

1 JUVENILE COURT
2 CITY AND COUNTY OF DENVER
3 STATE OF COLORADO
4 1437 Bannock St., Room 157
5 Denver, CO 80202

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7 IN THE INTEREST OF:

CASE NO. 08JV141
DIVISION 2

8
9 PETITIONER:
10 ROBERT MANZANARES

11 v.

12 RESPONDENT: CARIE TERRY

13 -----
14 REPORTER'S TRANSCRIPT
15 -----

16 The hearing in this matter commenced on
17 Monday, September 8, 2008, before the HONORABLE D.
18 BRETT WOODS, Judge of the Denver Juvenile Court.
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1 MORNING SESSION, MONDAY, SEPTEMBER 8, 2008

2 (The following proceedings were had and
3 entered of record:)

4 THE COURT: Just a moment. We'll be on the
5 record in 2008JV141. If parties who are present at
6 this time would just enter their appearances, please.
7 Just tell me your name.

8 RESPONDENT MOTHER: Carie Terry.

9 THE COURT: All right. Thank you.

10 MS. BERKELEY: Good morning. Emily Berkeley
11 on behalf of the Petitioner Mr. Manzanares who is here
12 beside me and my colleague Dave Osborne.

13 THE COURT: All right. Very well. Thank
14 you. This is here today -- we'll be making a phone
15 call in just a moment. Filed with me has been a
16 Verified Petition for Allocation of Parental
17 Responsibilities. Also there has been an objection to
18 that. I have received both of those documents, and
19 I've had a chance to read those.

20 There also has been a request that I consult
21 with the judge in Utah because there's a related case
22 in Utah on that. And I'm going to grant that request
23 to go ahead and get in touch with -- sorry, I believe
24 it's Judge Faust; is that right?

25 MS. BERKELEY: Yes, Your Honor, that is

1 correct, and if the Court would take note Vivian
2 Burgos the Guardian Ad Litem also entered the
3 courtroom.

4 MS. BURGOS: Good morning.

5 THE COURT: Oh good, Ms. Burgos is here as
6 the Guardian Ad Litem, and then I understand there
7 would be some other people that are going to be
8 listening in by phone or participating, and who are
9 those people?

10 RESPONDENT MOTHER: That would be Larry
11 Jenkins the lawyer for -- representing the baby --
12 adoptive parents.

13 THE COURT: All right. Is he on the phone
14 now or --

15 RESPONDENT MOTHER: He's in the courtroom
16 with Judge Faust.

17 THE COURT: Okay. Very good.

18 RESPONDENT MOTHER: He'll be in the
19 courtroom, yeah.

20 MS. BERKELEY: Judge, Jennifer Reyes
21 Mr. Manzanares's Utah counsel is going to be
22 conferencing here I guess because she was unable to
23 get to the court in time. She just notified me this
24 is occurring so -- or she was allowed to participate,
25 so she's going to be listening in. My understanding

1 is neither attorney -- Judge Faust has ordered neither
2 attorney may participate or say anything; they can
3 just listen.

4 THE COURT: That's fine. All right. Let's
5 go ahead and make the phone calls then.

6 (Calling and getting Judge Faust and Ms.
7 Reyes on the line.)

8 JUDGE FAUST: Good morning. This is Judge
9 Faust.

10 THE CLERK: Good morning, Judge Faust. This
11 is the clerk for Judge Woods. We need a second to get
12 Ms. Reyes on the line. Can you hold a moment?

13 THE COURT: Can you hear us?

14 JUDGE FAUST: Yes, we can. We have
15 Mr. Byington and Mr. Jenkins in my courtroom as well
16 and we're on the record.

17 THE CLERK: Just a moment.

18 THE COURT: Sir -- sir, just so you -- hi.
19 Good morning. This is Judge Woods. I can hardly hear
20 you.

21 JUDGE FAUST: Mr. Jenkins, if you want to
22 come over closer, welcome to. That way everybody can
23 hear. Is that a little better?

24 THE COURT: That's better. So make this
25 other call to try to get ahold of this other attorney.

1 We'll be right with you. It will be just a moment.

2 JUDGE FAUST: All right. Thank you.

3 MS. REYES: This is Jennifer.

4 THE CLERK: Hi, Ms. Reyes. Juvenile Court
5 again in Denver. Let me get the judge back -- Judge
6 Faust? Ms. Reyes?

7 MS. REYES: Yes, I'm here.

8 THE CLERK: Okay.

9 JUDGE FAUST: We have Mr. Jenkins and
10 Mr. Byington.

11 THE COURT: All right. Well, good morning,
12 judge. It's nice to meet you, and here in Denver we
13 have Ms. Terry and Mr. Manzanares is here along with
14 his attorney and also the Guardian Ad Litem that I or
15 the magistrate I should say had appointed for the
16 child, Ms. Vivian Burgos.

17 JUDGE FAUST: Thank you.

18 THE COURT: And thank you for agreeing to
19 take my call here today. I was requested to call you
20 by counsel for Mr. Manzanares to consult with you as
21 is called for by the Uniform Child Custody
22 Jurisdiction and Enforcement Act. I understand there
23 is still an adoption matter pending in Utah and
24 that -- that particular law does not apply in adoption
25 cases. Nonetheless, it applies in our paternity case

1 so that is the reason for the call.

2 And I just had some questions and I would be
3 happy to answer any questions that you have as well.
4 I guess do you have an update on what the status is of
5 the Utah adoption at this point, judge?

6 JUDGE FAUST: Well, my understanding of it
7 is there has been a request to our Court of Appeals to
8 take an interlocutory appeal on my decision to set
9 aside the consent of the natural mother. I don't know
10 what the status any further of that is. Maybe
11 Mr. Jenkins can address that if he has any other
12 information.

13 MR. JENKINS: I don't have any further
14 information. Trying to -- it was actually a petition
15 for both the extraordinary writ and permission to
16 appeal the interlocutory order. The time for response
17 has not come yet so I doubt we'll see anything from
18 the Court of Appeals at least for the next few days
19 until the response time has past.

20 THE COURT: Does anyone know when -- of
21 course we can never guess what the Court of Appeals is
22 going to do -- when they would typically decide if
23 they're going to take this case or not? Would --
24 would a decision be pretty quick I would expect?

25 MR. JENKINS: My experience with

1 interlocutory appeals they do rule fairly quickly
2 within a week after all the briefing is in on the
3 issue. They typically rule quite quickly. I had one
4 last year and they ruled within -- within a few days
5 after the time expired.

6 THE COURT: Okay. Thank you. Judge, my
7 understanding is that you vacated the natural mother's
8 consent and so that has been set aside at this point.
9 Who has -- is there a legal custody order for the
10 child in Utah at this time?

11 JUDGE FAUST: Yes. We left the temporary
12 custody order that was issued in place with the child
13 remaining with the potential adopting parents.

14 THE COURT: Okay. And I guess -- maybe it's
15 getting a little bit ahead of ourselves, but what
16 happens if this becomes a failed adoption? What would
17 you be doing then next?

18 JUDGE FAUST: Well, as I understand it,
19 under Utah law there is a portion of our section that
20 indicates that if an adoption petition is not
21 approved, then the Utah Court has the determination to
22 make as to what is in the best interests of the child
23 and enter any orders with respect to custody
24 determinations between the two natural parents.

25 I don't know if that solely relates to

1 parents who are Utah residents or what the impact of
2 that statute is as it would relate in this case with
3 both parents -- natural parents being residents of
4 Colorado and so forth.

5 But I think Mr. Jenkins' position when we
6 have spoken previously on that -- and I'll let him
7 change his position if I misrepresent something
8 inaccurately -- I think Mr. Jenkins' advocating or
9 arguing Utah courts must go ahead in that case and
10 still make a determination of what is in the best
11 interests of the child rather than deferring the
12 matter back over to the Colorado courts.

13 Mr. Jenkins, is that an accurate summary?

14 MR. JENKINS: I believe so, Your Honor. Our
15 Supreme Court has modified the statute just slightly
16 in the case of a failed adoption. That the best
17 interest determination made by the Court after that is
18 a temporary custody decision, so in that kind of a
19 case that is what would happen would be simply a
20 temporary custody order that the Court would enter,
21 and then I'm assuming -- I don't know, I haven't
22 researched this -- but I'm assuming at that point then
23 as far as a permanent custody decision that could go
24 back to Colorado, but the way the statute reads there
25 is a temporary decision that needs to be made.

1 THE COURT: Okay. And I did a little bit of
2 research and found -- I don't have it in front of me
3 or the name, but I found some Utah Supreme Court case
4 that seemed to go along with what you just said,
5 Mr. Jenkins. Let me ask, Judge Faust, do you have any
6 questions you want to ask me?

7 JUDGE FAUST: No. I believe I am just fine.

8 THE COURT: Okay. Here's what I'm trying to
9 figure out on things. I mean it seems fairly clear to
10 me under the Uniform Act that Utah would be the home
11 state of this child and that's just the plain language
12 of the Act. Having said that, there are some -- there
13 are two ways Utah could decline jurisdiction under the
14 Uniform Act. One would be to determine that Utah is
15 an inconvenient forum, and the second would be to
16 determine that there had been unjustifiable conduct,
17 and in this case that would have been unjustifiable
18 conduct by the natural mother.

19 And based on at least what I know the state
20 of the evidence is and the record, and we've taken
21 very little evidence here in Colorado, but -- but
22 based on the state of the case right now, there would
23 be a basis for a Utah court to decline jurisdiction on
24 either grounds, inconvenient forum or unjustifiable
25 conduct, but at least my understanding of the Act is

1 is that is Utah's call to make.

2 In other words, it's sort of a right of
3 first refusal, if you will, and if Utah makes that
4 decision, then it can come back to me, but until Utah
5 makes that decision, I think the matter is in Utah.

6 Judge Faust, do you have any thoughts on
7 that?

8 JUDGE FAUST: Well, I think you're right in
9 that regard, and that's what I was raising in the
10 first issue is I don't know if I need to go through
11 and make that temporary custody order determination
12 first and then apply the statute so that all
13 subsequent jurisdictional issues beyond the temporary
14 custody order that Mr. Jenkins and I spoke of are
15 handled in Colorado or whether I'm permitted to go
16 ahead and make a ruling under the statute prior to
17 making that best interests test as the statute says I
18 need to do. I simply don't know the answer at this
19 point in time.

20 So to me the direction that I was going to
21 go was simply to wait to see what the Court of Appeals
22 does and then that would determine exactly whether the
23 next proceeding would be in my court or whether we
24 would need to continue to stay on hold.

25 THE COURT: Let me ask you this, judge,

1 would you be the judge that makes that determination
2 in terms of either inconvenient forum or unjustifiable
3 conduct or would that be someone else?

4 JUDGE FAUST: I believe it's me.
5 Mr. Jenkins, do you have any different opinion of
6 that?

7 MR. JENKINS: I don't know the answer to
8 that to be honest.

9 JUDGE FAUST: I would take a look at the
10 statute as well and may change your mind, but my
11 understanding is is I guess I'm the one with the
12 custody of the child temporarily --

13 THE COURT: Okay.

14 JUDGE FAUST: -- here so --

15 THE COURT: And the only reason I ask that,
16 again the Uniform Custody Act does not apply to
17 adoptions; however, it does apply to my case, but I
18 also understand there's a custody issue as well in
19 Utah, so I guess that's ultimately your decision.

20 Well, I can tell you what I've been thinking
21 of doing and happy to hear any comments, but my
22 thinking was is that I was going to be directing the
23 parties here in Colorado to seek an answer from Utah
24 as to whether Utah is going to exercise home state
25 jurisdiction or not. If Utah decides to exercise home

1 state jurisdiction, as far as I can tell, I'm done,
2 but if Utah decides not to exercise home state
3 jurisdiction because of either inconvenient forum or
4 unjustifiable conduct, then I'm not done, so I was
5 going to direct our parties here to seek that answer
6 from Utah.

7 The second thing I was contemplating doing
8 is ordering the Guardian Ad Litem that I've appointed
9 for the minor child in this case to investigate the
10 natural parents here in Colorado and to the extent
11 that she can investigate the parents or the potential
12 adoptive parents in Utah so that if I need to have a
13 hearing I have someone who is prepared to make
14 recommendations to me.

15 She can make her recommendations either as
16 an officer of the court or can be called to testify is
17 my understanding in Colorado and the parties would
18 have to figure that out. I would probably set some
19 type of an evidentiary hearing. Whether I would
20 actually hold it or not depends on what happens in
21 Utah, but at least I would have the day set aside and,
22 you know, if it comes that I need to do something, I
23 can do it. If not, I cannot do it or I can just
24 continue to wait.

25 Judge Faust, what -- how does that sound to

1 you?

2 JUDGE FAUST: I think from your position I
3 think those are two reasonable options for you to go
4 ahead and exercise. I do think ultimately the
5 determinations of some of these issues have to be made
6 by this Court.

7 THE COURT: Correct. I could not agree
8 more. And I want to be very clear I'm not trying to
9 step on the toes of my sister jurisdiction in Utah.
10 As I said, based on my understanding it's kind of your
11 call and you have the right of first refusal for lack
12 of a better way of putting it in Utah. I think
13 before obviously I'm going to be doing anything we're
14 going to wait to see what the Court of Appeals does on
15 this interlocutory appeal, and then I'm in a position
16 to know whether we have a green light to go forward or
17 need to hold pending the appeal. Correct? Okay.

18 Well, I guess the other thing, I can
19 probably go ahead and make this finding, and I'll do
20 this after we hang up, but certainly based on the
21 order that you have written and then the order that --
22 in the course of proceedings that have happened here
23 in Colorado, I think there's certainly a preliminary
24 finding that I can make that the mother's conduct at
25 least here in Colorado was also unjustifiable based on

1 really the undisputed evidence that was in the record
2 that no one has disputed here, which is that when she
3 contacted the Colorado court for the continuance in
4 February, she didn't let us know she had already given
5 birth to the child. We didn't know she was moments
6 away from signing the consent and so on, and I don't
7 think anybody has disagreed with that, so with that,
8 I'll probably be entering that type of finding as
9 well.

10 But I think that's about all I can do at
11 this point.

12 JUDGE FAUST: Well, thank you. I appreciate
13 it very much. Yeah, if you want to have the parties,
14 you know, direct them to make a request from the
15 Court, I'll -- as far as whether or not we're going to
16 exercise home state control, we'll have to just look
17 at that issue and have it briefed and we'll decide it.

18 THE COURT: All right. Again thank you for
19 talking to me. Any questions from me or anything at
20 all?

21 JUDGE FAUST: I don't think anything. Thank
22 you very much.

23 THE COURT: Thank you, judge. We're going
24 to hang up at this point.

25 JUDGE FAUST: Thank you.

1 (Disconnected the call.)

2 THE COURT: All right.

3 RESPONDENT MOTHER: Your Honor, if I may.

4 THE COURT: Hold on just a second. All
5 right. Let me make a record now that we've ended the
6 phone call between this Court and the individuals in
7 Utah and then so we're just back on the record here
8 with Ms. Terry and Mr. Manzanares and, Ms. Terry, you
9 wanted to say something?

10 RESPONDENT MOTHER: Yes. Your Honor, I just
11 wanted to say a couple of things. Regarding the court
12 findings that I had unjustifiable conduct, there's no
13 statute that says that I have to address the Court and
14 let them know what I'm doing in another state. A
15 paternity proceeding -- petition was filed here in
16 court to state Mr. Manzanares was the father which was
17 not disputed he was the father. In other words, that
18 there was no proceeding, there was no petition, there
19 was no anything else.

20 And like to ask the Court why the Court has
21 not thought or asked on the misconduct of Mr.
22 Manzanares and his counsel, the continual lies they
23 have presented in their documents, the reason that if
24 he knew without a shadow of a doubt I was going to
25 give birth in Utah and place the child for adoption

1 why he didn't file with Utah laws -- why he did not
2 comply with Utah laws. He knew 20 to 30 days before I
3 gave birth. Why the Court has not addressed those
4 issues. Why the Court has not addressed the lies they
5 have told about me in the documents.

6 I'm just trying to figure out why the Court
7 has not addressed these issues and not looked at the
8 statutes that I under no law or circumstance needed to
9 let the Court know that I had given birth.

10 THE COURT: All right. Thank you. All
11 right. I've heard from that and -- hold on just a
12 minute here. All right. Well, the case was set
13 originally for a hearing in this court on
14 February 20th and actually it was in the magistrate's
15 division. And again the minute order reflects that on
16 that date there was a call that had been made to the
17 court in the Clerk's Office stating from the
18 Respondent mother that she was out of town.

19 Apparently the Court contacted her on the
20 phone number listed on the pleadings, and again it was
21 undisputed at that time that she did not inform the
22 Court that she had given birth to the child; that she
23 had given birth to the child in Utah; that she was on
24 that day prepared to sign and in fact did go ahead and
25 sign a consent giving up her rights to the child and

1 consenting to the adoption of the child in Utah, and
2 the Court does find that was material information that
3 did need to be disclosed to this Court because pending
4 before this Court was the paternity action, also the
5 request for injunctive relief, and that is material
6 information that a party should disclose to the Court.

7 RESPONDENT MOTHER: But Your Honor is --
8 there is a statute saying --

9 THE COURT: Ma'am, I'm making a ruling at
10 this point so please let me make my ruling. So the
11 Court does find that the mother was under an
12 obligation to notify the Court and that obligation was
13 as a duty of candor to the Court as a litigant in a
14 case which all parties have a duty to be candid with
15 the Court when they are a litigant in the case. That
16 information was not disclosed to the Court. Had it
17 been disclosed to the Court, the Court or the
18 magistrate may have taken action differently than she
19 did and it may have been referred to the judicial
20 division quicker than it was.

21 Therefore, the Court does agree with the
22 Court in Utah that the mother's conduct to the Court
23 was unjustifiable and so finds.

24 Court further directs the parties at this
25 time to seek an answer from the Utah courts as to

1 whether Utah is going to exercise home state
2 jurisdiction because it is Utah's call as to whether
3 or not it will exercise home state jurisdiction. Utah
4 can do that, and if Utah does that, then there is
5 nothing further for me to do. If Utah does not
6 exercise home state jurisdiction based on either
7 inconvenient forum, unjustifiable conduct, or by some
8 action of either the Utah Court of Appeals or State
9 Supreme Court in Utah with respect to the adoption,
10 then, you know, the case may come back here.

11 But in the meantime the question is still
12 with the courts in Utah. Pending the answer and
13 operating in I think a spirit of caution and planning,
14 I am going to direct the Guardian Ad Litem to conduct
15 an investigation of the parents here in Colorado of
16 the mother and of the father and also of the Byingtons
17 in Utah because this Court may, and I don't know if it
18 will, but this Court may at some point be in a
19 position of having to enter orders under our
20 Children's Code.

21 And quite frankly the decision of whether
22 this Court will ever be in a position to enter orders
23 under our Children's Code is not going to be decided
24 here, it's going to be decided in Utah, but if Utah
25 decides it comes back to me, then I will be ready to

1 proceed. If Utah decides it does not come back to me,
2 then that's that.

3 Then the other final thing I would remind
4 the parties is that if I do have to make a decision on
5 what best serves the best interests of the child, that
6 is what I will be looking at, and it will be under our
7 Children's Code, which is Title 19 not Title 14 is
8 what the party's motion was filed under, but under
9 Title 19, the Children's Code.

10 And let me put this out there, it certainly
11 would not be sufficient for the parties to come in and
12 just say, well, because the mother had done some
13 things that she ought not to have done that the child
14 should automatically be placed with the father.
15 That's not what the law says. Law would be a best
16 interests of the child determination, and I'm going to
17 have to weigh those factors under the statute for
18 either the mother, the father, or potentially even the
19 Byingtons. And I will do so in a way that I hope is
20 faithful to the statute and our laws.

21 Any clarification requested from the parties
22 on my orders?

23 RESPONDENT MOTHER: Just a question, would
24 the Children's Code be Title 19 for Colorado and Utah?
25 Would they be the same?

1 THE COURT: I don't really know the answer
2 to that question. All I can do is to keep up on
3 Colorado, so in Colorado it's Title 19, the Children's
4 Code. What it is in Utah, I couldn't begin to tell
5 you.

6 RESPONDENT MOTHER: Okay.

7 MS. BERKELEY: Your Honor, I just have a
8 question. So should the -- once the determination is
9 made under Title 14, the UCCJEA, that title is done,
10 we're moving to Title 19?

11 THE COURT: Well, Uniform Child Custody Act
12 sort of overlays all of this and this is the
13 consulting thing that happens between me and Utah. If
14 Utah, as I understand it, would say it comes back to
15 me and then I enter orders, then you take those orders
16 to Utah and you have them enforced in Utah. And that
17 can include a pick-up order, which you've been trying
18 to get me to sign but I couldn't sign that because the
19 child isn't in Colorado, child is in Utah. So you
20 would -- but Utah has to make that determination
21 whether or not it's going to exercise home state
22 jurisdiction.

23 And that assumes that the adoption doesn't
24 happen. Now the adoption may happen in which case
25 then it happens, but -- but if Utah decides it's not

1 going to take home state jurisdiction for the reasons
2 that I've discussed, then it comes back to me. Utah
3 enters temporary orders and they are allowed basically
4 temporary immediate jurisdiction and then it comes
5 back to me.

6 I make the determination, whatever I decide,
7 and I don't know what I would decide because I haven't
8 heard any evidence, then I would -- then you take that
9 to Utah and you get it enforced in Utah. And that
10 could include a pick-up order if it gets to that
11 point, but it may not. I don't know. Because I may
12 decide that is not in the best interests.

13 I have to go through our best interests
14 analysis and all the factors that are in our statute,
15 which are found in Title 19, but also point to and
16 include stuff from Title 14, and actually I understand
17 that my jurisdiction under Title 19 is broader than it
18 is under Title 14, which is the domestic relations law
19 because this is not a domestic relations case; this is
20 a paternity case. Does that make sense?

21 MS. BERKELEY: Yes, thank you, Your Honor.

22 THE COURT: Okay. Ms. Burgos, does that
23 make sense?

24 MS. BURGOS: It does.

25 THE COURT: Ms. Terry?

1 RESPONDENT MOTHER: Yep.

2 THE COURT: Anything else?

3 MS. BERKELEY: One other question, so I
4 guess just to confirm -- we're going to go to Utah. I
5 know we are and request that Utah decline
6 jurisdiction, so just waiting for a written order from
7 Utah or --

8 THE COURT: Whatever Utah -- however they do
9 their orders is how they do their orders, but Utah
10 will either decide to take home state jurisdiction or
11 will say thanks but no thanks.

12 MS. BERKELEY: Might call you. If they
13 call, will you allow us to come back?

14 THE COURT: Utah has the right to consult
15 with me. Remember way back when we first had this
16 going on I said the day may come Utah needs to consult
17 with me, and that's what I was thinking of at that
18 point because Utah will maybe have to ask me the
19 question, well, we don't want jurisdiction, will you
20 take it, and I'll have to decide either yes or no.

21 And I would hear argument from the parties
22 and based on the record and my findings so far more
23 than likely I would say yes, but again I can't make
24 any final decision until I hear from everybody and
25 know what they have to say and what the state of the

1 law is. I don't want to prejudge something and by
2 that comment want to be very clear I'm not.

3 Okay. And then we need to set an
4 evidentiary hearing here in Colorado. Whether that
5 hearing will ever actually be held or not remains to
6 be seen, but at least I have the date and the time set
7 aside to do it in case I need to.

8 Yes, ma'am.

9 RESPONDENT MOTHER: Your Honor, just
10 wondering you said if we have to have an evidentiary
11 hearing. If the Court of Appeals declines Utah
12 jurisdiction and all that, that you truly look at what
13 is in the best interests of the child versus the
14 mother, father, and the Byingtons, so would the
15 Byingtons be allowed to come and participate in an
16 evidentiary hearing?

17 THE COURT: They would be most welcome.

18 RESPONDENT MOTHER: Okay.

19 THE COURT: Okay.

20 THE CLERK: What time frame are you seeking?

21 THE COURT: I would think about 30 days.
22 That gives Ms. Burgos the time to do her work and I
23 really don't see things getting resolved much quicker
24 than that. I think 30 days is actually a fast track,
25 and trying to do it as quickly as I can because I

1 understand we have issues of attachment and so on so
2 very mindful of that as well.

3 THE CLERK: October 8th.

4 THE COURT: So that is a tentative date and
5 again whether we actually have the hearing or not
6 remains to be seen.

7 RESPONDENT MOTHER: Is there a time?

8 THE CLERK: At nine -- nine a.m.

9 THE COURT: I would probably contemplate a
10 one-day hearing. I may issue some type of a case
11 management order here directly in terms of what not.
12 At a minimum I would want parties to have exchanged
13 witness lists by close of business on October 1st.

14 MS. BERKELEY: Your Honor, I have a
15 permanent orders hearing that day, but if I can't be
16 here, I think Mr. Osborne will be here.

17 THE COURT: Okay.

18 MS. BERKELEY: I will try to reschedule my
19 permanent orders.

20 THE COURT: Again I may issue out some type
21 of minute order which will tell the parties -- each
22 side the time they have in terms of evidence, and
23 you'll get your time and when time is out, it's out,
24 because I would think we could do this in one day.

25 Ms. Burgos?

1 MS. BURGOS: What time on the 8th, I'm
2 sorry?

3 THE CLERK: Nine o'clock.

4 MS. BURGOS: That's fine.

5 THE COURT: One-day hearing.

6 RESPONDENT MOTHER: Your Honor, would you
7 like me to make sure Larry Jenkins or somebody in Utah
8 lets you know what the Court of Appeals' decision was?

9 THE COURT: I expect parties are under a
10 continuing obligation to keep me informed in terms of
11 what is happening in Utah.

12 RESPONDENT MOTHER: Okay.

13 THE COURT: Everybody has been pretty good
14 about that. And if -- again if I -- I may vacate the
15 hearing or cancel the hearing based on what happens in
16 Utah, but if -- if I need to have a hearing, I'm ready
17 to go.

18 MS. BURGOS: Thank you, Your Honor.

19 THE COURT: Thank you. We're in recess.

20 (The proceedings were concluded.)
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REPORTER'S CERTIFICATE

1
2 The above and foregoing is a true and
3 complete transcription of my stenotype notes taken in
4 my capacity as Official Reporter of Division 2,
5 Juvenile Court, Denver County, Colorado, at the time
6 and place above set forth.

7 Dated at Denver, Colorado, this

8 11th day of September, 2008.

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11 Kari Larson
12 Kari Larson, RPR, CSR
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