Court of Appeal, Fourth Appellate District, Division Two
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COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

N. C. & C. S.,	)
	)
VS.	) CASE NO. J290945-47
SUPERIOR COURT OF CALIFORNIA,	) J294367
COUNTY OF SAN BERNARDINO,	) APP.NO. E080818
Respondent; SAN BERNARDINO	)
COUNTY CHILDREN AND FAMILY	)
SERVICES, Real Party in Interest.	)
	)

CERTIFIED TRANSCRIPT

EXTRAORDINARY WRIT PURSUANT TO RULE 8.450(g)
FROM THE SUPERIOR COURT OF SAN BERNARDINO COUNTY
HONORABLE STEVEN A. MAPES, JUDGE PRESIDING
10-20-2021; 11-10-2021; 1-6-2022; 2-28-2022; 3-22-2022;
4-25-2022; 6-23-2022; 8-8-2022; 8-31-2022; 9-12-2022;
9-14-2022; 9-19-2022; 9-28-2022; 10-3-2022; 10-5-2022

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VOLUME 1 OF 5
PAGES 1 THROUGH 300, INCL.

STORMY L. HINKLE, CSR-12343
Official Court Reporter

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03-15-2023 11:01AM

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

SITTING IN SEPARATE SESSION AS A JUVENILE COURT

DEPARTMENT J-6 HON. STEVEN A. MAPES, JUDGE

IN THE MATTER OF)
A. & E. C. & A. A.,)
)
The Minor.) CASE NO. J290945-47
) J294367
) APP. NO. E080818
)

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS
10-20-2021; 11-10-2021; 1-6-2022; 2-28-2022; 3-22-2022; 4-25-2022; 6-23-2022; 8-8-2022; 8-31-2022; 9-12-2022; 9-14-2022; 9-14-2022; 9-28-2022; 10-3-2022; 10-5-2022

APPEARANCES:
(See next page)

REPORTED BY: OFFICIAL REPORTER, CSR-12343
STORMY L. HINKLE, CSR

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SAN BERNARDINO, CALIFORNIA; OCTOBER 20, 2021
DEPARTMENT J-6 HON. STEVEN A. MAPES, JUDGE

A.M. SESSION

APPEARANCES:

The Mother with her counsel,
VALERIA SOSA-SANDOVAL, Attorney at Law;
The Father with his counsel,
ALEXANDER ROA, Attorney at Law;
FELICIA BORRERO, Attorney at Law,
representing the Minors;
GLENN MORET, Deputy County Counsel,
representing the Children and
Family Services.

(STORMY L. HINKLE, Official Reporter, CSR 12343.)

-oOo-

THE COURT: On the record on detention Number 1, Castaneda/Aparicio.

Start with the interpreter.

THE INTERPRETER: Maricela Miotto. ID Number 300787. Verified as required by statute. Oath on file.

MS. SOSA-SANDOVAL: Valeria Sosa-Sandoval with F & C on behalf of the mother. She is present being assisted by a Spanish-language interpreter.

On her behalf, I am in receipt of petition, waive further reading, advisal of rights, enter general denials on behalf of my client.

I am requesting predisposition services. No

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comment regarding issue of removal. We understand the minor's fragile and in the hospital, but I am requesting that the mother be able to visit the minor under hospital rules as much as possible as the minor is a newborn.

MS. BORRERO: Felicia Borrero, CAG, on behalf of the children. They're not present.

On their behalf, acknowledge receipt of the petition, waive reading, advisal of rights. I'm submitting on the detention.

I do have some requests when the Court is ready.

MR. MORET: Glenn Moret for the Department. When we get to findings and orders, we would be asking to add Father Johnson Aparicio Finding 5 --

THE COURT: Your audio is really bad again.

MR. MORET: When we get to findings and orders, we would be asking that the father Jonathan Aparicio, A-p-a-r-i-c-i-o, be added to finding Number 5 and Order Number 1.

THE COURT: Okay. I will do it now in case I forget.

I will tell Mom, it is possible she won't get services and we will terminate parental rights. Make sure she appears and cooperates and all of that good stuff.

Let's see here. Mom, do you have Native American ancestry?

THE MOTHER: No.

THE COURT: Okay. Mom, who is the biological father of Athena?

THE MOTHER: Nick Castaneda.

THE COURT: Okay. Who is the biological father of Elleonore?

THE MOTHER: Nick Castaneda.

THE COURT: And who is the biological father of Aostin?

THE MOTHER: Jonathan Aparicio.

THE COURT: Any other guy that might be the father of any of these kids, other than the persons you've named?

THE MOTHER: No.

THE COURT: Okay. Were you legally married at the time of the birth or conception of any of these kids to anybody?

THE MOTHER: Yes. With each of the fathers when each child was born.

THE COURT: So you were married to the fathers when each child was born.

Are there family-law orders or child-support orders for the children?

THE MOTHER: No.

THE COURT: All right. Well, are you divorced from Mr. Aparicio?

THE MOTHER: Yes.

THE COURT: Was there a Court that ordered the divorce and granted it?

THE MOTHER: That was out of the country.

THE COURT: They didn't address custody or child support or visitation?

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THE MOTHER: No.
THE COURT: What country was that out of?
THE MOTHER: Panama.
THE COURT: Do you have a copy of those -- that paperwork?
THE MOTHER: From the divorce, yes.
THE COURT: Okay. What district out of Panama was it from?
THE MOTHER: I don't remember.
THE COURT: What city?
THE MOTHER: In Chiqui.
THE COURT: Can you spell that?
THE MOTHER: C-h-i-q-u-i.
THE COURT: Thank you.
Okay. And, then, for the other kids, are you still legally married to their father?
THE MOTHER: Yes.
THE COURT: Okay. Mr. Moret, is there something I forgot to ask?
MR. MORET: In regards to Mr. Aparicio, if she is aware of his whereabouts.
THE COURT: Do you have an address for Mr. Aparicio?
THE MOTHER: No.
THE COURT: Is he still in Panama?
THE MOTHER: I don't know.
THE COURT: Last you knew of him, what country was he in at that time?

THE MOTHER: I believe he was in Mexico.
THE COURT: Do you know what state in Mexico he was in?
THE MOTHER: In Sinaloa.
THE COURT: Do you know what town in Sinaloa?
THE MOTHER: Hultana (phonetic).
THE COURT: Okay. Do you know what street he lives on?
THE MOTHER: No.
THE COURT: Is there a social media contact with him, like Facebook, Instagram, Tic Tok?
THE MOTHER: I don't have any other information for him.
THE COURT: No phone number?
THE MOTHER: No.
THE COURT: And is he living with family, or last you knew, was he with family?
THE MOTHER: I don't believe so.
THE COURT: Mr. Moret, does that satisfy everything you want to know?
THE MOTHER: Yes.
THE COURT: Oh, actually, what is his birthday?
THE MOTHER: It is 11 of '92, but I don't remember the day.
THE COURT: So November of 1992, but you don't remember day?
THE MOTHER: I don't remember the date.
THE COURT: Anything else?

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Okay. Anybody else want to be heard?

MS. BORRERO: I did have a couple of requests. I did see that there is a request for no visits with the father, based on the disclosure that he claims he dropped the baby, which is not consistent with the injuries. My concern with the mother is that we have a second child who also has the fractures on the back side of the ribs, so we don't really know who is responsible. So my request was to make a detriment finding for the mother, as well at least pending forensic interview of her son. I know he is still young, but he is old enough to give an interview. So my concern is that he may be given information, or Mother may discuss the case.

THE COURT: But the other two would be all right. They can't really talk.

MS. BORRERO: The only other issue with that is because they are in the hospital, I don't know the level of supervision that would be provided, so I would ask if the Department and social worker can make sure they are truly supervised visits because we don't know who is actually the perpetrator.

THE COURT: I can do authority for supervised visits. I don't think the normal hospital rules or whatever -- I don't think that would apply here because of the injuries. So I would ask it be supervised in the minimum order for Mom.

For Aostin, I do agree with County Counsel. This may be the only independent witness, and we can't have any

taint, so it would be very temporary order to find detriment, and that would be immediately relieved upon the interview. Okay.

MS. SOSA-SANDOVAL: That is over our objection.

THE COURT: I know. Overruled.

MS. BORRERO: Just a reminder to the relatives, there is no discussion of the case either, and also the authority to conduct an X-ray, a bone scan of Aostin because we don't -- I don't know if that was done. I asked Mr. Moret. I know he was at least seen by the doctor, but given the other two have fractures, I would like to make sure he doesn't have any current or healing fractures.

THE COURT: An order would have to be written, and I also question whether or not -- I can definitely give authority for it, but I would question whether or not I can order the Department -- the executive branch to do something like that to prove or not prove their case. But if you find case law, and they're not going to do it, and you want to present a motion to me, I will be happy to follow the law to compel that. It may well be you have the authority to make that request to the Court. I would probably need it briefed.

MS. BORRERO: Thank you.

MR. MORET: I think in the findings and orders right now they're requesting authority for CAC and interview.

THE COURT: All right. I don't see them. I'll put it in. I suppose the CAC medical will include the skeletal

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survey. Ms. Borrero is asking for it, though.

MR. MORET: One other clarification regarding the mother's visits. In regards to Mother's visitation upon --

THE COURT: Visits may commence upon either CAC interview completed or interview -- what was the last thing you said?

MR. MORET: Upon CAC interview completed or interview by the Department.

THE COURT: Well, if you're not going to do a CAC. I mean, that's your purview. It would be a Department-only interview if you didn't want to do one. So I'll put, "Department interview if no CAC."

MR. MORET: Order Number 15 does address the CAC. Thank you.

THE COURT: I see it. You're right. Thank you. Strike what I wrote earlier or later. Okay. Minimum Mom may visit in hospital with supervisor if logistical -- logistically can be arranged.

What else?

MS. BORRERO: That's all. Thank you.

THE COURT: Are you all relatives there?

THE RELATIVES: Yes.

THE COURT: Do they have the kid? Or any of the kids, like Aostin?

MS. BORRERO: I think it's a relative but not these relatives.

THE COURT: Okay. I'll order no discussion.

Mr. Moret, make sure the relative knows not to

taint Aostin with anything one way or the other. No discussion of the case.

Substantial danger to the physical/emotional health.

No reasonable means to protect without removal.

Reasonable efforts.

Prima facie; WIC 300.

Adopt the findings and orders.

Next date is 11-10. You're ordered back at 8:30. If you are not here, I will proceed without you.

(Whereupon the proceedings were concluded.)

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