

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0139

IN RE TERM OF PARENTAL RIGHTS AS TO A.C. et al.

Appellate Case Information

Case Filed: 12-Jul-2023

Case Closed:

Dept/Composition

Department A

Hon. Jennifer B Campbell
 Hon. Kent E Cattani
 Hon. Paul J McMurdie

Side 1. OSCAR M., Appellant

(Litigant Group) OSCAR M.

- Oscar M.

Attorneys for: Appellant

Suzanne W Sanchez, Esq. (AZ Bar No. 14091)

Side 2. DEPARTMENT OF CHILD SAFETY, A.C., E.C., K.C., WICHITA TRIBE, Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Autumn Spritzer, Esq. (AZ Bar No. 27374)

(Litigant Group) A.C., E.C., K.C.

- A. C.
- E. C.
- K. C.

Attorneys for: Appellee Children

Jamie N Myers, Esq. (AZ Bar No. 27671)

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

(Litigant Group) WICHITA AND AFFILIATED TRIBES

- Wichita and Affiliated Tribes

CASE STATUS

Aug 26, 2024...Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR JD531290	Termination of Parental Rights		Marvin L Davis, Authoring Judge of Order		
MAR JS520444					

2 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)

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR

Mixed

22-Oct-2024 Department A; COURTROOM 1

45 PROCEEDING ENTRIES

- 12-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/07/2023 and Notification of Notice of Appeal Filed
- 17-Jul-2023 FILED: Appellate Clerk Notice (606(b))
- 19-Jul-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
- 21-Jul-2023 ORDERED: Supplementing the record by including the record and exhibits from JS520444. FURTHER ORDERED: directing the Clerk of the Maricopa County Superior Court to forward to this court by 08/10/2023 a certified copy of the record and exhibits from JS520444, marked for filing in this appeal. Amber E Pershon ProTem Judge - Author

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5. 26-Jul-2023 FILED: E-Record on Appeal: JD531290
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 08/05/2021 - LIST # E1
Hearing Date: 10/07/2021 - LIST # E1
Hearing Date: 03/31/2022 - LIST # E1
Hearing Date: 06/10/2022 - LIST # E1 E2 E3
6. 26-Jul-2023 FILED: E-Record on Appeal: JS520444
Instrument/Minute Entries: Combined
Exhibits: Hearing Date: 01/19/2023 - LIST # E8 E9 E10 E11 E12 E13 E14 E15 E16 E17 E20
7. 9-Aug-2023 FILED: Court Reporter Kimberly C. McCright Request for Extension of Time
8. 10-Aug-2023 ORDERED: Court Reporter Kimberly C. McCright Request for Extension of Time = GRANTED/ extending the deadline from 08/07/2023 to 09/06/2023, for court reporter Kimberly McCright to file the transcript of the proceedings held on 06/08/2023. Absent unforeseen and extraordinary circumstances, the court will not grant another extension request. Amber E Pershon ProTem Judge - Author
9. 6-Sep-2023 FILED: Court Reporter Kimberly McCright Request for Extension of Time
10. 7-Sep-2023 ORDERED: Court Reporter Kimberly McCright Request for Extension of Time = GRANTED/ extending the deadline from 09/06/2023 to 10/10/2023, for court reporter Kimberly C. McCright to file the transcript of the proceedings held on 06/08/2023. FURTHER ORDERED: If the transcript is not filed timely, Kimberly C. McCright must appear before court on Wednesday, 10/18/2023, at 2:30 p.m. to show cause why the court should not impose sanctions until the transcript is filed. Amber E Pershon ProTem Judge - Author
11. 7-Sep-2023 FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for a Procedural Order); DCS's Certificate of Service for Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS)
12. 8-Sep-2023 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ staying this appeal until 11/7/2023. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to rule on any motions made by the parties regarding the above matters. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 11/7/2023. FURTHER ORDERED: The stay will be lifted automatically on 11/8/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. FURTHER ORDERED: Affirming the 10/10/2023 transcript due date and the cause hearing set for 10/18/2023 at 2:30 p.m. Amber E Pershon ProTem Judge - Author
13. 6-Oct-2023 FILED: Reporter's Transcript - 06/08/2023 - Contested Severance Hearing (Kimberly C. McCright)
14. 3-Nov-2023 FILED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for Procedural Order); DCS's Certificate of Service for Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS)
15. 6-Nov-2023 ORDERED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ continuing the stay of this appeal until 12/21/2023. FURTHER ORDERED: To direct the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 12/21/2023. FURTHER ORDERED: The stay will be lifted automatically on 12/22/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Amber E Pershon ProTem Judge - Author
16. 19-Dec-2023 FILED: DCS's Motion to Continue and Expand Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for Procedural Order); DCS's Certificate of Service for Motion to Continue and Expand Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS)
17. 19-Dec-2023 ORDERED: DCS's Motion to Continue and Expand Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court = GRANTED/ continuing the stay of this appeal until 02/02/2024, for the purpose set forth in the 09/08/2023 order. In addition, the superior court may consider a motion by DCS to correct the final order. This court does not express an opinion regarding the merits of any such motion. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 02/02/2024. FURTHER ORDERED: The stay will be lifted automatically on 02/05/2024, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Barbara Vidal Vaught ProTem Judge - Author
18. 19-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD531290)
19. 19-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS520444)
20. 30-Jan-2024 FILED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for Procedural Order); DCS's Certificate of Service for Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS)

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21. 30-Jan-2024 ORDERED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court = GRANTED/ continuing the stay of this appeal until 03/18/2024. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 03/18/2024. FURTHER ORDERED: The stay will be lifted automatically on 03/19/2024, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Patrick Philippe Lacroix ProTem Judge - Author
22. 14-Mar-2024 FILED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for a Procedural Order); DCS's Certificate of Service for Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS)
23. 14-Mar-2024 ORDERED: DCS's Motion to Continue Suspension of Appeal and Temporarily Revest Jurisdiction in the Juvenile Court = GRANTED/ continuing the stay of this appeal until 04/17/2024. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 04/17/2024. FURTHER ORDERED: The stay will lift automatically on 04/18/2024, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. Patrick Philippe Lacroix ProTem Judge - Author
24. 19-Apr-2024 FILED: Courtesy Copy - Maricopa County Superior Court, filed 04/16/2024, re: Evidentiary Hearing - Motion Denied/ Status Conference Hearing
25. 22-Apr-2024 FILED: Courtesy Copy - Maricopa County Superior Court, filed 04/18/2024, re: Nunc Pro Tunc Correction for M.E. dated 04/10/2024.
26. 23-Apr-2024 FILED: Courtesy Copy - Maricopa County Superior Court, filed 04/19/2024, re: Nunc Pro Tunc Correction for M.E. dated 04/16/2024.
27. 26-Apr-2024 ORDERED: Staying this appeal until 05/31/2024, under Arizona Rule 608(b)(4) to allow the Maricopa County Superior Court to file a final signed order denying father's motion in compliance with Rule 601(b). FURTHER ORDERED: The clerk of the superior court must transmit a certified copy of the superior court's final order to this court by 05/31/2024. FURTHER ORDERED: If father fails to timely appeal the final order denying his motion, this court will issue a notice of completion and deem father to have waived his right to appeal from that order. Hon David B Gass - Author
28. 3-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD531290)
29. 3-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JS520444)
30. 3-May-2024 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The transcript of the proceedings held on April 10, 2024 must be filed in this court by 06/03/2024. Patrick Philippe Lacroix ProTem Judge - Author
31. 6-May-2024 FILED: Courtesy Copy - Maricopa County Superior Court, filed 05/01/2024, re: Nunc Pro Tunc Correction for M.E. dated 04/30/2024.
32. 3-Jun-2024 FILED: Reporter's Transcript - 04/10/2024 - Evidentiary Hearing (Kimberly C. McCright)
33. 4-Jun-2024 FILED: Notice of Completion of Record
34. 21-Jun-2024 FILED: Appellant's Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant)
35. 25-Jun-2024 FILED: DCS's Motion to Correct Caption and Request for Expedited Ruling; DCS's Certificate of Service for Motion to Correct Caption (Appellee DCS)
36. 25-Jun-2024 FILED: DCS's Motion for First Extension of Time to File Answering Brief (Motion for Procedural Order); DCS's Certificate of Service for Motion for First Extension of Time to File Answering Brief (Appellee DCS)
37. 25-Jun-2024 ORDERED: DCS's Motion to Correct Caption and Request for Expedited Ruling (Appellee DCS) = GRANTED/ amending the caption by removing the child L.L. from this appeal. The caption shown on this order must be used in all future filings in this appeal. Patrick Philippe Lacroix ProTem Judge - Author
38. 25-Jun-2024 ORDERED: DCS's Motion for First Extension of Time to File Answering Brief (Appellee DCS) = GRANTED. Due date EXTENDED from Thursday, 07-11-2024 to Wednesday, 07-31-2024. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
39. 25-Jun-2024 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
40. 1-Aug-2024 FILED: Appellee Department of Child Safety's Answering Brief; Appellee Department of Child Safety's Certificate of Compliance; Certificate of Service (Appellee DCS)
41. 1-Aug-2024 FILED: Motion for Procedural Order to Accept Answering Brief as Timely Filed; Certificate of Service (Appellee DCS)
42. 1-Aug-2024 ORDERED: Motion for Procedural Order to Accept Answering Brief as Timely Filed (Appellee DCS) = GRANTED/ accepting the Department of Child Safety's answering brief filed on 08/01/2024. Patrick Philippe Lacroix ProTem Judge - Author

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- 43. 6-Aug-2024 FILED: Appellant's Notice: No Reply Brief; Appellant's Certificate of Service - No Reply Brief (Appellant)
- 44. 26-Aug-2024 CLNDR: CONFERENCE, Department A, 10-22-24, COURTROOM 1.
- 45. 3-Sep-2024 FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)