

Court of Appeals, Division One

Juvenile

1 CA-JV 24-0153

IN RE TERM OF PARENTAL RIGHTS AS TO E.M. and D.M.

Appellate Case Information

Case Filed: 10-Sep-2024

Case Closed:

Dept/Composition

Department D

Hon. Kent E Cattani
Hon. Samuel A Thumma
Hon. Angela K Paton

Side 1. DONALD P., Appellant

(Litigant Group) DONALD P.

- Donald P.

Attorneys for: Appellant

Seth Draper, Esq. (AZ Bar No. 30736)

Side 2. DEPARTMENT OF CHILD SAFETY, E.M., D.M., Jr., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Jennifer R Blum, Esq. (AZ Bar No. 29716)

(Litigant Group) E.M., D.M., Jr.

- E. M.
D. M., Jr.

Attorneys for: Appellee Children

Amanda Adams, Esq. (AZ Bar No. 22505)

CASE STATUS

May 15, 2026... Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, JD534278, Termination of Parental Rights, Joshua D Rogers, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-26-0157-PR

CASE DECISION

16-Apr-2026 OPINION

Kent Cattani.....Author
Samuel Thumma.....Concur
Special Concurrence
Angela Paton.....Concur

Filed: 16-Apr-2026 Mandate:

Table with 1 column: Decision Disposition. Value: Affirmed

50 PROCEEDING ENTRIES

- 1. 10-Sep-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/06/2024 and Notification of Notice of Appeal Filed
2. 11-Sep-2024 FILED: Appellate Clerk Notice (606(b))
3. 11-Sep-2024 FILED: JV Appellate Clerk Notice Re Notice of Completion (AO 2024-08)
4. 13-Sep-2024 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee DCS)
5. 19-Sep-2024 FILED: Children's Notice of Change of Counsel; Children's Certificate of Service for Notice of Change of Counsel (Appellee Children)
6. 25-Sep-2024 FILED: E-Record on Appeal: JD534278
Instrument/Minute Entries: Combined
Exhibits:
Hearing Date: 12/14/2021 - LIST # E1
Hearing Date: 06/11/2024 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11 E12
Hearing Date: 01/15/2025 - LIST # E1 E2 E3
Hearing Date: 03/26/2025 - LIST # E1 E2 E3 E4 E5 E6 E7 E8 E9 E10 E11 E12 E13 E14 E15
7. 4-Oct-2024 FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion for a Procedural Order); Appellee Department of Child Safety's Certificate of Service (Appellee DCS)

Court of Appeals, Division One**Juvenile****1 CA-JV 24-0153****IN RE TERM OF PARENTAL RIGHTS AS TO E.M. and D.M.****50 PROCEEDING ENTRIES**

8. 10-Oct-2024 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED in part/ staying this appeal until 11/11/2024. FURTHER ORDERED: Remanding this case to the superior court to allow the parties to resolve all remaining disclosure matters. FURTHER ORDERED: The Department must file a motion to lift the stay within five business days of when all disclosure matters are resolved. FURTHER ORDERED: The court will address due dates for the affidavit and avowal required by Administrative Order 2024-08 in the order lifting the stay. FURTHER ORDERED: If all disclosure matters are not resolved by 11/11/2024, the Department must file a motion to continue the stay in which it describes the status of those matters. Hon David B Gass - Author
9. 8-Nov-2024 FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion to Continue Stay) (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
10. 13-Nov-2024 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Motion to Continue Stay) (Appellee DCS) = GRANTED/ continuing the stay of this appeal until 12/13/2024. FURTHER ORDERED: The Department must file a motion to lift the stay within five business days of when all disclosure matters are resolved. FURTHER ORDERED: The court will address due dates for the affidavit and avowal required by Administrative Order 2024-08 in the order lifting the stay. FURTHER ORDERED: If all disclosure matters are not resolved by 12/13/2024, the Department must file a motion to continue the stay in which it describes the status of those matters. Hon David B Gass - Author
11. 4-Dec-2024 FILED: Notice of Change of Counsel of Appellant; Certificate of Service for Notice of Change of Counsel for Appellant (Appellant)
12. 13-Dec-2024 FILED: DCS's Motion to Continue Stay (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
13. 23-Dec-2024 ORDERED: DCS's Motion to Continue Stay (Appellee DCS) = GRANTED/ continuing the stay of this appeal until 01/22/2025. FURTHER ORDERED: The Department must file a motion to lift the stay within five business days of when all disclosure matters are resolved. FURTHER ORDERED: The court will address due dates for the affidavit and avowal required by Administrative Order 2024-08 in the order lifting the stay. FURTHER ORDERED: If all disclosure matters are not resolved by 01/22/2025, the Department must file a motion to continue the stay in which it describes the status of those matters. Hon David B Gass - Author
14. 16-Jan-2025 FILED: DCS's Motion to Lift Stay (Motion for a Procedural Order); DCS's Certificate of Service; Exhibits 1 - 4 (Affidavit and Avowal) (Appellee DCS)
15. 21-Jan-2025 ORDERED: DCS's Motion to Lift Stay (Appellee DCS) = GRANTED/ lifting the stay of this appeal. Hon David B Gass - Author
16. 21-Jan-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD534278)
17. 22-Jan-2025 ORDERED: Court reporter coordinator Ken Crenshaw shall appear before this court on Wednesday, 02/05/2025, at 3:00 p.m. for failure to file the above-specified transcripts and to show cause, if any exist, why he should not be held in civil contempt and fined and/or sanctioned until the transcripts are filed. Steven C Lawrence ProTem Judge - Author
18. 3-Feb-2025 FILED: Transcript Coordinator Kenneth N. Crenshaw Request for Extension of Time
19. 5-Feb-2025 ORDERED: Transcript Coordinator Kenneth N. Crenshaw Request for Extension of Time = GRANTED/ directing court reporter coordinator Kenneth N. Crenshaw to file by 02/21/2025 the transcript of the proceedings held on 06/11/2024. The court grants this 30-day extension from the date of its 01/22/2025 order. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 02/05/2025. FURTHER ORDERED: Court reporter coordinator Kenneth N. Crenshaw shall appear before this court on Wednesday, 03/05/2025, at 2:30 p.m. for failure to file the above-specified transcript and to show cause, if any exist, why he should not be held in civil contempt and fined and/or sanctioned until the transcript is filed. Patrick Philippe Lacroix ProTem Judge - Author
20. 28-Feb-2025 FILED: Reporter's Transcript - 06/11/2024 - Initial Guardianship Hearing, Hearing Continued as To Child, Aiden/Severance Hearing - Severance Granted as to Children, Ethan, Emma, Donald and Parents (Kanchan Mutreja)
21. 28-Feb-2025 FILED: Notice of Completion of Record
22. 12-Mar-2025 FILED: Appellant's Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant)
23. 27-Mar-2025 FILED: DCS's Motion to Extend Time to File Answering Brief (Motion for Procedural Order); DCS's Certificate of Service (Appellee DCS)
24. 27-Mar-2025 ORDERED: DCS's Motion to Extend Time to File Answering Brief (Appellee DCS) = GRANTED. Due date EXTENDED from Tuesday, 04-01-2025 to Monday, 04-21-2025. The court will not grant any further extension absent extraordinary circumstances. Patrick Philippe Lacroix ProTem Judge - Author
25. 28-Mar-2025 FILED: Children's Motion for Procedural Order for Extension of Time; Children's Certificate of Service (Appellee Children)
26. 28-Mar-2025 FILED: Unopposed Motion for Procedural Order to Amend the Caption on Appeal; Children's Certificate of Service (Appellee Children)
27. 28-Mar-2025 ORDERED: Children's Motion for Procedural Order for Extension of Time (Appellee Children) = GRANTED. Due date EXTENDED from Tuesday, 04-01-2025 to Monday, 04-21-2025. The court will not grant any further extension absent extraordinary circumstances. FURTHER ORDERED: Unopposed Motion for Procedural Order to Amend the Caption on Appeal (Appellee Children) = GRANTED/ amending the caption by removing the child E.M. from the appeal. The caption shown on this order must be used in all future filings in this appeal. Patrick Philippe Lacroix ProTem Judge - Author
28. 21-Apr-2025 FILED: Appellee Department of Child Safety's Answering Brief; DCS's Certificate of Compliance; DCS's Certificate of Service (Appellee DCS)

Court of Appeals, Division One**Juvenile****1 CA-JV 24-0153****IN RE TERM OF PARENTAL RIGHTS AS TO E.M. and D.M.****50 PROCEEDING ENTRIES**

29.	21-Apr-2025	FILED: Appellee Children's Answering Brief; Appellee Children's Certificate of Compliance; Appellee Children's Certificate of Service (Appellee Children)
30.	25-Apr-2025	CLNDR: CONFERENCE, Department D, 6-18-25, COURTROOM 2.
31.	1-May-2025	FILED: Appellant's Reply Brief; Certificate of Compliance for Appellant's Reply Brief; Appellant's Certificate of Service - Reply Brief (Appellant)
32.	19-May-2025	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	29-May-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD534278)
34.	19-Jun-2025	ORDERED: Suspending this appeal and revesting jurisdiction in the superior court for a limited purpose. See Ariz. R.P. Juv. Ct. 608(b)(4). FURTHER ORDERED: The superior court, on the existing record, enter amended findings on the second Michael J. factor applying the correct legal framework as described above and enter an amended ruling on DCS's termination motion. We express no view of the merits of the issues at play in the limited remand. FURTHER ORDERED: The superior court transmit a certified copy of the amended ruling to the clerk of this court. After receipt, this court will by future order reinstate the appeal and direct further appellate proceedings as appropriate. Hon Kent E Cattani - Author
35.	4-Sep-2025	FILED: DCS's Notice of Filing; DCS's Certificate of Service; Courtesy Copy - Maricopa County Superior Court, filed 08/22/2025, re: Ruling Following Remand (Appellee DCS)
36.	8-Sep-2025	ORDERED: Reinstating the appeal. FURTHER ORDERED: Permitting supplemental briefing addressing the amended ruling. Appellant Donald P. ("Father") may file a supplemental opening brief (10-pages maximum, and limited to challenging those portions of the ruling changed by the superior court's amended ruling) by 09/29/2025. Appellees DCS and Children (E.M. and D.M.) may submit supplemental answering briefs (10-pages maximum) by 10/20/2025. Father may file a supplemental reply brief (5-pages maximum) by 10/30/2025. Hon Kent E Cattani - Author
37.	9-Sep-2025	FILED: Notice of Appeal from Maricopa County Superior Court filed 09/04/2025 and Notification of Notice of Appeal Filed
38.	17-Sep-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record (JD534278)
39.	26-Sep-2025	FILED: Appellant's Supplemental Brief; Certificate of Compliance for Appellant's Supplemental Opening Brief; Certificate of Service for Appellant's Supplemental Opening Brief (Appellant)
40.	14-Oct-2025	FILED: Appellee Department of Child Safety's Supplemental Answering Brief; DCS's Certificate of Compliance; DCS's Certificate of Service (Appellee DCS)
41.	20-Oct-2025	FILED: Appellees Children's Supplemental Answering Brief; Appellees Children's Certificate of Compliance; Appellees Children's Certificate of Service (Appellee Children)
42.	27-Oct-2025	FILED: Appellant's Notice of No Supplemental Reply Brief; Certificate of Service for Appellant's Notice of No Supplemental Reply Brief (Appellant)
43.	7-Jan-2026	ORDERED: Resetting conference in this matter for 01/20/2026 at 1:00 p.m. Hon Kent E Cattani - Author
44.	16-Apr-2026	OPINION (Affirmed) Hon Kent E Cattani - Author; Hon Samuel A Thumma - Special Concurrence; Hon Angela K Paton - Concur
45.	16-Apr-2026	FILED: Decision Distribution Notification
46.	16-Apr-2026	FILED: Notice of Juvenile Rule 609
47.	28-Apr-2026	FILED: Appellant's Notice of Intent to File Petition for Review; Appellant's Certificate of Service for Notice of Intent to File Petition for Review (Appellant)
48.	21-May-2026	FILED: Email Notice from ASC re: Petition for Review filed 05/15/2026; request for partial record
49.	21-May-2026	FILED: Letter forwarding partial record to Arizona Supreme Court
50.	22-May-2026	FILED: ASC Order filed 05/22/2026 re: Department of Child Safety file a response to the petition for review no later than 30 days from the date of this order.