

1 JUVENILE COURT
2 LINDSEY-FLANIGAN COURTHOUSE
3 520 WEST COLFAX
4 DENVER, COLORADO 80204

5 -----
6 THE PEOPLE OF THE STATE OF COLORADO
7 IN THE INTEREST OF

8 K.A.B. ,
9 A MINOR CHILD,
10 AND CONCERNING

11 C.T NKA C.M. AND R.M.
12 AND INTERESTED PARTIES

13 S.B. AND J.B.

14 -----
15 FOR THE PETITIONER FATHER:
16 JOHN HEDRICK, 34828

17 FOR RESPONDENT MOTHER:
18 KERRY SIMPSON, 35514

19 FOR THE INTERESTED PARTIES:
20 THOMAS BELTZ, 6153

21 GUARDIAN AD LITEM:
22 VIVIAN BURGOS, 25454

^COURT USE ONLY^

Case No. 08JV141
Courtroom 2F

23 REPORTER'S TRANSCRIPT

24 This matter came on for Hearing commencing on
25 Friday, April 27, 2012, before the HONORABLE D. BRETT WOODS, Judge of
the Denver Juvenile Court.

1 MORNING SESSION, FRIDAY, APRIL 27, 2012, 9:20 A.M.

2 P R O C E E D I N G S

3 (The following proceedings were held in open
4 court with the parties and counsel present.)

5 THE COURT: All right. Morning. Let's go on
6 the record in 2008JV141 and have the parties enter their
7 appearances, please.

8 MR. HEDRICK: Good morning, Your Honor. John
9 Hedrick, 34828, on behalf of Mr. Manzanares, who is
10 present to my right.

11 THE COURT: Okay.

12 MR. BELTZ: Your Honor, Tom Beltz, 6153. I
13 represent the interested parties.

14 THE COURT: Okay.

15 MS. SIMPSON: Good morning, Your Honor. Kerry
16 Simpson, 35514. Judge, I'm the source of the delay this
17 morning, and I apologize. I was here early, but I had to
18 review the orders with my client that we received
19 yesterday, so I was taking some time to do that. Thank
20 you, Your Honor.

21 THE COURT: Oh, that's fine. No worries.

22 MS. BURGOS: Good morning, Your Honor. Vivian
23 Burgos, the Guardian ad Litem for the minor child.

24 THE COURT: So this is here after some briefing
25 and following orders on some legal issues, and what I'm

1 needing to know today is an update of what has occurred in
2 Utah and when I might receive a order from a Utah court,
3 if they are so inclined to decline home state jurisdiction
4 and send the matter here. So I usually start on this side
5 of the room, so that's where I'll start.

6 MR. HEDRICK: And Your Honor, if I may approach?
7 I actually have a copy of the stipulation to dismiss
8 without prejudice the adoption action in Utah.

9 THE COURT: Okay.

10 MR. HEDRICK: Where it's our position that in
11 paragraph 3 in this the parties are intending for the
12 jurisdiction to shift from Utah to Colorado. And then I
13 do have a transcript of the hearing as well, where the
14 interested parties' attorney, Mr. Jenkins, states that
15 that is their desire, and birth mother's attorney does the
16 same on page 19.

17 THE COURT: Okay. I haven't seen that. I might
18 want to probably not bore you all by sitting here and
19 reading this, so why don't I go ahead and just take a
20 quick recess and go ahead and read these, 'cause I just am
21 getting them now. So that's probably the best thing for
22 me to do and that way I can be fully informed.

23 MR HEDRICK: And just to narrow your search, the
24 relevant part regarding jurisdiction to Colorado is on
25 page 18 and 19 of the hearing transcript.

1 THE COURT: Okay. Let me go ahead and look at
2 that. Thank you for providing that. Yes, sir?

3 MR. BELTZ: What we're trying to find out is if
4 either of us have a copy of that. Do you have another
5 copy?

6 MR. HEDRICK: I have one more copy.

7 MR. BELTZ: Yeah, if we -- we'll review it, if
8 Mr. Hedrick would allow us to look, at the same time
9 you're looking, then we'll be in good shape.

10 THE COURT: That's fine, and we'll -- even if we
11 need to make a copy for people, we can do that.

12 MR. BELTZ: Okay. Thank you.

13 THE COURT: All right. So -- 'cause I imagine
14 Ms. Burgos will want to see it, too.

15 MS. BURGOS: Yes, Your Honor, please.

16 THE COURT: So probably five, ten minutes.
17 Thank you all.

18 (A recess was then taken from 9:24 a.m. until
19 9:41 a.m.)

20 THE COURT: Thank you for waiting. Back on the
21 record with the court reporter in 2008 JV 141. All
22 parties are present.

23 I had a chance to read the transcript from the
24 hearing in Utah from March 21st, and I've had a chance to
25 read the order of dismissal. Looks like it's filed with

1 the Utah Court on March 30th. So just continue on and
2 tell me what you want me to know.

3 MR. BELTZ: Your Honor, if you give us enough
4 time, we probably could work out everything, I say
5 facetiously. We really have been discussing while you
6 were gone, and I think that we -- let me at least put on
7 the record what I think that we've talked about and agreed
8 to and see if everybody agrees to what I say and, also, if
9 the Court agrees.

10 We agree that you should have exclusive
11 jurisdiction to decide all matters and whatever it takes.
12 We would be willing to stipulate that the court in Utah
13 has already done that, although we would say that it would
14 be based on the forum inconvenience issue, instead of what
15 the Court referenced in its order as the reason for the
16 transfer to this court. If the Court wants us to go
17 through the format of getting something more definite from
18 Utah, we're happy to try to get counsel out there to get
19 it done, but we think it's already been accomplished.

20 THE COURT: Okay. Is that what everybody is
21 thinking?

22 MR. HEDRICK: We agree with that.

23 THE COURT: Okay.

24 MS. SIMPSON: Yes, Your Honor.

25 THE COURT: Okay. Well, I'm sort of a

1 by-the-book sort of fellow. That's me, and certainly I
2 would prefer an order from the Utah Court declining home
3 state jurisdiction. I think that that's what I would
4 prefer.

5 That said, I could ask you to do that, but I can
6 go ahead today and make some interim orders pending the
7 arrival of that, and that way, you know, we could make
8 some progress.

9 The issue, of course -- it's a complicated legal
10 issue. The Utah adoption laws are not subject to the
11 Uniform Child Custody Jurisdiction and Enforcement Act,
12 also known as the UCCJEA, and I think you potentially open
13 yourselves up to further litigation in Utah -- even though
14 you're saying you're not going to do that, you potentially
15 open yourself to that if you don't follow the UCCJEA in
16 the strict sense. And given the fact that you had four
17 years of litigation, it would be awful to make a decision
18 here and then have more years of litigation out there on
19 what could be a somewhat esoteric legal issue, but
20 nonetheless that's what judges do. So I would feel more
21 comfortable having an order out of paternity saying it
22 comes here. I think that's what the UCCJEA envisions.
23 But that said, I'm willing to go forward today and make
24 some interim orders and just ask you to provide that. I
25 don't see any reason why the Utah courts wouldn't do it

1 and do it rather quickly. And I could -- and I'm
2 comfortable assuming jurisdiction to make temporary orders
3 today and keep this case going.

4 MR. BELTZ: And that's the other issue that
5 we've discussed. We feel like we've come to an
6 understanding as to how we should get prepared for the
7 final orders and -- and approximately when they ought to
8 be, if the Court would like to hear what we've discussed.

9 THE COURT: That would be great.

10 MR. BELTZ: Okay. Next week I actually will be
11 at a conference in Indianapolis, and I expect that I'm
12 going to be able to talk personally both with
13 Mr. Manzanares's Utah attorney plus the attorneys that
14 were involved on behalf of birth mom and my clients, and
15 what I'm going to do is get together with them and get
16 some recommendations from them. If they all aren't
17 present at the conference, I'll make sure we have them
18 participate by phone. I expect they all will be available
19 because they're all members of the American Academy of
20 Adoption Attorneys.

21 In any event, what I am going to do is get a
22 name of an ultimate therapist or psychologist to do an
23 interactional bonding assessment of the child and give
24 that information to the Guardian ad Litem in hopes of
25 having a stipulation as to what the attorneys in Utah

1 think would be the best person for doing that. If we
2 can't get a stipulation, we'll get names to her for her to
3 choose from, with the idea being that there will be an
4 assessment done very -- as expeditiously as possible and
5 recommendations made as to how the child should be
6 introduced prefinal hearing to the birth father. And then
7 Ms. -- everyone has agreed to cooperate in hopefully
8 making that happen either in Utah or in Colorado,
9 depending upon what Ms. -- the Guardian ad Litem comes
10 back with after that.

11 We also feel that we need to get ready for this
12 trial through discovery, and all the parties have waived
13 the 30-day rule for producing documents so that we can
14 proceed with depositions of the two parents as quickly as
15 possible. We would propose to have those scheduled by the
16 attorneys and parties immediately after court today so
17 that we all know when that's going to be.

18 Birth father's attorney is going to want to take
19 my client's deposition, and we're going to arrange for
20 that as well; but we're going to wait to pick the specific
21 date, because we want to know whether the therapist is
22 recommending that the initial contact with the birth
23 father and the child is going to be in Colorado, and if
24 so, then my clients would be bringing the child out here,
25 and that would be a good time for them to sit for the

1 deposition. So we won't schedule their deposition today,
2 but we're hoping to get that done relatively quickly as
3 well.

4 And then we feel that we need about 30 days from
5 the date that these depositions are taken to -- before the
6 trial, so I think we're talking about a trial between 60
7 and 90 days from now, and I think we're talking two days
8 to do the trial. At least that's what I think that I
9 heard everybody say that they felt the schedule should be.

10 MR. HEDRICK: And that was our discussion, Your
11 Honor.

12 THE COURT: Okay. Now, this bonding assessment,
13 that would be of the child and the Utah parents; is that
14 correct?

15 MS. BURGOS: And Your Honor, I think we need to
16 be clear. I'm not asking for a bonding assessment. What
17 I am asking for is an assessment of the child. I do not
18 know this child. This is a child who is four and a half
19 years old, who I'm assuming is extremely sensitive. I've
20 learned today that she knows her biological mother as her
21 auntie. She does not know that that's her mother, so I
22 want to make sure that we assess this child to figure out
23 how are we best going to introduce these parties to her.
24 I don't want to say without that assessment being done,
25 "Oh, this is your friend," and then change it, you know, a

1 month later to, "Oh, no, this is your father." That is
2 concerning to me. So I would like to be able to see where
3 the child is mentally, what's happening with her.

4 I don't want it to be extremely intrusive. It
5 doesn't have to be a psychological, just an assessment to
6 see what this child may or may not know at this point in
7 time. I'm being told that she is aware that there are
8 some proceedings going on. I don't know as to what kind
9 she knows, so it's concerning to me that we have a four
10 year old who is already being affected by what's
11 happening. So we need to be extremely sensitive to her
12 best interests and to her needs so we're not putting this
13 child in a total quandary when all of this stuff starts
14 happening.

15 I have stated that the reason, also, that I want
16 to make sure that we do this is I do not believe that with
17 an APR she's not going to have no contact with either
18 parent. I'm hoping that there might be some contact with
19 either parent. It's not a situation that we're looking
20 that this child will not know who they are, but how to
21 introduce them to her.

22 THE COURT: Okay. All right. I'm just going to
23 go down the line and just hear -- I want to hear
24 independently from people, and I want to hear
25 independently from the guardian as well. So counsel for

1 the father, what do you think about all of this, and what,
2 if anything, did you want me to know?

3 MR. HEDRICK: I guess we are in agreement that
4 Colorado should hear the case, and Mr. Manzanares has
5 been, I guess, pursuing time with his daughter for over
6 four years now, and while we are getting closer, he is
7 sensitive to the fact that we need to do it correctly,
8 although we would like to do it as quickly as possible
9 because we believe any further delay -- I mean, this child
10 is now four and a half. The older she gets, the more
11 she's going to realize what has happened to her in the
12 past, so that we actually feel the quicker this can be
13 done, the sooner she can move on and learn who her dad is,
14 and mom, if that's how she decides to proceed, and start
15 the healing process. And we're okay with the 30 days
16 waiver of the discovery rule so we can get everything done
17 within 30 days and then sending it out in the 60- to
18 90-day time frame for a final hearing. And I think two
19 days is probably enough, possibly two and a half, for the
20 hearing, 'cause, I mean, we do have four parties, a GAL,
21 and I would think there may be an expert or two.

22 Do you have any direct questions?

23 THE COURT: Before I forget, did his name get
24 added to the birth certificate?

25 MR. HEDRICK: It has, Your Honor. It has.

1 THE COURT: Do you have a copy of the birth
2 certificate?

3 MR. HEDRICK: May I approach?

4 THE COURT: Please. Has everybody seen that?

5 MR. BELTZ: No, I haven't

6 THE COURT: Let's show it to everybody and then
7 I'd like to see it. I'd like the guardian to see it, too.

8 THE COURT: Thank you.

9 Okay. All right. Anything else?

10 MR. HEDRICK: No, Your Honor.

11 THE COURT: Sir, on behalf of the interested
12 parties, anything that you want to tell me, anything else?

13 MR. BELTZ: No, Your Honor.

14 THE COURT: Ma'am, on behalf of the mother,
15 anything that you want to tell me, anything else?

16 MS. SIMPSON: Your Honor, I think that this
17 schedule that's worked out is very expeditious. I mean,
18 it's very quick, so I think that serves the concerns that
19 Mr. Hedrick had. And I would just point out a request,
20 and I think this is clear, but I just want to make it
21 clearer, that the assessment -- I think it's very
22 important to get guidance on how those initial visits
23 happen. So if it's going to be in Colorado, I think that
24 should be part of what the assessor helps us with. I
25 mean, perhaps the child might be more comfortable in Utah

1 for the first couple of visits. I don't know. I'm just
2 asking that that be part of what the assessor does.

3 THE COURT: Ms. Burgos?

4 MS. BURGOS: Your Honor, I'm in agreement with
5 that. That's what we've discussed. The reason that we
6 chose Utah for the therapist, I think that would be
7 most convenient for the child, since that's where the
8 child lives at this point and would have better access to
9 the child. In the past we had discussed possibly
10 Colorado, but I think that would make it too difficult if
11 there's a situation that needs to be handled by this
12 therapist immediately so the child can go immediately to
13 the therapist.

14 THE COURT: All right. So let me make sure that
15 I understand what people are proposing. I may have some
16 things that I want to do that would be slightly different,
17 but I don't think too much.

18 First of all, in terms of discovery rules, and
19 the general Rules of Civil Procedure, they generally don't
20 apply in juvenile court. They actually have -- 'cause we
21 run on our own time frames, but we can allow for discovery
22 depositions and all of that; and if that's what we need to
23 do, that's fine. So I don't think that I would prevent
24 people from doing that, 'cause that wouldn't be fair.

25 So what we -- what you are all proposing is that

1 you would locate a therapist in Utah that will do just
2 sort of a mental status assessment on the child, kind of
3 see where she is, what she knows, and sort of be able to
4 report on how resilient she is, because that's what we
5 always look at in these cases, and that person would then
6 make a proposal on how best to introduce the father to the
7 child. Is that what I'm hearing?

8 MS. BURGOS: Yes, Your Honor.

9 THE COURT: And then based on what that person
10 says, we would go ahead and follow that and get that
11 accomplished. Is that correct? Is that what I'm hearing?

12 MR. HEDRICK: Yes, Your Honor.

13 MR. BELTZ: Yes, sir.

14 MS. SIMPSON: (Counsel nodded.)

15 THE COURT: Okay. All right. Then while that's
16 going on, the parties could participate in some discovery,
17 including the taking of depositions and so on and
18 exchanging whatever documents you want. Is that what I'm
19 also hearing?

20 MR. HEDRICK: Correct, Your Honor.

21 MS. SIMPSON: Yes, Your Honor.

22 THE COURT: Okay.

23 MS. BURGOS: And Your Honor, and I haven't
24 discussed this with the parties, but I think also during
25 that time frame I will also be doing my investigation of

1 each party, of father, of mother, of the interested
2 parties as to their homes, as to what my assessment will
3 be regarding the best interests of the child, so that
4 investigation will be ongoing while this is all happening
5 so that does not delay anything.

6 THE COURT: Okay. I agree with that. Okay.

7 Probably going to be driving you all nuts here
8 this morning, but that's fine. We're going to make this
9 progress and we're going to move this case forward today;
10 but what I want to do is, 'cause, again, I'm kind of a
11 by-the-book kind of guy, I'm going to go pull the UDMA,
12 which is the Uniform Dissolution of Marriage Act. I'm not
13 dissolving a marriage here, but that has the specific
14 factors that I need to look at to make final orders.
15 Based on that, we're going to make some temporary orders
16 today. I just want to have that in front of me. You guys
17 got a little -- for once, you're sort of ahead of me. I'm
18 shocked. All right. I'll be back in 15 minutes.

19 (A recess was then taken from 9:59 a.m. until
20 10:16 a.m.)

21 THE COURT: All right. Back on the record with
22 all parties present.

23 So I think this is what we need to do. We are
24 certainly going to eventually have to have a trial in this
25 matter. There's no two ways about that. The issue at the

1 trial will be what is the allocation of parental
2 responsibilities, what is the determination of parenting
3 time, what would be the issue of decision-making, and I
4 just copied one page out of the book that directs all of
5 this, but the factors that I'm going to have to really
6 look at in terms of parenting time, those are the factors
7 that are set out by the state law in Colorado that I'm
8 going to be having to look at and make my decisions on.
9 And I think you all know that, but I just wanted to copy
10 this so that we could talk about this and so on.

11 What the trial won't be about, and we all need
12 to understand that, is how we got here, okay? Because --
13 so to the extent that you're doing depositions and all of
14 that, if you're doing that about how we got here, that's
15 not really going to be what the trial is about, because as
16 I've said before, certainly, how we got here is unusual.
17 Now that we're here, not so much, and we kind of arrived.

18 I am going to -- so I just want the people to
19 understand that that's what I'm going to be looking at.
20 It's sort of here forward.

21 MR. HEDRICK: And may I inquire of the Court
22 briefly?

23 THE COURT: Sure.

24 MR. HEDRICK: And I guess how about how we got
25 here if it affects one of these factors such as

1 encouraging the love of the other parent?

2 THE COURT: That's fair.

3 MR. HEDRICK: Putting the child's needs above
4 your own? I mean, there's factors here where you could
5 look at past actions of either party that fit into that.

6 THE COURT: That's fair game.

7 MR. HEDRICK: Okay.

8 THE COURT: That's fair game. But the bulk of
9 the trial is going to be about now and into the future,
10 not the past, because the fact is I can't change the past.
11 It is what it is. Everybody understands that.

12 I am going to order and approve that there
13 should be a psychological or mental status assessment of
14 the child done, and I'm going to probably do some time
15 frames here that will establish a baseline for us. So
16 that's number one.

17 Number two, I'm going to order that the father
18 needs to be introduced to the child, and that needs to be
19 within 30 days, okay? Now, how he is introduced, whether
20 he is introduced as the father, whether he's introduced as
21 a friend, whether he's introduced as a relative or as a
22 neighbor, you know, that's -- that's not for me to decide.
23 I'm going to leave that to a therapist. But he needs to
24 be introduced and have physical contact with the child
25 within 30 days. Okay?

1 This is not dissimilar to what we have seen in
2 other cases where a parent has been out of the child's
3 life for whatever reason for an extended period of time,
4 and what it is sometimes called is preintegration therapy,
5 although here I suppose you would be calling it
6 integration therapy is what you're kind of looking at.
7 And there are people that know how to do this and can work
8 with you, and I'm sure that there are people in Utah that
9 know how to do this. I know that there are people at
10 Children's Hospital here in Denver that know how to do
11 this and are specialists. Because, for example, and I
12 don't want to go way out here, but you could have a parent
13 who had little or no contact with a child for whatever
14 reason. Maybe they were in prison for an extended period
15 of time. Maybe they were in the military and they just
16 weren't around. I mean, as I say, this -- it's -- your
17 background is unusual, but it is not completely unusual in
18 that you don't -- that the -- there have been parents that
19 weren't around the kids for very much.

20 The therapist is going to have to make some
21 recommendations; and I know this is going to be a loaded
22 term for everybody, but before we have the trial, the
23 father's going to have to have some quote/unquote
24 parenting time with the child. Now -- because I'm not
25 going to be able to make a decision on these factors

1 unless he's been around her in some respect, okay? And
2 while I do want to do the trial as soon as possible, some
3 of that may be dependent on how the child reacts and how
4 the child does. Does that make sense?

5 MS. SIMPSON: To clarify, Your Honor, then are
6 you asking -- are you ordering the reintegration therapy
7 slash parenting time for father, or are you waiting to see
8 what the -- do you want the assessor to make --

9 THE COURT: The assessment is going to need to
10 be done, but the assessor needs to have some direction.

11 MS. SIMPSON: Okay.

12 THE COURT: And the direction from me is that
13 the assessor is going to have to be looking at how to
14 reintroduce this gentleman to the child, give me a plan,
15 and let's get it done. And we're looking at it with an
16 eye towards integration therapy. Whether that's as a
17 parent, whether that's as a friend, whether that's as a
18 neighbor, whatever, but -- but you know, that's what we
19 need to look at, and that -- and it needs to happen. The
20 assessment needs to be done and the initial plan for
21 introduction, and the introduction needs to happen within
22 30 days.

23 And there are all kinds of ways that you can do
24 this. People have done this before. An example might be
25 that the people take the child to the zoo, and while

1 they're at the zoo, they come across and they meet the
2 father. Then he gets to then spend some time with them
3 walking around the zoo and looking at all the animals, and
4 that would be one way that we've seen this done before.
5 Okay?

6 Again, I'm not going to dictate that that's the
7 plan, but I mean, that's where I have typically seen it
8 done in that kind of way, but I just want to be clear that
9 he needs to meet this child within 30 days.

10 Now, at some point, and if I -- if it were a
11 perfect world my preference would be that at the time that
12 he does have the initial meeting with the child that the
13 guardian would be also present, because the guardian is an
14 independent agent of the Court representing the best
15 interests of the child and so on. If it's not going to be
16 possible, okay, but at some point the guardian is going to
17 have to be involved in seeing the father and the mother,
18 okay, because -- and that's the other thing that I need to
19 be clear about. We may be looking at some type of
20 integration therapy for both the mother and the father,
21 okay? I mean, that's -- you know, it's not just a one-way
22 street here, I mean, so I want to be fair, you know, to
23 you, but we got to -- so the therapist is also going to
24 have to look at that in terms of how do we get this child
25 introduced to Ms. Morelock, if I got the name right, you

1 know, and whether it still is her aunt or whether it's her
2 mother now, I mean, what are we going to do?

3 So I want reports filed with the Court as this
4 is all happening, okay?

5 MS. SIMPSON: Joint status reports from the
6 parties or --

7 THE COURT: Status reports of the parties, or
8 what we would get sometimes is the therapy reports, 'cause
9 they'll do a plan, okay? They'll do a plan and then you
10 follow through with it. And after I get the plan, you
11 know, I want the father to have met the child at least
12 once within the month; but then I'm going to have to take
13 that assessment and plan that they come up with -- and the
14 mother, too, by the way. I don't mean to ignore you --
15 and then I'm going to have to enter some temporary orders
16 authorizing further parenting time for both after that.
17 Because we're going to have a bit of a track record before
18 we get to the trial so that I will have enough information
19 that I can allocate the parental responsibilities, that I
20 can determine the parenting time, and that I can allocate
21 the decision-making responsibilities, okay?

22 And to a certain extent we're going to have to
23 kind of see how this goes with the child and how she does,
24 okay? So she's going to drive this case with, you know,
25 direction from me, but a lot of her needs are going to

1 drive this case. But she needs to be introduced to the
2 parents and we need to get working on this.

3 The other thing that's going to have to happen
4 is that the parties, and this is another Court order, the
5 parties, the mother and the interested parties, the
6 father, may not speak ill of each other around the child
7 or do anything around the child that would potentially
8 disrupt any of this introduction, okay? I understand just
9 by reading the Utah Supreme Court decision that you folks
10 had some pretty big battle out there, and my heart goes
11 out to you, so my hunch is that you're all not friends,
12 okay? But when you're around the kid, you are all best
13 friends, okay? Everybody understands that? So if you all
14 want to not be friends in other places, that's fine, but
15 when you're in the presence of the child, you're best
16 friends, all of you. Okay? We're going to have to see
17 how it goes.

18 MS. SIMPSON: Your Honor, Mr. Hedrick --

19 MR. HEDRICK: Payment of GAL, therapist, things
20 of that nature, has the Court considered how they're going
21 to order payment of these parties? Our position would be
22 a third, dad/mother/interested parties.

23 THE COURT: Yeah, equally between the parties.

24 MR. HEDRICK: Between all three?

25 THE COURT: Yeah, divide by three.

1 MR. BELTZ: May I comment on that?

2 THE COURT: Sure.

3 MR. BELTZ: Since there hasn't been any support
4 at all paid, because my clients don't have a legal
5 interest -- or don't have a legal obligation to the child,
6 but have been the volunteer for these four years and,
7 really, when there's two sides of this, where we're very
8 much aligned with the mom, it would seem to me a fairer
9 way to do it would be to divide it between the parents
10 and --

11 THE COURT: Well, your clients may not have had
12 a legal interest, but they certainly have had a custodial
13 interest in the child, because they've been the child's
14 caretakers, plus they have intervened and are
15 participating and are asking for full allocation of
16 parental responsibility.

17 MR. BELTZ: Okay.

18 THE COURT: So I'm going to order at this point
19 one-third, one-third, one-third. That's what I'm going to
20 do.

21 MR. HEDRICK: Thank you, Your Honor.

22 THE COURT: That's what I'm going to do.

23 MS. SIMPSON: Your Honor, I wanted to -- there
24 were two points that I wanted to ask the Court about. One
25 is, I wanted to ask that any supervised or therapeutic

1 visits between either party, or for that matter, the
2 interested parties, be documented so that the attorneys
3 have an opportunity to see how that went.

4 THE COURT: I don't have a problem with that,
5 but -- and you can document that, and they know how to
6 document that in an appropriate way, but -- but, again, be
7 careful. I want to have a good visit. This is -- and
8 that's the primary purpose at this point, and the child is
9 a child, not an experiment. I know you're not saying
10 that, but I mean, you know, that's what we need to do,
11 so -- but, yeah, people can make notes and that's fine. I
12 don't have a problem with that.

13 MS. SIMPSON: Thank you, Your Honor. And the
14 last thing I wanted to ask this Court, or just inform the
15 Court, and I think it's sort of understood, my client's
16 not going to be petitioning for relinquishment. She's
17 participating in these procedures, so I would like to ask
18 the Court if we can make part of this order a final order
19 of dismissal of both -- I know the motion for conditional
20 relinquishment was stricken, but an order of dismissal for
21 the petition for termination.

22 THE COURT: Are you so moving?

23 MS. SIMPSON: Yes, I am.

24 THE COURT: Motion is granted.

25 MS. SIMPSON: Thank you.

1 THE COURT: The relinquishment case is
2 dismissed.

3 MS. SIMPSON: And the termination?

4 THE COURT: And the termination motion is
5 dismissed. So the 12 JR 1 case is dismissed. That's a
6 final order.

7 What else do we need to do here today?

8 MR. BELTZ: Do you want to pick a trial date
9 now?

10 MS. BURGOS: That's what I was going to ask.

11 THE COURT: No, I don't want to pick a trial
12 date now, because -- I know you want to do a trial in 60
13 to 90 days. I'm not sure that you're going -- I do want
14 to do a trial as quickly as possible, but I think that --
15 and we can pick a trial date if you want tentatively, but
16 I think that we're going to need a little bit of time here
17 for the child to meet the gentleman and the mother and to
18 get -- so that I have enough information so that we can do
19 a trial. Because if all I've got is that they've kind of
20 met a few times, that's not going to give me enough
21 information to answer these questions.

22 MR. HEDRICK: And Your Honor, just on behalf of
23 the father, with what you've outlined sort of in a
24 quasi-temporary orders fashion, we would be okay with.
25 Our main concern with expediting the orders, we didn't

1 know if we had an agreement to integration until we had a
2 final order. With your integration strategy as laid out
3 on this order, we're willing to proceed, get some reports
4 back, and see how the child's doing with --

5 THE COURT: This is entirely consistent with the
6 juvenile code, which has specific language which says that
7 the juvenile court may make temporary and permanent
8 orders. So this is a temporary at this point, and we're
9 going to have to modify the temporary orders, and I'm
10 going to have to manage that litigation part of it. So we
11 won't probably get to permanent orders for a little while.

12 MS. BURGOS: And Your Honor, did we want to
13 maybe set a status date?

14 THE COURT: You bet.

15 MS. BURGOS: Thank you.

16 THE COURT: 'Cause I want to know that this
17 stuff is happening, because at the status date the next
18 thing that I'm going to be doing, so that everybody
19 understands, is that I'm going to need to have received
20 the assessment so that I have a baseline of the child.
21 I'm going to need to hear that the child met the parents
22 and how that went.

23 MS. SIMPSON: And Your Honor, that -- just to
24 let you know that that's why I was asking for
25 documentation, because the problem in this case, it

1 appears that there are very many different perspectives.
2 So we have an independent perspective on the visits, I
3 think that would be helpful.

4 THE COURT: I'd agree, and so that's fine. And
5 I'd have -- and as I said, I've approved that. The other
6 person that's going to be a lynch pin in the case is going
7 to be Ms. Burgos, because she is independent and
8 representing the best interests of the child. So they
9 will also be there as well at some point. So at the next
10 hearing, then, what I will be doing is entering further
11 orders for additional time and expanded time with the
12 parents, so not just a single meeting, but we'll be
13 looking at setting up a schedule of time where these
14 people are together with the child. Okay?

15 MR. HEDRICK: Would you like me to prepare a
16 written order?

17 THE COURT: Sure.

18 MR. HEDRICK: I'll --

19 THE COURT: That way there's no if, ands, or
20 buts.

21 MR. HEDRICK: I'll get something to the other
22 side within seven days; something to you within fourteen.

23 THE COURT: Yes, but the order is in effect
24 today.

25 MR. HEDRICK: Yes.

1 THE COURT: So just so people got it. On or
2 about May 27th this -- the gentleman is to have met the
3 child and spent some time with her. So we have a date
4 certain.

5 The other thing that you're going to have to
6 talk to that therapist about and probably get some
7 information in that order as well -- I'm just sitting here
8 thinking about this -- his extended family, such as
9 grandparents. Because what we've done -- these cases are
10 really about the parents and the child, but as Ms. Burgos
11 knows, in dependency and neglect court is what we do a
12 lot, there are provisions that are made and plans for
13 contact with expanded family. It's often not a lot, but
14 it's not nothing, okay?

15 And the way I'm handling this, and I guess
16 Ms. Burgos can answer your questions, 'cause she is here
17 in dependency or neglect court a lot, but this is kind of
18 how we do these things, these meetings. They come
19 together -- they're often called team decision-making
20 meetings, although that's not exactly what we're doing
21 here, but they come down and we lay it all out and we just
22 follow it. So that's kind of what we're doing.

23 Any questions? Let's get a date in about 30
24 days.

25 MR. BELTZ: Your Honor, we actually are going to

1 do depositions on the 5th up here, so Mr. Manzanares --
2 Mr. Manzanares is coming up for depositions at that point,
3 since he comes from New Mexico. I'm wondering --

4 (A discussion between counsel was held off the
5 record.)

6 THE COURT: I mean, I don't think -- I mean, I'm
7 not trying to tell you how to lawyer your case, but I'm
8 not sure that you're going to have much to depose about
9 until we get some parenting time. But you know, if -- but
10 if you wanted to, I mean, I'm not going to prevent you.

11 MR. BELTZ: We -- I think it is important to do
12 it, and we've all agreed that the 5th would be a good day,
13 and so it would --

14 THE COURT: That's okay.

15 MR. BELTZ: Any of us don't know very much about
16 each other, quite frankly, in this case. Even though it's
17 been four years, we really have -- there's been very
18 little testimony ever presented, and so --

19 THE COURT: Okay. Again, I'm not going to -- I
20 said I'm not going to prevent you, but remember when I --
21 you know, what I'm looking at is the statute at 14-10-124.

22 MR. BELTZ: I understand. But I just suggested
23 that because it would seem to me that --

24 THE COURT: I'm not going to prevent you from
25 doing that. If you want to depose the gentleman, I mean,

1 I'll allow you to do it once, at least at this point.

2 MR. BELTZ: Okay.

3 THE COURT: Oh, that's another thing. Glad I'm
4 thinking of this. If you have problems along the way,
5 don't be filing like motions to compel, motions for
6 sanctions or any of that. Save your time. Save your
7 money. If there's something you don't agree on and you
8 have a problem, you contact my office. We'll set it as a
9 forthwith hearing, and I'll just have you come in and
10 we'll figure it out.

11 MR. HEDRICK: Okay.

12 THE COURT: Okay? All right. It's just -- it's
13 much quicker, it's easier, and it gets it done, okay? So
14 just 'cause -- and I'll move heaven and earth to bring you
15 folks in, okay?

16 MR. HEDRICK: Thank you, Your Honor.

17 THE COURT: Now, does anybody have any
18 questions?

19 MS. BURGOS: No, Your Honor. Thank you.

20 THE COURT: Okay.

21 (A discussion between the Court and clerk was
22 held off the record.)

23 THE COURT: Why don't we do May 29th?

24 MR. HEDRICK: I could do the afternoon of that
25 day.

1 THE COURT: That's fine.

2 MS. BURGOS: And I actually have a hearing at
3 1:30, which is another paternity matter in front of Judge
4 Schmalberger at 1:30. Does that Friday work?

5 THE COURT: I want to get -- I want to stay on
6 top of this. I mean, if I can get you guys in on the
7 29th, because that'll be two days after the 27th, because
8 I want to hear about the meeting and all of that.

9 MS. BURGOS: I could do 2:30 or 3:00, Your
10 Honor, that day.

11 THE COURT: That's fine, if that works for
12 everybody.

13 MR. BELTZ: I'm sorry, when?

14 MS. SIMPSON: At 2:30 on May 29th, Tuesday, Your
15 Honor?

16 THE COURT: Yeah.

17 MS. SIMPSON: Okay. That's fine.

18 THE COURT: If I'm in trial, I'll just move it
19 somewhere else, and you're going to be in first position,
20 given the age of the case.

21 Did you folks ever get pictures exchanged?

22 MR. HEDRICK: No, Your Honor.

23 MR. BELTZ: We talked about that, and --

24 THE COURT: All right. Pictures are to be
25 delivered and exchanged by no later than 5:00 on May 4th.

1 So in our days of electronic filing -- not electronic
2 filing. In our days of electronics around here, you
3 should be able to get him pictures by May 4th, close of
4 business.

5 MR. BELTZ: And Your Honor, I think my
6 understanding is that these are for the parties' use
7 exclusively, and not for release to the press, et cetera.

8 THE COURT: That's right. That's what they
9 already said. People had already agreed to that. These
10 are family pictures for the family. Okay?

11 All right. I will see you on May 29th. Thank
12 you.

13 MR. HEDRICK: Thank you, Your Honor.

14 MR. BELTZ: Thank you.

15 (The proceedings were concluded at 10:43 a.m.)
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REPORTER'S CERTIFICATE

I, Elizabeth K. Ellis, do hereby certify that I am a Registered Professional Reporter and Colorado Certified Realtime Reporter, within and for the State of Colorado, Official Reporter for the Second Judicial District Court, Courtroom 2F, at Denver, Colorado; that as such reporter, I was present upon the occasion of the Hearing in the above-entitled matter at the aforesaid time and place and that I stenographically recorded all proceedings had.

I do hereby certify that I reduced my said shorthand notes to typewritten form and the foregoing pages, numbered 1 through 32 inclusive, constitute a full and correct transcript of shorthand notes so taken as aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2012.

S\ Elizabeth K. Ellis
Elizabeth K. Ellis, RPR, CCRR