

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0135

IN RE DEPENDENCY AS TO G.K. et al.

Appellate Case Information

Case Filed: 6-Jul-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. ALLEGRA G., Appellant

(Litigant Group) ALLEGRA G.

- Allegra G.

PRO SE

Advisory Counsel for: Appellant Allegra G.

H Clark Jones, Esq. (AZ Bar No. 29834)

(Litigant Group) KASONGO T. [Dismissed per 12/06/2023 Order]

- Kasongo T.

Side 2. DEPARTMENT OF CHILD SAFETY, G.K., L.K., C.K., C.K., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Dawn Rachelle Williams, Esq. (AZ Bar No. 20730)

(Litigant Group) G.K., C.K., C.K.

- G. K.

Attorneys for: Appellees G.K., C.K., C.K.

- C. K.

Robert Ian Casey, Esq. (AZ Bar No. 29813)

- C. K.

Edward D Johnson, Esq. (AZ Bar No. 27437)

(Litigant Group) L.K.

- L. K.

Attorneys for: Appellee L.K.

Roland Arroyo, Esq. (AZ Bar No. 15609)

Edward D Johnson, Esq. (AZ Bar No. 27437)

CASE STATUS

Aug 27, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JD40644	Dependency		Michael J Herrod, Authoring Judge of Order		
MAR JS21329	Termination of Parental Rights		Michael J Herrod, Authoring Judge of Order		

3 OPEN DUE DATES

DCS Affidavit (AO 2024-08) Due

Due By: Monday, September 23, 2024

Re: FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)

Counsel Avowal (AO 2024-08) Due

Due By: Monday, September 23, 2024

Re: FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)

Petition for Review to ASC due

Due By: Thursday, September 26, 2024

Re: OPINION (Appeal Dismissed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur

CASE DECISION

27-Aug-2024 **OPINION**

Michael Brown.....Author
Samuel Thumma.....Concur
Jennifer Campbell.....Concur

Filed: **27-Aug-2024** Mandate:

Decision Disposition
Appeal Dismissed

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0135****IN RE DEPENDENCY AS TO G.K. et al.****39 PROCEEDING ENTRIES**

1. 6-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/30/2023 (JD40644)
2. 6-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/30/2023 (JS21329)
3. 7-Jul-2023 FILED: Appellate Clerk Notice (606(b))
4. 17-Jul-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee)
5. 17-Jul-2023 FILED: Returned US Mail, Appellate Clerk Notice (606(b)) filed 07/07/2023, addressed to Allegra G., return to sender, vacant, unable to forward
6. 17-Jul-2023 FILED: Returned US Mail, Appellate Clerk Notice (606(b)) filed 07/07/2023, addressed to Kasongo T., return to sender, vacant, unable to forward
7. 18-Jul-2023 ORDERED: Limiting the current appeal to the superior court's dependency reaffirmation in its order issued on 06/29/2023, entitled "Pretrial Conference, Contested Severance Hearings Affirmed in JS21329, Report and Review Hearing in JD40644." FURTHER ORDERED: dismissing the appeal as to the change of physical custody orders, the "ASFA Findings" order, and the remaining issues from the 06/29/2023 order. See In re Alton D., 196 Ariz. 195, 197, ¶ 8 (2000) ("Until a final order is entered . . . an aggrieved party cannot take an appeal."). Amber E Pershon ProTem Judge - Author
8. 19-Jul-2023 FILED: E-Record on Appeal: JD40644
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 06/22/2021 - LIST # E1
Hearing Date: 03/29/2022 - LIST # E1 E2
9. 19-Jul-2023 FILED: E-Record on Appeal: JS21329
Instrument/Minute Entries: Combined
Exhibits: None
10. 24-Jul-2023 FILED: Returned US Mail, Order Limiting Appeal to a Single Issue and Dismissing Remaining Appeals filed 07/18/2023, addressed to Allegra G., return to sender, not deliverable as addressed, unable to forward
11. 24-Jul-2023 FILED: Returned US Mail, Order Limiting Appeal to a Single Issue and Dismissing Remaining Appeals filed 07/18/2023, addressed to Kasongo T., return to sender, not deliverable as addressed, unable to forward
12. 28-Jul-2023 FILED: Reporter's Transcript - 06/27/2023 - Pretrial Conference/Contested Severance Hearing (Jan Penfield)
13. 31-Jul-2023 ORDERED: Staying this appeal until 08/31/2023. FURTHER ORDERED: referring the issue of whether to appoint appellate counsel for appellants Allegra G. and Kasongo T. to the Maricopa County Superior Court and authorizing that court to expeditiously determine that matter. FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 08/31/2023. Amber E Pershon ProTem Judge - Author
14. 7-Aug-2023 FILED: Returned US Mail, Order Staying Appeal and Authorizing the Superior Court to Determine Whether to Appoint Appellate Counsel, dated 07/31/2023, addressed to Allegra G., return to sender, vacant, unable to forward
15. 10-Aug-2023 FILED: Returned US Mail, Order Staying Appeal and Authorizing the Superior Court to Determine Whether to Appoint Appellate Counsel, dated 07/31/2023, addressed to Kasonto T., return to sender, vacant, unable to forward
16. 25-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD40644)
17. 1-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS21329)
18. 6-Sep-2023 ORDERED: Continuing the stay of this appeal until 10/06/2023. FURTHER ORDERED: revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to determine whether to appoint appellate counsel for appellants Allegra G. and Kasongo T. FURTHER ORDERED: directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 10/06/2023. FURTHER ORDERED: the stay will be lifted automatically on 10/10/2023. Amber E Pershon ProTem Judge - Author
19. 15-Sep-2023 FILED: Returned US Mail, Order Continuing Stay of Appeal dated 09/06/2023, addressed to Allegra G., Return to Sender, Vacant, Unable to Forward.
20. 18-Sep-2023 FILED: Returned US Mail, Order Continuing Stay of Appeal dated 09/06/2023, addressed to Kasongo T., Return to Sender, Vacant, Unable to Forward.
21. 2-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD40644)
22. 2-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS21329)
23. 11-Oct-2023 ORDERED: Directing the clerk of the court to issue the notice of completion. Amber E Pershon ProTem Judge - Author

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0135****IN RE DEPENDENCY AS TO G.K. et al.****39 PROCEEDING ENTRIES**

24. 11-Oct-2023 FILED: Notice of Completion of Record
25. 31-Oct-2023 FILED: Notice and Avowal in Lieu of Opening Brief as to Appellant Kasongo T.; Certificate of Service for Notice and Avowal in Lieu of Opening Brief as to Appellant Kasongo T. (Appellant Kasongo T.)
26. 31-Oct-2023 FILED: Rule 607(e)(1)(B) Notice & Motion for Procedural Order Extending Time for Pro Se Opening Brief; Certificate of Service (Appellant Allegra G.)
27. 2-Nov-2023 ORDERED: Granting appellant's extension request. Appellant Allegra G. may file her opening brief on or before 12/04/2023. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances. See Ariz. R.P. Juv. Ct. 607(e)(3). If appellant Allegra G. does not timely file an opening brief, the court will dismiss this appeal based on counsel's notice under Rule 607(e)(4). FURTHER ORDERED: H. Clark Jones remains appointed, but only as appellant's advisory counsel. Advisory counsel is an attorney who is retained merely to give advice or answer questions regarding specific issues, rather than taking the lead and actively participating in a case. Amber E Pershon ProTem Judge - Author
28. 2-Nov-2023 ORDERED: Granting appellant's extension request. Appellant Kasongo T. may file an opening brief on or before 11/27/2023. See Ariz. R.P. Juv. Ct. 607(e)(3). The court will grant no further extensions absent extraordinary circumstances. See Ariz. R.P. Juv. Ct. 607(e)(3). If appellant Kasongo T. does not timely file an opening brief, the court will dismiss this appeal based on counsel's notice under Rule 607(e)(4). FURTHER ORDERED: Thomas A. Vierling remains appointed, but only as appellant's advisory counsel. Advisory counsel is an attorney who is retained merely to give advice or answer questions regarding specific issues, rather than taking the lead and actively participating in a case. Amber E Pershon ProTem Judge - Author
29. 6-Dec-2023 ORDERED: Dismissing Kasongo T.'s appeal. Barbara Vidal Vaught ProTem Judge - Author
30. 6-Dec-2023 FILED: Opening Brief (Appellant Pro Per Allegra G.)
31. 7-Dec-2023 ORDERED: Accepting the opening brief filed on 12/06/2023, as timely filed. Barbara Vidal Vaught ProTem Judge - Author
32. 29-Dec-2023 FILED: Appellee Department of Child Safety's Answering Brief; Department of Child Safety's Certificate of Compliance; Department of Child Safety's Certificate of Service (Appellee DCS)
33. 26-Jan-2024 CLNDR: CONFERENCE, Department D, 3-6-24, COURTROOM 2.
34. 27-Aug-2024 OPINION (Appeal Dismissed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur
35. 27-Aug-2024 FILED: Decision Distribution Notification
36. 27-Aug-2024 FILED: Notice of Juvenile Rule 609
37. 3-Sep-2024 FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)
38. 5-Sep-2024 FILED: Notice of Intent to File Petition for Review; Certificate of Service (Appellant Allegra G.)
39. 9-Sep-2024 FILED: Notice of Intent to File Petition for Review (Appellant Kasongo T.)