 where I sit and in terms of what I can order half the  
19 time and assistance I can give people if I decide there's  
20 going to be some. I mean, in Clark County they almost  
21 give free legal because 70 percent of their caseload down  
22 there is pro per, so they have self-help centers and  
23 Lawyer in the Library, and we didn't have any of that in  
24 Carson City.

1                   So some of these things you might assume --  
2 judges in Reno like Judge Walker would know, so that's  
3 why I'm asking these questions.

4                   Go ahead.

5                   MS. ELCANO: I appreciate you clarifying  
6 anything that's unclear, and I apologize if I'm not  
7 eliciting all the necessary information for that.

8                   THE COURT: No, no. Sometimes we suppose  
9 something that isn't.

10 BY MS. ELCANO:

11                  Q     You also identified parenting skills being an  
12 issue here.

13                   Why was that an issue?

14                  A     At the time of the assessment, there was an  
15 issue with Roberto getting to school on time and getting  
16 to school every day, and then there was reports from the  
17 shelter that the condition of their room was not being  
18 maintained per the assessment.

19                  Q     And what services did you offer to  
20 Ms. Guerrero to address those parenting skills?

21                  A     We referred her to parenting classes.

22                  Q     To your knowledge did Ms. Guerrero attend  
23 those parenting classes?

24                  A     Yes.

1           Q     And do you recall when, approximately, that  
2 occurred?

3           A     I don't know.

4           Q     Okay. That's fine.

5                     Was that when you were a case manager?

6           A     Yes.

7           Q     Thank you.

8                     And you also indicated parental knowledge was  
9 an issue. Is that related to parenting skills or why was  
10 that identified?

11          A     That would be related to the parenting  
12 skills, yes.

13          Q     Thank you.

14                     What additional services were offered to this  
15 family, while you were a case manager, that you haven't  
16 already discussed?

17          A     Nothing I can think of off the top of my  
18 head.

19          Q     I think you went into the employment piece  
20 while you were a supervisor, but we didn't quite get that  
21 far on the resources issue.

22                     What errors -- pardon me -- what services  
23 have been offered to address the resources issue of  
24 housing and income and employment while you have been the



1 case manager?

2 A Assistance with finding employment, the  
3 letter to the Reno Housing Authority to help try to get  
4 public housing.

5 Q Was a subsequent letter offered? The letter  
6 that was admitted into evidence was dated August 6, 2013.  
7 Was a subsequent letter sent to Reno Housing Authority?  
8 That's all I was trying to ask.

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

10 Q So specifically while you have been a  
11 supervisor, what services have been offered to address  
12 housing, income, employment?

13 A Continued work on trying to find employment  
14 and sustainability.

15 Q Okay. Anything additional than you've  
16 testified to today?

17 A No.

18 Q So I'd like to talk a little bit about  
19 Ms. Guerrero's engagement.

20 While you were the caseworker, how would you  
21 characterize Ms. Guerrero's engagement in services?

22 A I think she was pretty engaged in services  
23 while I worked with her as a case manager.

24 Q Was she able to follow through?

1           A     Yes.

2           Q     As a supervisor, how would you characterize  
3 Ms. Guerrero's engagement?

4           A     I don't think she has been as consistent in  
5 services as she was when I was the case manager.

6           Q     Is she following through currently?

7           A     No.

8           Q     And the statement that you made on August 6,  
9 2013, that "This family is excellent at following through  
10 on tasks assigned to them by me," is that still accurate  
11 today?

12          A     No.

13          Q     Thank you.

14                You talked a little bit about the shelter.  
15 Was it your understanding or what was your understanding,  
16 based on your conversations with Ms. Guerrero, in regards  
17 to her ability to return to the shelter?

18          A     That after --

19                MR. ELKINS: I'm sorry. I'm sorry to  
20 interject, but I'm not sure which shelter we're talking  
21 about, Judge.

22                MS. ELCANO: I can clarify.

23 BY MS. ELCANO:

24          Q     Which shelter did Ms. Guerrero first identify

1 to you?

2 A At the time I was the case manager, it was  
3 the family shelter on Record Street.

4 Q And what was your understanding, based on  
5 your conversations with Ms. Guerrero, regarding her  
6 ability to return?

7 A That after being evicted from the family  
8 shelter, you are unable to return for a period of time.

9 Q And did she indicate to you, Ms. Guerrero  
10 indicate to you why she was evicted from the family  
11 shelter?

12 A Yes. It had to do with there was an  
13 allegation that Mr. Hunt-Taylor had stolen some property  
14 from there, and there was also allegations about the  
15 condition of the way they were keeping their room there.

16 Q And this is while you were the case manager;  
17 correct?

18 A Correct.

19 Q While you were the case manager on this case,  
20 how often did you speak with Ms. Guerrero?

21 A Weekly.

22 Q And in what capacity? Phone? Person?

23 A By phone, in person, occasionally by e-mail.

24 Q And what was discussed during those

1       conversations?

2               A       Our focus was the ongoing involvement of  
3       Washoe County Social Services and ways we could address  
4       her conditions for return.

5               Q       Did you have any concerns during those  
6       interactions and discussions with Ms. Guerrero?

7               A       No.

8               Q       And as a case manager, how often do  
9       you -- pardon me -- as a supervisor, how often do you  
10      speak with Ms. Guerrero?

11              A       Sporadically.

12              Q       And in what way or in what capacity do you  
13      speak with her?

14              A       By phone and in-person meetings.

15              Q       Okay. Have you had any concerns with those  
16      interactions with Ms. Guerrero?

17              A       No.

18              Q       Based on your conversations with Ms. -- well,  
19      I think you indicated that domestic violence became an  
20      issue later in this case.

21                      Based on your conversations with  
22      Ms. Guerrero, how did you know that that was an issue?

23              A       Ms. Guerrero had indicated that she was going  
24      to be entering CAAW, which is a shelter for women who

1 have suffered domestic violence, and she had indicated  
2 that she had been a victim of domestic violence and  
3 that's why she wanted to enter the shelter.

4 Q Do you know approximately when Ms. Guerrero  
5 provided that information to you?

6 A I can't recall.

7 Q Was it in 2014; do you recall?

8 A I believe that's accurate, yes.

9 Q And what concerns did you have given that  
10 information?

11 A That that would be an unsafe environment for  
12 children if there was domestic violence in the home.

13 Q And to your knowledge and based on your  
14 conversations with Ms. Guerrero, was she engaged in a  
15 relationship romantically with anyone else while you were  
16 the supervisor on this case?

17 A Yes.

18 Q And who was that individual?

19 A Alberto. I don't know the last name.

20 Q And did you have any concerns with that  
21 relationship?

22 A She had indicated similar domestic violence  
23 concerns in that relationship as well.

24 Q Okay. And, again, why was that concerning to

1       you?

2               A       The same.  If there's domestic violence  
3       occurring, that would be an unsafe home for children.

4               Q       While you have been the supervisor, what  
5       services have been offered to Ms. Guerrero to address  
6       domestic violence?

7               A       The ongoing therapy and the psychosocial --  
8       I'm sorry -- the psychological evaluation and  
9       neuropsychological evaluation and the individual therapy.

10              Q       While you were the case manager of this case,  
11       was Ms. Guerrero ever employed?

12              A       When I was the case manager, no.

13              Q       While you have been the supervisor of this  
14       case, has Ms. Guerrero been employed?

15              A       Yes.

16              Q       And do you recall where?

17              A       She was employed at the Motel 6 --

18              Q       Do you know -- sorry.

19              A       -- in November of 2014.

20              Q       Do you know for approximately how long, based  
21       on your conversations with Ms. Guerrero, she was employed  
22       there?

23              A       I believe it was two or three weeks.

24              Q       And is there any other place of employment

1       that you were aware of while you were the supervisor?

2               A       She was also employed at La Quinta inn.

3               Q       Do you know for how long?

4               A       It was in July of 2015, and I believe that  
5       was also about two or three weeks.

6               Q       And typically do you ask for verification of  
7       income?

8               A       We would if we were going to be assisting  
9       with housing.

10              Q       Okay. And had you asked for verification of  
11       income from Motel 6 or La Quinta?

12              A       It would have been something her case manager  
13       would have asked for.

14              Q       Okay. Fair enough.

15                      To your knowledge is Ms. Guerrero employed  
16       today?

17              A       No.

18              Q       And I think you've gone into this a little  
19       bit, but while you were a case manager, you indicated  
20       Ms. Guerrero had an apartment.

21                      Do you recall where that was located?

22              A       I believe on Linden Street.

23              Q       And to your knowledge, based on your  
24       conversations with Ms. Guerrero, was she still residing

1       there when you were no longer the case manager?

2               A       Briefly, yes.

3               Q       And as the supervisor, have you had  
4       discussions with Ms. Guerrero regarding her housing?

5               A       No.

6               Q       Do you know where Ms. Guerrero's residing  
7       today?

8               MR. ELKINS:  Objection.  Hearsay.

9               MS. ELCANO:  I'm asking if she knows.

10              THE COURT:  If the answer is no -- do you  
11       know?

12              THE WITNESS:  I believe she's residing at the  
13       shelter.

14              MR. ELKINS:  I'll withdraw the objection.

15              THE COURT:  Okay.  You know, we referred to a  
16       couple of different shelters so I'm compelled to ask.  
17       How many shelters are there?  You said there's family  
18       shelter?

19              MS. ELCANO:  I'll let you answer.

20              THE WITNESS:  There's two different domestic  
21       violence shelters in town.

22              THE COURT:  That's CAAW you're talking about?

23              THE WITNESS:  CAAW, and the other one is  
24       called Safe Memories, there's the women's shelter,



1       there's the family shelter, as far as I know. There's a  
2       men's shelter, but I don't think that applies in this  
3       particular situation.

4                   MS. ELCANO: The Court's indulgence, Your  
5       Honor.

6                   THE COURT: You made that objection, but --  
7       somebody made an objection about which shelter we were  
8       talking about, so that indicates there's more than one  
9       shelter.

10                  MR. ELKINS: Right.

11       BY MS. ELCANO:

12                  Q       You testified that resources were an issue  
13       for this family, motivation was an issue for this family,  
14       parenting skills and knowledge and domestic violence.

15                         Are these still issues for Ms. Guerrero  
16       today?

17                  A       Yes.

18                  Q       And what behavioral changes, if any, has  
19       Ms. Guerrero demonstrated to you while you have been  
20       either the case manager or the supervisor of this case,  
21       demonstrating -- let me start over.

22                         While you've been the case manager and  
23       supervisor of this case, what behavioral changes, if any,  
24       has Ms. Guerrero demonstrated that address those concerns

1 and safety barriers to reunification?

2 A I don't believe there have been any.

3 MS. ELCANO: I have no further questions.

4 Thank you.

5 THE COURT: Mr. Elkins.

6 MR. ELKINS: Thank you, Judge.

7

8 CROSS-EXAMINATION

9 BY MR. ELKINS:

10 Q Good morning.

11 A Good morning.

12 Q Ms. Pasley, just to be clear, you were the  
13 case manager in this case when it first came in?

14 A Correct.

15 Q And Children's Cabinet received it in May, is  
16 that right, of 2013?

17 A The end of April of 2013.

18 Q Okay. Late April, early May, something like  
19 that?

20 A Yes.

21 Q And you were the case manager through, like,  
22 approximately the middle of August?

23 A Of 2013, correct.

24 Q So about four months in the beginning of the

1 case?

2 A Correct.

3 Q Where did the family live during the time  
4 when you were the case manager?

5 A An apartment.

6 Q On Linden Street; is that correct?

7 A Uh-huh.

8 Q So they never lived in a shelter while you  
9 were the case manager, did they?

10 A No.

11 Q So the information that you were providing  
12 about shelters is something that you got from someone  
13 else, correct, the history about shelters?

14 A From the assessment I received, correct.

15 Q So not from Ms. Guerrero?

16 A In talking with Ms. Guerrero about the  
17 history of how I got them as their case manager.

18 Q All right. Let me ask you this: In terms of  
19 the issue about theft from a shelter by Mr. Hunt-Taylor,  
20 do you recall that?

21 A Yes.

22 Q Did you have a conversation with Ms. Guerrero  
23 about that?

24 A With Ms. Guerrero and Mr. Hunt-Taylor, yes.

1           Q     In your conversation with Ms. Guerrero, did  
2 she identify that as the Family Promise shelter?

3           A     I don't recall.

4           Q     Isn't it a fact that she told you that she  
5 and the children remained there and Mr. Hunt-Taylor had  
6 to leave? Do you recall that?

7           A     I don't know.

8           Q     And are you aware that that shelter closed  
9 for lack of funding?

10          A     No, I'm not.

11          Q     Okay. Is it fair to say that you don't  
12 recall the details of that conversation with Ms. Guerrero  
13 at this point?

14               MS. ELCANO: Objection. This is badgering  
15 the witness. She's already provided the information that  
16 she recalls and if she hasn't recalled.

17               THE COURT: The objection is overruled.  
18 Go ahead and answer the question.

19               MR. ELKINS: If my tone is badgering, it  
20 isn't meant to be. I don't believe I'm raising my voice.

21               MS. ELCANO: I don't think it's necessarily a  
22 tone that merits badgering, but questioning can merit  
23 badgering, and she's answered what she knew and didn't  
24 know, and to ask a question to that extent is not

1 appropriate. It's badgering the witness.

2 THE COURT: Objection is overruled.

3 Go ahead and ask the question.

4 BY MR. ELKINS:

5 Q Do you recall my question?

6 A No, I don't. Can you repeat it, please?

7 Q Sure. Is it fair to say that as you sit here  
8 today, which is about two years -- more than two years  
9 later, that you don't recall the specifics of your  
10 conversation with Ms. Guerrero about her history in the  
11 shelter system?

12 A Of that one particular incident, yes.

13 Q Okay. Thank you. Children's Cabinet  
14 provided a lot of services to the family, bus passes. I  
15 think you left out the food bank; right? So they  
16 accessed the food bank fairly often; right?

17 A Yes, sir.

18 Q When you issue bus passes to the family, do  
19 you require anything -- withdraw. Let me be specific.

20 When you gave Ms. Guerrero a bus pass, did  
21 you require anything from her?

22 A At the beginning when I was her case manager,  
23 we used -- the same tracking sheet I was using for her  
24 TANF worker I was also having her submit back to me as

1 well.

2 Q Okay. Let me refer your attention to what  
3 has been, in that white binder there, offered as  
4 Respondent's 5 and ask you whether you recognize that  
5 document.

6 THE COURT: Wasn't that admitted already?

7 MR. ELKINS: No, Judge.

8 BY MR. ELKINS:

9 Q Do you recognize these documents?

10 A Not that first page.

11 Q Well, let me direct your attention to the  
12 portion -- let's see -- I hope yours are ordered the same  
13 way mine are, but -- one, two, three, four, five -- the  
14 sixth page of the same document, sixth page.

15 THE COURT: Is there any reason we haven't  
16 admitted it?

17 MS. ELCANO: I object to its admission, Your  
18 Honor.

19 THE COURT: Okay. Just asking.

20 BY MR. ELKINS:

21 Q Do you have the sixth page? At the top it  
22 says "6/4/13-7/13/13" and "page 1."

23 Do you see that at the top?

24 A Yes.

1           Q     Would you look at the bottom right-hand  
2 corner.  
3                     Do you recognize that?  
4           A     Yes.  
5           Q     And what is that?  
6           A     Those are my initials.  
7           Q     Those are your initials, okay.  
8                     And does that assist you to identify the  
9 document?  
10          A     Yes.  
11          Q     Can you tell me what these documents are,  
12 then?  
13          A     Like I said, this is what I have her turn in  
14 to show how she was using her bus pass at the time I was  
15 her case manager.  
16                     MS. ELCANO: Can I clarify if we're only  
17 talking about page 6?  
18                     MR. ELKINS: No. I'm talking about the forms  
19 themselves.  
20                     THE WITNESS: I identified that very first  
21 page as not my page.  
22                     MR. ELKINS: I'm sorry. The first page --  
23                     THE WITNESS: It says "Weekly Attendance  
24 Sheet" at the top.

1 BY MR. ELKINS:

2 Q Yes. What about it?

3 A That was not a page -- that's not my page.

4 Q Let's go to the second page.

5 A I was just identifying that was not my page.

6 Q Disregard the first page.

7 What about the second page that says "Bus  
8 Pass Tracker," do you recognize that document?

9 A Yes.

10 Q And what is that?

11 A Like I said, that is what we had Ms. Guerrero  
12 turn in to show how she was using her bus pass.

13 Q Okay. And the next page?

14 A The same.

15 Q And the page after?

16 A The same.

17 Q The pages that say "Bus Pass Tracker" on the  
18 top or "Bus Tracking Form," are those documents that were  
19 provided initially to Ms. Guerrero for her completion, by  
20 the Children's Cabinet?

21 MS. ELCANO: Objection, Your Honor. Were  
22 they blank documents or --

23 MR. ELKINS: Judge, I can get there.

24 THE COURT: Let him ask the question.



1 MR. ELKINS: Thank you.

2 BY MR. ELKINS:

3 Q Did you provide blank documents to  
4 Ms. Guerrero to track her use of the bus pass?

5 A Yes.

6 Q Okay. And did you require her to do  
7 something with those documents in order to get bus  
8 passes?

9 A To return them back to me as her case  
10 manager, yes.

11 Q And return them back how?

12 A Completed.

13 Q Okay. And these documents that -- the ones  
14 with "Bus Pass Tracker" or "Bus Tracking Pass" at the  
15 top, "Bus Tracking Form," are those documents that  
16 Ms. Guerrero submitted to you in order to get her bus  
17 passes?

18 A Yes.

19 Q And where were these documents kept?

20 A In my case file.

21 Q And are these kept in the regular course of  
22 the business of Children's Cabinet?

23 A Yes.

24 Q Are they kept for the purpose of documenting

1       how the bus pass money is spent?

2               A       At the time, yes.

3               MR. ELKINS: Judge, I move these into  
4       evidence as Respondent's 5 in evidence for purposes not  
5       of the truth of the contents, but to show that they were  
6       submitted by my client for the purpose of obtaining the  
7       bus passes.

8               MS. ELCANO: I object, Your Honor. These  
9       documents are not authored by Ms. Pasley. They obviously  
10      contain lots of information. They were not created by  
11      her. They do not meet the business record rule because  
12      they were not created by her. They may have --

13              THE COURT: I'm going to assume at some point  
14      your client's going to testify and say these were used by  
15      her. They'll be admitted on the basis -- let me just  
16      finish what I'm -- I'm not going to read the content at  
17      this point. They will be admitted for the purposes of  
18      showing that she received them and then submitted them  
19      back to the agency. I won't look at the content unless  
20      and until I get more testimony, so they're limited for  
21      very --

22              MS. ELCANO: I just want to make the record.  
23      They are as to Robert and Jackie. There's no information  
24      that just Jackie authored them. They contain hearsay.

1           Additionally -- if I could just finish making  
2 my record -- additionally, they do not meet the business  
3 record document requirement because they were not  
4 authored by this particular individual. They talk about  
5 Ms. Guerrero and Mr. Hunt-Taylor. They are not all  
6 initialed specifically by Ms. Pasley. There are some  
7 pages that are initialed and others that are not.

8           MR. ELKINS: Sorry, Judge. Ms. Elcano is  
9 free to voir dire the witness was my objection, if she  
10 wants to ask questions about the foundation. Other than  
11 that, I don't have anything to add.

12           THE COURT: They're only being admitted to  
13 show that the forms were given to her and the forms were  
14 returned to her. If you want me to consider the content,  
15 then I need more testimony.

16           MS. ELCANO: I just want to be very clear  
17 that the first page identified as "Weekly Attendance  
18 Sheet" is not being admitted.

19           THE COURT: Is it going to become something  
20 you use later on?

21           MR. ELKINS: Probably not, Judge.

22           THE COURT: No. Let's just -- we'll mark  
23 that as 6 or 5 --

24           MR. ELKINS: A or --

1 THE COURT: 5A, and then the rest of it is  
2 5B.

3 MR. ELKINS: Thank you, Judge.

4 THE CLERK: You can just admit specific  
5 pages.

6 THE COURT: So the rest of the pages were  
7 admitted for the purpose of showing that the form is  
8 provided to her and she submitted it back.

9 THE CLERK: So I don't have the original  
10 exhibit book, so -- so is page 1 the only page --

11 THE COURT: 5A is not admitted for any  
12 purpose. 5B, which is the rest of the pages, is admitted  
13 solely for the purpose of showing that it was provided to  
14 her and resubmitted back, not for the content, unless I  
15 get more testimony on it.

16 Is that clear as mud?

17 MR. ELKINS: May I?

18 THE COURT: Yes.

19 MR. ELKINS: Thank you.

20 (Respondent's Exhibit 5B was admitted.)

21 BY MR. ELKINS:

22 Q Would you say, Ms. Pasley --

23 Am I pronouncing your name correctly?

24 A PAZ-LEE.

1 Q PAZ-LEE. I'm sorry.

2 Would you say, Ms. Pasley, that completing  
3 and submitting these forms showed motivation by the  
4 mother?

5 A Yes.

6 Q You testified that initially, when the  
7 assessment was done, among the identified issues was  
8 parenting skills, knowledge, and something -- I'm sorry.

9 Do you recall what? Parenting skills,  
10 knowledge, and what?

11 A Motivation.

12 Q Does that come from a form, an assessment  
13 form?

14 A Yes.

15 Q So these aren't your identified concerns?  
16 These were on the form; is that right?

17 A Yes.

18 Q Roberto, do you know how old he was when the  
19 case came in?

20 A Five.

21 Q Was he required to go to school?

22 A He was in kindergarten.

23 Q But was he required to go to school; do you  
24 know?

1 MS. ELCANO: If we're asking for a legal  
2 conclusion, I will be objecting as to legally whether  
3 he's required to go to school.

4 BY MR. ELKINS:

5 Q In your understanding --

6 A In my understanding, if the child is enrolled  
7 in school, they're required to attend school.

8 Q Being five and not going to kindergarten, was  
9 that a safety concern? Did that make him unsafe?

10 A I don't know. I did not do the assessment.

11 Q Your job, as I understand it, is to implement  
12 safety planning; correct?

13 A Uh-huh, yes.

14 Q So presumably you have to know what safety  
15 is, what's safe and what isn't; fair to say?

16 A Yes.

17 Q Is a child unsafe by virtue of not going to  
18 kindergarten at the age of 5?

19 A No.

20 Q Okay. Thank you.

21 THE COURT: There are no right or wrong  
22 answers. Just answer the question. Sometimes witnesses  
23 think that there are right or wrong answers. Just  
24 answer -- you gave a good answer. There are no right or

1 wrong answers.

2 BY MR. ELKINS:

3 Q Referring to 4 in evidence in your binder  
4 there, can you explain the circumstances under which you  
5 wrote that letter?

6 A Ms. Guerrero was reporting that she was close  
7 to the top of the Reno Housing Authority list for housing  
8 at the time and that they needed two letters of reference  
9 to obtain the housing, and they were having difficulties  
10 obtaining the two letters, so I wrote one of the letters  
11 for her.

12 Q Okay. Are you familiar with the Section 8  
13 program? Is that one of the things your agency employs?

14 A That is one of the options through the Reno  
15 Housing Authority.

16 Q Can you explain to the judge what Section 8  
17 is?

18 A Section 8 is public housing. There's  
19 different options. There's actual housing itself that is  
20 provided for public housing, but then there's also  
21 voucher programs where you could qualify for funding  
22 through public housing to live in a different residence  
23 if necessary, that they would assist with rent.

24 Q Can you --

1 I'm sorry, Judge.

2 THE COURT: Reno Housing is different than

3 Section 8, I assume?

4 MR. ELKINS: That's a question.

5 THE WITNESS: No. It's --

6 THE COURT: The same thing?

7 THE WITNESS: Yes.

8 THE COURT: So if I refer to Section 8

9 housing, that's Reno Housing?

10 THE WITNESS: Correct.

11 THE COURT: Okay. I had that question. So

12 go ahead.

13 BY MR. ELKINS:

14 Q So when a person applies for Section 8, they

15 get a voucher; correct?

16 A Not necessarily.

17 Q No, no. If they're lucky, they get a

18 voucher?

19 A (No audible response.)

20 Q When you say "not necessarily" --

21 A Some families that are selected for Reno

22 Housing are given an actual place to live, they have

23 actual housing units, and other families are given a

24 voucher.



1           Q     Let's say you're given a housing unit.  
2     You're required to pay a deposit; is that correct?  
3           A     Yes.  
4           Q     And you're required to pay a certain amount  
5     of money monthly for utilities?  
6           A     Yes.  
7           Q     And then the rent is subsidized; is that  
8     correct?  
9           A     Correct.  
10          Q     And you pay what, 30 percent of your income?  
11          A     I'm not sure as to the exact percentage.  
12          Q     Some percentage?  
13          A     Correct.  
14          Q     What if you have no income?  
15          A     I don't know their procedures --  
16          Q     Okay.  
17          A     -- exactly.  
18          Q     With regard to the voucher, do you know who  
19     issues those vouchers?  
20          A     The Reno Housing Authority.  
21          Q     And when you get the voucher, you have to go  
22     out and find an apartment; correct?  
23          A     Correct.  
24          Q     Which means you have to find a landlord who's

1 willing to rent to you?

2 A Correct.

3 Q And do you know what happens if you're not  
4 able to use the voucher within a certain period of time?

5 A No.

6 Q How long have you worked for the Children's  
7 Cabinet?

8 A Four years.

9 Q And how many families would you say you've  
10 assisted to use these Section 8 vouchers?

11 A Probably up to ten.

12 Q In your experience, does having bad credit or  
13 a prior eviction make it difficult to get an apartment?

14 A Yes.

15 Q And so is it fair to say that you can have a  
16 Section 8 voucher and not be able to get an apartment  
17 because of things like bad credit or prior eviction?

18 A Yes.

19 Q What was your understanding, besides Roberto  
20 not going to kindergarten, about the impending danger  
21 when the case came in?

22 A That the family lacked resources to provide  
23 for themselves and the children.

24 Q And specifically housing?

1           A     Housing and income to maintain housing, yes.

2           Q     And one of the services, I believe you  
3 testified, that you provided was assisting in preparing a  
4 budget; correct?

5           A     Correct.

6           Q     I'd like to direct your attention to the  
7 white binder, to what's been offered as 3.

8                     Do you recognize that document?

9           A     Yes.

10          Q     And whose initials appear on the bottom  
11 right-hand corner?

12          A     Those are mine.

13          Q     When did you -- withdrawn.

14                     Did you complete this document?

15          A     Yes.

16          Q     And when did you complete it?

17          A     In January of 2013.

18          Q     And can you just explain to the Court the  
19 circumstances under which you completed this document?

20          A     I met with Ms. Guerrero, and we looked at the  
21 income she had coming in versus the expenses she had at  
22 the time, and we completed this form.

23          Q     And then was this what you referred to as one  
24 of the steps you took as a service at the request of the

1 Washoe County Department of Social Services, to assist  
2 the mother in completing the budget?

3 A Yes.

4 Q And when this was done, did you keep the  
5 document?

6 A Yes.

7 Q And where did you keep it?

8 A In my case file.

9 Q Is this document kept in the regular course  
10 of your business?

11 A Yes.

12 Q In the files of the Children's Cabinet?

13 A Yes.

14 MR. ELKINS: Judge, I would introduce this as  
15 No. 3 in evidence.

16 MS. ELCANO: May I just voir dire, Your  
17 Honor?

18 THE COURT: Go ahead.

19 MS. ELCANO: Thank you.

20

21 VOIR DIRE EXAMINATION

22 BY MS. ELCANO:

23 Q All of the information that was inputted in  
24 this document was provided by who?

1           A     Ms. Guerrero.

2           Q     So you did not verify anything indicated  
3 here?

4           A     No.

5           Q     And did you personally write in everything  
6 here?

7           A     Some of this does not appear to be my  
8 handwriting.

9                   MS. ELCANO: Your Honor, I'm prepared to  
10 stipulate to its limited admission as to a document that  
11 was submitted as a budget form to Ms. Pasley.

12                  THE COURT: Well, you know, the questions  
13 you're asking go to the weight I would give it, not  
14 whether it's admissible, so Exhibit 3 is admitted.

15                  MS. ELCANO: Your Honor, it's based on  
16 hearsay and information that she didn't handwrite, so I  
17 don't think she can authenticate it.

18                  THE COURT: You can certainly cross-examine  
19 about that.

20                  MS. ELCANO: Just for the record, she  
21 indicated it's not her handwriting, so it's information  
22 she didn't enter. I don't think it's been properly  
23 authenticated because we can't identify who's written in  
24 that information. Also, she's writing down information

1 provided by Ms. Guerrero, not her own information that  
2 hasn't been validated.

3 Given that, I don't think it's been properly  
4 authenticated, I don't think it meets the hearsay  
5 exceptions, and I'm willing to submit to it being  
6 admitted only as to a document that she received, but not  
7 one that she created.

8 THE COURT: What you're saying goes to the  
9 weight I might give what's there, but not whether --

10 MS. ELCANO: It goes to authenticity as well.

11 THE COURT: This was a form that she said  
12 they sat down and filled out together, so the fact that  
13 she didn't verify amounts goes to its weight.

14 MS. ELCANO: But she didn't write everything  
15 in either, so I don't think she can authenticate it, Your  
16 Honor.

17 THE COURT: But you both filled this form  
18 out; is that correct?

19 THE WITNESS: Correct.

20 THE COURT: So it's admitted for whatever  
21 purposes you guys want to argue. 3 is admitted.

22 MR. ELKINS: Thank you.

23 (Respondent's Exhibit 3 was admitted.)

24 THE COURT: How much longer are you going to

1 be with this witness? We're getting close to our break  
2 here.

3 MR. ELKINS: What time would you like to  
4 break?

5 THE COURT: I would have broke at 10:15.

6 MR. ELKINS: I cannot finish by 10:15 at this  
7 point, Judge.

8 THE COURT: How about 10:30?

9 MR. ELKINS: How about --

10 THE COURT: If we take our breaks at fairly  
11 regular times, then we don't --

12 MR. ELKINS: Judge, it's entirely up to you.

13 THE COURT: 8:30 to 12:00 --

14 MR. ELKINS: I've got five to ten more  
15 minutes.

16 THE COURT: We'll take a 15-minute break, and  
17 we'll come back at 20 to 11:00.

18 (A recess was taken.)

19 THE COURT: This is Case No. FV14-03897 in  
20 the matter of the parental rights as to the Taylor  
21 children as set out in the petition. The parties are  
22 present with their counsel.

23 Mr. Elkins, continue your cross-examination.

24 MR. ELKINS: Thank you.

1 CROSS-EXAMINATION

2 (Cont'd)

3 BY MR. ELKINS:

4 Q Ms. Pasley, during the break I know you were  
5 speaking to Ms. Lopez. You weren't speaking to her about  
6 the case, were you?

7 A No.

8 Q Okay. Thank you.

9 I didn't think so. I just wanted to make  
10 sure.

11 We were talking about -- I think when we left  
12 off we were talking about you assisting Ms. Guerrero to  
13 prepare a budget while they were living in the Linden  
14 Street apartment.

15 Is it fair to say that, given their income at  
16 the time, you found that that was not a sustainable  
17 situation?

18 A That's correct.

19 Q In fact, is it fair to say that it was your  
20 opinion that TANF was not sufficient to support this  
21 family in that apartment?

22 A Correct.

23 Q Okay. When the family first came to you or  
24 Ms. Guerrero first came to you and told you they had the



1 apartment, she told you there was an impediment to  
2 signing the lease, did she not?

3 A I'm sorry?

4 Q Let me be more specific.

5 When they first came to you, they said they  
6 owed money to Nevada Energy or some -- on the power bill;  
7 correct?

8 MS. ELCANO: Your Honor, I would just like to  
9 request that the information provided is what  
10 Ms. Guerrero said, not they.

11 MR. ELKINS: She. I'm sorry. I apologize.

12 BY MR. ELKINS:

13 Q Ms. Guerrero told you that they owed money on  
14 their previous energy bill; correct?

15 A Correct.

16 Q And that that would be an impediment to their  
17 renting an apartment, this apartment; correct?

18 A Correct.

19 Q And she also told you that the rent was what,  
20 about -- do you know?

21 A I can't recall.

22 Q \$350, something like that, or do you not  
23 recall?

24 A I can't recall.

1 Q Okay. In any event, Ms. Guerrero asked the  
2 Children's Cabinet to assist with the payment of the  
3 outstanding energy bill; correct?

4 A Correct.

5 Q And Children's Cabinet did not provide that  
6 payment; correct?

7 A Correct.

8 Q But Ms. Guerrero managed -- she told you she  
9 managed to get the money from a friend?

10 A Correct.

11 Q So they were able to move into the apartment?

12 A Correct.

13 Q During that time when you were the case  
14 manager, you would visit the apartment, the Linden Street  
15 apartment; isn't that right?

16 A Correct.

17 Q And let me just back up for a minute.

18 Do you make Unity notes?

19 A Yes.

20 Q And not to belabor the record, but can you  
21 just briefly describe, what is a Unity note?

22 A Unity is the computer system to which we  
23 enter our case notes into.

24 Q And when do you make those entries in

1 relation to what you're writing about? Do you do it the  
2 same day, the next day?

3 A We have five business days.

4 Q Okay. So within five business days of an  
5 event, you record the event?

6 A Correct.

7 Q And do you make an effort to be accurate  
8 about what you're writing?

9 A Yes.

10 Q Okay. One of your functions was, if I  
11 understand you correctly, to determine whether or not an  
12 in-home safety plan could be implemented?

13 A Correct.

14 Q And one of your functions while doing that  
15 was to visit the home; is that correct?

16 A Correct.

17 Q Let me ask you this: Do you have any records  
18 with you that you made?

19 A I did not bring any records with me, no.

20 Q Do you recall visiting the home during --  
21 well, isn't it fair to say that, during your visits to  
22 the home, you found it was sufficiently safe for the  
23 children?

24 A I recall making notes that there were some

1 concerns during my visits.

2 Q But isn't it a fact that in July you  
3 recommended an in-home safety plan?

4 A I don't recall specifically what you're  
5 referring to.

6 Q Okay. The Court's indulgence.

7 Do you recall that you were speaking to  
8 Washoe County Department of Social Services about whether  
9 the children could safely be in the home? Do you recall  
10 that?

11 A That's always an ongoing conversation,  
12 correct.

13 Q Do you recall a time when you said that you  
14 had been to the home and it was appropriate for in-home  
15 visits?

16 A Correct.

17 Q Is it fair to say that you would not have  
18 said that if you were concerned that the conditions in  
19 the home were unsafe for the children?

20 A But I also noted different concerns. I went  
21 to the home six times between May and August of 2013  
22 where I noted there was debris in the carpet, there was  
23 cigarettes accessible to the children.

24 Q On one occasion; correct?

1           A     The cigarettes was one occasion, correct.

2           Q     Okay. So when you visited the home, did you  
3 enter Unity notes about your visits?

4           A     Yes.

5           Q     Sorry, Judge.

6                     Do you recall specifically the conditions of  
7 the home each of the times that you visited as you sit  
8 here today?

9           A     In reviewing for the trial, I remember  
10 reviewing those case notes and that I noted the  
11 conditions of the home.

12          Q     Okay. So based upon your review of the case  
13 notes, you have a recollection?

14          A     Correct.

15          Q     So if I were to ask you, for example, on  
16 May 22nd when you visited the home, what were the  
17 conditions, do you recall? May 22nd of 2013.

18          A     I do not recall that specific case note, no.

19          Q     If I showed you the case note, would that  
20 refresh your recollection?

21          A     Yes.

22                     MR. ELKINS: Judge, I would like this deemed  
23 marked for identification. I'm not sure how far along we  
24 are with respondent's.

1 THE CLERK: It will be marked as Respondent's  
2 Exhibit 9.  
3 MR. ELKINS: 9.  
4 MS. ELCANO: May I have a copy?  
5 MR. ELKINS: Well, you can -- I only have  
6 this one. I'm happy to make a copy of it, Your Honor.  
7 MS. ELCANO: My only concern is there is a  
8 case note lower that is not Miss Pasley's case note.  
9 MR. ELKINS: I haven't identified that.  
10 MS. ELCANO: I would just request that she's  
11 restricted in reading only what was provided, and that if  
12 this is admitted into evidence, it's not --  
13 THE COURT: The only purpose it has is to  
14 refresh her recollection and wouldn't be admitted --  
15 MR. ELKINS: I have no intention of offering  
16 it into evidence.  
17 THE COURT: It's only being marked now for  
18 purposes of identification?  
19 MR. ELKINS: Correct.  
20 May I approach the witness?  
21 THE CLERK: If you could not write on the  
22 originals.  
23 MR. ELKINS: Sorry.  
24 (Respondent's Exhibit 9 was marked.)

1 BY MR. ELKINS:

2 Q I'm going to show you what's been marked  
3 Respondent's 9 and ask you if you would look at that  
4 note, the one at the top.

5 Is that a note that you made?

6 A Yes.

7 Q And looking at the note and particularly  
8 drawing your attention to the last sentence, does that  
9 refresh your recollection about the condition of the home  
10 on May 22, 2013, during your visit?

11 A Yes.

12 Q And what was the condition?

13 A I noted that from the living room area that I  
14 saw, I did not note safe concerns at that time.

15 Q I'm sorry. How did you characterize it?

16 A I said that the home appeared clean, free of  
17 safety hazards, from what I could see.

18 Q Okay. Thank you.

19 Do you recall visiting the home on June the  
20 12th of 2013?

21 A Yes.

22 Q Do you recall noting that the apartment was  
23 clean and there were no safety concerns other than two  
24 hand-rolled cigarettes on a table -- on an ashtray on the

1 table? Do you recall that?

2 A I recall noting that the cigarettes were a  
3 concern because they could be of danger to the children,  
4 yes.

5 Q Do you recall noting that otherwise the  
6 apartment was clean and there were no safety concerns?

7 A Yes.

8 Q Do you recall transporting Ms. Guerrero back  
9 to her home on June 19th after accessing clothes at Casa  
10 De Vida?

11 A Yes.

12 Q And do you recall noting at that time that  
13 you gauged the safety of the home during the visit --  
14 although there was some clutter from the toys, the home  
15 posed no safety threat? Do you recall that?

16 A I also noted one of the children had a  
17 dirty --

18 Q Do you recall that?

19 A Yes.

20 Q You noted one of the children had a dirty  
21 diaper and that Ms. Guerrero changed it?

22 A Yes.

23 Q There came a time, did there not, when the  
24 children were permitted to visit in their parents' home



1 on Linden Street?

2 A Yes.

3 Q Going back to the power bill, you referred  
4 Ms. Guerrero to the Salvation Army; correct?

5 A Correct.

6 Q In an effort to pay the bill?

7 A Correct.

8 Q And you, in fact, made a phone call from your  
9 office, didn't you?

10 A Correct.

11 Q And ultimately Salvation Army was not able to  
12 assist; is that correct?

13 A Correct.

14 Q You also made other efforts, and, if I  
15 understand it correctly, in one instance it would take  
16 two months to get assistance; is that right?

17 A I believe you're referring to the low-income  
18 energy assistance application.

19 Q Right.

20 A That's processed through the Department of  
21 Welfare, and there's no guarantee on how long it can  
22 take, correct.

23 Q Isn't it true the visits in the home stopped  
24 because the parents were not able to pay their power

1 bill? Do you recall that?

2 A I -- I -- I don't.

3 Q But you were responsible for the in-home  
4 safety plan; right?

5 A There was not --

6 MS. ELCANO: Objection.

7 MR. ELKINS: Withdrawn.

8 BY MR. ELKINS:

9 Q You were responsible for seeing whether or  
10 not an in-home safety plan could be implemented; correct?

11 A Correct.

12 Q So the lack of power would have been  
13 something that would have been of concern to you, I  
14 assume?

15 A Correct.

16 Q Okay. Is that something that would have been  
17 called to your attention?

18 A Yes.

19 Q Do you recall the parents not being able to  
20 pay the power bill?

21 A Yes.

22 Q Do you recall in July having a conversation  
23 with Ms. Guerrero about how the power bill could be paid?

24 Let me be more specific. Do you recall

1 discussing with Ms. Guerrero donating plasma to pay the  
2 power bill?

3 A I remember discussing that with Ms. Guerrero  
4 and Mr. Hunt-Taylor, yes.

5 Q And, in fact, do you recall that the family  
6 had items or were being told that the family had items in  
7 storage, they had to pay storage?

8 A Yes.

9 Q And did Ms. Guerrero tell you it was  
10 furniture, bunk beds, children's toys and clothes, things  
11 of that kind?

12 A I don't recall specifically what was in the  
13 storage.

14 Q Okay. Well, you knew that they had had a  
15 previous eviction; correct?

16 A Correct.

17 Q And did Ms. Guerrero tell you things were in  
18 storage as a result?

19 A Yes.

20 Q Okay. Do you recall, on or about May 16th,  
21 encouraging them to donate plasma to pay the storage  
22 bill?

23 A Yes.

24 MR. ELKINS: I don't have any further

1 questions, Judge.

2 THE COURT: Any redirect?

3 MS. ELCANO: Thank you, Your Honor.

4

5 REDIRECT EXAMINATION

6 BY MS. ELCANO:

7 Q Ms. Pasley, based on your training and  
8 experience and your experience with this family, what are  
9 the current safety issues in existence today which are  
10 preventing the placement of the children?

11 MR. ELKINS: Judge, I'm going to object.  
12 It's beyond the scope. It's cumulative. This is already  
13 in the record; she testified to it on direct. I didn't  
14 go into it on cross.

15 MS. ELCANO: Yes, he did.

16 THE COURT: The objection is overruled.

17 Go ahead.

18 THE WITNESS: At this time there's not a  
19 residence to which the children can be reunified to.  
20 There's not a way to sustain a residence if a residence  
21 was obtained. There's still ongoing concerns about  
22 domestic violence in relationships Ms. Guerrero has had.  
23 The ability to maintain income has been an ongoing  
24 concern throughout the life of the case as well, so

1       that's also an ongoing concern at this time.

2       BY MS. ELCANO:

3               Q       And I want to turn next to Reno Housing.

4                       Is Section 8 a program within Reno Housing,  
5       to your knowledge?

6               A       Yes.

7               Q       And you testified that you had worked with  
8       about eight families with Section 8 housing.

9                       What type of families are you referring in  
10      terms of income status?

11               MR. ELKINS:  Objection, Judge.  What type of  
12      family?  Relevance.

13      BY MS. ELCANO:

14               Q       In regard to income status, what type of  
15      families are you referring?

16               MR. ELKINS:  I withdraw the objection.

17               THE WITNESS:  They're low-income families who  
18      typically have had previous evictions.  Some reside on  
19      public assistance, some have minimum wage jobs.  The  
20      families vary.

21      BY MS. ELCANO:

22               Q       And you testified that it may be difficult to  
23      get low-income housing when you have credit issues or  
24      income issues, but is it impossible?

1 MR. ELKINS: Objection. Relevance. Basis of  
2 knowledge.

3 BY MS. ELCANO:

4 Q Based on your experience, has it been  
5 impossible?

6 MR. ELKINS: Excuse me. Eight families,  
7 Judge, is hardly a sufficient sample for her to be an  
8 expert.

9 THE COURT: Well, she can -- her testimony I  
10 give weight to based on what she said her experience was.  
11 So answer the question based on your  
12 experience.

13 THE WITNESS: No, it's not impossible.

14 BY MS. ELCANO:

15 Q Thank you.

16 You testified a little bit about the Linden  
17 Street apartment and the budgeting.

18 Who chose the Linden Street apartment?

19 A Ms. Guerrero and Mr. Hunt-Taylor did.

20 Q Did you assist Ms. Guerrero in any way in  
21 identifying that as an appropriate apartment for them?

22 A No, I did not.

23 Q And based upon your budgeting and your  
24 concerns with sustainability of that apartment, what

1 services did you offer to Ms. Guerrero to address that  
2 issue?

3 A I referred them to Salvation Army for  
4 assistance with bill payment; I referred them to  
5 low-income energy assistance to help them try to sustain  
6 their power bill; I referred them to plasma donation to  
7 try and make extra income that way as well. Again,  
8 continued employment search and applications and that  
9 type of nature of resource support.

10 Q And when, approximately, did you refer  
11 Ms. Guerrero to Reno Housing, the Section 8 program, if  
12 you recall?

13 A Well, that letter was written in August of  
14 2013, but she was on the wait list for approximately 14  
15 months at the time I wrote that letter.

16 Q Okay. You testified that you did not provide  
17 any financial assistance to help with the outstanding  
18 energy bill.

19 Did you offer any assistance -- pardon me.  
20 Did you identify any services to Ms. Guerrero that could  
21 be used to help with the outstanding energy bill?

22 A We referred them to Salvation Army. I  
23 attempted to call the Salvation Army on their behalf,  
24 again, trying to problem-solve in terms of the low-income

1 energy assistance and plasma donation.

2 Q And did you provide any assistance with  
3 applications associated with the Reno Housing -- pardon  
4 me -- with the NV Energy assistance?

5 A There was two occasions. I believe the first  
6 was denied, and I did assist on the second application.

7 Q What assistance specifically did you provide?

8 A I assisted them in making sure they had the  
9 proper documentation upon resubmitting to better their  
10 chances of having it approved the second time.

11 Q You testified that you viewed the home, I  
12 believe, twice in June and once in May, and that was the  
13 Linden Street apartment; is that accurate?

14 A I recall seeing the apartment a total of six  
15 times over the total time I've had the case, but, yes,  
16 that's what I previously testified to.

17 Q And in May when you viewed the condition of  
18 the home, did you inspect the whole home?

19 A No. I only saw the living area and assisted  
20 with moving in the donated furniture.

21 Q And approximately how many times did you view  
22 the home in May?

23 A I believe only the once.

24 Q Okay. And what change, if any, was there in



1 the condition of the home from May and when you saw it  
2 subsequent to then?

3 A I know there were concerns about debris being  
4 in the carpet and that being a potential safety hazard  
5 for young children being able to access, and I also noted  
6 the hand-rolled cigarettes being in accessible reach of  
7 the children as well.

8 Q And when an in-home safety plan is considered  
9 in regards to a SAFE-FC case where both you and Social  
10 Services are involved, who makes the ultimate decision as  
11 to whether or not an in-home safety plan is implemented?

12 A Social Services uses the feedback from  
13 Children's Cabinet and other providers, but ultimately  
14 it's Social Services' decision whether or not an in-home  
15 safety plan is appropriate.

16 Q And during the time you were the case  
17 manager, was an in-home safety plan recommended?

18 A No.

19 Q Why not?

20 A Ms. Guerrero and Mr. Hunt-Taylor did not meet  
21 their conditions for a turn, so an in-home safety plan  
22 was not deemed appropriate at that time.

23 Q And what safety concerns prevented that?

24 A The concerns about the home not being

1 sustainable, not being able to maintain the bills  
2 associated with the home.

3 Q During the time you were the case manager as  
4 well as the supervisor, are there any services that you  
5 had not offered to this family that you would today or  
6 you would feel would be beneficial?

7 A I don't believe so.

8 MS. ELCANO: I have no further questions.

9 THE COURT: Mr. Elkins.

10 MR. ELKINS: Thank you.

11

12 RE CROSS-EXAMINATION

13 BY MR. ELKINS:

14 Q When the power was shut off on the Linden  
15 Street apartment, Ms. Guerrero asked the Children's  
16 Cabinet to assist to pay the bill; correct?

17 A I don't know if I was the case manager at  
18 that time.

19 Q I'm asking when you were the case manager, do  
20 you recall that?

21 A I don't recall.

22 Q Okay. Fair enough.

23 With regard to Albert, is that the  
24 person -- Ms. Elcano asked you today about domestic

1 violence. Ms. Guerrero told you that at one point she  
2 considered Alberto controlling; isn't that right?

3 A Yes.

4 Q And that he was jealous; right?

5 A Right.

6 MS. ELCANO: Objection. This is outside the  
7 scope of redirect.

8 THE COURT: Objection is overruled.

9 MR. ELKINS: Thank you.

10 BY MR. ELKINS:

11 Q She never told you that he hit her, did she?

12 A To me, no.

13 Q Never told you that he did anything  
14 physically violent toward her, did she?

15 A No.

16 MR. ELKINS: No further questions.

17 THE COURT: When you are involved in a case,  
18 do you open a case up? Do you understand what I'm  
19 saying?

20 THE WITNESS: No.

21 THE COURT: So you set a file up, I assume,  
22 if someone comes in and you're providing them with some  
23 assistance?

24 THE WITNESS: Yes.

1 THE COURT: And then do you have, like, a  
2 closing mechanism when you no longer -- see what I'm  
3 saying? In other words, have you closed your file on  
4 Ms. Guerrero?

5 THE WITNESS: No. Her case is currently open  
6 with our agency.

7 MR. ELKINS: May I follow up?

8 THE COURT: Go ahead.

9 BY MR. ELKINS:

10 Q With regard to the three older children,  
11 there came a time when the Children's Cabinet closed  
12 their file, correct, no longer provided services?

13 A Yes. Can I clarify?

14 Q Please.

15 A A case is open to our agency as long as  
16 reunification is still the permanency plan for a child.  
17 So as to the three older children, our case is currently  
18 closed. However, because the plan is currently  
19 concurrent on the youngest child, our case is still  
20 currently open with Ms. Guerrero.

21 THE COURT: But she can get services -- I  
22 mean, you provide services separate and apart from when  
23 Social Services is involved; right?

24 THE WITNESS: Other programs at the

1 Children's Cabinet, yes.

2 THE COURT: Okay. You're saying anybody can  
3 come to Children's Cabinet and ask for assistance?

4 THE WITNESS: Correct.

5 MR. ELKINS: May I, Judge, just to clarify?

6 BY MR. ELKINS:

7 Q So you closed your case as to the older three  
8 children in or about April of 2014; correct?

9 A I don't recall. I was not a supervisor or  
10 case manager at that time.

11 Q Okay. So whenever it was that the goal  
12 changed?

13 A Correct.

14 Q And then you didn't have a case with  
15 Ms. Guerrero, did you, until the youngest child, Ethan,  
16 came into care; correct?

17 A Correct.

18 Q That was in September of 2014; correct?

19 A I was not a supervisor or case manager at  
20 that time.

21 Q So you wouldn't have had a case unless and  
22 until the youngest child came into care; right?

23 A Right.

24 Q So there would have been a period of time

1 between the goal of termination and when the youngest  
2 child came into care when no services were being provided  
3 by Children's Cabinet; correct?

4 A Correct.

5 Q May I? I'm almost done.

6 In addition to that, if someone walks in off  
7 the street and says, "I need help," and they have  
8 children in foster care, what would Children's Cabinet  
9 do?

10 A Each case is individualized. I don't think I  
11 have a blanket answer for that.

12 Q Isn't it a fact that the Children's Cabinet  
13 has a group that works with Washoe County Department of  
14 Social Services for children who are in foster care?

15 A For workers who are trained in SAFE-FC,  
16 correct.

17 Q That's your group?

18 A Correct.

19 Q And does the Children's Cabinet provide any  
20 service to anybody who comes in and asks for it?

21 A That's all based on the individual case based  
22 on funding available. I don't have a blanket answer for  
23 that.

24 Q Okay.

1 MR. ELKINS: Thank you, Judge.

2

3 FURTHER REDIRECT EXAMINATION

4 BY MS. ELCANO:

5 Q The safety concerns you identified that are  
6 outstanding today, are those in relation to Ethan?

7 A Yes.

8 Q And are they the same safety concerns when  
9 you were the case manager that were in relation to  
10 Roberto, Kayleigh, and Nathan?

11 A The housing and sustainability, yes.

12 Q And because the case is open as to Ethan, can  
13 Ms. Guerrero obtain services from your agency currently  
14 to address any of those outstanding issues today?

15 A Yes.

16 Q And how long has -- I'm sorry.  
17 You were the case manager when on this case?

18 A From April --

19 Q I'm sorry. The supervisor.

20 A Since November of 2014.

21 Q So Ms. Guerrero has been able to access  
22 services regarding Ethan since November of 2014?

23 A There was a case manager briefly before that,  
24 so I believe what Mr. Elkins was saying about -- from the

1 time of his removal, it has been open to our agency.

2 Q Any services to address those outstanding  
3 safety concerns?

4 A That's correct.

5 MS. ELCANO: Thank you. I have no further  
6 questions.

7 THE COURT: Is this witness excused?

8 MR. ELKINS: Yes.

9 MS. ELCANO: Yes.

10 THE COURT: I see we have the interpreter  
11 here now.

12 MS. ELCANO: Yes. I'd like to call Sandra  
13 Matute, Your Honor. I am slightly concerned that we may  
14 go over, but I don't know that I'm going to have the  
15 interpreter past noon today, so I'd ask for indulgence.

16 THE COURT: She's already been sworn. I'll  
17 just remind both of you she has been sworn already and  
18 that still applies, so you're still under oath in this  
19 proceeding. Be seated.

20 /////

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SANDRA MATUTE,  
having been previously duly sworn,  
was examined and testified as follows:

(The following testimony was interpreted by  
an English-Spanish interpreter.)

DIRECT EXAMINATION

(Cont'd)

BY MS. ELCANO:

Q Good morning, Ms. Matute.

A Good morning.

Q I believe we left off discussing the  
identified special needs of the children, and you  
indicated that Roberto is in counseling.

How often does he go to counseling?

A Once a week, on Monday.

Q And does Roberto attend any special  
appointments for his speech therapy?

A No.

Q Where are those services provided?

MR. ELKINS: Excuse me. Didn't she say,  
"No"?

THE COURT: Yeah, I think she said, "No."

MS. ELCANO: I'm sorry. She had established

1       that speech services were provided. I was asking for  
2       special appointments outside --

3                       THE COURT: I'm confused now, too.

4                       MS. ELCANO: Let me back up.

5                       THE COURT: Why don't you start again.

6       BY MS. ELCANO:

7               Q       Where does Roberto receive his speech  
8       services?

9               A       At school.

10              Q       So there are no special appointments that you  
11       have for Roberto for speech therapy?

12             A       No.

13              Q       And where does Kayleigh receive her speech  
14       therapy?

15             A       She gets those services at Advanced  
16       Pediatrics therapy.

17              Q       And how often does she receive those  
18       services?

19             A       Once a week, on Wednesdays.

20              Q       And where does Nathan receive services for  
21       his speech?

22             A       Also at Advanced Pediatrics.

23              Q       And when does Nathan receive those?

24             A       On Wednesdays.

1           Q     Do Kayleigh and Nathan see the same  
2 therapist?  
3           A     Same time, same place, but different  
4 therapist.  
5           Q     I see. And where does Ethan receive his  
6 speech and motor therapy?  
7           A     He gets home visits.  
8           Q     And how often?  
9           A     Two times per month.  
10          Q     And what time does that occur?  
11          A     It varies.  
12          Q     And what time is Roberto's therapy session?  
13          A     His therapist gets him out of class. It's  
14 half an hour.  
15          Q     I'm sorry. I meant his counseling.  
16          A     Could you repeat the question?  
17          Q     What time and what day does Roberto go to his  
18 counseling?  
19          A     It's on Monday at 1:00, and it lasts 45  
20 minutes.  
21          Q     Court's indulgence.  
22                 And where does Roberto go to therapy?  
23          A     Child's World.  
24          Q     So how does that work if Roberto is in

1 school?

2 A Well, I go and pick him up from school, and  
3 he gets special permission to take him to therapy.

4 Q And Kayleigh and Nathan's therapy, what time  
5 is it at?

6 A It's at 11:00.

7 Q And where?

8 A Advanced Pediatric therapy.

9 Q So how does that work with Kayleigh and  
10 Nathan being in school?

11 A Well, Nathan has no school on Wednesdays  
12 because he's in pre-K. Kayleigh does go to school, but I  
13 go get a special permission slip to be able to take her  
14 to therapy, and then I drop her back off at school.

15 Q And how does that impact your baby-sitting or  
16 daycare.

17 A Well, I have a person who helps me when I  
18 need to go do things, and also I take care of kids when I  
19 can according to my schedule.

20 Q When Kayleigh -- pardon me -- Roberto,  
21 Kayleigh, and Nathan were placed with you originally, do  
22 you know what the permanency plan was for the children?

23 A Yes.

24 Q And what was it?

1 A Reunification.

2 Q And did that change while the children were  
3 placed with you?

4 A Yes.

5 Q And when, approximately?

6 A September or October of last year, 2014,  
7 approximately.

8 Q And what did the permanency plan change to?

9 A Adoption.

10 Q When Ethan was placed with you, what was the  
11 permanency plan?

12 A Reunification.

13 Q And has that changed?

14 A Yes.

15 Q And do you recall when, approximately, that  
16 changed?

17 A No, I don't remember.

18 Q Do you know what the plan changed to?

19 A Transition. Oh, I'm sorry. It was a  
20 concurrent plan.

21 Q Thank you.

22 To your knowledge, what is the visitation  
23 schedule presently for all children -- all four children  
24 with Ms. Guerrero?

1           A     What is the visitation plan?

2           Q     Yes.

3           A     It's Wednesdays and Fridays.

4           Q     And who transports the children to Social  
5 Services for those visits?

6           A     I do.

7           Q     And what time are those visits, do they start  
8 at and end at?

9           A     On Wednesdays it's 3:30 to 4:00, and Fridays  
10 it's 3:00 -- no -- it's Wednesdays 3:30 to 5:00 and  
11 Fridays 4:00 to 5:00.

12          Q     What concerns, if any, have you had regarding  
13 Ms. Guerrero's visitation with her children?

14               MR. ELKINS:  Objection.  It's not relevant,  
15 her concerns about visits, Judge, to the plan or her role  
16 in it.  She's not a caseworker; she's a foster parent.

17               MS. ELCANO:  I think it very much is.  
18 Ms. Matute has observed behaviors, reactions that the  
19 children have had to visits, and I think it goes to  
20 Ms. Guerrero's parenting abilities, things she's done and  
21 hasn't done as well as the best interests of the children  
22 with regards to their reactions.

23               THE COURT:  Maybe be a little more specific  
24 in the question in the sense of whether she's observed

1 things of concern that Ms. Guerrero has done during the  
2 visitation. That's probably a more appropriate question.

3 BY MS. ELCANO:

4 Q What concerns have you had regarding the  
5 children's behaviors after visits with Ms. Guerrero?

6 MR. ELKINS: Judge, I object to the leading  
7 nature of the question.

8 MS. ELCANO: I said, "What concerns, if any."

9 THE COURT: First of all, because we've got  
10 an interpreter here and at times a language problem, I'm  
11 not concerned about the nature of the question, but I'm  
12 trying to figure out --

13 MS. ELCANO: I can rephrase it.

14 THE COURT: The question probably should be,  
15 have you seen things during visits that caused you  
16 concern, and then yes or no, and then the question would  
17 be, could you specifically relate what you've seen?

18 BY MS. ELCANO:

19 Q Have you seen anything during the visits that  
20 is concerning to you?

21 A If I've seen it during the visits?

22 Q Yes.

23 A No, because I'm not there during the visits.

24 Q Have you observed any behaviors of the

1 children which have been concerning to you after visits?

2 MR. ELKINS: Judge, objection.

3 THE WITNESS: Yes.

4 MR. ELKINS: She's about to call for what  
5 would require, I suggest, an expert opinion relating  
6 behavior to visits.

7 THE COURT: Well, she can relate what she's  
8 observed about the children's behavior after the visits.  
9 That's not expert testimony. That's just her  
10 observation.

11 MR. ELKINS: As long as that's where we're  
12 going.

13 BY MS. ELCANO:

14 Q Do you need me to repeat the question?

15 A Yes, please.

16 Q Have you observed any behaviors by the  
17 children after visits which are concerning to you?

18 MR. ELKINS: And I'm sorry to interject  
19 again, Judge. Could I get a time frame?

20 BY MS. ELCANO:

21 Q Since you have been the foster mother for  
22 these children.

23 THE COURT: Because she's been the foster  
24 parent for, what, 28 months for three of them?



1 MR. ELKINS: Correct.

2 THE COURT: And so --

3 MS. ELCANO: I'm first trying to establish if  
4 there's behavior. If there is, Your Honor, I can  
5 establish a timeline when it was observed and what the  
6 concerns were.

7 THE COURT: Go ahead. Do that.

8 MR. ELKINS: Thank you.

9 THE COURT: Ms. Matute, if you've seen  
10 behavior of the children after visits that concerns you,  
11 I guess then you should answer, "Yes, I've seen that,"  
12 and then be very specific in terms of times and dates, as  
13 much as you can, of the behavior that you've seen that  
14 concerns you and what that behavior was.

15 Did I explain that well or do you need more  
16 explanation?

17 THE WITNESS: No. You explained it well.

18 BY MS. ELCANO:

19 Q Can you answer the question?

20 A Yes.

21 Q And when have you observed these behaviors,  
22 if you recall, approximately?

23 A Well, I don't remember exactly when because  
24 it's happened at different times when the kids have come

1 back from their visits.

2 Q Can you please tell the Court what behaviors  
3 you've observed that have been concerning?

4 A Well, the kids say that -- they're sad, they  
5 come back home sad and angry due to comments that their  
6 mom has made.

7 Q And what are those comments?

8 MR. ELKINS: Objection, Judge. We're going  
9 to start introducing children's statements --

10 THE COURT: This is hearsay.

11 MS. ELCANO: Your Honor, I'm not offering it  
12 for the truth of the matter asserted, as to whether or  
13 not it was stated. I'm offering it based upon the impact  
14 on the children, their behaviors, and what their best  
15 interests are.

16 MR. ELKINS: Obviously, Judge, it has no  
17 relevance unless you assume that it occurred and it's  
18 accurate. Otherwise it's irrelevant.

19 THE COURT: Not necessarily. I can -- I  
20 think she's right, that would be an exception, not for  
21 the truth of the matter asserted, but for the impact it  
22 had on the children. So I'll let it in for that purpose.

23 MR. ELKINS: But, Judge, the impact that it  
24 had assumes that it occurred. You can't have an impact

1 if it didn't happen.

2 THE COURT: You can cross-examine her on all  
3 of this.

4 MR. ELKINS: The problem is, I can't  
5 cross-examine the children, and supposedly these are  
6 children's statements.

7 THE COURT: You've got your client. You're  
8 going to call her, I assume, so -- this isn't a criminal  
9 case, so she can address whether or not she said things  
10 like that. I won't consider it for the truth of the  
11 matter asserted. I will consider it for the impact on  
12 the children.

13 So go ahead.

14 BY MS. ELCANO:

15 Q What were the statements that the children  
16 indicated to you?

17 MR. ELKINS: That's -- I'm sorry, Judge.  
18 Again, there are four children --

19 THE COURT: You need to be specific.

20 MS. ELCANO: I can identify the children.

21 THE COURT: As specific as we can be. You've  
22 already established and to a degree she said she can't  
23 remember the times, but this is 28 months here, so was it  
24 when she first got the children, was it --

1 MS. ELCANO: I'm trying to get there, Your  
2 Honor, but I can't even ask a question to get a basis to  
3 even figure out if it's happened in order to get to those  
4 questions. So I'm trying to. I just haven't had the  
5 opportunity.

6 THE COURT: Okay. Go ahead.

7 MS. ELCANO: Thank you.

8 BY MS. ELCANO:

9 Q Which child has indicated to you that they  
10 have been upset about statements that their mother has  
11 made?

12 A Kayleigh -- no -- Kayleigh and  
13 Nathan -- no -- Kayleigh and Roberto.

14 Q What has Roberto said to you regarding  
15 statements Ms. Guerrero has made?

16 MR. ELKINS: Judge, I don't speak Spanish,  
17 but this is clearly a narrative at this point.

18 THE COURT: It's what?

19 MR. ELKINS: A narrative, Judge.

20 THE COURT: Well, okay. I thought you were  
21 saying "air" something.

22 MR. ELKINS: No. Narrative.

23 THE INTERPRETER: May the interpreter  
24 interpret what was said?

1 THE COURT: Yes. And maybe keep your answers  
2 a little shorter so that they are not --

3 THE WITNESS: There's many things, but the  
4 things that most impacted me were that he said that his  
5 mom has told him that I don't love them, that nobody  
6 loves them, and has told them to be bad when they're with  
7 me and to not listen to what I say. And on one occasion  
8 the little boy said to me, "Mommy, I'm going to be good  
9 with you because you're good, but Mama Jackie has told me  
10 to tell you that you are not good to me." And that  
11 affects the kid because they love both of us, they love  
12 her and they love me, and so that has an impact on them.  
13 BY MS. ELCANO:

14 Q Do you recall the most recent time that  
15 Roberto has made these types of statements?

16 A The most recent time?

17 Q Yes.

18 A Yes.

19 Q Can you tell the Court when, please?

20 A It's impossible to remember the dates.

21 Q The month and year, approximately?

22 A Approximately a month.

23 Q A month ago?

24 A Yes, a month ago.

1           Q     And in regards to Kayleigh, what statements  
2     has she made to you regarding Ms. Guerrero?

3           A     Similar things. She told Kayleigh that I  
4     don't love her, that nobody loves her. Her mom had told  
5     her that she's ugly and that she doesn't love her because  
6     she loves me.

7           Q     And do you recall approximately the most  
8     recent time that Kayleigh said this?

9           A     Approximately around almost a month ago,  
10    approximately.

11          Q     Can you please describe Roberto for the  
12    Court?

13          A     He's loving, he's adorable, he's social and  
14    sensitive, he loves sports and school, and this year he  
15    got a prize for being the best student. He loves food,  
16    he loves pizza. He's always asking for pizza. He's a  
17    very flexible kid.

18          Q     Can you please describe Kayleigh to the  
19    Court?

20          A     She's very independent. She's a  
21    little -- well, she's not very flexible. She's quite  
22    demanding. She's a perfectionist, so most of all she's  
23    demanding on herself. She's adorable, and she loves  
24    school and the sports that her brothers do. She likes to

1 participate in those sports.

2 She likes to help me at home with the baby.  
3 She likes to help in everything around the house, and  
4 she's really good at school, and she's just happy in  
5 everything she does.

6 Q Could you describe Nathan for the Court?

7 A He's very energetic. He's adorable. He's  
8 always saying, "I love you, I love you." He's just very  
9 loving. He's quite energetic, and he's always asking me  
10 to take him hiking up in the mountains. And I don't know  
11 that he likes school that much even though he says he  
12 does, but he doesn't like his teacher. He's a kid who  
13 knows what he wants.

14 Q And can you please describe Ethan to the  
15 Court?

16 A Well, it's the same. All the kids are  
17 adorable and loving. He loves -- he's an explorer, he  
18 loves to explore, he loves to play, and he's always  
19 wanting my attention, and he absolutely loves eating  
20 bananas.

21 Q What extracurricular activities do the  
22 children engage in?

23 A Roberto plays soccer, baseball and karate;  
24 Kayleigh plays baseball and karate; and Nathan is too

1 little to participate in sports, but this season he will  
2 be starting soccer.

3 Q And do Jaer and Anthony also play any of  
4 those sports?

5 A Yes. The same ones.

6 Q Can you describe what a normal weekday is  
7 like with all of these six children in your home?

8 A Okay. Well, they get up at 6:00, they get  
9 up, they get dressed, they get ready to go to school.  
10 Then at 8 o'clock they have breakfast, then at 9 o'clock  
11 they're at school, and anywhere from 3:30, 3:45, a little  
12 before 4:00, back home, and they're really hungry so we  
13 have an early dinner.

14 Then it will vary what we do after dinner  
15 depending on whether they have a visit with their mom or  
16 they're going to be doing sports, so our after-dinner  
17 activities vary.

18 Q What steps do you take to make sure that you  
19 can do all of this with six children?

20 A You mean taking care of everything at home?

21 Q Yes. And driving and --

22 A Well, I'm very disciplined -- that is my  
23 strong point -- and the kids have a routine, so there's a  
24 schedule for everything, a schedule for taking baths, a



1 schedule for reading, for doing their homework. There's  
2 times for everything.

3 Q Do you have time to spend individual time  
4 with each child?

5 A Well, it's little, but I try and make it  
6 happen. I try and find that time and that space to be  
7 able to give individual attention to each one.

8 Q Do you believe that you are currently meeting  
9 all the basic and emotional needs of Roberto, Kayleigh,  
10 Nathan, and Ethan?

11 A Yes.

12 Q And what do you base that answer on?

13 A Well, I give them all individual attention.  
14 Like, for example, when Roberto -- on Monday we have some  
15 alone time when I will take him to his therapy. We'll  
16 talk. More than anything, I'll listen to him about his  
17 adventures at school and all the things that have  
18 happened to him, and that's our time for just him and me.

19 Q Do you believe that the children -- Roberto,  
20 Kayleigh, Nathan, and Ethan -- have become attached to  
21 you?

22 A Yes.

23 Q What do you base that answer on? What  
24 behaviors have you observed?

1           A     Well, when they're at home, they just -- they  
2     act -- they're my kids, they hug me, they kiss me, they  
3     say, "I love you, Mom." If we go to the store, nobody  
4     realizes that any of those kids are not mine.

5           Q     Do you believe that Roberto, Kayleigh,  
6     Nathan, and Ethan have become attached to Jaer and  
7     Anthony?

8           A     Yes. They call them "my brothers."

9           Q     What interactions -- I'm sorry. What do you  
10    base that on aside from --

11          A     Because they all treat each other the same.  
12    Like my kids Anthony and Jaer and Roberto, Kayleigh,  
13    Nathan, they protect each other. They're like six  
14    brothers and sisters.

15          Q     Do they ever fight?

16          A     Yes.

17          Q     And how do you deal with that?

18          A     Well, our house is not always very calm, but  
19    God guides me and he knows what to do, and there's  
20    consequences and rules.

21          Q     Do you have any family members in the area?

22          A     A brother.

23          Q     And where does your brother live?

24          A     In Sun Valley.

1           Q     And approximately how often does your brother  
2 visit your home and your family?

3           A     Every two or three weeks at the weekend when  
4 he's not working.

5           Q     And how would you describe Nathan, Ethan,  
6 Kayleigh, and Roberto's relationship with your brother?

7           A     They call him "Theo."

8           Q     Have Roberto, Kayleigh, Nathan, and Ethan  
9 shown physical affection towards you?

10          A     Yes.

11          Q     And can you please describe that to the  
12 Court?

13          A     Well, like hugs, just the same as my kids,  
14 like the hugs that your kids give you, and "I love you so  
15 much, Mom. You're the best. You're the best mom." Just  
16 the things that kids normally do to express affection for  
17 their mother.

18          Q     Do you believe Roberto, Kayleigh, Nathan, and  
19 Ethan need a permanent, stable home?

20          A     Yes.

21               MR. ELKINS: Objection. Relevance, Judge.  
22 The foster mother's belief is not something the Court  
23 needs to rely on.

24               THE COURT: It's answered. Move on.

1 BY MS. ELCANO:

2 Q What is the basis for that belief?

3 MR. ELKINS: Objection. Relevance.

4 THE COURT: Yeah. I think probably you're  
5 asking her some questions that aren't --

6 MS. ELCANO: But, Your Honor, I think if the  
7 Court is obligated to consider the adoptive placement  
8 compared to what the mother can provide and what the  
9 foster parent can provide, I think it's important if she  
10 thinks stability is important and why she thinks it's  
11 important and whether or not she can provide that  
12 consistently for these children.

13 THE COURT: You know, some of the questions  
14 that have been asked here, like, for instance, would  
15 anybody answer, "No. I think kids ought to have a  
16 scattered life"? At one point you asked the Cabinet  
17 person, when she made the note, "Do you always try to be  
18 accurate?" One of these days I'm waiting for a witness  
19 to say, "No. I just made it all up just to see if  
20 anybody's reading my notes."

21 I'm pretty sure she's going to say the kids  
22 need a permanent place, so let's just move on. Ask  
23 questions that accomplish what you're trying to  
24 accomplish, I assume.

1 MS. ELCANO: Your Honor, I do think it's  
2 important to know why she thinks stability is important  
3 because this has been --

4 THE COURT: Ask her why she said that.

5 MS. ELCANO: I did, and he objected.

6 MR. ELKINS: And I renew my objection.

7 THE COURT: Ask her why she thinks it's  
8 important to these kids.

9 BY MS. ELCANO:

10 Q Why do you think a stable, permanent home is  
11 important for these children?

12 A Because kids need to be able to feel stable,  
13 to feel safe, and to be able to know what to expect.

14 Q Do you love Roberto, Kayleigh, Nathan, and  
15 Ethan?

16 A Yes, I do love them.

17 Q And why?

18 MR. ELKINS: Objection, Judge. The witness  
19 has answered the question. She's volunteering a  
20 statement.

21 MS. ELCANO: I asked why.

22 THE COURT: Go ahead and answer the question.

23 THE WITNESS: Nature is so simple. They love  
24 me as a mother, and I love them as my kids.

1 BY MS. ELCANO:

2 Q How does Roberto address you?

3 THE INTERPRETER: The interpreter would like  
4 to note that she believes that the witness did not  
5 understand the question completely.

6 BY MS. ELCANO:

7 Q What does Roberto call you?

8 A He calls me "Mom."

9 Q And what does Kayleigh call you?

10 A "Mom."

11 Q And what does Nathan call you?

12 A "Mom."

13 Q And what does Ethan call you?

14 A "Mom" also.

15 Q Have you -- sorry.

16 Have you seen Ms. Guerrero recently interact  
17 with the children?

18 A An interaction?

19 Q Never mind. I'll just strike that.

20 What does Roberto call Ms. Guerrero?

21 A When he's going to visit, "Mom," and then --  
22 but when he's at home he calls her "Jacqueline."

23 Q And what does Kayleigh call Ms. Guerrero?

24 A "Jacqueline."

1 Q And what does Nathan call Ms. Guerrero?

2 A "Jackie" or "Jacqueline," either of the two.

3 Q And Ethan?

4 A He still doesn't talk.

5 THE COURT: I was wondering.

6 BY MS. ELCANO:

7 Q When Roberto, Kayleigh, Nathan, and Ethan are  
8 scared or upset, who do they turn to for comfort?

9 A They come to me.

10 Q And how does Roberto express his desire to be  
11 comforted?

12 A He hugs me, he comes up and hugs me, and I  
13 hug him.

14 Q And how does Kayleigh express her desire to  
15 be comforted?

16 A Well, first she will tell me everything  
17 that's happened, and I will listen, and then we'll just  
18 end up hugging each other and kissing.

19 Q And how does Nathan express his desire to be  
20 comforted?

21 A He also hugs me. He'll hug me, I'll hug him  
22 back, and he'll say that he's going to give me a  
23 bone-crushing hug, you know, a really tight hug.

24 Q And how does Ethan express his need to be

1        comforted?

2                A        He goes, "Mama, Mama," and puts his arms out  
3        so I will hug him.

4                Q        Can you please describe Roberto's likes or  
5        dislikes to the Court?

6                A        Well, his number one thing is food. He also  
7        likes reading and sports. He doesn't like being bored,  
8        he said he doesn't like that, and that's really the only  
9        thing he doesn't like.

10              Q        Can you describe Kayleigh's likes and  
11        dislikes?

12              A        She likes talking a lot and to have people  
13        listen to her, she likes drawing, and she doesn't like to  
14        be contradicted. That's Kayleigh.

15              Q        And can you describe Nathan's likes and  
16        dislikes?

17              A        Well, what he likes, he likes attention, he  
18        likes people to pay him attention, and he loves to play.  
19        You know, his age, he loves to play. What he does not  
20        like is picking up his toys after he's played with them.

21              Q        Do you want to adopt Roberto, Kayleigh,  
22        Nathan, and Ethan?

23              A        Yes.

24              Q        And why?



1           A     Because they love me like a mom, and I love  
2     them as if they were my kids.

3           Q     Since Roberto, Kayleigh, Nathan, and Ethan  
4     have been placed in your home, have you ever reconsidered  
5     or not wanted to adopt the children?

6           A     No.

7           Q     Do you believe you can provide a stable home  
8     for these four children?

9           A     Yes.

10          Q     And have you provided one for the last 27  
11     months?

12          A     Yes.

13          Q     Do you believe that you can provide food,  
14     clothing, and basic needs for these children if you were  
15     to adopt them?

16          A     Yes, I'm sure.

17          Q     And have you provided these things for them  
18     for the last 27 months?

19          A     Yes.

20          Q     What do you believe that it's important for  
21     the Court to know about Roberto, Kayleigh, Nathan, and  
22     Ethan that you haven't shared today?

23          A     Well, the kids feel as if they're in their  
24     home, they think of it as their home, and if they were to

1 change from a place that is already established and  
2 stable and change to somewhere unstable, then that would  
3 really affect them.

4 Q Do you believe that Ethan is bonded with his  
5 siblings?

6 A Oh, yes.

7 Q And what do you base that answer upon?

8 A He's really close to Kayleigh. He loves all  
9 of his brothers but especially Kayleigh because she pays  
10 him a lot of attention, so if I'm not around, he wants to  
11 be with her.

12 Q And if the parental rights of Ms. Guerrero  
13 are terminated, will you file for the adoption of  
14 Roberto, Kayleigh, Nathan, and Ethan?

15 A Yes.

16 MS. ELCANO: I have no further questions.

17 MR. ELKINS: I'd like the record to reflect  
18 that it's noon, and I believe that, Judge, this witness  
19 was under examination yesterday and today for -- must  
20 have been an hour.

21 THE COURT: That's fine. How long do you  
22 think you're going to be? You said half an hour, I  
23 think?

24 MR. ELKINS: I'll try to do it in a half an