

McCullough  
**LODGED**  
6/5/18 ME 10:56A

**IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE**

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

**Petitioner,**

vs.

**No. TC 3269**

**Betzabeth Portela, Mother  
Sra, Portela, Calle Sin Numero  
El Moral SN8  
Tierra Blanca, Vera Cruz Mexico**

**And**

**Olvin Erlin Carbajal Grande, Father  
Honduras**

**Respondents.**

**FILED**

JUL 06 2018

8:33 AM  
MELISSA M. CARROLL  
DEPUTY CLERK

**IN THE MATTER OF:**

**Melodi Joanna Carbajal Portela d.o.b.: 04/21/2003**

**CHILD UNDER EIGHTEEN (18) YEARS OF AGE**

**ORDER FOR PUBLICATION FOR BETZABETH PORTELA**

This cause came to be heard on the 4th day of June 2018, before the Honorable Judge Donna Scott Davenport of the Juvenile Court for Rutherford County, Tennessee for a hearing on the Department's Motion for Service by Publication upon Ms. Betzabeth Portela.

Appearing before the Court were: Amani Loggins, DCS FSS and Counsel for DCS, Martha Gillespie.

It appearing to the Court from the allegations of the Motion for Service by Publication and the Affidavit of Diligent Search filed by the CEO of Process Service Network that the whereabouts of the Respondent, Ms. Betzabeth Portela, Mother of Melodi Joanna Carbajal Portela are unknown and cannot be ascertained by diligent search, therefore, the ordinary process of law cannot be served upon Respondent.

It is, therefore, ORDERED that said Respondent, be served by publication of the following notice for four (4) consecutive weeks through Global Legal Notices LLC or through a publication in Verra Cruz, Mexico. The Court finds based on the sworn affidavit that this is the most appropriate method for the Respondent, Ms. Betzabeth Portela to receive notice of these proceedings.

It is further ORDERED that if the Respondent does not enter an appearance or otherwise Answer the Petition, further personal service or service by further publication shall be dispensed with and service of any future notices, motions, orders or other legal documents in this matter may be made upon the Respondent, by filing same with the Rutherford County Juvenile Court Clerk's Office.


**NOTICE TO: RESPONDENT, BETZABETH PORTELA**

The State of Tennessee, Department of Children's Services, has filed a Petition against you seeking to terminate forever your parental rights to Melodi Joanna Carbajal Portela, who was born on April 21, 2003. It appears that ordinary process of law cannot be served upon you because your whereabouts are unknown or you are evading service. You are hereby ORDERED to appear in the Rutherford County Juvenile Court on **November 8, 2018 AT 1:00 P.M.** personally answer the Petition for Termination of Parental Rights. The trial shall be held before the Honorable Judge Donna Scott Davenport for the Rutherford County Juvenile Court located at 1710 South Church Street, Murfreesboro, Tennessee. Failing to appear for the hearing on this date and time, without good cause, pursuant to Rule 39(c)(3) of the Tenn. R. Juv. P. will result in the loss of your right to contest the petition to terminate your parental rights to the child listed above. You may view and obtain a copy of the Petition and any other subsequently filed legal documents at the Rutherford County Juvenile Court Clerk's Office.

Entered the 6 day of July 2018.

  
HONORABLE Judge Donna Scott Davenport

APPROVED FOR ENTRY:

  
Martha M. Gillespie, BPR#32125  
Assistant General Counsel  
Department of Children's Services  
434 Jayhawk Court  
Murfreesboro, TN 37128  
615-217-8924

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion was either personally delivered, delivered by placing in the appropriate parties juvenile court clerk assigned box, and/or delivered by U.S. Mail on this the 15<sup>th</sup> day of June, 2018:

Ashley Dumat, GAL, Attorney At Law

Betzabeth Portela, Mother  
Sra, Portela, Calle Sin Numero  
El Moral SN8  
Tierra Blanca, Vera Cruz Mexico

  
Martha M. Gillespie

STATE OF TENNESSEE 16th JUDICIAL DISTRICT JUVENILE COURT	<h1>SUMMONS</h1>	CASE FILE NUMBER <i>TC 3269</i>
<b>PLAINTIFF</b> State of Tennessee Department of Children's Services	<b>DEFENDANT</b> vs. <b>Betzabeth Portela and Olvin Erlin Carbajal Grande</b>	
<b>TO: (NAME &amp; ADDRESS OF DEFENDANT)</b> Betzabeth Portela Sra, Portela, Calle Sin Numero El Moral SN8 Tierra Blanca, Vera Cruz Mexico <div style="text-align: right; margin-top: 20px;"> <i>Court Date:            November 8, 2018            @ 9:00 a.m.</i> </div> <div style="text-align: right; margin-top: 20px;">           Rutherford County Juvenile Court            1710 South Church Street            Murfreesboro, TN 37130         </div>		
<b>List each defendant on a separate summons.</b>		
<p><b>YOU ARE HEREBY SUMMONED TO DEFEND A CIVIL ACTION FILED AGAINST YOU IN JUVENILE COURT, RUTHERFORD COUNTY, TENNESSEE. YOUR DEFENSE MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU ARE DIRECTED TO FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLAINTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. IF YOU FAIL TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR THE RELIEF SOUGHT IN THE COMPLAINT.</b></p>		
<b>Attorney for plaintiff:</b> (Name, address & telephone number) Ms. Martha Gillespie, Assistant General Counsel Department of Children's Services 434 Jayhawk Court Murfreesboro, TN 37128 615-217-8907	<b>DATE ISSUED &amp; ATTESTED</b> <i>March 8, 2018</i> MELISSA HARRELL, Juvenile Court Clerk By: <i>Betty Alonzo</i> Deputy Clerk	
<b>CERTIFICATION</b>		
I, MELISSA HARRELL, Clerk of the Juvenile Court of Rutherford County, Tennessee, do certify this to be a true and correct copy of the original summons issued in this cause. BY: <i>Betty Alonzo</i> DEPUTY CLERK		
<b>TO THE SHERIFF:</b> Please execute this summons and make your return within thirty days of issuance as provided by law.	<b>DATE RECEIVED</b> Sheriff	
<b>RETURN ON PERSONAL SERVICE OF SUMMONS</b>		
I here by certify and return that I served this summons together with the complaint as follows:		
<b>DATE OF PERSONAL SERVICE:</b>	Sheriff By:	

Submit three copies: service copy, defendant's copy, file copy.

ADA COORDINATOR (615-494-4480)

*Return*

**ACCEPTANCE OF SERVICE**

I do hereby accept service of process and a copy of this complaint in this cause for all purposes. This the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case # \_\_\_\_\_ to the defendant \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_. I received the return receipt, which had been signed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_. The return receipt is attached to this original summons to be filed by the Juvenile Court Clerk.

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
Signature of  Notary Public or  Deputy Clerk

Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

My Commission Expires:

**NOTICE OF PERSONAL PROPERTY EXEMPTION**

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Mail list to: MELISSA HARRELL  
Juvenile Court Clerk  
Juvenile Services Center, Suite 2  
1710 S. Church Street  
Murfreesboro, TN 37130

Please state file number on list.

**ATTACH  
RETURN  
RECEIPT  
HERE  
(IF APPLICABLE)**

**EN EL TRIBUNAL DE MENORES PARA EL CONDADO DE RUTHERFORD,  
TENNESSEE  
EN MURFREESBORO**

**SOBRE LA CAUSA DE:**

**Número. TC-3269**

**MELODI JOANNA CARBAJAL PORTELA, Fecha de nacimiento: 21 de abril,  
2003  
UNA NIÑA MENOR DE DIECIOCHO (18) AÑOS DE EDAD**

**CITATORIO**

**ESTADO DE TENNESSEE**

**A todo funcionario/agente autorizado:**

Emplace a: **Betzabeth Portela, Sra. Portela, Calle Sin Numero, El Moral SN8, Tierra Blanca, Vera Cruz, Mexico**, a comparecer ante el Tribunal de Menores del Condado de Rutherford en el Juvenile Justice Center ubicado en 1710 South Church Street, Murfreesboro, TN 37130 **el día 8 de noviembre de 2018 a las 9:00 a.m.** para el Juicio de Pérdida de la Patria Potestad en razón de la Solicitud para Anular la Patria Potestad presentada por el Departamento, la cual es una acción legal presentada en su contra (Se adjunta la Solicitud para Anular la Patria Potestad) ante el Tribunal de Menores del Condado de Rutherford, y usted deberá presentar su defensa dentro de treinta **(30) días** a partir de la fecha en que se le entregue este Citatorio. Además, se le manda a presentar por escrito su defensa ante la Secretaría del Tribunal de Menores y que envíe una copia de dicho escrito de defensa al abogado representante del Departamento de Servicios a Menores a la dirección indicada a continuación.

En fe de lo cual, Melissa Harrell, Secretaria de dicho Tribunal de Menores con oficina en Murfreesboro, Tennessee, hoy, el día **8** de marzo, 2018.

**Secretario del Tribunal**

**Por: \_\_\_\_\_ D.C.**

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**CONSTANCIA DE ENTREGA**

Yo, \_\_\_\_\_ por este medio certifico que se le entregó personalmente a dicho padre, \_\_\_\_\_ una copia del Citatorio adjunto y la Solicitud para Anular la Patria Potestad, hoy, el día \_\_\_\_\_ de \_\_\_\_\_, 2018.

\_\_\_\_\_  
Firma del Secretario Actuario Autorizado

IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE )  
 DEPARTMENT OF CHILDREN'S SERVICES, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 Betzabeth Portela, Mother )  
 Sra, Portela, Calle Sin Numero )  
 El Moral SN8 )  
 Tierra Blanca, Vera Cruz Mexico )  
 )  
 And )  
 )  
 Olvin Erlin Carbajal Grande, Father )  
 Honduras )  
 )  
 Respondents. )

No. TC-3269

FILED

JAN 09 2018

3:41 O'CLOCK  
 MELISSA HARRELL  
 DEPUTY CLERK

IN THE MATTER OF:

Melodi Joanna Carbajal Portela d.o.b.: 04/21/2003

CHILD UNDER EIGHTEEN (18) YEARS OF AGE

MOTION TO SET TRIAL DATE; MOTION TO REVIEW SERVICE;  
 MOTION TO DETERMINE INDIGENCY AND APPOINT COUNSEL

Comes now the State of Tennessee, Department of Child's Services ("DCS"), by and through counsel, Martha M. Gillespie, and moves this Court (1) to set a trial date to hear the State's Petition to Terminate Parental Rights filed in this matter; (2) to determine who is a necessary party to this action and to review service on said parties and to determine whether or not a need for publication exists; (3) to determine the indigency of the parties and whether or not they are entitled to court appointed counsel pursuant to the



Rules of the Tennessee Supreme Court. In support of this motion the DCS would state the following unto the Court:

1. Notice of this filing is being sent to the Attorneys who were court appointed to represent parties during the Dependency and Neglect Action; if Counsel do not wish to be appointed for the Termination Proceeding please contact and inform the Court of the same.

2. A Petition to Terminate the Parental Rights in the above-styled matter was filed with this Court on January 9, 2018.

3. The Department of Children services has attempted and/or is in the process of attempting personal service on the parties whose whereabouts were known and if DCS is unable to obtain personal service then service by publication shall be attempted with the necessary affidavits of diligent searches as needed.

4. In the interest of Judicial Economy the Court should determine the indigency of the parties and determine whether or not they are entitled to Court appointed Counsel pursuant to the Rules of the Tennessee Supreme Court; specifically:

*Tennessee Supreme Court Rule 13, Section 1, Part (d) (2): In the following proceedings, and in all other proceedings where required by law, the court or appointing authority shall advise any party without counsel of the right to be represented throughout the case by counsel and that counsel will be appointed if the party is indigent and requests appointment of counsel.....(B) Cases under Titles 36 and 37 of the Tennessee Code Annotated involving allegations against parents that could result in finding a child dependent or neglected or in terminating parental rights.*

5. The DCS has attached to the Termination Petition in this matter a notice of right to request counsel and a uniform affidavit of indigency to aid the parties in requesting counsel and in the interest of judicial economy.

6. It is the recommendation of the State that the parties receiving this motion and petition prior to the hearing on this motion should in the interest of judicial economy make every effort to complete the attached uniform affidavit of indigency.

7. ~~That a trial date~~ should be set for this matter in a timely manner but no later than six (6) months from the date of the filing of the petition as required by Statute; specifically T.C.A. § 36-1-113 (k) "the Court shall ensure that the hearing on the petition takes place within six (6) months of the date that the petition is filed, unless the court determines an extension is in the best interests of the Child."

8. That a Termination of Parental Rights Petition should take precedence over any other type of action, including Adjudicatory Hearings, and therefore the State moves the Court to continue any other non-

termination matters to insure that this matter is heard in a timely manner as required by Statute and to avoid any unnecessary delay in permanency.

**BASED UPON THE AFOREMENTIONED DCS PRAYS THAT THIS COURT:**

1. Set a trial date to hear the Petition to Terminate Parental Rights filed in this matter and set said date in a timely manner **but no later than six (6) months from the date of the filing of the petition.** (Petition was filed on January 9, 2018.)

2. That the Court determine which individuals are necessary parties to this action and whether or not they have received proper service and notice of the pending action.

3. That if all necessary parties have not received proper service that the Court review, if applicable, the attached affidavit of diligent search and receive any other evidence in the form of testimony and/or relevant documentation and issue a determination as to whether (1) notice by publication would be proper in this matter as to a specific party and (2) in what county and state said publication should be placed. That the Court issue an Order of Publication that by reference incorporates the attached affidavit of diligent search.

4. That the Court advise any and all parties present of their right to counsel.

5. That upon a party requesting counsel that the Court determine whether or not the party is indigent and if so issue an Order to that effect and appoint them counsel pursuant to the Rules of the Tennessee Supreme Court.

6. If a party is personally served and fails to appear for the first appearance hearing, as stated on the Summons, then said party waives any further notice of these matters and the filing of all legal documents with the Clerk's Office will be consider service upon the party.

7. That the Court issue any other orders necessary in this matter.

Respectfully submitted,



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Martha M. Gillespie, BPR #032125  
Assistant General Counsel  
Department of Children's Services  
434 Jayhawk Court  
Murfreesboro, TN 37128  
(615) 217-8907

**NOTICE**

**THIS MOTION IS EXPECTED TO BE HEARD ON THE 5<sup>th</sup> DAY OF March, 2018,  
AT 9:00  A.M. /  P.M. AT THE JUVENILE SERVICES CENTER ON SOUTH CHURCH  
STREET, LOCATED IN MURFREESBORO, TENNESSEE. YOU MUST BE PRESENT IF YOU  
WISH TO BE HEARD ON THIS MATTER.**

**CERTIFICATE OF SERVICE**

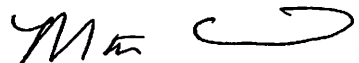
I hereby certify that a true and correct copy of this Motion was personally delivered, delivered by placing in the appropriate parties assigned box in the juvenile court clerk's office, or delivered by U.S. Mail this the 9<sup>th</sup> day of January, 2018 to the following:

Ms. Kassie Davis, CASA  
P.O. Box 3135  
Murfreesboro, TN 37133-3135

Ms. Ashley Dumat, Attorney at Law, GAL  
P.O. Box 11062  
Murfreesboro, TN 37129

Ms. Rebecca Lashbrook, Attorney for Mother  
201 East Main Street, Suite 305  
Murfreesboro, TN 37130

Mr. Travis Lampley, Attorney for Father  
Parkerson | Santel, PLLC  
121 East Main Street  
Murfreesboro, TN 37130

  
\_\_\_\_\_  
Martha M. Gillespie

**En el Tribunal de Menores de Rutherford County, Tennessee**

Estado de Tennessee	)	
Departamento de Servicios a Menores,	)	
	)	
Solicitante,	)	
	)	
vs.	)	No.
	)	
Betzabeth Portela, Madre	)	
Sra. Portela, Calle sin número	)	
El Moral SN8	)	
Tierra Blanca, Vera Cruz México	)	
	)	
	)	
Y	)	
	)	
Olvin Erlin Carbajal Grande, Padre	)	
Honduras	)	
	)	
	)	
Demandados.	)	

**En el Asunto de:**

**Melodi Joanna Carbajal Portela      fecha de nacimiento.: 21 de abril de 2003**

**Niña Menor de Dieciocho (18) años de edad**

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**Solicitud para Anular la Patria Potestad**

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Esta solicitud, presentada por el Estado de Tennessee, Departamento de Servicios a Menores, ("DCS" por sus siglas en inglés), por medio y a través de su representante

debidamente autorizado, Una Norwood, de parte de Amani Loggins, procura una orden judicial que dé por terminada la patria potestad (los derechos) de los demandados, Betzabeth Portela y Olvin Erlin Carbajal Grande, en cuanta a la menor, Melodi Joanna Carbajal Portela.

La orden que se solicita cancelaría para siempre todos los derechos, responsabilidades y obligaciones de los demandados, en su caso, respecto de la menor en cuestión y, asimismo, pondría fin a todos los derechos y obligaciones de la menor con los Demandados, que surgen de la relación paterna. El mandato judicial que se solicita colocaría la menor bajo la tutela del Estado de Tennessee, otorgándole el derecho de colocar la menor para adopción y de dar consentimiento para cualquier adopción. Si se emite dicha orden, los Demandados ya no tendrán el derecho de ser notificado de los procedimientos de adopción; ni el derecho de objetar a la adopción de la menor; ni de ninguna relación, legal o de otra manera, con la menor.

En apoyo de esta solicitud, el Estado presenta lo siguiente:

#### **Jurisdicción y Competencia**

1. Esta Corte tiene jurisdicción sobre este caso de acuerdo con el Código Anotado de Tennessee (T.C.A.) § § 36-1-113, 37-1-104.

2. El sitio correspondiente es el Condado de Rutherford conforme al T.C.A. § § 36-1-113 (C) (4) y-114 y 37-1-111, ya que la menor se encuentra bajo la tutela del Departamento de Servicios a Menores del Estado de Tennessee, Oficina del Condado de Rutherford.

3. De conformidad con la Ley Uniforme de Custodia de Menores y Aplicación de la Jurisdicción, T.C.A. §§ 36-6-201 – 243, El Departamento de Servicios a Menores (DCS) declara que no ha participado en ningún otro proceso judicial referente a la custodia de esta menor;

(que el DCS) no tiene conocimiento de ningún otro procedimiento que pueda afectar esta acción judicial, y que el DCS no conoce a ninguna otra persona que no sea parte de esta demanda que tenga la custodia física de la menor o que reclame el derecho a la custodia legal o custodia física o a visitas de la menor, salvo que se indique lo contrario en esta solicitud.

### **Las Partes**

El Solicitante incorpora los párrafos 1-3 por referencia, y además, alega como sigue:

4. El Solicitante es el tutor actual de la menor. El Tribunal de Menores del Condado de Rutherford determinó que la menor es dependiente y descuidada el día 15 de febrero de 2017, después de haber emitido una Orden de Custodia Preventiva de Emergencia colocando la menor bajo la custodia temporal del Estado el día 27 de junio, 2016. Desde entonces la menor ha permanecido bajo tutela de crianza de manera continua.

5. La menor, Melodi Joanna Carbajal Portela, nació de Betzabeth Portela y Olvin Erlin Carbajal Grande el 21 de abril, 2003 en el Condado de Davidson, Tennessee. Se adjunta una copia del Acta de Nacimiento de Melodi.

6. La Demandada Betzabeth Portela reside en Sra. Portela, Calle Sin Número, el Moral SN8 Tierra Blanca, Vera Cruz, México.

7. El Demandado Olvin Erlin Carbajal Grande reside en Honduras.

8. El Estado ha consultado el Registro de Padres Inscritos/Supuestos dentro de 10 días antes de la presentación de esta solicitud, y no existe ninguna otra reclamación de Paternidad en el Registro en cuanto a esta menor.

9. No existe ningún otro reclamo de paternidad o de ser el tutor.

10. Ashley Dumat has sido designada como tutor ad litem para velar por el interés de la menor en los procedimientos subyacentes de dependencia y descuido. El Departamento también pide su nombramiento para este asunto como parte de lo solicitado en la Petición.

11. Rebecca Lashbrook ha sido designada para velar por el interés de la Demandada Betzabeth Portela en los procedimientos subyacentes de dependencia y descuido. El Departamento hace una solicitud para el nombramiento de un abogado para la demandada como parte de lo solicitado en la Petición.

12. Travis Lampley ha sido designado para velar por el interés del demandado Olvin Erlin Carbajal Grande en los procedimientos subyacentes de dependencia y negligencia. El Departamento hace una petición para el nombramiento de un abogado para el demandado como parte de lo solicitado en la Petición.

**Motivo Uno**

**Abandono – No visitar**

**T.C.A. § § 36-1-113 (g) (1) y 36-1-102 (1) (A) (i),-102 (1) (C) y-102 (1) (E)**  
**(en cuanto a Ambos Demandados)**

El solicitante incorpora los párrafos 1-12 por referencia, y además alega lo siguiente:

13. La Demandada BETZABETH Portela y el Demandado Olvin Erlin Carbajal Grande en efecto han abandonado a la menor porque ellos voluntariamente no han visitado en los últimos cuatro meses antes de la presentación de esta solicitud.

14. En los últimos cuatro meses, la Demandada Betzabeth Portela y el Demandado Olvin Erlin Carbajal Grande han visitado cero (0) veces. La Demandada Betzabeth Portela y Demandado Olvin Erlin Carbajal Grande no han visitado en absoluto con Melodi durante todo el período de custodia (ajena).

15. La Demandada Betzabeth Portela y Demandado Olvin Erlin Carbajal Grande no estuvieron en la cárcel ni incapacitados de ninguna manera en los últimos cuatro meses.

16. La Demandada Betzabeth Portela y Demandado Olvin Erlin Carbajal Grande, sabían o deberían haber sabido que la menor estaba bajo la custodia del DCS porque el Departamento hizo esfuerzos diligentes para informar a los Demandados que la menor estaba bajo custodia y para proporcionar a los Demandados con los criterios de la Terminación de la Patria Potestad. El Departamento llevó a cabo búsquedas computarizadas "CLEAR", envió cartas a través del correo regular y certificado, y trató de comunicarse con los parientes de los Demandados Betzabeth Portela y Demandado Olvin Erlin Carbajal Grande.

17. El DCS ha intentado comunicarse con la Demandada Betzabeth Portela y el Demandado Olvin Erlin Carbajal Grande para programar visitas. DCS ha hecho llamadas y enviado cartas y ha hecho esfuerzos de búsqueda diligentes y de continuo con el fin de ubicar, mantener el contacto y ofrecer visitas.



18. El DCS hizo esfuerzos diligentes para explicarles a la Demandada Betzabeth Portela y al Demandado Olvin Erlin Carbajal Grande las consecuencias de su falta de visitar de manera regular a la menor, mediante esfuerzos diligentes de búsqueda continua y haciendo esfuerzos para proporcionar a los Demandados los criterios para la Anulación de la Patria Potestad.

**Motivo Dos**  
**No Manifestar la Capacidad para Asumir la Custodia**  
**T.C.A. §§ 36-1-113 (g) (14)**  
**(en cuanto a ambos demandados)**

El Solicitante incorpora los párrafos 1-18 por referencia, y además alega lo siguiente:

19. La Demandada Betzabeth Portela y el Demandado Olvin Erlin Carbajal Grande no han manifestado, por acto u omisión, la capacidad y la voluntad de asumir la custodia legal y física o la responsabilidad económica de la menor.

20. La colocación de la menor bajo la custodia de la Demandada Betzabeth Portela y el Demandado Olvin Erlin Carbajal Grande supondría un riesgo de daño sustancial al bienestar físico o psicológico de la menor.

**Lo mejor**  
**T.c.a. § 36-1-113 (i)**

El Solicitante incorpora los párrafos 1-20 por referencia, y además alega lo siguiente:

21. Es lo mejor para la menor que se otorgue la Anulación ((Extinción) de la Patria Potestad) porque los Demandados no han mantenido visitas regulares con la menor.

22. Es lo mejor para la menor que se otorgue la Anulación (de la Patria Potestad), porque un cambio de cuidador (tutor) en esta etapa de la vida de la menor tendría un efecto negativo en ella.

23. Es lo mejor para la menor que la anulación sea concedida, porque los demandados no han pagado la manutención de los hijos de acuerdo con las directrices (los lineamientos).

24. Es lo mejor para la menor que la anulación sea concedida, porque no existe una relación significativa entre la menor y los demandados.

25. Es lo mejor para la menor que se conceda la anulación, porque los demandados han mostrado poco o ningún interés en el bienestar de la menor.

26. Es lo mejor para la menor que se conceda la anulación, porque la menor ha establecido un vínculo (lazo) con sus padres de crianza los cuales desean adoptarla.

Basándose en los hechos y en los argumentos jurídicos anteriormente expuestos, el

Solicitante ruega:

1. Que se les entregue a los Demandados una copia de esta solicitud y que se exija que comparezcan para responder.
2. Que el Tribunal indague sobre las circunstancias económicas de los demandados y que los designe un asesor legal, si son de escasos recursos.
3. Que la Corte designe un tutor ad litem para la menor, si todavía no se ha designado ninguno para este procedimiento de anulación.
4. Que, concluida una audiencia, el Tribunal emita un decreto que termine (anule) para siempre la Patria Potestad que los demandados tienen sobre la menor en cuestión; disponiendo que los demandados ya no tengan el derecho a recibir notificación de los procedimientos judiciales para la adopción de la menor, a objetar a (impugnar) la adopción de la menor, o a tener relación alguna, legal o de otra índole, con la menor; y que adjudique (conceda) la custodia, control y tutela completa de la menor al Administrador Regional de Servicios Sociales para el Condado de Rutherford, o a su sucesor en el cargo, con el derecho de colocar a dicha menor en adopción y de dar su consentimiento para tal adopción en lugar de los padres.

5. Que el Tribunal conceda cualquier otra medida y adopte cualquier otra decisión que estime necesaria.

---

Amani Loggins, Administrador de Casos  
Departamento de Servicios a Menores de Tennessee

---

Martha M Gillespie, BPR # 32125  
Asesora General Auxiliar para el DCS  
434 Jayhawk Court  
Murfreesboro, TN 37128

**Aviso sobre las Apelaciones de Decisiones en casos de Anulación de la Patria Potestad**

La ley de Tennessee exige que cualquier padre que desee apelar una orden judicial que anula la Patria Potestad deberá firmar el formulario de aviso de apelación. Código Anotado de Tenn. § 36-1-124 (d). Si un padre no cumple con este requisito, la apelación puede ser desestimada.

Cualquier apelación de la resolución definitiva del Tribunal de primera instancia en cuanto a la demanda o a la solicitud de anulación de los derechos de los padres se regirá (se gobernará) por las disposiciones de la regla 8A, Reglas del Procedimiento de Apelación de Tennessee, la cual señala plazos de tiempo limitados para la presentación de una transcripción o declaración de las pruebas, la finalización y envío de los registros judiciales (del caso) en apelación, y la presentación de escritos de alegatos ante el Tribunal de Apelación, así como otras disposiciones especiales para agilizar la apelación. Todas las partes deberán revisar la regla 8A, Reglas del Procedimiento de Apelación de Tennessee, para obtener información sobre las disposiciones especiales que se aplican a cualquier apelación de este caso.

\_\_\_\_\_  
Estado de Tennessee :  
: SS  
Condado de Rutherford\_\_\_\_\_:

Yo, Amani Loggins, siendo debidamente juramentado de acuerdo a la ley, afirmo bajo juramento que los hechos expuestos en la Solicitud anterior son verdaderos y exactos a mi leal saber, conocer, y creer.

\_\_\_\_\_  
Una Norwood, líder de equipo de parte de  
Amani Loggins

Jurado y suscrito ante mí el  
día \_\_\_\_\_ de \_\_\_\_\_, 20 .

\_\_\_\_\_  
Notario Público

Nombramiento válido hasta:

### **Aviso a padres encarcelados**

De conformidad con el T.C.A. § 36-1-113 (f), por el presente se le notifica que se llevará a cabo una audiencia sobre la solicitud adjunta. El propósito de esta audiencia será de determinar si su Patria Potestad sobre su hijo (s) debe o no ser extinguida (anulada) y el niño (s) liberado para adopción.

Usted tiene el derecho de participar en la audiencia y de impugnar la alegación de que sus derechos deben ser terminados. Su participación puede ser a través de la comparecencia personal en la audiencia, o por teleconferencia, telecomunicación, u otros medios considerados apropiados bajo las circunstancias por el Tribunal.

Si usted desea participar en la audiencia, tendrá el derecho de presentar su testimonio y el de cualquier testigo por medio de testimonio directo, declaraciones escritas juradas o respuestas escritas a preguntas, según lo estipulado en las Reglas de Procedimiento en lo Civil de Tennessee.

Si usted desea ser representado por un abogado en esta audiencia, pero no tiene los medios o recursos para contratar un abogado, el Tribunal designará un abogado para representarlo, en caso de ser declarado indigente (de bajos recursos).

**Usted deberá avisar de inmediato al Tribunal y al Departamento de Servicios a Menores si quiere que se designe un abogado para representarlo, desea participar en la audiencia, o desea impugnar (oponerse a) esta solicitud.**

Para proteger sus derechos, usted tiene que responder por escrito al Tribunal y al Departamento de Servicios a Menores. La dirección del Tribunal se encuentra en el Aviso de Derecho a Abogado en el citatorio. La dirección del Departamento es el 434 Jayhawk Court, Murfreesboro, Tennessee 37128.

Si usted no responde a la Solicitud para Anular la Patria Potestad dentro de treinta (30) días a partir de la fecha en que se le entrega la Solicitud, por este medio se le notifica que se dictará un fallo (una sentencia) en su contra concediendo lo solicitado en la petición.

IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

vs.

No. TC-3269

Betzabeth Portela, Mother  
Sra, Portela, Calle Sin Numero  
El Moral SN8  
Tierra Blanca, Vera Cruz Mexico

And

Olvin Erlin Carbajal Grande, Father  
Honduras

Respondents.

**FILED**

JAN 09 2018

3:41 O'CLOCK  
MELISSA HARBEL  
DEPUTY CLERK

IN THE MATTER OF:

Melodi Joanna Carbajal Portela d.o.b.: 04/21/2003

CHILD UNDER EIGHTEEN (18) YEARS OF AGE

**PETITION TO TERMINATE PARENTAL RIGHTS**

This Petition, filed by the State of Tennessee, Department of Children's Services ("DCS"), by and through its duly authorized representative, Una Norwood on behalf of Amani Loggins, seeks an order terminating the parental rights of the Respondents,

Betzabeth Portela and Olvin Erlin Carbajal Grande, to the child, Melodi Joanna Carbajal Portela.

The order sought would sever forever all of the Respondent's rights, responsibilities, and obligations, if any, with respect to the subject child and shall likewise terminate all rights and obligations of the child to the Respondents, arising from the parental relationship. The order sought would place the child in the guardianship of the State of Tennessee, granting it the right to place the child for adoption and to consent to any adoption. If the order is issued, the Respondents, shall have no further right to notice of adoption proceedings; no right to object to the child's adoption; and no relationship, legal or otherwise, with the child.

In support of this petition, the State shows as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this case pursuant to T.C.A. §§ 36-1-113, 37-1-104.
2. Venue is properly in Rutherford County pursuant to T.C.A. §§ 36-1-113(c)(4) and -114 and 37-1-111, in that the child is a ward of the State of Tennessee Department of Children's Services, Rutherford County Office.
3. Pursuant to the Uniform Child Custody and Jurisdiction Enforcement Act, T.C.A. §§ 36-6-201 – 243, DCS states that it has not participated in any other proceeding concerning the custody of this child that DCS does not know of any other proceedings that could affect this action, and that DCS does not know of any other person not a party to this proceeding who has physical custody of the child or claims rights of legal custody



or physical custody of or visitation with the child, except as otherwise noted in this petition.

### PARTIES

Petitioner incorporates paragraphs 1- 3 by reference, and further alleges as follows:

4. Petitioner is the current custodian of the child. The Rutherford County Juvenile Court adjudicated the child dependent and neglected on February 15, 2017 after issuing an emergency protective custody order placing the child in temporary state custody on June 27, 2016. The child has been in foster care continuously since that time.

5. The child, Melodi Joanna Carbajal Portela, was born to Betzabeth Portela and Olvin Erlin Carbajal Grande on April 21, 2003 in Davidson County, Tennessee. A copy of Melodi's birth certificate is attached.

6. Respondent Betzabeth Portela resides at Sra, Portela, Calle Sin Numero El Moral SN8 Tierra Blanca, Vera Cruz Mexico.

7. Respondent Olvin Erlin Carbajal Grande resides in Honduras.

8. The State has consulted with the putative father registry within 10 days of the filing of this petition, and there are no other claims of paternity in the registry as to this child.

9. ~~No other paternity claims~~ No other paternity claims or guardians exist.

10. Ashley Dumat has been appointed as the child's Guardian Ad Litem to represent her best interests in the underlying dependency and neglect proceedings. The Department makes a request for her appointment in this matter in its prayer for relief.

11. Rebecca Lashbrook has been appointed to represent the interest of Respondent Betzabeth Portela in the underlying dependency and neglect proceedings. The Department makes a request for the appointment of counsel for the Respondent in its prayer for relief.

12. Travis Lampley has been appointed to represent the interest of Respondent Olvin Erlin Carbajal Grande in the underlying dependency and neglect proceedings. The Department makes a request for the appointment of counsel for the Respondent in its prayer for relief.

**GROUND ONE**  
**ABANDONMENT – FAILURE TO VISIT**  
**T.C.A. §§ 36-1-113(g)(1) and 36-1-102(1)(A)(i), -102 (1)(C) and -102(1)(E)**  
**(As to Both Respondents)**

Petitioner incorporates paragraphs 1- 12 by reference, and further alleges as follows:

13. Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande have abandoned the child because they willfully have not visited in the four months before this petition was filed.

14. In the past four months, Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande have visited zero (0) times. Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande have not visited with Melodi the entirety of the custodial episode.

15. Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande were not in jail or incapacitated in any way in the past four months.

16. Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande, knew or should have known that the child was in DCS custody because the Department made diligent efforts to apprise Respondents that the child was in custody and to provide Respondents with the Criteria for Termination of Parental Rights. The Department conducted CLEAR searches, sent letters via regular and certified mail, and reached out to relatives of Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande.

17. DCS has tried to contact Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande to set up visitation. DCS has made calls and sent letters and has conducted ongoing diligent search efforts to locate, maintain contact, and offer visitation.

18. DCS made diligent efforts to explain the consequences of Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande failure to visit the child regularly by ongoing diligent search efforts and making efforts to provide the Respondent's the Criteria for Termination of Parental Rights.

**GROUND TWO**  
**FAILURE TO MANIFEST ABILITY TO ASSUME CUSTODY**  
**T.C.A. §§ 36-1-113(g)(14)**  
**(As to both Respondents)**

Petitioner incorporates paragraphs 1-18 by reference, and further alleges as follows:

19. Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande have failed to manifest, by act or omission an ability and willingness to assume legal and physical custody or financial responsibility of the child.

20. Placing custody of the child in Respondent Betzabeth Portela and Respondent Olvin Erlin Carbajal Grande's custody would pose a risk of substantial harm to the physical or psychological welfare of the child.

**BEST INTEREST**  
**T.C.A. § 36-1-113(i)**

Petitioner incorporates paragraphs 1- 20 by reference, and further alleges as follows:

21. It is in the child's best interests for termination to be granted, because Respondent's have not maintained regular visitation with the child.

22. It is in the child's best interests for termination to be granted, because changing caregivers at this stage of the child's life will have a detrimental effect on the child.

23. It is in the child's best interests for termination to be granted, because Respondents have not paid child support in accordance to the guidelines.

24. It is in the child's best interests for termination to be granted, because there is no meaningful relationship between the child and the Respondents.

25. It is in the child's best interests for termination to be granted, because Respondents have shown little or no interest in the welfare of the child.

26. It is in the child's best interests for termination to be granted, because the child has established a bond with her foster parents, who wish to adopt her.

Based on the facts and legal arguments stated above, PETITIONER PRAYS:

1. That the Respondents be served with a copy of this petition and be required to appear and answer.
2. That the Court inquire as to the Respondent's financial circumstances and appoint them legal counsel if indigent.
3. That the Court appoint the child a guardian ad litem, if one has not already been appointed for this termination proceeding.
4. That, upon hearing, the Court enter a decree forever terminating all the parental rights that the Respondents have to the subject child; providing that Respondents shall have no further right to get notice of proceedings for the adoption of the child, to object to the child's adoption, or to have any relationship, legal or otherwise, with the child; and awarding the complete custody, control and guardianship of the child to the Regional Administrator of Social Services for Rutherford County, or his/her successor in office, with the right to place the said child for adoption and to consent to such adoption in *loco parentis*.
5. That the Court grant such other, further and general relief as may be necessary.



\_\_\_\_\_  
Amani Loggins, Case Manager  
Tennessee Department of Children's Services

*Martha M Gillespie*

Martha M Gillespie, BPR # 32125  
Assistant General Counsel for DCS  
434 Jayhawk Court  
Murfreesboro, TN 37128

State of Tennessee, Rutherford County,  
The undersigned, Juvenile Court Clerk of  
the said County and State, hereby certifies  
that the foregoing is a correct copy of  
the instrument filed in the foregoing case  
in the Juvenile Court of Murfreesboro, Tennessee.  
This 8<sup>th</sup> day of March, 2018

MELISSA HARRELL  
*Melissa Harrell*  
Deputy Clerk

**Notice Regarding Appeals from Termination of Parental Rights Cases**

Tennessee law requires that any parent wishing to appeal an order termination of parental rights must sign the notice of appeal form. Tenn. Code Ann. § 36-1-124(d). If a parent fails to comply with this requirement, the appeal may be dismissed.

Any appeal of the trial court's final disposition of the complaint or petition for termination of parental rights will be governed by the provisions of Rule 8A, Tennessee Rules of Appellate Procedure, which imposes special time limitations for the filing of a transcript or statement of the evidence, the completion and transmission of the record on appeal, and the filing of briefs in the appellate court, as well as other special provisions for expediting the appeal. All parties must review Rule 8A, Tennessee Rules of Appellate Procedure, for information concerning the special provisions that apply to any appeal of this case.

STATE OF TENNESSEE :  
: SS  
COUNTY OF RUTHERFORD \_\_\_\_\_:

I, Amani Loggins, being duly sworn according to law, make oath that the facts stated in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

*Una Norwood*  
Una Norwood, Team Leader for Amani Loggins

Sworn to and subscribed before me this the 8<sup>th</sup>  
day of January, 2018

*Susan A Jackson*  
NOTARY PUBLIC



My Commission Expires: October 29, 2019  
8

...of Tennessee, Hamilton County  
...the undersigned, Juvenile Court Clerk of  
...the said County and State, hereby certifies  
...that the foregoing is a correct copy of  
...the instrument filed in the foregoing case  
...in the Juvenile Court of Hamilton County, Tennessee.

THIS DAY OF \_\_\_\_\_

MELISSA HARBRELL

Juvenile Court Clerk

[Faint, mostly illegible text, likely a certificate or affidavit]

[Faint, mostly illegible text, likely a signature block or additional notes]

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## **NOTICE TO INCARCERATED PARENT**

Pursuant to T.C.A. § 36-1-113(f), you are hereby notified that a hearing on the attached petition will be held. ~~The~~ purpose of this hearing will be to determine whether or not your parental rights to your child(ren) should be terminated and the child(ren) freed for adoption.

You have the right to participate in the hearing and to contest the allegation that your rights should be terminated. Your participation may be through personal appearance at the hearing, or by teleconference, telecommunication, or other means deemed to be appropriate by the Court under the circumstances.

If you wish to participate in the hearing, you will have the right to present your testimony and that of any witnesses by means of direct testimony, deposition, or interrogatories, as provided by the Tennessee Rules of Civil Procedure.

If you wish to be represented by an attorney at this hearing, but are unable to afford to hire an attorney, the Court will appoint an attorney to represent you if you are determined to be indigent.

**YOU MUST NOTIFY THE COURT AND THE DEPARTMENT OF CHILDREN'S SERVICES IMMEDIATELY IF YOU WISH TO HAVE AN ATTORNEY APPOINTED TO REPRESENT YOU, YOU WISH TO PARTICIPATE IN THE HEARING, OR YOU WISH TO CONTEST THIS PETITION.**

To protect your rights, you must respond **IN WRITING** to the Court **AND** to the Department of Children's Services. The Court's address is listed in the Notice of Right to Counsel on the summons. The Department's address is 434 Jayhawk Court, Murfreesboro, Tennessee 37128.

Should you fail to respond to the Petition to Terminate Parental Rights within the thirty (30) days of the date you are served with the Petition, you are hereby **NOTIFIED** a judgment will be taken against you for the relief demanded in the petition.



IN THE JUVENILE COURT FOR RUTHERFORD COUNTY, TENNESSEE  
AT MURFREESBORO

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

PETITIONER

DOCKET # TC <sup>3269</sup> 2716

IN THE MATTER OF:

Melodi Joanna Portela-Carbajal  
DOB: 4/21/2003

Child under 18 years of age

**FILED**

JAN 09 2018

3:41 O'CLOCK  
MELISSA HARRIS  
DEPUTY CLERK

AFFIDAVIT OF REASONABLE EFFORTS

First being duly sworn, Affiant would state:

I am Amani Loggins, a Family Service Worker, with the Tennessee Department of Children's Services.

I would state that the following information is true and correct to the best of my information and belief:

1. **Why is removal necessary to protect this child?** Per DCS records, the Department of Children's Services received a referral on August 21, 2015 alleging sexual abuse to minor child, Melodi Joanna Portela-Carbajal, age 12, by the alleged perpetrator and father, Mr. Olvin Erlin Carbajal. The referral stated: Melodi Carbajal (12) was staying with her uncle, Mr. Rodolfo Carbajal in Rutherford County, but he did not have legal custody of Melodi. The birth father is Mr. Olvin Carbajal. Melodi reported that her father had been touching her sexually since she was 7 years old. Melodi stated that Mr. Olvin Carbajal's friends had also been molesting her. The details of the extent of the sexual abuse were unknown at the time of the referral. There was a concern that Mr. Olvin Carbajal would legally come get Melodi at any time. Mr. Olvin Carbajal had plans of running back to Honduras. It was unknown if Mr. Olvin

Carbajal was going to try to take Melodi with him. Melodi's mother, Ms. Betzabeth Portela abandoned her several years ago.

After investigation, custody was given to the paternal uncle, Mr. Rodolfo Carbajal. The Family Support Services team monitored the case since November 2015. Melodi was living with the paternal aunt and uncle, Mr. and Mrs. Rodolfo Carbajal during this time. While in their home, Mr. and Mrs. Rodolfo expressed difficulty with Melodi. On June 20, 2016, a Child and Family Team Meeting (CFTM) was held to discuss the progress of services for Melodi. The paternal uncle, Mr. Rodolfo Carbajal, reported to the team of Melodi's continued behavioral problems in the home. Mr. Rodolfo Carbajal stated that he and Mrs. Carbajal could no longer care for Melodi because they felt that Melodi's needs exceeded their capability. Mr. Rodolfo Carbajal reported that there are no other family members or friends that are in the United States that can care for Melodi. Melodi's mother, Ms. Betzabeth Portela, is reportedly still in Mexico and cannot come to Tennessee to get Melodi. There is currently a no contact order between Melodi and her father, Mr. Olvin Carbajal, due to this case. The department requested for Melodi Joanna Portela-Carbajal to be placed into foster care.

**2. What are the specific risks necessitating removal of this child?** Per DCS records, in August 2015, CPSI Hyer spoke with Mr. Rodolfo Carbajal, paternal uncle, who stated that he spoke with Melodi's father, Mr. Olvin Carbajal, and told him to sign the papers so he could take Melodi. Mr. Rodolfo Carbajal stated he confronted Mr. Olvin Carbajal about the allegations and he denied them. CPSI Hyer discussed his plans for Melodi and Mr. Rodolfo Carbajal agreed to keep Melodi at his home and not allow Mr. Olvin Carbajal to have access to Melodi. Mr. Rodolfo Carbajal agreed if Mr. Olvin Carbajal came to the house that he would

contact law enforcement and then CPSI Hyer. Mr. Rodolfo stated he would protect Melodi for as long as he needed to.

Melodi was interviewed forensically on August 24, 2015. The child disclosed sexual abuse by her father- Mr. Olvin Carbajal, her step-brother in-law- Mr. Nicolas Pacheco, and a man by the name of Luis with the last name unknown. CPSI Hyer along with Detective Matthew Fracker of the LaVergne Police Department and Detective Tommy Roberts of the Murfreesboro Police Department spoke with Mr. Rodolfo Carbajal again after the forensic interview of Melodi. Mr. Rodolfo Carbajal gave a description of the car that Mr. Olvin Carbajal drives. Mr. Rodolfo Carbajal stated that he contacted the paternal grandmother in Honduras and told her the circumstances. Mr. Rodolfo Carbajal stated that the paternal grandmother reportedly confronted Mr. Olvin Carbajal. Mr. Rodolfo Carbajal stated he was informed Mr. Olvin Carbajal admitted to sexually abusing Melodi. Detective Fracker and Detective Roberts both requested that a written statement be mailed to them from the grandmother in Honduras. Mr. Rodolfo Carbajal stated he feels Mr. Olvin Carbajal has left the country and returned to Honduras. Mr. Rodolfo Carbajal stated he has not seen or heard from Mr. Olvin Carbajal since Thursday, August 20, 2015, when he confronted him about the alleged sexual abuse.

CPSI Hyer then contacted Ms. Gloria Villalobos, the wife of Mr. Olvin Carbajal. Ms. Villalobos stated she has not seen or heard from her husband since Friday, August 21, 2015. Ms. Villalobos stated she did not know who, with or where he was staying. Ms. Villalobos denied knowing if her husband, Mr. Olvin Carbajal, had left the country. CPSI Hyer spoke with Detective Matthew Fracker who stated at the end of the day on August 24, 2015 the father had not been located.

CPSI Hyer researched the family's history with the Department and found the following: On 01/18/2002, there were allegations of substantial risk physical injury and minor physical abuse towards Ms. Betzabeth Portela and Luis Diego Portela Rodriquez by Mr. Orlando Portela and Ms. Eustolia's boyfriend with classifications as unable to complete (UABC). On 10/03/2003, there were allegations of physical abuse and substantial risk physical towards Ms. Betzabeth Portela, Luis Diego Portela Rodriquez, and Melodi Joanna Portela by the father, Mr. Olvin Carbajal, with classifications as allegations substantiated perpetrator substantiated (ASPS). There was previous history of physical abuse concerning Ms. Betzabeth Portela, Luis Rodriquez, and Melodi Portela, in which they were placed into states custody from 2003-2005. On 02/23/2007, there were allegations of drug exposed child toward Luis Rodriquez and Melodi Portela by Mr. Gerald Bordewick with classifications as allegations unsubstantiated, perpetrator unsubstantiated (AUPU). On 11/19/2008, there were allegations of physical abuse toward Luis Rodriquez by Mr. Olvin Carbajal with classifications as AUPU. On 05/08/2009, there were allegations of physical abuse toward Luis Rodriquez by Mr. Olvin Carbajal with classifications as no services needed. On 12/09/2009, there were allegations of sexual abuse toward Melodi Portela by an Unknown with classifications as AUPU. On 01/11/2010, there were allegations of sexual abuse toward Melodi Portela by Mr. Olvin Carbajal with classifications as AUPU. On 04/17/2014, there were allegations of physical abuse toward Melodi Portela by Mr. Olvin Carbajal with classifications as no services needed.

CPSI Hyer found that the father of Melodi Joanna Portela-Carbajal is Mr. Olvin Erlin Carbajal and he was given custody of Melodi on June 9, 2005 after exiting state custody. The whereabouts of the father at this time are unknown. The last known address for the father and

child was 121 Heritage Circle LaVergne, TN 37086. Ms. Gloria Villalobos who resides in the home has stated Mr. Olvin Carbajal no longer resides in the home since August 21, 2015.

CPSI Hyer found that the mother of Melodi Joanna Portela-Carbajal is Ms. Betzabeth Portela. The mother is reportedly in Mexico at this time, but her last known local address is documented being 212 Raymond Street Nashville, TN 37211. CPSI Hyer conducted a clear search on both the mother and the father. The last known address for the father was in 2005 at 1601 Soulshine Place Antioch, TN 37013 and the last known address for the mother was 2006 at 808 Seven Mile Circle Nashville, TN 37211. Custody of Melodi was granted to Mr. and Mrs. Rodolfo Carbajal.

Due to the concerns identified in the investigations, CPSI Hyer transferred the case to Family Support Services (FSS) on November 17, 2015. During the non-custodial case, the Department provided monthly case management and home visits with Melodi and her aunt and uncle, Mr. and Mrs. Rodolfo Carbajal. The Department has not been able to have any contact with the parents, Ms. Betzabeth Portela and Mr. Olvin Carbajal.

At the Child and Family Team Meeting held on June 20, 2016, the progress of services provided for Melodi was discussed in this meeting. Mr. Rodolfo Carbajal stated that Melodi had been receiving counseling at Mental Health Cooperative. Mr. Rodolfo Carbajal stated that Melodi was disrespectful in the home and that was becoming very stressful to take care of her. Mr. Carbajal explained that he resembles the father in appearance and Melodi has expressed that she doesn't want to be in their home anymore. The team discussed with Mr. Rodolfo Carbajal alternative placements for Melodi, but Mr. Rodolfo Carbajal stated that there were no other potential family members for Melodi to be placed with. The team discussed that due to no less

drastic alternative, the Department would file a non-emergency petition to request for Melodi Joanna Portela-Carbajal to be placed in foster care.

**3. What specific services are necessary to allow the child to remain in the home or to be returned home?** According to the previous custodians, paternal aunt and uncle, Mr. and Mrs. Rodolfo Carbajal, they are unsure about having Melodi back in their home. Mr. Rodolfo Carbajal may be willing for Melodi to return to the home in the future once she receives the proper treatment that she needs. Per Custodial Permanency Plan, Melodi will attend counseling that addresses her trauma from being sexually abused, as well as self-harm and pornography addiction. Melodi will participate in family counseling with her aunt and uncle as well as have visitation. Melodi is currently receiving treatment with Youth Villages. The mother, Betzabeth Portela, has been in Mexico during the duration of the case and has not had contact with the department. The father, Mr. Olvin Carbajal, reportedly fled to Honduras and is to have no contact with Melodi Portela-Carbajal.

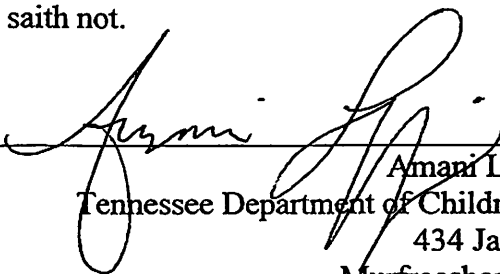
**4. What services have been provided to assist the family and child so as to prevent removal or to reunify the family?**

Per DCS record, the family has had numerous cases with the department in which there were concerns and services were provided. Melodi was in foster care from 2003-2005 due to dependency and neglect. The Department created a Non-Custodial Permanency Plan with the paternal uncle, Mr. Rodolfo Carbajal, outlining that he protect Melodi from her father, Mr. Olvin Carbajal, once Melodi was placed in the uncle's custody in August 2015. FSW Loggins received the custodial case in August 2016. The Department has provided monthly case management to Melodi Portela-Carbajal. The Department has provided TennCare and medical and dental EPSD&T's for Melodi. The Department has provided mental health counseling for Melodi,

placement in a pre-adoptive home, sexual abuse treatment, conducted diligent search in an attempt to locate absent parents, and child and family team meetings are held regularly to monitor the progress of the case.


5. **Has the Tennessee Department of Children's Services had the opportunity to provide services to the family and child, and, if not, what are the specific reasons why services could not have been provided?** The Department has provided services for the family.

Further, Affiant saith not.

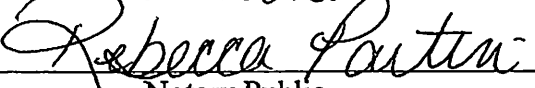
  
\_\_\_\_\_  
Amani Loggins, FSW  
Tennessee Department of Children's Services  
434 Jayhawk Court  
Murfreesboro, TN 37128  
615-217-8926

STATE OF TENNESSEE  
COUNTY OF RUTHERFORD

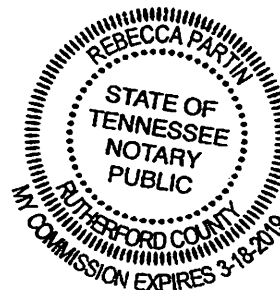
I, Amani Loggins, being duly sworn according to law, make oath that the facts stated in the foregoing Affidavit are true to the best of my knowledge, information, and belief.

  
\_\_\_\_\_

Sworn and subscribed before me on this the 29<sup>th</sup> day of November, 2017

  
\_\_\_\_\_  
Notary Public

My commission expires: 3.18.2019



IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES

PETITIONER

NO. TC<sup>3269</sup>~~2716~~

**FILED**

JAN 09 2018

3:41 O'CLOCK  
MELISSA HARRELL  
DEPUTY CLERK

IN THE MATTER OF:  
Melodi Joanna Carbajal Portela

DOB:4/21/2003

Child Under Eighteen (18) Years of Age

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**AFFIDAVIT OF DILIGENT SEARCH**

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Being first duly sworn, Affiant would state as follows:

1. I am Amani Loggins, Family Service Worker for the Rutherford County Office, Department of Children's Services, and I am the Petitioner seeking publication in order to locate the whereabouts of Ms. Betzabeth Portela, legal mother of the minor, Melodi Joanna Carbajal Portela.

2. I have taken the following steps to attempt to locate Ms. Betzabeth Portela.

a. A CLEAR Search was completed to locate a last known address for Ms. Portela and to locate any biological relatives. The search provided the last address for Ms. Portela was 808 Seven Mile Circle, Nashville, TN 37211.

b. I have traveled to the address provided on the CLEAR Search, 808 Seven Mile Circle, Nashville, TN 37211. I spoke with the current resident and they reported that they did not know Ms. Betzabeth Portela. I left my business card with the resident and asked them to contact me if they ever had any information on Ms. Portela.



c. I have called the number provided on the CLEAR Search, 615-837-1392 and the phone was not in service.

d. A local background search was completed for Ms. Betzabeth Portela. The local background search returned with no previous arrest records.

e. A background check for Davidson County was completed and returned with no previous arrest records for Ms. Betzabeth Portela.

f. I have searched for Ms. Portela on Facebook. The search returned with two profiles with her name and I sent messages to both, with no response.

g. I have followed up with the previous case workers and case notes to obtain additional contact information on family members who may be able to help locate Ms. Betzabeth Portela.

h. I have searched TFACTS in an attempt to identify more information on the whereabouts of Ms. Portela. The TFACTS search returned with the telephone number 615-331-2150. I attempted to reach Ms. Portela through this number but the number was not in service.

i. I have searched Whitepages.com and YellowPages.com for Ms. Portela. The search returned with no results.

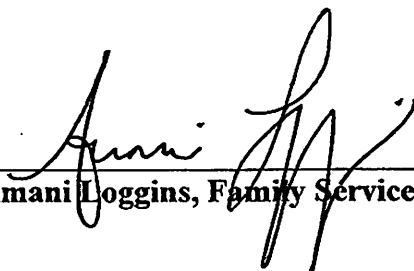
j. I have spoken with the relatives of Ms. Betzabeth Portela in an attempt to locate her whereabouts. Ms. Portela's sister in law Ms. Yenny Solis reported that she had no information on Ms. Portela's whereabouts.

k. I have contacted the Departments consulate to conduct diligent search in Mexico where it is believed the mother is located. The consulate was not able to provide information on Ms. Portela's whereabouts.

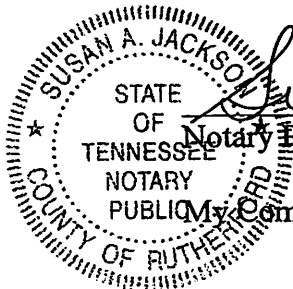
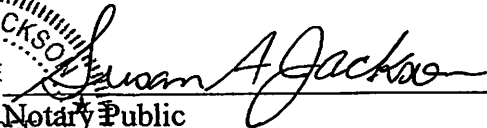
1. I have attempted to contact the Mexico Consulate through email, fax, and by phone. In addition to this I have sent a letter to the Mexico Consulate at 1700 Chantilly Dr., Atlanta, GA in an attempt to locate Ms. Betzabeth Portela and I have not received a response.

3. Despite a due and diligent search, I have been unable to ascertain the whereabouts of Ms. Betzabeth Portela.

**FURTHER**, the affiant saith not.

  
Amani Loggins, Family Service Worker

Sworn to and subscribed before me this 15 day of November 2017.

  
  
Notary Public  
Commission Expires: October 29, 2019

IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES

PETITIONER

NO. TC2716<sup>3269</sup>

IN THE MATTER OF:  
Melodi Joanna Carbajal Portela

DOB:4/21/2003

Child Under Eighteen (18) Years of Age

**FILED**  
JAN 09 2018  
3:41 O'CLOCK  
MELISSA HARRILL  
DEPUTY CLERK

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**AFFIDAVIT OF DILIGENT SEARCH**

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Being first duly sworn, Affiant would state as follows:

1. I am Amani Loggins, Family Service Worker for the Rutherford County Office, Department of Children's Services, and I am the Petitioner seeking publication in order to locate the whereabouts of Mr. Olvin Erlin Carbajal, legal father of the minor, Melodi Joanna Carbajal Portela.

2. I have taken the following steps to attempt to locate Olvin Erlin Carbajal:

a. A CLEAR Search was completed to locate a last known address for Olvin Erlin Carbajal and to locate any biological relatives. The search provided the last known address for Olvin Erlin Carbajal was 1601 Soulshine Pl., Antioch, TN 37013.

b. I have traveled to the address provided on the CLEAR Search, 1601 Soulshine Pl., Antioch, TN 37013. I knocked on the door of the home and no one was there to answer. I left my business card with my contact information for the resident of the home.

c. A local background search was completed for Mr. Carbajal. The local background search returned with no records or contact information for Mr. Carbajal.

d. A background check was completed in Davidson County for Mr. Carbajal. The background check returned with previous arrest records but no contact information for Mr. Carbajal.

e. I have searched for Mr. Carbajal on Facebook. The search returned with no results.

f. I have searched TFACTS in an attempt to identify more information on the whereabouts of Mr. Carbajal. The search returned with the last known number 615-598-5651 and 615-364-9572. I called both numbers in an attempt to contact Mr. Carbajal and neither of the numbers were in service.

g. I have searched Whitepages.com and YellowPages.com for Mr. Carbajal. The search returned with no results.

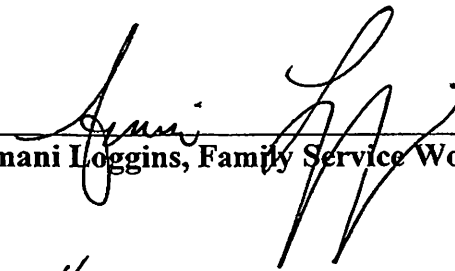
h. I have spoken with the relatives of Mr. Olvin Erlin Carbajal in an attempt to locate his whereabouts. Mr. Carbajal's brother Mr. Rodolfo Carbajal reported that he had no information on his brother's whereabouts.

i. I have followed up with the previous case workers and case notes to obtain additional contact information on family members who may be able to help locate Mr. Olvin Erlin Carbajal.

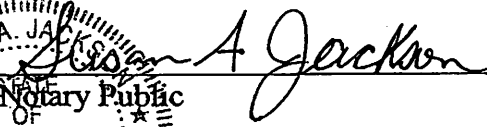
j. I have attempted to contact the Honduras Consulate through email, fax, and by phone. In addition to this I have sent a letter to the Honduras Consulate at 6755 Peachtree Industrial Blvd #120, Atlanta, GA 30360 in an attempt to locate Mr. Carbajal and I have not received a response.

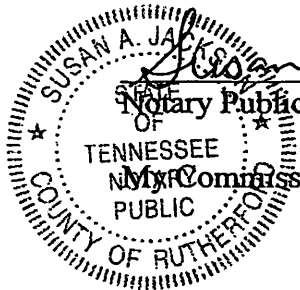
3. Despite a due and diligent search, I have been unable to ascertain the whereabouts of Mr. Olvin Erlin Carbajal

FURTHER, the affiant saith not.

  
\_\_\_\_\_  
Amani Loggins, Family Service Worker

Sworn to and subscribed before me this 15<sup>th</sup> day of November 2017.

  
\_\_\_\_\_  
Notary Public  
OF  
TENNESSEE  
My Commission Expires: October 20, 2019



IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE )  
DEPARTMENT OF CHILDREN'S SERVICES, )

Petitioner, )

vs. )

No. TC-3269

Betzabeth Portela, Mother )  
Sra, Portela, Calle Sin Numero )  
El Moral SN8 )  
Tierra Blanca, Vera Cruz Mexico )

And )

Olvin Erlin Carbajal Grande, Father )  
Honduras )

Respondents. )

**FILED**

JAN 09 2018

3:41 O'Clock  
MELISSA HARRILL  
DEPUTY CLERK

IN THE MATTER OF:

Melodi Joanna Carbajal Portela d.o.b.: 04/21/2003

CHILD UNDER EIGHTEEN (18) YEARS OF AGE

Affidavit of Diligent Efforts to Provide Notice of the Criteria and Procedures  
for the Termination of Parental Rights

First being duly sworn, Affiant would state

1. I am Amani Loggins, Family Service Worker with the Tennessee Department of Children's Services, and I am the Petitioner, which seeks to terminate the parental rights of Respondent Betzabeth to the child Melodi Joanna Carbajal Portela.

2. I was unable to obtain a signed copy of the Criteria and Procedure for Termination of Parental Rights from Respondent Betzabeth Portela

3. I have taken the following steps to provide the Criteria and Procedures for Termination of Parental Rights to Betzabeth Portela

a. A ~~CLEAR~~ Search was completed to locate a last known address for Ms. Portela and to locate any biological relatives. The search provided the last address for Ms. Portela was 808 Seven Mile Circle, Nashville, TN 37211.

b. I have traveled to the address provided on the CLEAR Search, 808 Seven Mile Circle, Nashville, TN 37211. I spoke with the current resident and they reported that they did not know Ms. Betzabeth Portela. I left my business card with the resident and asked them to contact me if they ever had any information on Ms. Portela.

c. I have called the number provided on the CLEAR Search, 615-837-1392 and the phone was not in service.

d. A local background search was completed for Ms. Betzabeth Portela. The local background search returned with no previous arrest records.

e. A background check for Davidson County was completed and returned with no previous arrest records for Ms. Betzabeth Portela.

f. I have searched for Ms. Portela on Facebook. The search returned with two profiles with her name and I sent messages to both, with no response.

g. I have followed up with the previous case workers and case notes to obtain additional contact information on family members who may be able to help locate Ms. Betzabeth Portela.

h. I have searched TFACTS in an attempt to identify more information on the whereabouts of Ms. Portela. The TFACTS search returned with the telephone number 615-331-2150. I attempted to reach Ms. Portela through this number but the number was not in service.

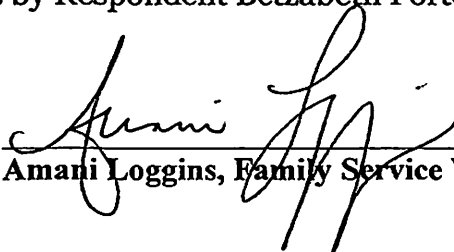
i. I have searched Whitepages.com and YellowPages.com for Ms. Portela. The search returned with no results.

j. I have spoken with the relatives of Ms. Betzabeth Portela in an attempt to locate her whereabouts. Ms. Portela's sister in law Ms. Yenny Solis reported that she had no information on Ms. Portela's whereabouts.

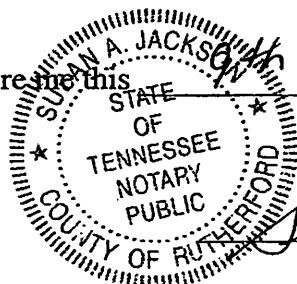
k. I have contacted the Departments consulate to conduct diligent search in Mexico where it is believed the mother is located. The consulate was not able to provide information on Ms. Portela's whereabouts.

l. I have attempted to contact the Mexico Consulate through email, fax, and by phone. In addition to this I have sent a letter to the Mexico Consulate at 1700 Chantilly Dr., Atlanta, GA in an attempt to locate Ms. Betzabeth Portela and I have not received a response.

4. Despite diligent efforts, FSW was unable to obtain a signed copy of the Criteria and Procedures to Terminate Parental Rights by Respondent Betzabeth Portela

  
Amani Loggins, Family Service Worker

Sworn to and subscribed before me this \_\_\_\_\_ day of January 2018.



  
Susan A. Jackson



Notary Public

My Commission Expires: October 20, 2019

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IN THE JUVENILE COURT OF RUTHERFORD COUNTY, TENNESSEE

STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

vs.

No. TC-326A

Betzabeth Portela, Mother  
Sra, Portela, Calle Sin Numero  
El Moral SN8  
Tierra Blanca, Vera Cruz Mexico

And

Olvin Erlin Carbajal Grande, Father  
Honduras

Respondents.

**FILED**  
JAN 09 2018  
3:41 O'CLOCK  
MELISSA HARRELL  
DEPUTY CLERK

IN THE MATTER OF:

Melodi Joanna Carbajal Portela d.o.b.: 04/21/2003

CHILD UNDER EIGHTEEN (18) YEARS OF AGE

Affidavit of Diligent Efforts to Provide Notice of the Criteria and Procedures  
for the Termination of Parental Rights

First being duly sworn, Affiant would state

1. I am Amani Loggins, Family Service Worker with the Tennessee Department of Children's Services, and I am the Petitioner, which seeks to terminate the parental rights of Respondent Olvin Erlin Carbajal Grande to the child Melodi Joanna Carbajal Portela.

2. I was unable to obtain a signed copy of the Criteria and Procedure for Termination of Parental Rights from Respondent Olvin Erlin Carbajal Grande

3. I have taken the following steps to provide the Criteria and Procedures for Termination of Parental Rights to Olvin Erlin Carbajal Grande

a. A CLEAR Search was completed to locate a last known address for Olvin Erlin Carbajal and to locate any biological relatives. The search provided the last known address for Olvin Erlin Carbajal was 1601 Soulshine Pl., Antioch, TN 37013.

b. I have traveled to the address provided on the CLEAR Search, 1601 Soulshine Pl., Antioch, TN 37013. I knocked on the door of the home and no one was there to answer. I left my business card with my contact information for the resident of the home.

c. A local background search was completed for Mr. Carbajal. The local background search returned with no records or contact information for Mr. Carbajal.

d. A background check was completed in Davidson County for Mr. Carbajal. The background check returned with previous arrest records but no contact information for Mr. Carbajal.

e. I have searched for Mr. Carbajal on Facebook. The search returned with no results.

f. I have searched TFACTS in an attempt to identify more information on the whereabouts of Mr. Carbajal. The search returned with the last known number 615-598-5651 and 615-364-9572. I called both numbers in an attempt to contact Mr. Carbajal and neither of the numbers were in service.

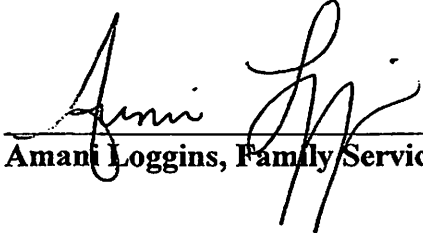
g. I have searched Whitepages.com and YellowPages.com for Mr. Carbajal. The search returned with no results.

h. I have spoken with the relatives of Mr. Olvin Erlin Carbajal in an attempt to locate his whereabouts. Mr. Carbajal's brother Mr. Rodolfo Carbajal reported that he had no information on his brother's whereabouts.

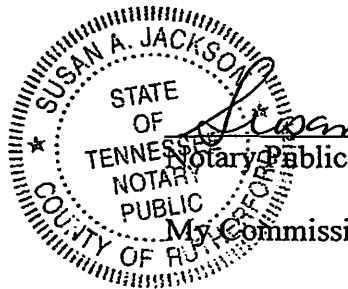
i. I have followed up with the previous case workers and case notes to obtain additional contact information on family members who may be able to help locate Mr. Olvin Erlin Carbajal.

j. I have attempted to contact the Honduras Consulate through email, fax, and by phone. In addition to this I have sent a letter to the Honduras Consulate at 6755 Peachtree Industrial Blvd #120, Atlanta, GA 30360 in an attempt to locate Mr. Carbajal and I have not received a response.

4. Despite diligent efforts, FSW was unable to obtain a signed copy of the Criteria and Procedures to Terminate Parental Rights by Respondent Olvin Erlin Carbajal Grande

  
Amani Loggins, Family Service Worker

Sworn to and subscribed before me this 9th day of January 2018.



  
Notary Public

My Commission Expires: October 20, 2019

STATE OF TENNESSEE  
Office of Vital Records

TC-3269

TYPE OR PRINT  
IN PERMANENT  
BLACK INK  
FOR  
INSTRUCTIONS  
HANDBOOK

TENNESSEE DEPARTMENT OF HEALTH  
CERTIFICATE OF LIVE BIRTH

141-



CHILD

1 CHILD'S NAME (First Middle Last) **Melodi Joanna Carbajal Portela** 2 SEX **Female** 3 DATE OF BIRTH **2003 024003** **April 21, 2003** **02:40 AM**

5 FACILITY NAME (If not institution give street and number) **Metropolitan Nashville General Hospital** 6 PLACE OF BIRTH  Hospital  Clinic/Doctor's Office  Freestanding Birth Center  Residence  Other (Specify)

CERTIFIER

7 CITY, TOWN, OR LOCATION OF BIRTH **Nashville** 8 COUNTY OF BIRTH **Davidson**

9 I certify that this child is the legitimate child of the mother and father named herein. *[Signature]* 10 DATE SIGNED **May 05 2003** 11 CERTIFIER'S NAME AND TITLE (Type/Print)  M.D.  D.O.  C.N.M.  Other Midwife  Hospital Designated  Other (Specify)

ATTENDANT

12 IF CERTIFIER WAS NOT ATTENDANT, GIVE NAME AND TITLE OF ATTENDANT **Wanda Bruce** 13 ATTENDANT'S MAILING ADDRESS (Street and Number or Rural Route Number City or Town, State, Zip Code) **1818 Albion Street Nashville TN, 37208**

MOTHER

14 REGISTRAR'S SIGNATURE *[Signature]* 15 DATE FILED BY REGISTRAR (Month, Day, Year) **MAY 05 2003**

16a MOTHER'S NAME (First Middle Last) **Betzabeth Portela** 16b MAIDEN SURNAME **Portela** 17 MOTHER'S DATE OF BIRTH **January 8, 1986**

18 MOTHER'S BIRTHPLACE (State or Foreign Country) **Mexico** 19a RESIDENCE STATE **Tennessee** 19b COUNTY **Davidson** 19c CITY, TOWN, OR LOCATION **Antioch**

FATHER

19d STREET AND ALIAS OR RURAL LOCATION **1601 Soul Shine Place** 19e INSIDE OF LEAFETS?  Yes  No 20 MOTHER'S MAILING ADDRESS (If same as residence enter Zip Code only) **37013**

21 FATHER'S NAME (First Middle Last) **Olvin Erlin Carbajal Grande** 22 FATHER'S DATE OF BIRTH **August 24, 1974** 23 FATHER'S BIRTHPLACE (State or Foreign Country) **Honduras**

PARENT

24a I give permission to provide the Social Security Administration with data from this certificate for the purpose of issuing a Social Security Number.  Yes  No 24b I authorize the Social Security Administration to provide the social security number to the State of Tennessee to add to the State's birth file.  Yes  No 24c I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. *[Signature]* **Betzabeth Portela**

INFORMATION FOR MEDICAL AND HEALTH USE ONLY

I hereby certify the above to be a true and correct copy of the original document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Department of Health. Alteration or erasure voids this certification.  
Tennessee Code Annotated 68-3-101 et seq., Vital Records Act of 1977.



*Paula Taylor*  
Paula Taylor  
State Registrar

Date Issued Aug-14-2003



CERTIFICATION OF VITAL RECORD