

CIRCUIT COURT OF POLK COUNTY, TENNESSEE

State of Tennessee Department of Children's Services Petitioner	* DOCKET #: 19-CV-15
Vs.	*
Carlos Aguilar Dominguez	APPLICATION FOR ORDER FOR SERVICE BY PUBLICATION; POINTS & AUTHORITIES; ORDER FOR SERVICE BY PUBLICATION
Respondent.	*

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

ARGUMENT

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

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

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 . . .*”

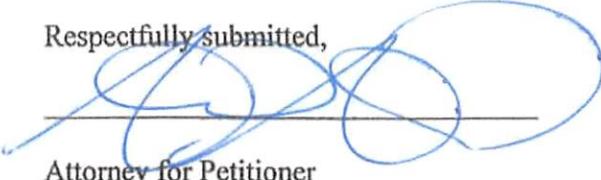
The challenge facing Petitioner in this case is there are no traditional newspapers in Mexico that will allow for publication of legal notices which originate in courts in the United States.

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.

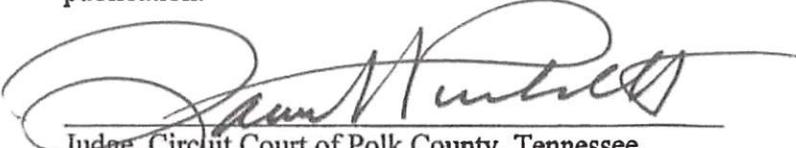
Respectfully submitted,



Attorney for Petitioner

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED that the Summons, Petition to Terminate Parental Rights, Certificate of Live Birth, Request for Name and/or Address of Father or Child Born Out-of-Wedlock, and Notice of Incarcerated Parent, 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, Circuit Court of Polk County, Tennessee


Jan^y 28th, 2020

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

Exhibit "A"

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 November 22, 2019, I received an assignment from the Tennessee Department of Children's Services, along with written instructions to serve the named Respondent, **Carlos Aguilar Dominguez** ("Dominguez"), Case No. 10-CV-15. I was instructed to serve a Summons, Petition to Terminate Parental Rights, Certificate of Live Birth, Request for Name and/or Address of Father or Child Born Out-of-Wedlock, and Notice of Incarcerated Parent.
3. Service was to be made at Francisco Villa 71 A NT CP.000, Junto Al Canal y 12 de OC, San Vicente, C.P. 63737, San Vicente, Nayarit, Mexico.
4. On November 22, 2019, I sent the assignment to our process server in Nayarit, Mexico.
5. On January 7, 2020, the process server advised me that Dominguez had moved from the address stated in paragraph 3 above.
6. I conducted a search to locate the whereabouts of Dominguez. The following is a result of that search:
7. 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 Dominguez.

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

9. Criminal index for Nayarit, Mexico. Result: Nothing found.

10. Search of business licenses in San Vicente, Mexico. Result: Nothing found.

11. Search of public medical facilities and hospitals in San Vicente, Mexico. Result: Nothing found.

12. Search of the Mexico national registry. Result: There are over 400 possible matches of individuals in Mexico. None of them match Dominguez.

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

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

15. Additional database searches revealed 12 possible matches. Each available data was investigated and determined to be invalid. The data checked was similar names.

16. Other steps, not required for publication, were taken to locate Dominguez. Result: All were

unsuccessful.

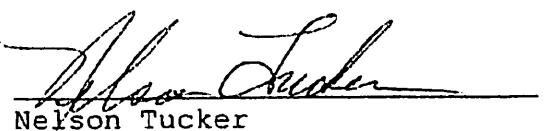
17. The addresses searched were provided from the following sources: Petitioner, and obtained in course of our investigation.

18. SUMMARY: Based upon all available information, I am unable to serve Dominguez.

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

20. 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 Rodriguez than traditional newspaper publication, as described on the website on the page "Comparison Chart," (see Exhibit "B")

Executed on this 9th day of January 2020, at Franklin, TN, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of Tennessee.


Nelson Tucker

Comparison Chart

International Service by Publication

Features	Global Legal Notices	Traditional Newspapers
Publish court Notice of Publication	Yes	Yes
Open access to public	Yes	Yes
Publish actual court documents	Yes	No
Search engine friendly	Yes	No
Extended publication period	Yes	No
Available in all countries	Yes	No
Translation in multiple languages	Yes	No
Email notification	Yes	No
Unlimited size of notice	Yes	No
Exceeds minimum requirements	Yes	No
Search by name or case number	Yes	No
Available on computer and cell	Yes	No
Cost efficient	Yes	No

Exhibit "B"

STATE OF TENNESSEE
CIRCUIT COURT OF POLK COUNTY
SUMMONS

State of Tennessee
Department of Children's Services
Petitioner

Vs.

Docket No. 19-CV-15

Carlos Aguilar Dominguez
Francisco Villa 71 A NT CP.000
Junto al canal y 12 de OC
San Vicente, C.P. 63737
San Vicente, NAYARIT

This matter will be heard May 18,
2020 in Polk Circuit Court, Benton, TN

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required within thirty (30) days after service of this summons upon you, exclusive of the day of service, to appear and make defense in this Court to the Petition, which is herewith served upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition. Within that time you are also required to serve a copy of your pleadings upon Anna Adams, Plaintiff's attorney, whose address is 2703 Ralph Buckner Blvd, Cleveland, Tennessee 37311.

The person having this summons for service will return the same to this office within thirty (30) days after its issuance with written report of the manner of service or reason for failure to serve thereon.

Witness Melissa Keith, Clerk of said Court at office the 18 day of November, 2019.

Melissa Keith MELISSA KEITH, Clerk of Court.
By Reagan Collins D.C.

RETURN OF SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 2019, I served this summons together with the Petition herein as follows:

Sheriff

D. Sheriff

IN THE CIRCUIT COURT OF POLK COUNTY, TENNESSEE

STATE OF TENNESSEE,)
DEPARTMENT OF CHILDREN'S SERVICES,)
PETITIONER,) DOCKET NO. 19-CV-15
v.)
CARLOS AGUILAR DOMINGUEZ, Father)
RESPONDENTS.)
IN THE MATTER OF:)
CARSON MENDEZ, B. 7/11/2016)
A 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, Kayla Bibb, seeks an order terminating the parental rights of the Respondent, Carlos Aguilar Dominguez, to the child, Carson Mendez.

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 Respondent arising from the parental relationship. The order sought would place the child in the full 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 Respondent 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 Department would show the Court as follows:

JURISDICTION AND VENUE

- 1) This Court has jurisdiction over this case pursuant to T.C.A. §§ 36-1-113, 37-1-104 and 37-1-147.
- 2) Venue is properly in Polk County pursuant to T.C.A. §§ 36-1-113(d)(4) and -114 and 37-1-111, in that the child is a ward of the State of Tennessee Department of Children's Services, Polk County Office, and is subject to the jurisdiction of the Polk County Juvenile Court.

PARTIES

- 3) The child, Carson Mendez, was born to Jessica Lee Mendez on July 11, 2016, in Cleveland, Tennessee. A copy of his birth certificate is attached.
- 4) The Respondent, Carlos Aguilar Dominguez, is believed to reside at 1133 Landon Street Durham, NC 27703.
- 5) The State has consulted with the putative father registry of the State of Tennessee, and the Department knows or has reason to know that the mother was living or present in another state at the time of the child's conception, as required by T.C.A. § 36-1-113(d)(3)(A), within 10 days of the filing of this petition. Upon

consultation it was found that there are no claims of paternity in the registry as to this child. No other paternity claims exist.

6) The mother, Jessica Lee Mendez, surrendered her parental rights to the Department of Children's Services on December 11th, 2018, and the child was placed into the partial guardianship of the Department of Children's Services on January 8, 2019.

7) Wilton Marble has been appointed the child's Guardian ad Litem.

FACTS

8) On July 10, 2017, the Department received allegations of severe physical abuse. The child was taken to the hospital for evaluation as he refused to walk or bear weight onto his leg. Carson presented with a right femur fracture and two bilateral black eyes. The child was transported from Tennova Hospital to Erlanger Children's Hospital for further evaluation.

9) The child, Carson Mendez, was seen by Child Protective Services while being treated at Erlanger Children's Hospital. Carson's injuries were ruled as child abuse/non-accidental trauma. Carson suffered three skull fractures, right femur injury, left forearm injury, rib fractures, and two black eyes, in addition to multiple bruises. All injuries were in multiple stages of healing. The mother, Jessica Lee Mendez, was the primary caregiver for the child and could provide no explanations that matched the

injuries. The child at his young age would have been unable to cause the injuries to himself.

10) The Department filed a Petition for Temporary Custody and was granted custody of the child on July 13, 2017. The child has remained in foster care since that time and was adjudicated dependent and neglected on December 11, 2018 and found to be a victim of severe abuse.

11) The mother, Jessica Lee Mendez, surrendered her parental rights to the child on December 11, 2018 and the child is currently in the partial guardianship of the State of Tennessee.

12) At the time of the removal, the Respondent, Carlos Aguilar Dominguez, was incarcerated in the Bradley County Jail on charges of unlawful possession of drug paraphernalia, possession of a firearm during the commission of a felony, felony evading, three counts of aggravated assault, resisting stop and arrest, driving on a revoked license, speeding, and violation of stop sign.

13) Mr. Dominguez attended the preliminary hearing in Polk County Juvenile Court on July 27, 2017, after being transported from the Bradley County Jail and was provided a copy of the Criteria for Termination of Parental Rights. Mr. Dominguez requested paternity testing and the Department assisted with scheduling DNA testing to determine if he was the biological father of the child.

14) On September 19, 2017, DNA testing reveals that Mr. Dominguez is the biological father of the child by 99.99%. On October 18, 2017, a representative from the Department of Children's Services, visited Mr. Dominguez in the Bradley County Jail to advise him of his permanency plan responsibilities and to advise him of the paternity testing results.

15) On December 14, 2017, Mr. Dominguez was transferred from the Bradley County Jail by Immigration and Customs Enforcement (ICE). He was later removed to Mexico in January 2018.

16) Following the removal of Mr. Dominguez to Mexico, Family Services Worker, Kayla Bibb attempted to locate him on Facebook, in an effort to remain in contact.

17) On March 27, 2018, FSW Bibb located Mr. Dominguez and confirmed with the mother, Jessica Mendez, that he was in fact the person she was looking for.

18) On April 3, 2018, Mr. Dominguez accepted the message request on Facebook and responded confirming that he was in Mexico and that he wanted to know who his son was doing. She updated Mr. Dominguez regarding the child's wellbeing and offered to send him pictures, including him in meetings about the child, and provide him with visitation through Skype.

19) Since that time, FSW Bibb has attempted to remain in contact with the Respondent, Carlos Dominguez, by sending pictures and inviting him to participate in

meetings and attempt to engage him in conversations to ascertain his intentions regarding the child. Despite this, Mr. Dominguez failed to avail himself of any visitations, and failed to participate in any meetings. He failed to provide an address where we could send information and even return some of his belongings which were previously entrusted to the Department's care.

20) In August 2018, Mr. Dominguez stopped responding to all messages with the Department. FSW Bibb has continuously tried to remain in contact and engage Mr. Dominguez in conversations, with no response.

21) In an effort to locate Mr. Dominguez, FSW Bibb has attempted to contact the Mexican consulate and obtain information regarding family members who might be able to connect her with Mr. Dominguez, without luck.

22) On February 20, 2019, the Department was able to ascertain an address in North Carolina which shows activity for the Respondent as recent as October 2018 on a CLEAR search, indicating that he may have returned to the United States.

23) The child, Carson, has remained in a loving and stable foster home since he entered care. His foster parent wishes to adopt the child and provide him a forever home, if and when he becomes available for adoption.

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)

Petitioner incorporates paragraphs 1-23 by reference, and further alleges as follows:

- 24) The Respondent has abandoned the child because he has not visited in the four (4) months immediately preceding the filing of this petition.
- 25) The Department is in compliance with T.C.A. § 37-2-403(a)(2)(B), as the Department has provided to provide the Respondent with a copy of the Criteria for Termination of Parental Rights as required.

GROUND TWO
FAILURE TO ESTABLISH PATERNITY
T.C.A. §§ 36-1-113(g)(9) and 36-1-117(c)

Petitioner incorporates paragraphs 1-25 by reference, and further alleges as follows:

- 26) Respondent, Carlos Aguilar Dominguez, has not legitimated the child.
- 27) Carlos Aguilar Dominguez has failed, without good cause or excuse, to make reasonable and consistent payments for the child's support.
- 28) Carlos Aguilar Dominguez has failed to seek reasonable visitation with the child.
- 29) Carlos Aguilar Dominguez has failed to manifest a willingness and ability to take custody of the child.

30) Carlos Aguilar Dominguez has failed to file a petition for paternity after notice by the mother and after claiming paternity.

31) Placing the child in Carlos Aguilar Dominguez's custody would pose a risk of substantial harm to the child's physical or psychological welfare.

32) The Department is in compliance with T.C.A. § 37-2-403(a)(2)(B), as the Department has provided the Respondent with a copy of the Criteria for Termination of Parental Rights as required.

GROUND THREE
FAILURE TO ASSUME CUSTODY OR FINANCIAL RESPONSIBILITY
T.C.A. §§ 36-1-113(g)(14)

Petitioner incorporates paragraphs 1-32 by reference, and further alleges as follows:

33) The Respondent, Carlos Aguilar Dominguez, has failed to manifest, by act or omission an ability and willingness to personally assume the legal and physical custody of the child.

34) The Respondent, Carlos Aguilar Dominguez, has failed to manifest, by act or omission an ability and willingness to personally assume financial responsibility of the child.

35) Placing the child in the Respondent'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(j)

Petitioner incorporates paragraphs 1-35 by reference, and further alleges as follows:

- 36) It is in the child's best interests for termination to be granted, as to the Respondent, Carlos Aguilar Dominguez, because he has not made changes in his conduct or circumstances that would make it safe for the child to go home.
- 37) It is in the child's best interests for termination to be granted as to the Respondent, Carlos Aguilar Dominguez, because he has not made lasting changes in his lifestyle or conduct after reasonable efforts by the state to help, so that lasting change does not appear possible.
- 38) It is in the child's best interests for termination to be granted as to the Respondent, Carlos Aguilar Dominguez, because he has not maintained regular visitation with the child.
- 39) It is in the child's best interests for termination to be granted as to the Respondent, Carlos Aguilar Dominguez, because there is no meaningful relationship between him and the child.
- 40) It is in the child's best interests for termination to be granted the Respondent, Carlos Aguilar Dominguez, because changing caregivers at this stage of his life will have a detrimental effect on him.

41) It is in the child's best interests for termination to be granted as to the Respondent, Carlos Aguilar Dominguez, because there is crime in his home.

42) It is in the child's best interests for termination to be granted, because the Respondent, Carlos Aguilar Dominguez, has not paid child support consistently.

WHEREFORE, PETITIONER PRAYS:

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

b) That, upon final hearing, the Court enter a decree forever terminating all the parental rights that the Respondent have to the subject child; providing that Respondent 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 Polk 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.

c) That the Court grant such other, further, and general relief as may be necessary.

Kayla Bibb
Kayla Bibb Family Services Worker
Polk County Office

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

By:


Anna Adams (BPR#(13)(19)8)

*Assistant General Counsel
2703 Ralph Buckner Blvd
Cleveland, TN 37311
Telephone: 423.728.7887*

NOTICE

Tennessee law requires that any parent wishing to appeal an order of termination of parental rights must meet the notice of appeal and the signature requirements of Tenn. Code Ann. § 36-1-124(d). The timely notice of appeal should be signed by the appellant or the appellant's attorney with specific authorization from his or her client. If a notice of appeal 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.

VERIFICATION

STATE OF TENNESSEE)
COUNTY OF POLK)

I, Kayla Bibb, 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.

Kayla Bibb
Kayla Bibb Family Services Worker

Sworn to and subscribed before me this the 26
day of February, 2019.

Taylor Clegg
NOTARY PUBLIC
My Commission Expires: 8-2-19

TENNESSEE DEPARTMENT OF HEALTH CERTIFICATE OF LIVE BIRTH

02/27/2019

STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
Cordell Hull Building, 8th Floor
436 Sixth Avenue North
Nashville, Tennessee 37243-1290

Request for Name and/or Address of Father or Child Born Out-Of-Wedlock

REQUEST:

Child's Full Name	Mendez, Carson	Request Date	02/26/2019
Sex of Child	Male	Place of Birth	Cleveland, TN
Father's Full Name	Unknown, Unknown	Child's Birthdate	07/11/2016
Mother's Full Name	Mendez, Jessica Lee Dawson		
Reason For Request	TPR		
Requesting Party Name/	Anna Adams, TN Dept of Children's Services		
Agency and Address	2703 Ralph Buckner Blvd Cleveland TN 37312		

PUTATIVE FATHER:

Putative Father's Name

Putative Father's Address

Date Registered / /

Date Change of Address Registered / /

RESPONSE:

Response Date 02/27/2019

Staff Registrar

Registry Telephone 615-532-5637

Comments:

No person has filed a notice of intent to claim paternity or acknowledgment of paternity of Carson Mendez, DOB 07/11/2016.

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 2703 Ralph Buckner Blvd., Cleveland, Tennessee 37311.

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 CIRCUIT COURT OF POLK COUNTY, TENNESSEE

STATE OF TENNESSEE,)
DEPARTMENT OF CHILDREN'S SERVICES,)
))
PETITIONER,))
))
v.))
))
CARLOS AGUILAR DOMINGUEZ, Father))
))
RESPONDENTS.))
))
IN THE MATTER OF:))
CARSON MENDEZ, B. 7/11/2016))
A Child Under Eighteen (18) Years of Age))

DOCKET NO. 19-CV-15

TERMINATION OF PARENTAL RIGHTS FIRST SETTING ORDER

This case came before the Honorable Lawrence Puckett, Judge of the Polk County Circuit Court, on November 12, 2019 for a first setting on the State's Petition for Termination of Parental Rights.

The following were present before the Court: the Guardian ad Litem in underlying dependency and neglect matter, Wilton Marble, and counsel for the state, Anna Adams.

The father of the child has been deported and is residing in Mexico. The Department has attempted service via the Hague Convention. This has not yet been successful. The court granted leave for the Department to attempt informal service on the father and/or service via publication if necessary.

Counsel for the department requested that the court appoint a Guardian ad Litem for the children. Wilton Marble is reappointed as the children's Guardian ad Litem.

FILED

DEC 09 2019

**MELISSA KEITH
CLERK OF COURTS**

It is therefore ORDERED AND ADJUDGED

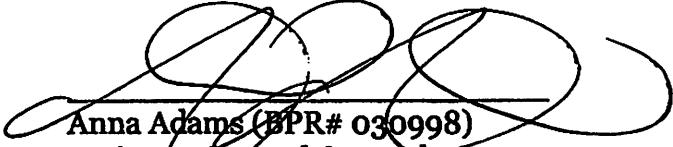
1. Wilton Marble is reappointed as the children's Guardian ad Litem.
2. The Department may attempt to serve the Respondent via informal service.
3. The matter is set for a hearing on the Termination of the Respondent's parental rights as to the minor children on May 18, 2020 at 9:00 a.m.

Entered this 3rd day of December, 2019.



Lawrence Puckett, Judge
Polk County Circuit Court

APPROVED FOR ENTRY:



Anna Adams (BPR# 030998)
Assistant General Counsel
State of Tennessee
Department of Children's Services
2703 Ralph Buckner Blvd.
Cleveland, Tennessee 37311
423.728.7887

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was delivered to the following persons listed at the addresses set out below by U.S. Mail postage prepaid on this the 6 day of December 2019.

Wilton Marble, Esq.
Via email: wilmarble@gmail.com

Carlos Aguilar Dominguez
Francisco Villa 71 A NT CP, 000
Junto al canal y 12 de OC
San Vicente, C.P. 63737
San Vicente, NAYARIT



DCS Legal Staff

**ESTADO DE TENNESSEE
JUZGADO DE CIRCUITO DEL CONDADO DE POLK
CITACIÓN PARA COMPARCER**

Estado de Tennessee

Departamento de Servicios Infantiles

Promoviente

Vs

No. De Caso 19-CV-15

Carlos Aguilar Dominguez
Francisco Villa 71 A NT CP,000
Junto al canal y 12 de OC
San Vicente, C.P. 63737
San Vicente, NAYARIT

Este asunto será considerado el 18 de mayo,
de 2020 en el Juzgado de Circuito del Condado de
Polk, Benton, TN

A LOS ACUSADO SUPRACITADOS:

Por el presente se le convoca y se le solicita dentro de los treinta (30) días posteriores a la entrega de esta citación, exclusiva del día de Servicio, para que comparezca y defienda en este tribunal la petición que se le entrega aquí. Si no lo hace, el fallo por defecto será tomado en su contra por el alivio exigido en esta petición. Dentro del mismo plazo de tiempo se le exige que entregue una copia de su declaración a Anna Adams, la abogada de del demandante, cuya dirección es 2703 Ralph Buckner Boulevard, Cleveland Tennessee 37311.

La persona que tiene esta citación para ser servida traerá la misma a esta oficina dentro de los treinta (30) días posteriores a su emisión con un informe por escrito sobre la forma de servicio o la razón por la que no se realizó el servicio.

TESTIGO, Melissa Keith, secretaria del Juzgado ante dicho, este día 18 de noviembre de 2019.

(Firma presente) Secretaria del juzgado, MELISSA KEITH
Por: (Firma presente. No legible), D.C.

INFORME DEL SERVICIO DE LA CITACIÓN

El quien suscribe certifica e informa que en el día _____ de _____, 2019, llevó a efecto la citación junto con la petición de esta causa por medio de:

Sheriff _____
Sheriff Aux. _____

TRIBUNAL DE CIRCUITO DE POLK COUNTY, TENNESSEE

ESTADO DE TENNESSEE,)	
DEPARTAMENTO DE SERVICIOS PARA MENORES)	
)	
)	
PETICIONARIO,)	
)	NO. DE CASO. <u>19-CV-15</u>
v.)	
)	
CARLOS AGUILAR DOMINGUEZ, Padre)	
)	
DEMANDADO.)	ARCHIVADO
)	FEB 27 2019
EN EL ASUNTO DE:)	MELISSA KEITH
CARSON MENDEZ, B. 11/7/2016)	SECRETARIA JUDICIAL
Menor Menos De Dieciocho (18) Años de Edad)	

PETITICION PARA TERMINAR LA PATRIA POTESTAD

Esta petición, presentado por el Estado de Tennessee, Departamento de Servicios para Menores (“DCS”), por y a través de la representante autorizada, Kayla Bibb, quien solicita una orden que ponga fin a la patria potestad del demandado, Carlos Aguilar Domínguez al menor, Carson Méndez.

La orden solicitada eliminaría para siempre todos los derechos, responsabilidades y obligaciones del Demandado, si los hubiera, con respecto al menor y terminará igualmente todos los derechos y obligaciones del menor con el Demandado que surjan con la relación paterna. La orden solicitada colocaría al menor bajo la tutela plena del Estado de Tennessee, otorgándole el derecho de colocar al menor en adopción y dar su consentimiento para cualquier adopción.

Si se emite el orden, el demandado no tendrá más derecho a recibir notificación de los procedimientos de adopción; no tiene derecho a oponer la adopción del menor; y no tendrá ninguna relación, legal o de otro tipo, con el menor.

En apoyo de esta petición, el Departamento mostraría al tribunal lo siguiente:

JURISDICCIÓN Y SEDE

1.) Este Tribunal tiene jurisdicción sobre este caso en conformidad con T.C.A §§ 36-1-113, 37-1-104 y 37-1-147.

2.) Sede está situada en Polk County en conformidad con T.C.A §§ 36-1-113 (d) (4) y -114 y 37-1-111, en que el menor está bajo custodia del Departamento de Servicios para Menores del Estado de Tennessee, Oficina de Polk County, y está sujeto a la jurisdicción del Tribunal de Menores de Polk County.

PARTES

3.) El menor, Carson Méndez, nació de su madre, Jessica Lee Méndez el día 11 de Julio, 2016, en Cleveland, Tennessee. Una copia de su certificado de nacimiento esta adjunta.

4.) El Demandado, Carlos Aguilar Domínguez, se cree que vive en la residencia de 1133 Landon Street, Durham, NC. 27703.

5.) El Estado ha consultado con el registro de padres putativos del Estado de Tennessee, y el Departamento sabe o tiene razones para saber que la madre vivía o estaba presente en otro estado en el momento de la concepción del menor, según lo exige T.C.A § 36-1-113 (d)(3)(A), dentro de 10 días que se presentó esta petición.

Tras la consultar, se encontró que no hay reclamos de paternidad en el registro, en cuanto a este menor. No existen otras reclamaciones de paternidad.

6.) La madre, Jessica Lee Méndez, entregó sus derechos paternos al Departamento de Servicios para Menores el 11 de Diciembre de 2018, y el menor fue puesto en custodia parcial bajo el Departamento de Servicios para Menores el 8 de Enero de 2019.

7.) Wilton Marble ha sido nombrado como el Tutor ad Litem del menor.

HECHOS

8.) El 10 de Julio de 2017, el Departamento recibió acusaciones de abuso físico grave. El menor fue trasladado al hospital para una evaluación, ya que se negó a caminar o cargar peso sobre su pierna. Carson se presentó con una fractura de fémur derecho y dos ojos morados bilaterales. El menor fue trasladado del Hospital Tennova al Hospital de Menores Erlanger para una evaluación adicional.

9.) El menor, Carson Méndez, fue visto por Servicios de Protección Infantil mientras fue atendido en el Hospital de Menores Erlanger. Las lesiones de Carson fueron consideradas como abuso infantil / trauma no accidental. Carson sufrió tres fracturas de cráneo, lesión del fémur derecho, lesión del antebrazo izquierdo, fracturas de costillas y dos ojos morados, además de múltiples contusiones. Todas las lesiones se encontraban en múltiples etapas de recuperación. La madre, Jessica Lee Méndez, era la cuidadora principal del menor y no podía proporcionar explicaciones que coincidieran con las lesiones. El menor a su corta edad no habría podido causar las lesiones.

- 10.) El Departamento presentó una petición de custodia temporal y se le otorgó la custodia del menor el 13 de Julio de 2017. El menor ha permanecido en cuidado tutelar temporal desde ese momento y se le adjudicó como menor dependiente y negligido el 11 de Diciembre de 2018 y se le encontró como víctima de abuso.
- 11.) La madre, Jessica Lee Méndez, renunció a sus derechos paternos sobre el menor, el 11 de diciembre de 2018 y el menor se encuentra actualmente en la tutela parcial del Estado de Tennessee.
- 12.) En el momento de la separación, el acusado, Carlos Aguilar Domínguez, fue encarcelado en la cárcel de Bradley County, por cargos de posesión ilegal de parafernalia de drogas, posesión de un arma de fuego durante la comisión de un delito grave, evasión de delitos graves, tres cargos de asalto agravado, resistir detención y arresto, conducir con una licencia revocada, exceso de velocidad y violación de la señal de alto.
- 13.) El Sr. Domínguez asistió a la audiencia preliminar en el Tribunal de Menores de Polk County el 27 de Julio de 2017, después de haber sido trasladado de la cárcel de Bradley County y se le proporcionó una copia de los Criterios Para la Terminación de los Derechos Paternales. El Sr. Domínguez solicitó pruebas de paternidad y el Departamento ayudó a programar las pruebas de ADN para determinar si era el padre biológico del menor.

- 14.) El 19 de Septiembre de 2017, las pruebas de ADN revelaron que el Sr. Domínguez es el padre biológico del menor un 99.99%. El 18 de Octubre de 2017, un representante del Departamento de Servicios para Menores, visitó al Sr. Domínguez en la cárcel de Bradley County para informarle sobre las responsabilidades de su plan de permanencia y para informarle sobre los resultados de las pruebas de paternidad.
- 15.) El 14 de Diciembre de 2017, el Sr. Domínguez fue trasladado de la cárcel de Bradley County por Inmigración (ICE). Posteriormente fue trasladado a México en Enero de 2018.
- 16.) Luego de la deportación del Sr. Domínguez a México, la Trabajadora de Servicios Familiares, Kayla Bibb, intentó localizarlo en Facebook, en un esfuerzo por mantenerse en contacto.
- 17.) El 27 de Marzo de 2018, TSF Bibb localizó al Sr. Domínguez y confirmó con la madre, Jessica Méndez, que en realidad era la persona que ella estaba buscando.
- 18.) El 3 de Abril de 2018, el Sr. Domínguez aceptó la solicitud de mensaje en Facebook y respondió confirmando que estaba en México y que quería saber cómo estaba su hijo. Se mantuvo al día al Sr. Domínguez sobre el bienestar del menor y se le ofreció a enviarle fotos, también incluyéndolo en reuniones con el menor, y se le proporcionó visitas a través de Skype.
- 19.) Desde entonces, TSF Bibb ha intentado mantenerse en contacto con el Demandado, Carlos Domínguez, enviándole fotos e invitándolo a participar en reuniones e intentar de involucrarlo en conversaciones para averiguar sus intenciones

con relación al menor. A pesar de esto, el Sr. Domínguez no aprovechó las visitas y no participó en ninguna reunión. No proporcionó una dirección donde pudiéramos enviar información e incluso devolver algunas de sus pertenencias que previamente se habían confiado a la atención del Departamento.

20.) En el mes de Agosto de 2018, el Sr. Domínguez dejó de responder a todos los mensajes con el Departamento. TSF Bibb ha intentado continuamente mantenerse en contacto y entabiar conversaciones con el Sr. Domínguez, sin recibir respuesta.

21.) En un esfuerzo por localizar al Sr. Domínguez, TSF Bibb ha intentado comunicarse con el Consulado de México y obtener información sobre miembros de familia que podrían conectarla con el Sr. Domínguez, sin obtener resultados.

22.) El 20 de Febrero de 2019, el Departamento encontró una dirección en Carolina del Norte que muestra actividad de parte del Demandado, en el mes de Octubre de 2018 en una búsqueda CLARA, lo que indica que puede haber regresado a los Estados Unidos.

23.) El menor, Carson, ha permanecido en un hogar de acogida cariñoso y estable desde que entró a su cuidado. Su padre adoptivo desea adoptar al menor y brindarle un hogar permanente, siempre y cuando esté disponible para la adopción.

MOTIVO UNO
ABANDONO-INCUMPLIMIENTO DE VISITAR
T.C.A.δδ 36-1-113(g)(1) and 36-1-102(1)(C) and -102(1)(E)

El peticionario incorpora los párrafos 1-23 como referencia, y alega además lo siguiente:

- 24.) El Demandado ha abandonado al menor porque no ha visitado en los cuatro (4) meses anteriores a la presentación de esta petición.
- 25.) El Departamento está de acuerdo con T.C.A. δ 37-2-403(a)(2)(B), como lo ha proporcionado el Departamento para darle al Demandado una copia de los Criterios para la Terminación de los Derechos Paternales según sea necesario.

MOTIVO DOS
INCUMPLIMIENTO DE ESTABLECER PATERNIDAD
T.C.A.δδ 36-1-113(g)(9) and 36-1-117(C)

El peticionario incorpora los párrafos 1-25 como referencia, y alega además lo siguiente:

- 26.) El Demandado, Carlos Aguilar Domínguez, no ha legitimado al menor.
- 27.) Carlos Aguilar Domínguez ha fallado, sin tener buena causa o excusa, al hacer pagos razonables y consistentes para la manutención del menor.
- 28.) Carlos Aguilar Domínguez ha fallado en buscar visitas razonables con el menor.
- 29.) Carlos Aguilar Domínguez no ha manifestado la voluntad y la capacidad de cuidar al menor.

- 30.) Carlos Aguilar Domínguez no ha presentado una petición de paternidad después de que la madre lo notificó y luego de reclamar la paternidad.
- 31.) Poner al menor bajo la custodia de Carlos Aguilar Domínguez supondría un riesgo de daño sustancial para el bienestar físico o psicológico del menor.
- 32.) El Departamento está de acuerdo con T.C.A. § 37-2-403(a)(2)(b), ya que el Departamento le ha proporcionado al Demandado una copia de los Criterios para la Terminación de los Derechos Paternales según sea necesario.

MOTIVO TRES

INCUMPLIMIENTO DE LA CUSTODIA O RESPONSABILIDAD FINANCIERA T.C.A. § 36-1-113(g)(14)

El peticionario incorpora los párrafos 1-32 como referencia, y alega además lo siguiente:

- 33.) El Demandado, Carlos Aguilar Domínguez, no ha manifestado, por acto u omisión, la capacidad y la voluntad de asumir personalmente la custodia legal y física del menor.
- 34.) El Demandado, Carlos Aguilar Domínguez, no ha manifestado, por acto u omisión, la capacidad y la voluntad de asumir personalmente la responsabilidad financiera del menor.
- 35.) Colocar al menor en la custodia legal y física del Demandado supondría un riesgo de daño sustancial para el bienestar físico o psicológico del menor.

**MEJOR INTERES
T.C.A.δ 36-1-113(i)**

- 36.) Lo mejor para el menor es que se conceda la rescisión, en relación con el Demandado, Carlos Aguilar Domínguez, porque no ha realizado cambios en su conducta o circunstancias que hagan que sea seguro que el menor regrese a casa.
- 37.) Es mejor para el menor que se conceda la rescisión en relación con el Demandado, Carlos Aguilar Domínguez, porque no ha hecho cambios duraderos en su estilo de vida o conducta después de los esfuerzos razonables del estado por ayudar, de modo que un cambio duradero no parece posible.
- 38.) Está en el mejor interés del menor que se conceda la rescisión en cuanto al Demandado, Carlos Aguilar Domínguez, porque no ha mantenido visitas periódicas con el menor.
- 39.) Está en el mejor interés del menor que se conceda la rescisión en cuanto al Demandado, Carlos Aguilar Domínguez, porque no existe una relación significativa entre él y el menor.
- 40.) Lo mejor para el menor es que se conceda la rescisión en cuanto al Demandado, Carlos Aguilar Domínguez, porque el cambio de cuidadores en esta etapa de su vida tendrá un efecto perjudicial sobre él.

- 41.) Está en el mejor interés del menor que se conceda la rescisión en cuanto al Demandado, Carlos Aguilar Domínguez, porque hay delito en su hogar.
- 42.) Está en el mejor interés del menor que se conceda la rescisión en cuanto al Demandado, Carlos Aguilar Domínguez, no ha pagado la manutención del menor de manera constante.

POR TANTO, EL PETICIONARIO RUEGA:

- a.) Que se le entregue al Demandado una copia de esta petición y se le solicite que comparezca y responda.
- b.) Que, en la audiencia final, el Tribunal dictará un decreto que terminará para siempre todos los derechos paternos que el Demandado tiene hacia el menor sujeto; siempre que el Demandado no tenga más derecho a recibir notificación de los procedimientos para la adopción del menor, a objetar la adopción del menor, o a tener cualquier relación, legal o de otro tipo, con el menor; y, otorgando la custodia completa, el control y la tutela del menor al Administrador Regional de Servicios Sociales de Polk County, o su sucesor en el cargo, con el derecho de colocar a dicho menor a adopción y dar su consentimiento para su adopción en loco parentis.
- c.) Que el Tribunal otorgue cualquier otra reparación adicional y general que sea necesaria.

[Illegible Signature]

Kayla Bibb Trabajadora de Servicios Familiares
Oficina de Polk County

**Estado de Tennessee,
Departamento de Servicios para Menores**

[Illegible Signature]

De: _____

Anna Adams, BPR #030998

Asesor General Adjunto

2703 Ralph Buckner Blvd

Cleveland, TN 37311

Teléfono: 423.728.7887

AVISO

La ley de Tennessee requiere que cualquier padre que desee apelar una orden de terminación de los derechos paternales debe cumplir con el aviso de apelación y los requisitos de la firma de Código de Tenn. Ann. § 36-1-124(d). El aviso oportuno de apelación debe ser firmado por el apelante o el abogado del apelante con la autorización específica de su cliente. Si un aviso de apelación no cumple con este requisito, la apelación puede ser desestimada.

Cualquier apelación de la disposición final del tribunal de primera instancia de la queja o petición de terminación de los derechos de los padres se regirá por las disposiciones de la Regla 8A, Reglas de Procedimiento de Apelación de Tennessee, que impone limitaciones de tiempo especiales para la presentación de una transcripción o declaración de la evidencia, la finalización y transmisión del expediente de apelación y la presentación de escritos en el tribunal de apelación, así como otras disposiciones especiales para acelerar la apelación. Todas las partes deben revisar la Regla 8A, Reglas de Procedimiento de Apelación de Tennessee, para obtener información concerniente a las disposiciones especiales que se aplican a cualquier apelación de este caso.

VERIFICACION

ESTADO DE TENNESSEE)
CONDADO DE POLK)

Yo, Kayla Bibb, jurada conforme a la ley, juro que los hechos declarados en la petición anterior son verdaderos y correctos a mi leal saber y entender.

[Firma no legible]

Kayla Bibb, Trabajadora de Servicios Familiares

**Jurado y suscrito ante mí el día 26
De Febrero, 2019.**

[Firma no legible]

**Notario Publico
Mi comisión expira: 8-6-19**

ESTADO DE TENNESSEE
Oficina de Registros Vitales

[SELLO DEL ESTADO]

[CÓDIGO DE BARRAS]

DEPARTAMENTO DE SALUD DE TENNESSEE
CERTIFICADO DE PARTO EN VIVO

NUMERO DE REGISTRO DE ESTADO:141-

MENOR	NOMBRE DEL MENOR (PRIMER, MEDIO, APELLIDO, SUFIJO) CARSON MENDEZ			
	SEXO VARON	FECHA DE NACIMIENTO 11/07/2016	MOMENTO DE NACIMIENTO 11:08AM	LUGAR TENNOVA HEALTHCARE-CLEVELAND
	CIUDAD, PUEBLO, LUGAR DE NACIMIENTO CLEVELAND		CONDADO DE NACIMIENTO BRADLEY	
MADRE	NOMBRE ACTUAL DE MADRE (PRIMER, MEDIO, APELLIDO, SUFIJO) JESSICA LEE MENDEZ		FECHA DE NACIMIENTO 23 DE MARZO, 1992	
	NOMBRE DE MADRE ANTES DE CASARSE (PRIM, MED, APELL, SUF) JESSICA LEE DAWSON		LUGAR DE NACIMIENTO ALABAMA	
	RESIDENCIA DE MADRES TENNESSEE	CONDADO BRADLEY	CIUDAD, PUEBLO, UBICACIÓN CLEVELAND	
	CALLE Y NUMERO 1112 SOUTH LEE HWY	NO. DE APT 108	CODIGO POSTAL 37311	¿DENTRO DE LÍMITE? SI
	DIRECCION POSTAL DE LA MADRE 1133 LANDON ST	DURHAM	CAROLINA DEL NORTE	27703
CALLE Y NUMERO	NO. APT	ESTADO	CODIGO POST.	
PADRE	NOMBRE ACTUAL DE PADRE (PRIMER, MEDIO, APELLIDO, SUF)		FECH. DE. NAC.	LUG. DE. NAC.
CERTIFICADOR	NOMBRE DE CERTIFICADOR Y FECHA CERTIFICADA <u>[FIRMA ILEGIBLE]</u> <u>FIRMA</u> _____ <u>8-3-16</u> <u>FECHA DE FIRMA</u> TITULO: PERSONA DESIGNADA JANE BLEVINS			
NOMBRE DE REGISTRADOR <u>[FIRMA ILEGIBLE]</u>		FECHA ARCHIVADO POR REGISTRADOR 08 AGOSTO 2016		

Por la presente certifico lo antes mencionado es una representación verdadera y correcta del registro o documento archivado en este departamento. Esta copia certificada es válida solo cuando está impresa en un documento de seguridad que muestra el sello en relieve rojo del Departamento de Salud de Tennessee. La alteración o el borrado anulan esta certificación. Queda prohibida la reproducción de este documento.

Código de Tennessee Anotado 68-9-101 at. Seq. Registros Vitales Acta de 1977.

[Firma ilegible]
Edward G. Bishop III

[Firma ilegible]
John J. Dreyzehner, MD, MPH, FACP, FACC

[Código de barras]
10088157
26 de Abril 2018

Certificado de Registros Vitales

[Sello del Estado]}

[Sello del Estado]

**[Sello del Estado]
ESTADO DE TENNESSEE
DEPARTAMENTO DE SERVICIOS PARA MENORES
EDIFICIO CORDELL HULL, 8VO. PISO
436 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-1290**

SOLICITUD DE NOMBRE Y / O DIRECCIÓN DEL PADRE O HIJO NACIDO FUERA DEL MATRIMONIO

SOLICITUD:		FECHA DE SOLICITUD
		26/02/2019
NOMBRE COMPLETO DE MENOR	MENDEZ, CARSON	
SEXO DEL MENOR	VARON	
NOMBRE COMPLETO DEL PADRE	DESCONOCIDO, DESCONOCIDO	
NOMBRE COMPLETO DE MADRE	MENDEZ, JESSICA LEE DAWSON	
RAZON POR LA SOLICITUD	TPR	
SOLICITANDO NOMBRE DE LAS PARTES	ANNA ADAMS, DEPT. DE SERVICIOS PARA MENORES DE TENN	
DIRECCION POSTAL Y AGENCIA	2703 RALPH BUCKNER BLVD. CLEVELAND, TN 37312	

PADRE PUTATIVO:

NOMBRE DEL PADRE PUTATIVO
DIRECCION POSTAL DEL PADRE PUTATIVO
FECHA REGISTRADO //

RESPUESTA: **FECHA DE RESPUESTA**
27/02/2019

REGISTRADOR DE PERSONAL [FIRMA ILEGIBLE] **NUM. DE TEL. REGISTRADO 615-532-5637**

COMENTARIOS:

Ninguna persona ha presentado un aviso de una Intención de reclamar paternidad o reconocer paternidad de Carson Méndez. Fecha de padrilleto 11/07/2016.

AVISO A PADRES ENCARCELADOS

Conforme a T.C.A. § 36-1-113(f), por lo presente se le notifica que se llevará a cabo una audiencia sobre la petición adjunta. El propósito de esta audiencia será determinar si sus derechos parentales sobre su hijo deben ser cancelados y si el menor será liberado para adopción.

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

Si desea participar en la audiencia, tendrá derecho a presentar su testimonio y el de cualquier testigo mediante testimonio directo, declaración o interrogatorios, según lo que declaran las Reglas de Procedimiento Civil de Tennessee.

Si desea ser representado por un abogado en esta audiencia, pero no puede pagar un abogado, el Tribunal le asignará un abogado para que lo represente si se determina que usted es indigente.

DEBE NOTIFICAR INMEDIATAMENTE AL TRIBUNAL Y AL DEPARTAMENTO DE SERVICIOS PARA MENORES SI DESEA TENER UN ABOGADO NOMBRADO PARA REPRESENTARLO, DESEA PARTICIPAR EN LA AUDIENCIA, O DESEA REFUTAR ESTA PETICIÓN.

Para proteger sus derechos, debe responder POR ESCRITO al Tribunal Y al Departamento de Servicios para Menores. La dirección del Tribunal se encuentra en la Notificación de Derecho a Asesor Legal en la citación. La dirección del Departamento es 2703 Ralph Buckner Blvd., Cleveland, Tennessee 37311.

En caso de que no responda a la Petición para desechar los derechos paternales dentro de los treinta (30) días a partir de la fecha en que reciba la petición, SE LE NOTIFICA que se tomará una sentencia en su contra por el alivio exigido en la petición.

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

ESTADO DE TENNESSE,)
DEPARTAMENTO DE SERVICIOS INFANTILES)
)
PROMOVIENTE)
)
)
VS.)
)
CARLOS AGUILAR DOMINGUEZ, Padre)
)
RESPONDIENTE)
)
EN MATERIA DE:)
CARSON MENDEZ, B. 11 de julio, 2016)
Un niño con menos de diez y ocho (18) años)

No. de caso: **19-CV-15**

**ORDEN PARA LA CANCELACIÓN DE LA PATRIA POTESTAD PROMOVIENTE DE LA
AUDIENCIA PRELIMINAR**

Este caso se presentó ante el Honorable Lawrence Puckett, Juez del Tribunal del Circuito del Condado de Polk, el 12 de noviembre de 2019 como audiencia preliminar en la Petición del Estado para la Cancelación de la Patria Potestad de los Padres.

Los siguientes estuvieron presentes ante el Tribunal: el Guardián ad Litem del asunto subyacente de Negligencia y Descuido, Wilton Marble, y la abogada fiscal, Anna Adams.

El padre del niño ha sido deportado y reside en México. El Departamento ha intentado prestar servicio a través de la Convención de La Haya. Esto aún no ha sido exitoso. El tribunal otorgó permiso para que el Departamento intente servicio informal al padre y / o servicio a través de la publicación si es necesario.

El abogado del departamento solicitó que el tribunal nombrara un Guardián ad Litem para los niños. Wilton Marble es nombrado de nuevo como el Guardián ad Litem de los niños.

Por lo tanto, se ORDENA Y DECLARA:

1. Se nombra de nuevo a Wilton Marble como el Guardián ad Litem de los niños.
2. Es posible que el Departamento intentara prestar servicio a través de servicio informal.
3. El caso de la Cancelación de la Patria Potestad de los Respondientes en cuanto se relaciona a los niños menores, está fechado para 18 de mayo, 2020 a las 9:00 AM.

Entablado este día 3 de diciembre, 2019.

(Firma presente)

Lawrence Puckett, Juez
Tribunal del Circuito del Condado de Polk

APROBADO PARA SER ENTABLADO:

(Firma presente)

Anna Adams (BPR# 030998)
Assistant General Counsel
State of Tennessee
Department of Children's Services
2703 Ralph Buckner Blvd.
Cleveland, Tennessee 37311
423-728-7887

CERTIFICADO DE NOTIFICACIÓN

Por la presente certifico que el instrumento anterior se entregó a las siguientes personas que figuran en las direcciones indicadas a continuación por correo postal de EE. UU. prepago el día 6 de diciembre de 2019.

Wilton Marble, Esq.

Por medio de email: wilmarble@gmail.com

Carlos Aguilar Dominguez
Francisco Villa 71 A NT CP, 000
Junto al canal y 12 de OC
San Vicente, C.P. 63737
San Vicente, NAYARIT

(Firma presente).
Personal del Departamento de Servicios Infantiles