

In The JUVENILE COURT OF JEFFERSON COUNTY, TENNESSEE

In the Matter of: Brandon Olivera Hernandez
Christian Vasquez Olivera, Miranda Hernandez

Esther Del Carmen Olivera Hernandez,

Respondent.

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12976, 12975, 12977

DOCKET #: 17-00657

APPLICATION FOR
ORDER FOR SERVICE
BY PUBLICATION;
POINTS & AUTHORITIES;
ORDER FOR SERVICE
BY PUBLICATION

COMES NOW THE PETITIONER, THE TENNESSEE DEPARTMENT OF

CHILDREN'S SERVICES, who submits the Application for Order for Service by Publication.

FACTS OF THE CASE

This case is related to a Petition to Terminate Parental Rights.

REQUEST

Petitioner has been unable to serve the Respondent, Esther Del Carmen Olivera Hernandez ("Hernandez") after an exhaustive effort. Petitioner hereby requests that the Court issue an Order for Service by Publication for a minimum period of once a week for four (4) consecutive weeks in the online legal notice publication, *Global Legal Notices*®, a website of general circulation in Mexico, which specializes in service by publication and which provides numerous benefits over traditional print newspapers. Their publication policy is to publish the Order, any notices, and all

JUVENILE COURT
FILED October 8 2019
AT 11:28 O'CLOCK A.M.
KEVIN POE, CLERK

court-issued documents continuously for a period of four (4) consecutive weeks, which exceeds statutory requirements.

ARGUMENT

Petitioner has attempted unsuccessfully to serve Hernandez utilizing traditional service of process methods. However, Hernandez has made herself unavailable for service. There is no known physical address for Hernandez.

A thorough and careful search for the home address for Hernandez was conducted and submits to this court the Declaration of Due Diligence Search attached as Exhibit "A", showing the steps taken to locate Hernandez.

The only available alternative method of service is service by publication. However, newspapers in Mexico do not allow for publication of legal notices due to the lack of a law providing such method. The only known method for service by publication in Mexico is through *Global Legal Notices*® which provides a more thorough method to give actual notice to the Respondent, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Respondent than service by publication in a traditional newspaper. It provides publication of the Court Order, plus the entire set of Court-issued documents. Further, the publication period exceeds the customary once a week for four (4) consecutive weeks by continually publishing the documents for an indefinite period, or as directed by the Court. In addition, a Google search by the Respondent's name and country will typically appear on page one of the Google search after approximately 5 days, thus, providing a greater opportunity to give actual notice to the Respondent.

POINTS AND AUTHORITIES

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950), found that, “*It is a logical step forward in the evolution of civil procedure that the use of new technologies in common communication be utilized.*”

U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure 4(F)(3). Rule 4 allows service of process on a foreign individual:

- (1) by internationally agreed upon means of service reasonably calculated to give notice;
- (2) by a reasonably calculated method as prescribed by the country’s law for service for general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to

FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants.

Federal Rules of Civil Procedure, Rule 4((3)(1) provides that “*Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . .*”

The challenge facing Petitioner in this case is there are no traditional newspapers in Mexico that will allow for publication of legal notices which originate in courts in the United States.

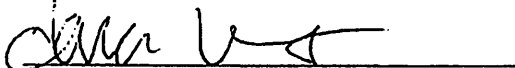
CONCLUSION

Global Legal Notices® offers an improved method of providing actual notice to a Respondent of a pending lawsuit while satisfying the Court’s requirements for service by publication. It is widely held that service by publication has a limited success rate in providing actual

notice to a Respondent that a legal case is pending. Yet, courts routinely issue an Order allowing for service by publication in a newspaper, either print or online, as a last resort method to complete service of process.

Wherefore, Petitioner respectfully requests that the Court issue an Order for Service by Publication in the instant case.

Respectfully submitted,



Attorney for Petitioner

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED that the Summons, Petition to Terminate Parental Rights, Petition for Temporary Legal Custody and Ex Parte Order, Ex Parte Protective Custody Order, Adjudicatory/Dispositional Hearing Order Adverse to Mother, and exhibits, and this ORDER shall be published in Global Legal Notices, a legal notice publication of general circulation in Mexico, for a period of four (4) consecutive weeks and that Proof of Publication be filed with this Court no later than thirty (30) days after completion of the publication.



Judge, Juvenile Court of Jefferson County, Tennessee

DECLARATION OF DUE DILIGENCE SEARCH

I declare, under penalty of perjury of the laws of the State of Tennessee, that the following is true and correct to the best of my knowledge and that I could competently testify, if called, to the following:

1. I am the CEO of Process Service Network, LLC, a process server and investigator with extensive experience in international service of process, am over the age of 18 years, and not a party to the within-named action. I have been a Registered Process Server and owner of Process Service Network, LLC since 1978. I have authored four (4) books on service of process, international investigations and court filing procedures and have conducted training seminars for the past 34 years. I regularly serve, or cause to be served, legal documents domestically and worldwide and supervise all international service and investigation assignments for clients who make assignments to us in Mexico. I regularly conduct MCLE courses on international service of process for major law firms and state Bar Associations. I am a member of the American Bar Association (ABA), Los Angeles County Bar Association, Life Member of the National Association of Investigative Specialists and the International Process Servers

Association. I serve on the Advisory Board of Professional Process Server Network. I am qualified as an expert in my field and can competently testify to the facts stated and declared within.

2. On October 1, 2019, I received an assignment from the Tennessee Department of Children's Services, along with written instructions to locate and serve the named Respondent, **Esther Del Carmen Olivera Hernandez** ("Hernandez"), in the case In the Matter of Brandon Olivera Hernandez, Christian Vasquez Olivera, Miranda Hernandez, Docket #17-00657. I was instructed to serve a Summons, Petition to Terminate Parental Rights, Petition for Temporary Legal Custody and Ex Parte Order, Ex Parte Protective Custody Order, Adjudicatory/Dispositional Hearing Order Adverse to Mother, and exhibits.

3. Service was attempted at Campeche 224B, El Castillo, 68340 San Juan Bautista, Tuxtepec, Oaxaca, Mexico and an unidentified female claimed that she did not know Hernandez. The process server contacted the neighbors immediately adjacent to the address stated in paragraph 2 above and each of them stated that they did not know Hernandez.

4. I conducted a search to locate the whereabouts of Hernandez. The following is a result of that search:

5. Search using Facebook, Twitter, Instagram, MySpace,

YouTube, Google+, WhatsApp, WeChat, Line and Foursquare.

Result: Numerous similar names were located but none were a match to Hernandez.

6. All online telephone directories for the state of Oaxaca, Mexico. Result: no listings were found.

7. Criminal index for Oaxaca, Mexico. Result: Nothing found.

8. Search of business licenses in San Juan Bautista, Mexico. Result: Nothing found.

9. Search of public medical facilities and hospitals in Oaxaca. Result: Nothing found.

10. Search of the Mexico national registry. Result: There are over 1,500 possible matches of individuals in Mexico. None of them match Hernandez.

11. Search using TLO (TransUnion) for name and last known address. Results: Nothing found.

12. Post Office (Servicios Postales) search in San Juan Bautista, Mexico. Result: The postal carrier assigned to the neighborhood stated that Hernandez does not receive mail at that address.

13. Additional database searches revealed 14 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.

14. Other steps, not required for publication, were

taken to locate the Respondent. Result: All were unsuccessful.

15. The addresses searched were provided from the following sources: Petitioner, and obtained in course of our investigation.

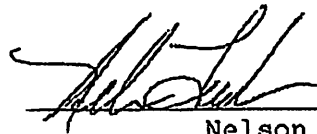
16. SUMMARY: Based upon all available information, I am unable to serve Hernandez.

17. CONCLUSION: In my expert opinion, Hernandez does not reside at the address stated herein.

18. RECOMMENDATION: Service by publication. However, newspapers in Mexico will not publish legal notices which

originate in the United States. The only known method of service by publication is through Global Legal Notice, LLC (www.GlobalLegalNotices.com). Service by publication using that source is more likely to give actual notice to Hernandez than traditional newspaper publication, as described on the website on the page "Comparison Chart."

Executed on this 3rd day of October, 2019, at Chatsworth, CA, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.



Nelson Tucker

EN EL TRIBUNAL DE MENORES PARA EL CONDADO DE JEFFERSON, TENNESSEE

EN MATERIA DE BRANDON OLIVERA, HERNANDEZ
CHRISTIAN VASQUEZ OLIVERA, MIRANDA HERNANDEZ,

ESTHER DEL CARMEN OLIVERA HERNANDEZ,

RESPONDIENTE

12976, 12975, 12977

* Núm. de caso: 17-00657

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* APLICACIÓN PARA UNA

* ORDEN DE SERVICIO DE

* DE NOTIFICACIÓN

* MEDIANTE PUBLICCIÓN;

* PUNTOS Y AUTORIDADES;

* ORDEN DE SERVICIO

* MEDIANTE PUBLICACIÓN

*

**COMPARECE A CONTINUACIÓN EL SOLICITANTE, ESTADO DE TENNESSEE,
DEPARTAMENTO DE SERVICIOS INFANTILES, quien entrega la APLICACIÓN PARA UNA
ORDEN DE NOTIFICACIÓN MEDIANTE PUBLICACIÓN.**

HECHOS DEL CASO

Este caso está relacionado con un accidente automovilístico, como descrito en la petición para la Terminación de la Patria Potestad y otros documentos de respaldo emitido por el tribunal.

PETICIÓN

Después de esfuerzos exhaustivos, el Solicitante no ha podido localizar la Respondiente, Esther Del Carmen Olivera Hernández ("Hernández"). El Solicitante por este medio hace una petición que el Tribunal De Justicia emita una Orden de Notificación Mediante Publicación que duraría un periodo mínimo de cuatro (4) semanas consecutivas y que se publicara una (1) vez por semana durante ese periodo en la publicación de aviso legal en línea, Global Legal Notices®, un sitio web de circulación general en México cual especializa en servicio de notificación mediante publicación y que proporciona varios beneficios sobre periódicos impresos tradicionalmente. Sus normas de actuación sobre publicación es publicar la Orden, cualquier notificación, adicionalmente todos los documentos emitidos por el Tribunal continuamente por el periodo hasta la fecha de la audiencia, cual excede el requerimiento de las normas legales.

ARGUMENTO

El Solicitante ha intentado sin éxito localizar y dar un comunicado oficial a la Respondiente, Hernández, utilizando métodos de investigación tradicionales y métodos de diligencias de emplazamiento. Sin

embargo, Hernández se ha hecho a sí misma no disponible para notificación. No hay una dirección física donde la Respondiente se le pueda dar un comunicado oficial. Fue sabido que el residía en México últimamente. Una búsqueda meticulosa y cuidadosa sobre el paradero de Hernández se efectuó y presenta a este Tribunal la Declaración de Diligencia Debida de Búsqueda (Prueba Documental “A”) que demuestran los pasos que se tomaron en localizar a la Respondiente, Hernández.

El único método alternativo de Servicio de Notificación es la notificación mediante Publicación. Sin embargo, periódicos en México no permiten la publicación de notificaciones legales debido a la ausencia de leyes que proveen para tal método. El único método conocido para un Servicio de Notificación mediante Publicación en México es mediante Global Legal Notices® cual proporciona un método más meticuloso para dar notificación a la Respondiente, como descrito en su sitio web de notificación legal en www.GlobalLegalNotices.com.

Este método permite una oportunidad mayor para dar “notificación efectiva” al Acusado que un Servicio de Notificación mediante Publicación en los periódicos impresos tradicionalmente. Proporciona publicación de la Orden del Tribunal, adicionalmente el conjunto completo de los documentos emitidos por el Tribunal. Además, el periodo de publicación excede lo consuetudinario una vez por semana por cuatro (4) semanas consecutivas por publicación continua de los documentos hasta el momento que el Tribunal solicite que sea removido. Adicionalmente, una búsqueda en Google por el nombre del Respondiente y el país normalmente aparecerá en la primera página del buscador Google aproximadamente 5 días después, así, proporcionando una oportunidad mayor de dar una notificación efectiva a la Respondiente.

PUNTOS Y AUTORIDADES

El Tribunal Supremo de los Estados Unidos en el caso de *Mullane vs. Central Hanover & Bank Co.*; 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 1950), estableció que, “Es un avance lógico en la evolución de enjuiciamiento civil que el uso de nuevas tecnologías en comunicación común sea utilizado.”

Los Tribunales en los Estados Unidos han argumentado que Servicio de Notificación mediante Publicación sobre extranjeros es permisible bajo las Normas federales de Procedimiento Civil 4 (F) (3). Norma 4 permite diligencias de emplazamiento en personas en el extranjero:

- (1) por acuerdos internacionales por medios de servicio de emplazamiento razonablemente calculados para dar notificación;
- (2) por métodos razonablemente calculados como prescripto por las

leyes del país para servicio de notificación para procesos generales o como la autoridad extranjera dicte a una comisión rogatoria; o (3) por otros medios no prohibidos por acuerdo internacional. Porque la enmienda de 1993 a FRCP 4 (F) exhorta que FRCP (4) (3) sea interpretada ampliamente, los tribunales han interpretado FRCP 4 (F) (3) como autorizándolos a utilizar adelantos tecnológicos para servicio de notificación sobre acusados extranjeros. Normas federales de Procedimiento Civil, Norma 4 (3) (1) proporciona que “Servicio de Notificación de una persona...puede ser efectuado en cualquier distrito judicial de los Estados Unidos de acuerdo con la ley del estado en cual el tribunal de distrito este ubicado...”

La dificultad al cual se encara el Solicitante en este caso es que no hay periódicos tradicionales en Mexico que permitan publicación de notificaciones legales cuales se originen en los tribunales en los Estados Unidos.

CONCLUSIÓN

Global Legal Notices® ofrece un método mejorado de proporcionar notificación efectiva a un acusado de una demanda judicial pendiente mientras cumple los requerimientos del tribunal para Servicio de Notificación mediante Publicación.

Hay un amplio consenso que Servicio de Notificación mediante Publicación tiene un índice de éxito limitado en proporcionar notificación efectiva a un acusado que hay una demanda judicial pendiente. Sin embargo, tribunales habitualmente emiten una orden permitiendo Servicio de Notificación mediante Publicación en un periódico, sea tradicional o en línea, como un método de último recurso para completar un servicio de diligencias de notificación.

Por lo cual, El Solicitante respetuosamente solicita que el Tribunal emita una Orden para Servicio de Notificación mediante Publicación en el presente caso.

Respetuosamente solicitado,

Tara Henderlight

Abogado Solicitante

ORDEN DE SERVICIO DE NOTIFICACIÓN POR PUBLICACIÓN

SE ORDENA QUE la Citación, Petición para Terminar la Patria Potestad, Petición de Custodia Legal Temporal y Orden Ex Parte, Orden de Custodia de Protección Ex Parte, Orden de Audiencia Decisoria, Disposición Adversa a la Madre y exhibiciones, y esta orden se publicara en “Global Legal Notices”, una publicación de aviso legal de circulación general en Mexico, por un periodo de cuatro (4) semanas consecutivas y que la prueba de publicación se debe presentar ante este tribunal a más tardar treinta (30) días después de la finalización de la publicación.

Dennis "Will" Roach, II

Juez del Tribunal de Menores del Condado de Jefferson, Tennessee

SUMMONS

ORIGINAL

SUBPOENA
 DUCES TECUM

(Proceeding under Tennessee Code Annotated)

In the JUVENILE COURT OF JEFFERSON COUNTY, TENNESSEE

In the Matter of: Brandon Olivera Hernandez, Christian Vasquez Olivera, Miranda Hernandez
Docket #(s): 17-00657

To/Summon: Esther Del Carmen Olivera Hernandez

Street Address: Campeche 224B, El Castillo, 68340 San Juan Bautista Tuxtepec, Oax., Mexico

Phone: _____

You are hereby commanded to APPEAR PROVIDE THE FOLLOWING* APPEAR AND PROVIDE THE FOLLOWING:

before the Juvenile Court of Jefferson County, Tennessee located in the Jefferson County Justice Center at 765 Justice Center Drive, Dandridge, TN

on the 18th day of September in the year 2019 at 9:00 AM.

and this you shall not fail to do under the penalties prescribed by law.

*Rules of Civil Procedure 45.02 "When appearance is not required, such subpoena shall also require the person to whom it is directed to swear or affirm that the books, papers, documents, or tangible things are authentic to the best of that person's knowledge, information, and belief and to state whether or not all books, papers, documents, or tangible things responsive to the subpoena have been produced for copying or inspection".

Witnessed this the 24th day of January in the year 2019.

Requested by: DCS Legal Division, 865-471-1646

Attachments: _____

By: Kevin Poe
Pam Baiji
Deputy Clerk, Jefferson County Juvenile Court

Officer's Return

() Executed as commanded by delivering to person named herein.

Signature of person being served

Date

*if the person served is not the person summoned, explain:

Mother Father Guardian Step-Parent: _____

Other (explain) _____

() Unable to serve because: _____

Officer's Signature

Date

■ CONVOCATORIA

ORIGINAL

CITACIÓN

DUCES TECUM

(Procediendo bajo el Código de Tennessee Anotado)

En el JUZGADO DE MENORES DEL CONDADO DE JEFFERSON, TENNESSEE

En materia de: Brandon Olivera Hernández, Christian Vásquez Olivera Miranda Hernández

Número de caso: 17-00657

A/Convocar: Esther Del Carmen Olivera Hernández

Dirección: Campeche 224B, El Castillo, 68340 San Juan Bautista Tuxtepec Oax., México

de Teléfono: _____

Por la presente se le ordena aparecer y proporcionar lo siguiente:

ante el Juzgado de Menores del Condado de Jefferson, Tennessee localizado en Jefferson County Justice Center 765 Justice Center Drive, Dandridge, TN

el 18 de septiembre del año 2019 a las 9:00 am.

y esto no debes dejar de hacer bajo las penas prescritas por la ley.

*Ley de Procedimiento Civile 45.02 "Cuando no se requiera la comparecencia, dicha citación también requerirá que la persona a la que se dirige jure o afirme que los libros, documentos, documentos o cosas tangibles son auténticos según el mejor conocimiento, información y creencia de esa persona y para indicar si todos los libros, documentos o cosas tangibles que responden a la citación han sido producidos para copiar o inspeccionar".

Fue testigo este 24th día de January en el año 2019.

Peticionado por: DCS Legal Division, 865-471-1646

Archivos adjuntos: PETICION PARA TERMINAR LA PATRIA POTESTAD

Kevin Poe

Por: *[Signature]*
Deputy Clerk, Jefferson County Juvenile Court

Informe del Oficial

() Ejecutado según lo ordenado entregando a la persona nombrada aquí.

Firma de la persona servida

Fecha

*Si la persona que se sirve no es la persona convocada, explique:

- Madre Padre Tutor Padrastro: _____
 Otro (Explique) _____

() No se pudo servir: _____

Firma del oficial:

Fecha:

IN THE JUVENILE COURT FOR JEFFERSON COUNTY, TENNESSEE



STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner

vs

Docket No. 17-00657

Esther Del Carmen Olivera Hernandez, Mother
Incarcerated in the Aliceville Corr. Institute
11070 AL-14
Aliceville, AL 35442

Misael Martinez, Alleged Father
Mexico

Jose Alonzo Vasquez Salvador,
Alleged Father of Christian
Mexico

Respondents



IN THE MATTER OF:

- Brandon Olivera Hernandez, d.o.b. 07/05/2008 [Juvenile ID# 12976]
- Christian Vasquez Olivera, d.o.b. 05/01/2007 [Juvenile ID# 12975]
- Miranda Hernandez, d.o.b. 06/01/2011 [Juvenile ID# 12977]

CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE

PETITION TO TERMINATE PARENTAL RIGHTS

Comes now the State of Tennessee, Department of Children's Services, hereinafter "DCS", by and through its duly authorized representative, Laura Cross, and seeks an order terminating the parental rights of the Respondent, Esther Del Carmen Olivera Hernandez, to the children, Brandon Olivera Hernandez, Christian Vasquez Olivera and Miranda Hernandez and terminating the parental rights of the Respondent, Misael Martinez, to the children, Brandon Olivera Hernandez, Christian Vasquez Olivera

FILED 8/31 2017
AT 12:35 O'CLOCK P.M.
PENNY O. MURPHY, CLERK

and Miranda Hernandez and terminating the parental rights of the Respondent, Jose Alonzo Vasquez Salvador, to the children, Brandon Olivera Hernandez, Christian Vasquez Olivera and Miranda Hernandez.

The order, if granted, will forever sever all of the Respondents' rights, responsibilities, and obligations, if any, to the above-named children and will terminate all of the child's rights and obligations to the Respondents arising from the parental relationship, unless otherwise allowable by law. The order will place the child in the full guardianship of DCS, granting the right to place the child for adoption and to consent to any adoption. The order also will deny the Respondents any right to notice of adoption proceedings, to object to the child's adoption or to have any relationship, legal or otherwise, with the child.

In support of this petition, DCS shows as follows:

PARTIES

1. The Petitioner, DCS, is the current legal custodian of the children. The Juvenile Court of JEFFERSON COUNTY awarded DCS custody of the children, effective **MAY 24, 2016**; the children have been in foster care continuously since that date. *See Exhibit 1, Petition and Order for Custody.*
2. The Juvenile Court of JEFFERSON COUNTY adjudicated the children dependent and neglected on **AUGUST 3, 2016**. *See Exhibit 2, Order of Adjudication.*
 - 3a. The child, Christian Vasquez Olivera, was born to **ESTHER DEL CARMEN OLIVERA HERNANDEZ** in **NEWPORT, COCKE COUNTY, TENNESSEE**. No father is listed on the Birth Certificate. *See Exhibit 3a, Birth Certificate.*
 - 3b. The child, Miranda Olivera Hernandez, was born to **ESTHER DEL CARMEN OLIVERA HERNANDEZ** in **KNOXVILLE, KNOX COUNTY,**

TENNESSEE. No father is listed on the Birth Certificate. See Exhibit 3b, Birth Certificate.

3c. The child, Brandon Olivera Hernandez, was born to ESTHER DEL CARMEN OLIVERA HERNANDEZ in KNOXVILLE, KNOX COUNTY, TENNESSEE. No father is listed on the Birth Certificate. *See Exhibit 3c, Birth Certificate.*

4. The Respondent, **ESTHER DEL CARMEN OLIVERA HERNANDEZ**, is currently incarcerated at the Aliceville Correctional Institute, 11070 AL-14, Aliceville, AL 35442. Verification that she has received notice of the final hearing and of her rights pursuant to TCA § 36-1-113(f) will be tendered to the Court as the final hearing of this matter.

FATHER(S) OF THE ABOVE NAMED CHILD(REN)

The State has consulted the putative father registry within ten (10) days of the filing of this Petition for Termination of Parental Rights and there are no other claims of paternity of the herein child(ren), except as listed below.

5(a). The Respondent, **MISAEEL MARTINEZ**, is the putative father of the above-named child(ren), pursuant to T.C.A. § 36-1-117(c) because he has been specifically identified to DCS, their agents or assigns, as the father of the child(ren) by the child(ren)'s biological mother in a sworn, written statement or by other information that the court determines to be credible and reliable.

5(b). The above father is presently in a location that is unknown to DCS, despite a diligent search for him. His last known address is [LAST KNOWN ADDRESS].

6(a). The Respondent, **JOSE ALONZO VASQUEZ SALVADOR**, is the putative father of the above-named child(ren), pursuant to T.C.A. § 36-1-117(c) because he has been specifically identified to DCS, their agents or assigns, as the father of the child(ren) by the child(ren)'s biological mother in a sworn, written statement or by other information that the court determines to be credible and reliable.

6(b). The above father is presently in a location that is unknown to DCS, despite a diligent search for him. His last known address is [LAST KNOWN ADDRESS].

JURISDICTION AND VENUE

1. The Court has jurisdiction over the subject matter and parties hereto pursuant to T.C.A. § 36-1-113(a), 37-1-103(c), 37-1-104(c) and 37-1-147.

2. Venue is appropriate pursuant to T.C.A. § 37-1-111.

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.

FACTS

The mother, Ms. Hernandez, was placed on a federal hold for drug trafficking and sales. The oldest child, Daniel, was also having truancy issues. The mother became incarcerated on January 19, 2016 and had left her children with Reyna Perez, who is allegedly the children's aunt. Ms. Perez did not have sufficient income or living space for the children to continue residing there. Six children were sleeping in one room. Mother remains incarcerated.

GROUNDS

GROUND NO. 1

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 FATHERS]

1. The above named Respondent(s) abandoned the child(ren) because he/she willfully has not visited or has made only token visits in the four (4) months right before this petition was filed.

2. Compliance with T.C.A. § 37-2-403(a)(2)(B) has been established because the Respondents' knew the consequences failing to visit because DCS made diligent efforts to explain the consequences of a failure to visit the child regularly to the Respondent(s) by doing a diligent search for the fathers to explain the criteria to them.

GROUND NO. 2

ABANDONMENT – FAILURE TO SUPPORT

T.C.A. § 36-1-113(g)(1) and 36-1-102(1)(A)(i) and -102(1)(D)

[AS TO FATHERS]

1. Respondent has abandoned the child(ren) because he/she willfully has not supported the child or has made only token payments toward the child(ren)'s support in the four (4) months right before this petition was filed.

2. Compliance with T.C.A. § 37-2-403(a)(2)(B) has been established because the Respondents' knew the consequences failing to support because DCS made diligent efforts to explain the consequences of a failure to support the child regularly to the Respondent(s) by doing a diligent search for the fathers to explain the criteria to them.

GROUND 3
ABANDONMENT BY INCARCERATED PARENT – WANTON DISREGARD
T.C.A. § 36-1-113(G)(1) AND 36-1-102(1)(A)(iv)
[AS TO MOTHER]

1. Respondent was in jail part or all of the four (4) months just before this petition was filed.
2. Before going to jail, he/she has engaged in conduct that exhibits a wanton disregard for the child(ren)'s welfare.

GROUND 4
ABANDONMENT – FATHER'S FAILURE TO SUPPORT MOTHER
T.C.A. § 36-1-113(g)(1) and 36-1-102(1)(A)(iii), -102(1)(C) and -102(1)(E)
[AS TO FATHERS]

1. The Respondent/Fathers, Misael Martinez and Jose Alonzo Vasquez Salvador, have abandoned the children, Brandon Olivera Hernandez, Christian Olivera Vasquez and Miranda Olivera Hernandez, because they willfully failed to visit or did not make reasonable payments toward the support of the child's mother in the four (4) months before birth.

GROUND 5
SUBSTANTIAL NON-COMPLIANCE WITH PERMANENCY PLAN
T.C.A. § 36-1-113(g)(2) and 37-2-403(a)(2)
[AS TO ALL RESPONDENTS]

1. After the child(ren) came into state's custody, DCS created a permanency plan for the child(ren) and family. The permanency plan listed a number of requirements that Respondent(s) needed to satisfy before the child could safely be returned home.

3. The Respondent(s) have not substantially complied with the responsibilities and requirements set out in the permanency plan.

4. DCS made reasonable efforts to help the Respondent(s) to satisfy the requirements in the permanency plan.

GROUND 6
FAILURE TO ESTABLISH/EXERCISE PATERNITY
T.C.A. § 36-1-113(g)(9) and 36-1-117(c)
[AS TO FATHERS]

1. The Respondents, Misael Martinez and Jose Alonzo Vasquez Salvador, are not the legal father or guardian of the child(ren), Brandon Olivera Hernandez, Christian Olivera Hernandez and Miranda Olivera Hernandez, pursuant to T.C.A. § 36-1-102(28)

2. Said Respondents have failed, without good cause or excuse, to pay a reasonable share of prenatal, natal or postnatal expenses for the child in accordance with his means promptly upon getting notice of the child's impending birth, having had notice by notice from the mother.

3. Said Respondents have failed, without good cause or excuse, to make reasonable and consistent payments for the child's support.

4. Said Respondents have failed to seek reasonable visitation with the child or has engaged in only token visitation.

5. Said Respondents have failed to manifest a willingness and ability to take custody of the child.

6. Said Respondents have failed to file a petition for paternity, after having been given notice by the mother.

7. Placing custody of the child in the either Respondent's custody would pose a risk of substantial harm to child's physical or psychological welfare.

GROUND 7
FAILURE BY LEGAL PARENT OR GUARDIAN TO MANIFEST ABILITY AND
WILLINGNESS TO PARENT
T.C.A. § 36-1-113(g)(14)
[AS TO MOTHER]

1. Respondent is the legal parent of these children and has failed, by act or omission, to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the child, and placing the child in the mother's legal and physical 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)

The termination of the parental rights of the above-named Respondents is in the best interest of the minor child(ren) herein for the following reasons:

1. The Respondents, Esther Del Carmen Olivera Hernandez, Misael Martinez and Jose Alonzo Vasquez Salvador, have not made changes to their conduct or circumstances that would make it safe for the child(ren) to go home. Specifically, the fathers have made no effort to visit their children and the mother has been incarcerated throughout the custodial episode and will likely be deported following her incarceration.

2. The Respondents, Esther Del Carmen Olivera Hernandez, Misael Martinez and Jose Alonzo Vasquez Salvador, have not made lasting changes in their lifestyle or conduct after reasonable efforts by the state to help, so that lasting change does not

appear possible. Despite the reasonable efforts from the state for a period of 14 months, they still are not in a position to parent these children.

3. The Respondents, Esther Del Carmen Olivera Hernandez, Misael Martinez and Jose Alonzo Vasquez Salvador, have not maintained regular visitation with the child(ren) such that a parent-child bond remains.

4. Changing caregivers at this state of the child(ren)'s lives will have a detrimental effect on the child(ren).

5. The Respondent(s), Misael Martinez, Jose Alonzo Vasquez Salvador and Esther Del Carmen Olivera Hernandez, have abandoned the child(ren) financially having not contributed to their support in a consistent and adequate manner without the ability to support the child(ren) in their home.

6. The Respondent(s), Misael Martinez and Jose Alonzo Vasquez Salvador, have shown little or no interest in the welfare of the child(ren) and have abandoned the care of the child(ren) to the state.

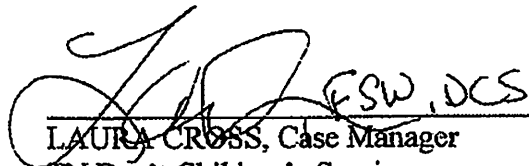
7. The child(ren) have established a strong bond with the foster parent(s) who have indicated a desire to adopt the child(ren).

WHEREFORE, based upon the facts and legal arguments stated above, the **PETITIONER PRAYS FOR THE FOLLOWING:**

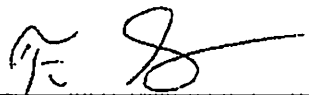
1. That the Respondent(s) be served with a copy of this petition and be required to appear and answer.

2. That the Court inquire as to the Respondents' financial circumstances and appoint counsel as warranted.

2. That the Court inquire as to the Respondents' financial circumstances and appoint counsel as warranted.
3. That the Court re-appoint the Guardian Ad Litem, **MINDY SEALS**, Esq., in the underlying dependency and neglect matter.
4. That, upon hearing, the Court enter a decree forever terminating the parental rights that the Respondent(s) have to the subject child(ren); providing that the Respondent(s) shall have no further right to get notice of proceedings for the adoption of the child(ren), to object to the adoption of the child(ren), or to have any relationship, legal or otherwise, with the child; and awarding the complete custody, control and guardianship of the child to DCS, with the right to place the child(ren) for adoption and to consent to such adoption *in loco parentis*.
5. Any and all further relief the Court may deem just and proper.


LAURA CROSS, Case Manager
TN Dep't Children's Services

RESPECTFULLY SUBMITTED,


TIMOTHY J GUDMUNDSON, ESQ. [BPR #028079]
Assistant General Counsel
Smoky Mountain Region, TN Dep't Children's Services
613 W. Hwy. 11-E, Suite 1
New Market, TN 37820
(865) 471-1652


NOTICE OF APPEAL RIGHTS

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 9A, Tennessee Rules of Appellate Procedure, for information concerning the special provisions that apply to any appeal of this case.

STATE OF TENNESSEE
COUNTY OF JEFFERSON

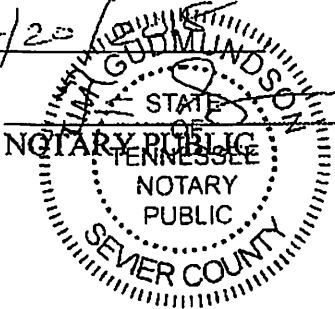
I, Laura Cross, after first being duly sworn and cautioned according to law, make oath that the facts stated in the foregoing Petition are true and correct to the best of my knowledge, information and belief.



LAURA CROSS FSW, DCS

Sworn and Subscribed to before me on this the 15th Day of August, 2017.

My Commission Expires: 2/20/18



NOTARY PUBLIC
SEVIER COUNTY
STATE OF TENNESSEE

IN THE JUVENILE COURT OF JEFFERSON COUNTY, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
Petitioner,

No. 16-00457

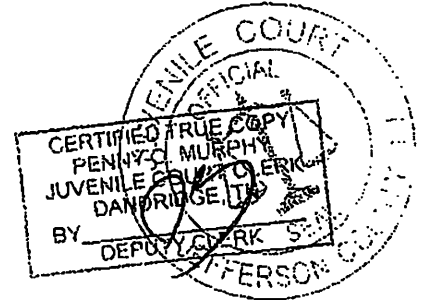
v.

Ester del Carmon Olivera Hernandez
[Mother]
Incarcerated
116 E. Depot, #2000
Greeneville, TN 37743
423-798-1800

Misael Martinez
[Alleged Father]
Mexico

Reyna Perez
[Physical Custodian]
720 E. Ellis St.
Jefferson City, TN 37760
423-273-9934

Respondents.



IN THE MATTER OF:

Daniel Hernandez, DOB 08/17/1999 [Juvenile ID# 12951]
Christian Vazquez Olivera, DOB 05/01/2007 [Juvenile ID# 12975]
Brandon Hernandez, DOB 07/05/2008 [Juvenile ID# 12976]
Miranda Hernandez, DOB 06/01/2011 [Juvenile ID# 12977]

CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE
Removed into DCS Custody on May 24, 2016

**PETITION FOR TEMPORARY LEGAL CUSTODY
AND EX PARTE ORDER**

The State of Tennessee, Department of Children's Services ("DCS"), by and through its duly authorized representative, Brenna Cervino, Case Manager, asks this Court to find the children, Daniel Hernandez, Christian Olivera, Brandon Hernandez, and Miranda Hernandez, dependent and neglected, and to award temporary legal custody of the children to DCS, pursuant to T.C.A. § 37-1-129 to -130. This petition is brought upon the following facts.

JUVENILE COURT CLERK

FILED

DATE 5-26-16

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to T.C.A. § 37-1-103.
2. Venue is appropriate in this Court pursuant to T.C.A. § 37-1-111(a) and/or (c), because the children are residents of and/or currently present in this county.
3. Pursuant to the Uniform Child Custody and Jurisdiction Enforcement Act, Petitioner states that DCS has not participated in any other proceeding concerning the children, 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 children or claims rights of legal or physical custody of or visitation with the children, except as otherwise noted in this petition.
4. Neither parent is a member of the Armed Forces, and the Servicemembers Civil Relief Act does not apply to this proceeding.
5. The children are not Indian children, and the Indian Child Welfare Act does not apply to this proceeding.

II. DEPENDENCY & NEGLECT

1. Daniel Hernandez, Christian Olivera, Brandon Hernandez, and Miranda Hernandez are dependent and neglected within the meaning of T.C.A. § 37-1-102(b)(12), due to the following facts and circumstances.
 - a. The oldest child, Daniel, was brought before the Jefferson County Juvenile Court on May 18, 2016 for truancy and a CPS case was initiated. Daniel and his siblings were residing with their aunt, Reyna Perez. The mother, Ester, has been incarcerated since January 19, 2016 in Greeneville, Tennessee on a federal hold for trafficking and drug sales. Ms. Perez reported that the alleged father, Misael Martinez, was deported to Mexico years ago. No one had contact information for Mr. Martinez.
 - b. While at court on May 18, CPS Brenna Cervino scheduled a meeting with Ms. Perez. Ms. Perez did not keep the appointment. CPS attempted numerous home visits and phone calls and finally was able to get Ms. Perez to schedule and keep an appointment for a meeting on May 24, 2016. She did not initially bring the herein children to the meeting, as requested.
 - c. Ms. Perez reported the children began living with her after their mother's arrest.

- d. Daniel is not a citizen. He came to the United States in approximately 2013. However, the three younger children are citizens.
- e. The seven-year-old child, Brandon, disclosed that he works at a restaurant, along with Daniel and Miranda. Ms. Perez stated that Daniel does work after school, but that the younger children just help out and she gives them some money.
- f. Daniel had missed approximately 18 days of school, almost in a row, in May 2016. The family had also missed truancy review board.
- g. Ms. Perez and her husband are not citizens. She stated that they have no criminal history and could pass drug screens.
- h. Ms. Perez admitted that her family did not have sufficient income or living space for the children to continue residing there. Six children were sleeping in one room.

III. REASONABLE EFFORTS

Based on an assessment of the family and children's circumstances, it was reasonable to make no effort to maintain the children in the home.

IV. CUSTODY

1. Based on the facts stated above, the children were subject to an immediate threat to the extent that delay for a hearing would be likely to result in severe or irreparable harm.
2. There is no less drastic alternative to removal from the home that will reasonably protect the children's health and safety pending a preliminary hearing.
3. The children were removed into protective custody by DCS on May 24, 2016.

V. BEST INTEREST

It is in the best interest of the children and the public that this proceeding be brought. It is contrary to the welfare of the children to remain in the home. The children should be removed from the home and placed in the temporary legal custody of DCS for the reasons stated above.

VI. PARTIES

1. The mother of the children is Ester del Carmon Olivera Hernandez, whose address is listed in the caption.
2. The alleged father of the children is Misael Martinez, believed to reside in Mexico.

3. The physical custodian of the children is Reyna Perez, whose address is listed in the caption.

WHEREFORE, PETITIONER PRAYS:

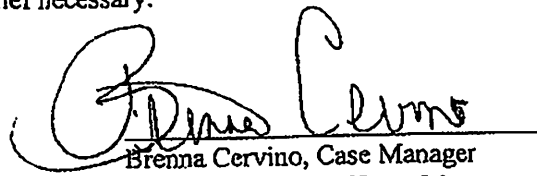
1. That upon the filing of this petition, the Court enter an immediate protective custody order taking the above-named children into the protective custody of this Court and awarding the temporary care and custody of the children to DCS, pending further hearing.
2. That the parents should have supervised visitation with the children, not to include overnight visitation, according to the rules and regulations of the Department of Children's Services. The children shall not participate in visitation at a jail or prison with any incarcerated person. The Department of Children's Services shall have the authority to modify visitation by relaxing or eliminating the requirement of supervision and by increasing the frequency or duration of visits, up to and including overnight visitation, at the discretion of the Department and based upon progress toward reunification.
3. That the Respondents be served with a copy of this petition, the protective custody order, and a summons to appear and answer.
4. That a summons be directed to Daniel Hernandez, a child fourteen years of age or older, as required by T.C.A. § 37-1-121(a).
5. That a Guardian Ad Litem be appointed for the children, to be compensated pursuant to T.C.A. § 37-1-150 and applicable rules.
6. That the Court consider the need to appoint counsel for the children's parents, who may be incompetent or indigent, or as may otherwise be required by law, with compensation to be paid pursuant to T.C.A. § 37-1-150 and applicable rules.
7. That the Court hold a preliminary hearing no later than three (3) days excluding Saturdays, Sundays, and legal holidays but no longer than eighty-four (84) hours after the children's removal to determine the issue of temporary custody of the children pending the final adjudication of this matter.
8. That at a final hearing of this matter, the Court find the above-named children to be dependent and neglected within the meaning of the law; that it is contrary to the children's best interest to remain in the home; that reasonable efforts were made to prevent removal of the child

or that reasonable efforts were not required; and that there is no less drastic alternative to removal.

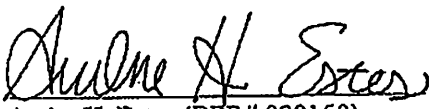
9. That based on the findings above, the Court award temporary legal custody of the children to DCS, granting DCS the authority to consent to ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric or psychological care, subject to further orders of this Court.

10. That the Court inquire into the ability of each parent to pay support and the cost of medical care for the children and enter an order accordingly.

11. That the Court grant any other general relief necessary.



Brenna Cervino, Case Manager
Jefferson County Office of the
Department of Children's Services

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

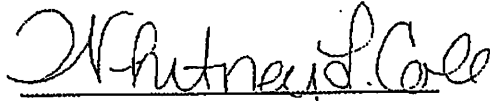
BY: 
Audre H. Estes (BPR# 029150)
Assistant General Counsel
613 W. Hwy 11-E, Suite 1
New Market, TN 37820
865-475-0722

STATE OF TENNESSEE
COUNTY OF JEFFERSON

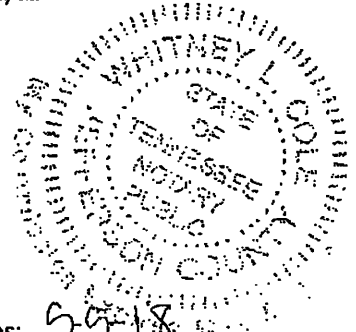
I, Brenna Cervino, being duly sworn according to law, state that the facts set out in the petition above are true and correct to the best of my knowledge, information, and belief.


Brenna Cervino, Case Manager

Sworn to and subscribed before me, this the 20th day of May, 2016.


Notary Public

My Commission expires: 5-5-18



IN THE JUVENILE COURT OF JEFFERSON COUNTY, TENNESSEE

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

No. 16-00457

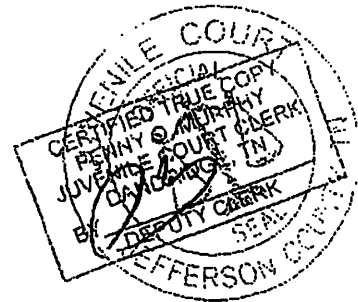
v.)

Ester del Carmon Olivera Hernandez)
[Mother])
Incarcerated)
116 E. Depot, #2000)
Greeneville, TN 37743)
423-798-1800)

Misael Martinez)
[Alleged Father])
Mexico)

Reyna Perez)
[Physical Custodian])
720 E. Ellis St.)
Jefferson City, TN 37760)
423-273-9934)

Respondents.)



IN THE MATTER OF:

Daniel Hernandez, DOB 08/17/1999 [Juvenile ID# 12951]
Christian Vazquez Olivera, DOB 05/01/2007 [Juvenile ID# 12975]
Brandon Hernandez, DOB 07/05/2008 [Juvenile ID# 12976]
Miranda Hernandez, DOB 06/01/2011 [Juvenile ID# 12977]

CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE
Removed into DCS Custody on May 24, 2016

EX PARTE PROTECTIVE CUSTODY ORDER

Based upon the facts stated in the verified petition filed in this cause, the Court finds:

1. This Court has jurisdiction over this action, and venue is appropriate in this County.
2. There is probable cause to believe that the above-named children are dependent and neglected pursuant to T.C.A. § 37-102(b).
3. The children are subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm.

JUVENILE COURT CLERK
FILED
DATE 5-27-16
PENNY O. MURPHY

4. There is no less drastic alternative to removal available that would reasonably and adequately protect the children's health and safety pending a hearing.
5. It is contrary to the children's welfare to remain in the home for the reasons set out in the petition.
6. Based upon Sections II and III of the petition filed in this cause, it was reasonable to make no effort to maintain the children in the home due to the circumstances of the family and children.

IT IS THEREFORE ORDERED:


1. That Daniel Hernandez, Christian Olivera, Brandon Hernandez, and Miranda Hernandez are hereby brought into the protective jurisdiction of this Court.
2. That the temporary legal custody of the above-named children is awarded to the State of Tennessee, Department of Children's Services, as of May 24, 2016.
3. That the Department of Children's Services shall provide appropriate placement and services for the children, and is granted authority to consent to any ordinary or necessary medical, surgical, hospital, educational, institutional, psychiatric or psychological care pending further order of this Court.
4. That the parents shall have supervised visitation with the children, not to include overnight visitation, according to the rules and regulations of the Department of Children's Services. The children shall not participate in visitation at a jail or prison with any incarcerated person. The Department of Children's Services shall have the authority to modify visitation by relaxing or eliminating the requirement of supervision and by increasing the frequency or duration of visits, up to and including overnight visitation, at the discretion of the Department and based upon progress toward reunification.
5. That a preliminary hearing shall be held in this matter on the 1ST day of JUNE 2016 at 9:00 (AM) PM at the Jefferson County Juvenile Court at 765 Justice Center Dr., Dandridge, TN 37725.
6. That Mindy Seals is hereby appointed as Guardian Ad Litem to represent the best interest of the children.
7. That all state, county, or local agencies with information or records relevant to the

children's situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services and to its agents.

8. That all records produced by the Department of Children's Services during these proceedings, either in response to a discovery request or distributed at a hearing, shall be maintained by the parties and their counsel as confidential records and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Department of Children's Services or the individual identified in the record.

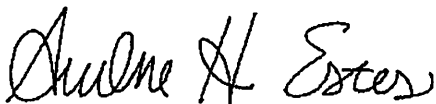
9. That at the conclusion of these proceedings, all such records containing protected health information (including medical, mental health, and substance abuse treatment records) in the possession of the parties and their counsel shall be returned to the Department of Children's Services or destroyed.

ENTERED this the 27 day of May, 2016.



JUDGE DENNIS "WILL" ROACH, II
JEFFERSON COUNTY JUVENILE COURT

PREPARED BY:



Audre H. Estes (BPR# 029150)
Tennessee Department of Children's Services
Assistant General Counsel
613 W. Hwy 11-E, Suite 1
New Market, TN 37820
865-475-0722

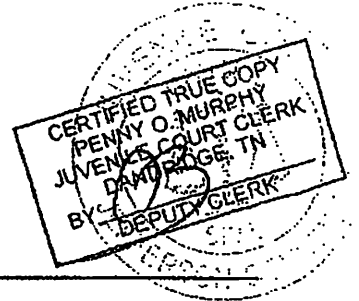
IN THE JUVENILE COURT OF JEFFERSON COUNTY, TENNESSEE

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

§ No. 16-00457

IN THE MATTER OF:

Daniel Hernandez, DOB 08/17/1999 [Juvenile ID# 12951]
Christian Vazquez Olivera, DOB 05/01/2007 [Juvenile ID# 12975]
Brandon Hernandez, DOB 07/05/2008 [Juvenile ID# 12976]
Miranda Hernandez, DOB 06/01/2011 [Juvenile ID# 12977]



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

ADJUDICATORY/DISPOSITIONAL HEARING ORDER ADVERSE TO MOTHER

HEARD BY: JUDGE DENNIS "WILL" ROACH, II

DATE OF HEARING: August 3, 2016

DATE PETITION FILED: May 26, 2016

DATE CHILD(REN) ENTERED DCS CUSTODY: May 24, 2016

PRESENT FOR TODAY'S HEARING:

The mother, Ester del Carmon Olivera Hernandez (aka Esther Hernandez) had service and failed to appear; incarcerated in Greene County Detention Center

The alleged father, Misael Martinez did not have notice or whereabouts

- Guardian Ad Litem, Mindy Seals
- DCS Attorney, Audre H. Estes
- DCS Representative, Brenna Cervino
- DCS Representative, Laura Cross

JUVENILE COURT
FILED 8-31 2016
AT 9:09 O'CLOCK P.M.
PENNY O. MURPHY, CLERK

COURT FINDINGS:

A. Upon the evidence presented, statements of counsel and the record as a whole, the Court finds that clear and convincing evidence has been established pursuant to T.C.A. § 37-1-129(c) to show that the children are dependent and neglected within the meaning of the law, for all of the reasons set out in the petition filed in this cause, which are hereby specifically incorporated by reference into this Adjudicatory Hearing Order; that removal of the children is required pursuant to T.C.A. § 37-1-


114(2); that there is no less drastic alternative to removal; that it is contrary to the children's welfare to remain in the care, custody or control of the parent(s) or former custodian(s); and that clear and convincing evidence has been established to show that that the children are dependent and neglected for the following additional reasons: the mother, Esther Hernandez, is hereby held in default for her failure to appear. She remains incarcerated.

B. Reasonable Efforts. The Court finds that based on an assessment of the family and the children's circumstances, it was reasonable to make no effort to maintain the children in the home.

The Court further finds that the following is in the best interest of the children and the public, and it is **THEREFORE ORDERED** that:


1. **JURISDICTION.** The above-named children shall remain within the protective jurisdiction of this Court.
2. **CUSTODY.** The State of Tennessee, Department of Children's Services, shall retain the temporary care and custody of the children, with the authority to make appropriate plans for the children's care and supervision as previously ordered, pending the final hearing.
3. **VISITATION.** The parents shall have supervised visitation with the children, not to include overnight visitation, according to the rules and regulations of the Department of Children's Services. The child shall not participate in visitation at a jail or prison with any incarcerated person. The Department of Children's Services shall have the authority to modify visitation by relaxing or eliminating the requirement of supervision and by increasing the frequency or duration of visits, up to and including overnight visitation, at the discretion of the Department and based upon progress toward reunification.
4. This case shall be heard upon motion.
5. All prior orders by this Court, not otherwise modified herein, shall continue in full force and effect.

ENTERED this the 31st day of August, 2016.

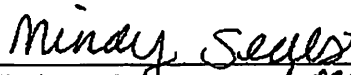


JUDGE DENNIS "WILL" ROACH, II
JEFFERSON COUNTY JUVENILE COURT

APPROVED FOR ENTRY BY:



Audre H. Estes (BPR# 029150)
Tennessee Department of Children's Services
Assistant General Counsel
613 W. Hwy 11-E, Suite 1
New Market, TN 37820
865-475-0722



Mindy Seals *of permission*
Guardian Ad Litem *AdL*


CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing Adjudicatory Hearing Order, on this the 25th day of August, 2016 to:

Esther Hernandez
Greene County Detention Center
116 E. Depot, #2000
Greeneville, TN 37743

Misael Martinez
Address Unknown
Copy available at Jefferson County Juvenile Court
Pursuant to Tenn. R. Civ. P. 5.02

Mindy Seals,
Guardian Ad Litem
Via email, *judgemns@yahoo.com*



Audre H. Estes (BPR# 029150)
TN Department of Children's Services

STATE OF TENNESSEE
Office of Vital Records



TENNESSEE DEPARTMENT OF HEALTH
CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER: 141-



CHILD	1. CHILD'S NAME (First, Middle, Last, Suffix) Miranda Olvera Hernandez			5. FACILITY NAME (If not institution, give street and number) U T Memorial Hospital	
	2. SEX Female	3. DATE OF BIRTH (Mo/Day/Yr) 06/01/2010	4. TIME OF BIRTH 11:36 PM	7. COUNTY OF BIRTH Knox	
MOTHER	8a. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) Esther Del Carmen Olvera Hernandez			8b. DATE OF BIRTH (Mo/Day/Yr) April 16, 1979	
	8c. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Suffix) Esther Del Carmen Olvera Hernandez			8d. BIRTHPLACE (State, Territory, or Foreign Country) Mexico	
	9a. RESIDENCE OF MOTHER-STATE OR COUNTRY Tennessee		9b. COUNTY Jefferson		9c. CITY, TOWN, OR LOCATION Jefferson City
	9d. STREET AND NUMBER 1529 Pearl Ave.		9e. APT. NO.	9f. ZIP CODE 37760-0000	9g. INSIDE CITY LIMITS?
	10. MOTHER'S MAILING ADDRESS <input type="checkbox"/> Same as residence, or				
FATHER	11a. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix)			11b. DATE OF BIRTH (Mo/Day/Yr)	11c. BIRTHPLACE (State, Territory, or Foreign Country)
	12. CERTIFIER'S SIGNATURE AND DATE CERTIFIED <i>Rebecca L. Wood</i> 6-2-10				
CERTIFIER	SIGNATURE				
	TITLE: <input type="checkbox"/> MD <input type="checkbox"/> DO <input checked="" type="checkbox"/> HOSPITAL DESIGNEE <input type="checkbox"/> CNM/CN <input type="checkbox"/> CPM <input type="checkbox"/> OTHER MIDWIFE <input type="checkbox"/> OTHER: Rebecca L. Wood				
13. REGISTRAR'S SIGNATURE <i>Christa Bell</i>				14. DATE FILED BY REGISTRAR (Mo/Day/Yr) JUN 09 2010	

8653365

I hereby certify the above to be a true and correct representation of the record or document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Tennessee Department of Health. Alteration or erasure voids this certification. Reproduction of this document is prohibited.

Tennessee Code Annotated 68-3-101 et seq., Vital Records Act of 1977.



8653365

H. Benton McDonough, JD
H. Benton McDonough, JD
STATE REGISTRAR

John J. Dreyzelner, MD, MPH, FACQEM
John J. Dreyzelner, MD, MPH, FACQEM
COMMISSIONER

Date Issued:

Jun-09-2010

CERTIFICATION OF VITAL RECORD



STATE OF TENNESSEE
Office of Vital Records



TENNESSEE DEPARTMENT OF HEALTH
CERTIFICATE OF LIVE BIRTH



STATE FILE NUMBER: 141-

2008 040843

CHILD	1. CHILD'S NAME (First, Middle, Last, Suffix) Brandon Olivera Hernandez						
	2. SEX Male	3. DATE OF BIRTH (Mo/Day/Yr) 07/05/2008	4. TIME OF BIRTH 01:06 PM	5. FACILITY NAME (If not institution, give street and number) UT Memorial Hospital			
	6. CITY, TOWN, OR LOCATION OF BIRTH Knoxville			7. COUNTY OF BIRTH Knox			
MOTHER	8a. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) Esther Del Carmen Olivera Hernandez						8b. DATE OF BIRTH (Mo/Day/Yr) April 16, 1979
	8c. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Suffix) Esther Del Carmen Olivera Hernandez						8d. BIRTHPLACE (State, Territory, or Foreign Country) Mexico
	8e. RESIDENCE OF MOTHER-STATE OR COUNTRY Tennessee			8f. COUNTY Hamblen		8g. CITY, TOWN, OR LOCATION Morristown	
	8h. STREET AND NUMBER 1206 West 5th North St.			8i. APT. NO.	8j. ZIP CODE 37814-0000	8k. INSIDE CITY LIMITS? Yes	
	8l. MOTHER'S MAILING ADDRESS <input type="checkbox"/> Same as residence, or: Street and Number: _____ Apt. No. _____ City _____ State or Country _____ Zip Code _____						
FATHER	11a. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix)			11b. DATE OF BIRTH (Mo/Day/Yr)		11c. BIRTHPLACE (State, Territory, or Foreign Country)	
	12. CERTIFIER'S SIGNATURE AND DATE CERTIFIED Rebecca L. Wood 7-7-08 SIGNATURE: _____ DATE SIGNED (Mo/Day/Yr) _____						
CERTIFIER	TITLE: <input type="checkbox"/> MD <input type="checkbox"/> DO <input checked="" type="checkbox"/> HOSPITAL DESIGNEE <input type="checkbox"/> CNRMCM <input type="checkbox"/> CPM <input type="checkbox"/> OTHER MIDWIFE <input type="checkbox"/> OTHER: _____						
	13. REGISTRAR'S SIGNATURE Steven D. Anderson, JR					14. DATE FILED BY REGISTRAR (Mo/Day/Yr) JUL 14 2008	
CERTIFIER'S PRINTED NAME Rebecca L. Wood							

I hereby certify the above to be a true and correct representation of the record or document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Tennessee Department of Health. Alteration or erasure voids this certification. Reproduction of this document is prohibited.

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Tennessee Code Annotated 60-3-101 et seq., Vital Records Act of 1977.



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R. Benion McDonough, JD
R. Benion McDonough, JD
STATE REGISTRAR

John J. Dreyzehner, MD, MPH, FACOEM
John J. Dreyzehner, MD, MPH, FACOEM
COMMISSIONER

Date Issued

Jun-09-2016

CERTIFICATION OF VITAL RECORD



STATE OF TENNESSEE
Office of Vital Records



TENNESSEE DEPARTMENT OF HEALTH
CERTIFICATE OF LIVE BIRTH



STATE FILE NUMBER: 141-

2007 014639

CHILD	1. CHILD'S NAME (First, Middle, Last, Suffix) Christian Vazquez Olivera				
	2. SEX Male	3. DATE OF BIRTH (Mo/Day/Yr) 03/01/2007	4. TIME OF BIRTH 06:48 AM	5. FACILITY NAME (If not institution, give street and number) Baptist Hospital Of Cocke Co	
	6. CITY, TOWN, OR LOCATION OF BIRTH Newport			7. COUNTY OF BIRTH Cocke	
MOTHER	6a. MOTHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) Esther Del Carmen Olivera Hernandez				8b. DATE OF BIRTH (Mo/Day/Yr) April 16, 1979
	6c. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last, Suffix) Esther Del Carmen Olivera Hernandez				8d. BIRTHPLACE (State, Territory, or Foreign Country) Mexico
	8a. RESIDENCE OF MOTHER-STATE OR COUNTRY Tennessee		8b. COUNTY Hamblen		8c. CITY, TOWN, OR LOCATION Morristown
	8d. STREET AND NUMBER 447 West Andrew Johnson Hwy		8e. APT. NO.	8f. ZIP CODE 37814	8g. INSIDE CITY LIMITS?
	10. MOTHER'S MAILING ADDRESS <input type="checkbox"/> Same as residence, or				
FATHER	11a. FATHER'S CURRENT LEGAL NAME (First, Middle, Last, Suffix) Jose Alonso Vazquez Salvador		11b. DATE OF BIRTH (Mo/Day/Yr) January 28, 1981		11c. BIRTHPLACE (State, Territory, or Foreign Country) Mexico
	12. CERTIFIER'S SIGNATURE AND DATE CERTIFIED				
	CERTIFIER	SIGNATURE <i>Doris Stokely</i>			
TITLE: <input type="checkbox"/> MD <input type="checkbox"/> DO <input checked="" type="checkbox"/> HOSPITAL DESIGNEE <input type="checkbox"/> CNRMCM <input type="checkbox"/> CPM <input type="checkbox"/> OTHER MIDWIFE <input type="checkbox"/> OTHER					
CERTIFIER'S PRINTED NAME Doris Stokely					
	13. REGISTRAR'S SIGNATURE <i>Benton McDonough</i>				14. DATE FILED BY REGISTRAR (Mo/Day/Yr) MAR 08 2007

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Tennessee Code Annotated 68-3-101 et seq., Vital Records Act of 1977.



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Benton McDonough
B. Benton McDonough, JD
STATE REGISTRAR

John Dreyzehner
John J. Dreyzehner, MD, MPH, FACOEM
COMMISSIONER

Date Issued:
Jun-09-2016



CERTIFICATION OF VITAL RECORD